

Public Power Entities Comments on ROP

The American Public Power Association (APPA), Large Public Power Council (LPPC), and Transmission Access Policy Study Group (TAPS) (collectively, Public Power Entities) would like to thank the North American Electric Reliability Corporation (NERC) for its dedication and willingness to engage with industry throughout this highly collaborative process. NERC staff has worked hard to ensure that the Modernization of Standards Processes and Procedures (MSPP) Task Force's recommendations are appropriately implemented, and we are hopeful that the final revisions will move us toward a more effective and efficient industry-driven standards development process that continues to produce technically strong standards that can be fairly applied to the wide range of registered entities required to comply with them.

We have identified below several items that we believe would benefit from additional clarification or revision:

ROP Section 306. We appreciate NERC's consideration and incorporation of many of our suggested core principles governing the Reliability Standards Body (RSB) for inclusion in Rules of Procedure (ROP) Section 306. However, we continue to be very concerned about the potential for future dilution of the role of elected sector representatives on the RSB. As proposed, ROP Section 306 ensures only a simple majority of elected sector representatives. Public Power Entities consider this language to be inconsistent with the MSPP Task Force's recommended RSB composition (captured in the RSB Scope Document at 3-4), in which the RSB is to be comprised of significantly more than a simple majority of elected sector representatives. Significantly, both APPA and TAPS identified this component as "a particularly important element of the Final Recommendations" in their February 5, 2026, supportive comments to the Board of Trustees (BOT), preceding the BOT's approval.

In the spirit of compromise, and in recognition of NERC's desire to build in some degree of flexibility, Public Power Entities have developed two alternatives for NERC's consideration, both of which better align with the MSPP Task Force's recommendations, as approved by the Board.

Alternative One – 64 Percent Supermajority. As one alternative, Public Power Entities propose the following language, ensuring that elected sector representatives shall constitute a supermajority of at least 64 percent of the members of the RSB.

Membership. The Reliability Standards Body shall consist of (1) at least one elected representative from NERC Membership Sectors 1–10 and 12, as those Membership Sectors are defined in the NERC Bylaws, (2) two additional members to serve as chair and vice-chair, and (3) at least two at-large members. **The elected sector representatives shall constitute a supermajority of at least 64 percent of the members of the Reliability Standards Body.** The Reliability Standards Body shall include an equitable number of Canadian representatives consistent with Section

1302 of these Rules of Procedure. An entity (and its affiliates) may provide only one Reliability Standards Body member, irrespective of the number of sectors for which the entity may qualify. Term lengths for members of the body shall be specified in governing documents approved by the Board of Trustees.

Alternative Two – Defined Range of At-Large Members. As a second alternative, Public Power Entities propose language limiting the at-large members that can be added to the RSB to a total of **four**.

Membership. The Reliability Standards Body shall consist of (1) at least one elected representative from NERC Membership Sectors 1–10 and 12, as those Membership Sectors are defined in the NERC Bylaws, (2) two additional members to serve as chair and vice-chair, and (3) **two to four** at-large members. The Reliability Standards Body shall include an equitable number of Canadian representatives consistent with Section 1302 of these Rules of Procedure. An entity (and its affiliates) may provide only one Reliability Standards Body member, irrespective of the number of sectors for which the entity may qualify. Term lengths for members of the body shall be specified in governing documents approved by the Board of Trustees.

Public Power Entities Comments on RSB Scope Document

The RSB Scope Document initially contained language making clear that the RSB “retains the authority to ratify, modify, or annul [Executive Committee] actions.” While Public Power Entities would prefer such language be retained, at minimum, the scope of the Executive Committee’s decisional authority should be clarified.

The current RSB Scope Document (at 7) includes the following language: “The Reliability Standard Development Subcommittee EC is authorized by the Subcommittee to act on its behalf between regular meetings on matters where urgent actions are crucial and full Subcommittee discussions are not practical.”

Excessive reliance on Executive Committee actions can reduce the ability of committee members to debate the merits of the actions and put unnecessary strain on stakeholders expected to provide feedback. APPA, LPPC, and TAPS’s members have experienced these issues in relation to recent actions by the Standards Committee Executive Committee and the Reliability and Security Technical Committee Executive Committee to authorize the posting of standards, standard authorization requests, and technical documents for comment and balloting. As a result, we believe that the scope of “urgent actions” that can be taken by the RSB Executive Committee, and associated procedures, should be detailed in the RSB Scope Document. Including additional detail in the Scope Document would provide transparency for stakeholders and would be consistent with NERC’s *Response to Comments Received on Governance Guidelines and Sample Charters*, which declined to

include language on Executive Committee actions in Governance Guideline 3f on the basis that “[c]ommittee authority can be detailed in the Standing Committee Charters.”

Consistent with that statement, the RSB Scope Document should provide guidance on the following:

- The “urgent actions” that the Executive Committee is authorized to take where a rapid response is required before the next RSB meeting (e.g., with regard to Federal Energy Regulatory Commission (FERC) directives, fast-developing reliability issues, or national security concerns).
- The process whereby the Executive Committee could act, including transparency measures and the ability of stakeholders to weigh in on those decisions.
- Communication protocols with RSB members to ensure that they are not blindsided by Executive Committee actions.
- Clarification of who has the authority to decide an action is “urgent”—FERC? NERC? The RSB? Stakeholders?
- Clarification that the RSB Executive Committee cannot take actions that have been specifically assigned to project teams in the SPM.

Public Power Entities look forward to continuing to work collaboratively to ensure the success of the standards development process.