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Federal Energy  
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Standards of Conduct  
Implementation  
Procedure

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# Federal Energy Regulatory Commission Standards of Conduct Implementation Procedure

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Note: Revision # should be listed in descending order starting with most recent version at the top

Revision Date (For IBC Use Only)	Revision #	Description/Modification	Revision Section (s)	Author
10/31/2024	7	Formatting updates  Updated compliance review procedures  Updated disclosure requirements and TFE list maintenance procedure  Added Compliance Owner responsibility for violations	Throughout  Section 5.3  Section 5.4  Section 6	Mitchell Lucas Compliance Officer - Ethics, Compliance & Risk
8/30/2023	6	Changed title of Procedure  Procedures Combined - FERC SOC Implementation and FERC SOC Posting to Authority Website  FERC SOC Posting to Authority Website Procedure was rescinded due to this new procedure.  Added link to FERC SOC for Transmission Providers  Added FERC Part 358 SOC	References  Attachment	Alicia Baly-Hughes Senior Compliance Officer - Ethics, Compliance & Risk
11/2/2021	5	Formatting Updates  Updated Initialisms	Throughout  Section 3	Alicia Baly-Hughes Senior Compliance Officer - Ethics,

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		Revised defined term, "Transmission function information"	Section 5.1.2 Paragraph 1	Compliance & Risk
		Added Weekly Process for Identification of Employees	Section 5.1.5	
8/15/2019	4	Annual Review  Formatting Updates	Throughout	Alicia Baly-Hughes Compliance Officer
8/10/2016	3	Update requirement under the Standards of Conduct and Applicable Implementation of Procedure	Section 5.1.1	Joseph Gryzlo Chief Ethics and Compliance Officer
		Revision to description of Non-Discrimination Rule	Section 5.1.1	Denise Baker-Evers Senior Compliance Officer
		Update to reflect removing of physical separation	Section 5.1.2	
		Revisions of the role of the Office of Ethics and Compliance	Section 5.1.2 Paragraphs 6, 7, 8; and Section 5.1.5	
		Revisions to Business Unit Titles	Section 5.1.2 Paragraph 4	

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# Federal Energy Regulatory Commission Standards of Conduct Implementation Procedure

## 1 PURPOSE

This Procedure sets forth the New York Power Authority's (NYPA) implementation of the Federal Energy Regulatory Commission (FERC) Standards of Conduct (SOC).

This Procedure is designed for the purpose of achieving NYPA's employees' full compliance with the SOC Rule. See sections 7 and 9 for more detail about the FERC SOC Regulations.

## 2 APPLICABILITY

All NYPA employees, contractors and contingent workers are required to observe the Non-Discrimination, Independent Functioning, No Conduit and Transparency Rules, as set forth in FERC's SOC Rule, and in the applicable regulations at 18 C.F.R. Part 358. NYPA commits itself to fully complying with the letter and intent of the SOC Rule, as those regulations may be amended from time to time.

## 3 TERMS AND DEFINITIONS

**AGILe** – Advanced Grid Innovation Laboratory for Energy

**CO** – Compliance Officer

**CCO** – Chief Compliance Officer

**CEC** – Clark Energy Center

**ECC** – Energy Control Center

**EMS** – Energy Management System

**ERM** – Energy Resources Management

**FERC** – Federal Energy Regulatory Commission

**HRIS** – Human Resources Information System

**iSOC** – Integrated Smart Operation Center

**MFE** – Marketing Function Employee

**LMS** – Learning Management System

**NYISO** – New York Independent System Operator

**NYPA** – New York Power Authority

**OEC** – Office of Ethics and Compliance

**SOC** – Standards of Conduct

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**TFE** – Transmission Function Employee

**WPO** – White Plains Office

## 4 RESPONSIBILITY

The Compliance Officer (CO) of the Office of Ethics of Compliance (OEC) maintains this document and keeps it up to date.

## 5 IMPLEMENTATION

See sections 7 and 9 for links to and excerpts of the official FERC SOC regulations.

### 5.1 Roles and Responsibilities

- 5.1.1 Designation of Chief Compliance Officer (CCO). The position of CCO is within NYPA's Office of Ethics and Compliance (OEC) and oversees compliance with the SOC, including the coordination of employee training, responding to employee inquiries, and facilitating all audits and investigations initiated by FERC staff. Contact information for the CCO is posted on NYPA's Internet website, which is also consistent with the FERC's postings requirements under the SOC Rule.
- 5.1.2 Distribution of the SOC Implementation Procedure. Copies of this Procedure will be distributed to corporate officers, Marketing Function Employees (MFE) and Transmission Function Employees (TFE), and other such NYPA staff as the CO deems appropriate. The distribution will be made electronically and will also be accessible to all employees through NYPA's intranet. Likewise, this Procedure is posted on the NYPA Internet website as prescribed by FERC.
- 5.1.3 All NYPA employees, contractors and contingent workers must follow the regulations set forth in the FERC SOC.

