

# 205 WG Procedures

7-9-2015

# Current Situation

- Linden VFT filed a complaint against cost allocation of NJ projects
- 205 WG decision to proceed with response from “Indicated TOs” and share costs of outside firm
- TOA-AC voted to respond to the complaint and assign to the 205 WG
- Rockland voted “No” and notified TOA-AC Chair and 205 WG Chair within 5 days that they did not wish to share in the costs of the filing
- ODEC “abstained” in the vote and notified the Chairs after the 5 days that they did not wish to share in the costs of the filing

# Current Situation

- Charter \*states you must vote “against” - which is different than abstaining
- Charter language on this subject does not reflect how we have been operating the past year:
  - Indicates that a vote to approve action is taken after the filing has been prepared (or perhaps to approve filing and no vote to act)
  - In practice the TOA-AC votes to act and the 205 group then prepares the filing and the TOA-AC does not approve the filing before it is filed, the 205WG approves – makes sense as the 205 WG is “those TOs eligible to vote on such matters”. The reason we have the 205WG.
- Charter language and actual practice differences cause confusion and can be use by opposition to delay timely action by the 205 WG

\* See appendix slide

# Recommendation

- Vote by the TOA-AC today to exempt ODEC from the charges in light of the ambiguity between the charter and practice and participants being unfamiliar with the charter detail
- Task the TOA-AC Rules and Procedures group to bring a proposal to resolve the problem for vote at the next meeting

## **Motion for Vote by Eligible Transmission Owners:**

The TOA-AC exempts ODEC from sharing in the costs of the TOA-AC response to the Linden VFT complaint

## Appendix - S205 WG Charter Provisions for Cost Sharing

### Current Language

- Any costs incurred by the WG for legal services or other purposes in carrying out the tasks of the WG shall be borne by Eligible TOs in accordance with the formula for meeting costs set forth in S8.4.5 of the CTOA as applied only to the Eligible TOs.
- Objection to paying costs-
- If an Eligible TO objects to a filing to be made with the FERC by the Eligible TOs acting pursuant to the CTOA and such proposed filing has been prepared in whole or in part from the engagement of services of attorneys and/or consultants pursuant to S C.4 of this Charter (2/3 per capita majority on a written motion); such objecting TOs shall not be required to pay its share of the costs for such services pursuant to Section C.5 of this Charter (costs to be shared by Eligible TOs based on CTOA sharing formula Section 8.4.5) if it votes against such filing in a recorded roll call vote of the TOA-AC and not later than five (5) days after such vote sends a letter to the Chair of the TOA-AC and the Chair of the WG stating that it objects to the filing and requesting that it not be billed for such services.