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107TH CONGRESS
1ST SESSION

S. 1231

To amend the Federal Power Act to establish a system for market participants, regulators, and the public to have access to certain information about the operation of electricity power markets and transmission systems.

IN THE SENATE OF THE UNITED STATES

JULY 24, 2001

Mr. WYDEN (for himself and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To amend the Federal Power Act to establish a system for market participants, regulators, and the public to have access to certain information about the operation of electricity power markets and transmission systems.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Electricity Information, Disclosure, Efficiency, and Accountability Act''.

SEC. 2. DEFINITIONS.

Section 3 of the Federal Power Act (16 U.S.C. 796) is amended by adding at the end the following:

''(26) BULK-POWER SYSTEM.—

''(A) IN GENERAL.—The term 'bulk-power system' means all facilities and control systems necessary for operating an interconnected transmission grid or any portion of an interconnected transmission grid.

''(B) INCLUSIONS.—The term 'bulk-power system' includes—

''(i) high-voltage transmission lines, substations, control centers, communications, data, and operations planning facilities necessary for the operation of all or any part of the interconnected transmission grid;

''(ii) energy exchanges associated by law or contract with system operators and used to determine dispatch priority; and

''(iii) the output of generating units necessary to maintain bulk-power system reliability.

''(27) BULK-POWER SYSTEM OPERATING DATA.—The term 'bulk-power system operating data' means—

''(A) transmission line and generation facility data necessary for a system operator to ascertain—

''(i) available transmission line capacity;

''(ii) transmission line capacity constraints; and

''(iii) supply and demand for electrical energy; and

''(B) other relevant operating data that is available to the system operator and used to maintain bulk-power system reliability.

''(28) BULK-POWER SYSTEM RELIABILITY.—The term 'bulk-power system reliability' means the degree of performance of a bulk-power system that results in the delivery of electricity to purchasers within industry standards and in the amount necessary to maintain adequacy and security of the bulk-power system.

''(29) BULK-POWER SYSTEM USER.—The term 'bulk-power system user' means an entity that—

''(A) sells, purchases, or transmits electric power over a bulk-power system; or

''(B) owns, operates, or maintains facilities or control systems that are part of a bulk-power system.

''(30) MARKET-BID DATA.—The term 'market-bid data' means the price, amount, and delivery location of electric power offered by a bidder in a competitive bidding or price auction process that is used to schedule or allocate use of the bulk-power system transmission capacity or to maintain bulk-power system reliability.

''(31) SYSTEM OPERATOR.—

''(A) IN GENERAL.—The term 'system operator' means an entity that operates or is responsible for the operation of a bulk-power system.

''(B) INCLUSIONS.—The term 'system operator' includes—

''(i) a control-area operator;

''(ii) an independent system operator;

''(iii) a security coordinator;

''(iv) a regional transmission organization;

''(v) a transmission company; and

''(vi) a transmission system operator.''.

SEC. 3. DISCLOSURE OF BULK-POWER SYSTEM DATA.

Section 213 of the Federal Power Act (16 U.S.C. 824*l*) is amended by adding at the end the following:

''(c) BULK-POWER SYSTEM DATA.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Commission shall promulgate a regulation requiring that each system operator establish an information system that provides, in a standardized format, all users of the bulk-power system, State regulatory authorities, and the public access, including access on the Internet,—

''(A) to bulk-power system operating data; and

''(B) in the case of a system operator that uses a competitive bidding or price auction process conducted by the system operator or by an energy exchange associated by law or contract with the system operator that is used to schedule or allocate use of the bulk-power system transmission capacity or to maintain bulk-power system reliability, to market-bid data.

''(2) PROTECTION OF COMMERCIALLY SENSITIVE DATA.—

''(A) PETITION BY BULK-POWER SYSTEM USER.—A bulk-power system user may petition

the Commission to keep data subject to disclosure under paragraph (1) confidential due to its commercially sensitive nature.

''(B) DETERMINATION BY THE COMMISSION.—On receiving a petition under subparagraph (A), the Commission shall—

''(i) determine whether there is good cause for keeping the data confidential; and

''(ii) if good cause is found under clause (i), instruct the system operator—

''(I) not to disclose the data; or

''(II) to disclose the data only after a time period specified by the Commission after which the data are no longer commercially sensitive.

''(3) PROVISION OF REAL TIME DATA.—A system operator shall make all bulk-power system operating data available to all users of the bulk-power system on a real time basis, updated hourly to reflect changes to data in the aggregate.

''(4) DISCLOSURE OF IDENTITY OF BIDDERS.—A system operator or energy exchange shall be required to disclose the identity of a bidder only to State regulatory authorities and other authorized

Federal or State agencies acting in an official capacity on motion filed with the Commission demonstrating that the authority or agency is conducting an investigation within the jurisdiction of the authority or agency.''.

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