### 5.2 Non-Discrimination Rule

NYPA does not administer transmission service requests, as these are handled by the New York Independent System Operator (NYISO).

### 5.3 Independent Functioning Rule and No Conduit Rule

- 5.3.1 Weekly Process for Identification of Employees to Receive Training
  - 1. The CO maintains a FERC SOC trainee listing of all employees identified to receive training.
  - 2. On a weekly basis, the CO reviews the Human Resources Information Systems (HRIS) position data and updates the FERC SOC trainee list to include NYPA staff who are required or otherwise eligible to receive electronic FERC SOC training.

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3. All employees identified are added to the current trainee list maintained by the CO.
  4. Staff who are identified as TFEs and MFEs, and others, including officers, directors, supervisory employees, interns, and any other employees and contractors likely to have access to transmission function information, are added to the FERC SOC trainee list. The term transmission function information is not limited to non-public information; however, it is only non-public transmission function information which the No Conduit Rule prohibits from being conveyed to marketing function employees. Non-public transmission function information is information about NYPA's transmission functions that is not posted to the NYISO's public website.
  5. Employees are removed from the list if:
    - employment is terminated for any reason,
    - a change in position results in the employee either no longer performing transmission function duties or no longer exposed to transmission function information, or
    - a change in position results in the employee no longer performing marketing function duties.
- 5.3.2 All personnel changes within NYPA's Transmission Department are reviewed to determine if the position represents a transmission function under the SOC. Position titles, position numbers and job descriptions are recorded for the purposes of the posting requirements under the SOC and archived in NYPA's Digital Warehouse. These FERC posting requirements are discussed under the Transparency Rule, below.
- 5.3.3 Training new employees. TFE or MFE designated positions are required to complete SOC training within the first 30 days of employment. Such training will be made available either electronically or through other appropriate means. It requires employees to certify their training completion either electronically or in writing.
- 5.3.4 Annual reconciliation of the Mosaic Learning Management System (LMS) trainee inventory and the Excel FERC SOC list maintained by the CO shall be performed to verify that all identified trainees have completed the mandatory FERC SOC training. The CO should consult the latest TFE/MFE listings to ensure that all of NYPA's TFEs and MFEs are included on the Excel FERC SOC list.
- 5.3.5 Training on the Standards of Conduct. The OEC shall coordinate, distribute and track NYPA's annual and other ongoing training on the SOC. It shall be directed to NYPA's employees who perform transmission and marketing functions, Trustees, officers, supervisors, and various other employees and interns who may have reason to conduct business with TFEs and may have access to non-public transmission function information.

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- 5.3.6 SOC training for contractors and contingent workers. The CO reviews requests from Physical Infrastructure Security and Facility Management on an annual basis. The CO arranges a physical distribution of SOC training for those contractors. Upon completion, a NYPA Manager shall use the FERC SOC “Read and Sign” form to verify SOC training completion by the contractor or contingent worker and provide a copy to the CO. This process is also performed as needed for such workers who join NYPA during the year.
- 5.3.7 Access to transmission system data in NYPA's Energy Management System (EMS) is restricted to TFEs (i.e., those engaged in the transmission system operations or reliability functions on a day-to-day basis). MFEs do not have access electronically or otherwise, to the EMS or the Energy Control Center at the Clark Energy Center.

For Integrated Smart Operation Center (iSOC)/AGILe Access, the CO:

1. Reviews individuals to ensure they are not MFEs
2. Confirms they have received the most current FERC SOC training
3. Notifies the White Plains Office (WPO) Access Authorization Specialist and the originating iSOC/AGILe Manager that the individual has completed the training
4. Maintains a list of all contractors/contingent workers requesting access

**Note:** MFEs cannot be granted access to iSOC/AGILe for functional separation compliance reasons. iSOC/AGILe receives and maintains non-public and other business sensitive transmission system information.

- 5.3.8 Biannually, the CO reviews the list of individuals with iSOC access to verify that they:
- a. have completed the FERC SOC training,
  - b. have *not* changed roles within NYPA, and
  - c. are not MFEs.

## 5.4 Transparency Rule

- 5.4.1 Required information to be posted on the Authority's website:
- a. The name and address of the Authority affiliates that retain Marketing Function Employees (MFEs),
  - b. The Authority's procedure for implementation of the FERC SOC,
  - c. The disclosure log identifying compliance violations involving the unauthorized disclosure of non-public transmission function information,



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- d. Notice of any transfer of a TFE to a position as a MFE, or any transfer of a MFE to a position designated as a TFE,
  - e. The name and address of the Authority's CCO,
  - f. The current listing of the Authority's Transmission Function Employee (TFE) positions, and
  - g. Human Resources & Administration will retain the current TFE listing consistent with NYPA's record retention policies.
- 5.4.2 The CO will request that the Information Technology Application Development representative post any changes or applicable information, as required under 5.4.1, within seven business days of the applicable changes becoming effective.
- 5.4.3 The Facility HR Business Partner at Clark Energy Center (CEC) determines, in collaboration with subject matter experts, any changes to the TFE list, and sends this updated list to the CO. The CO then requests that the Application Development representative post the TFE list updates to the Authority's website.
- 5.4.4 The Application Development representative will post the material to the Authority's website and email confirmation of the posting to the CO, the Facility HR Business Partner at CEC, and to FERCPostings@nypa.gov.
- 5.4.5 After posting, the CO will ask the Facility HR Business Partner at CEC to confirm the accuracy of the posting.
- 5.4.6 Once the posting's accuracy has been confirmed, the CO will email the HRIS Specialist in Digital Human Resources, requesting that the new posting be archived in Content Server, which is maintained by Digital Warehouse.
- 5.4.7 Digital Warehouse will retain such records following NYPA's records retention policies and procedures for at least four years.
- 5.4.8 Additionally, although not required by the SOC Rule, NYPA's OEC works with the appropriate supervisors of Energy Resources Management (ERM) to identify those positions that qualify as performing a marketing function as recognized by FERC (whether they be NYPA employees, contractors, contingent workers or consultants).

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- 5.4.9 OEC and the Human Resources Department review and update this list of positions on a regular basis as those positions change and additionally; the OEC and the appropriate supervisors of ERM review and update this list annually. All personnel changes within NYPA's Marketing Departments are reviewed to determine if the position represents a marketing function under the SOC. Employee names, position titles and position numbers are recorded and provided to NYPA's marketing groups, the Director of Power System Operations at NYPA's Energy Control Center (ECC) and Site Security at NYPA's CEC.

**Note on Exclusions from Posting Requirement:**

Non-public transmission function information may be exchanged by TFEs and MFEs without the need for a posting when such information is necessary to comply with reliability standards, maintain or restore operation of the transmission system, or affect the dispatch of generating units. Such communications are not deemed a violation of the SOC Rule. Nonetheless, records of such communications must be retained for five years and made available to FERC upon request.

## 6 VIOLATIONS

Violations of this Procedure by employees may result in disciplinary action up to and including termination. Violations of this Procedure by contractors/contingent workers and other authorized third parties may result in the revocation of such party's access to NYPA's premises and/or electronic access to its systems, and the termination of such party's contract for services. In addition, where the conduct engaged in is illegal, violators may be subject to prosecution under applicable federal, state or local laws.

The CO must immediately communicate any suspected or confirmed violations of the FERC SOC to the CCO.

## 7 REFERENCES

### 7.1 Official FERC Website Link to Standards of Conduct

<https://www.ferc.gov/enforcement-legal/legal/major-orders-regulations/standards-conduct-transmission-providers>

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## 8 PROCEDURE REVIEW AND EXPIRATION

This document will be reviewed and updated as business needs require. However, a mandatory review will be required on the anniversary date of the approved document. Rescinding of documents is referenced in BS-IBC-01-005.

**Revision cycle: Every Other Year**

## 9 ATTACHMENTS

FERC Part 358 Standards of Conduct (from Chapter I, Title 18, Code of Federal Regulations):

Copy and pasted from the following source:

[eCFR: 18 CFR Part 358 – Standards of Conduct](#)

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**FERC Part 358 Standards of Conduct**

**§ 358.1 Applicability.**

- (a) This part applies to any interstate natural gas pipeline that transports gas for others pursuant to subparts B or G of [part 284 of this chapter](#) and conducts transmission transactions with an affiliate that engages in marketing functions.
- (b) This part applies to any public utility that owns, operates, or controls facilities used for the transmission of electric energy in interstate commerce and conducts transmission transactions with an affiliate that engages in marketing functions.
- (c) This part does not apply to a public utility transmission provider that is a Commission-approved Independent System Operator (ISO) or Regional Transmission Organization (RTO). If a public utility transmission owner participates in a Commission-approved ISO or RTO and does not operate or control its transmission system and has no access to transmission function information, it may request a waiver from this part.
- (d) A transmission provider may file a request for a waiver from all or some of the requirements of this part for good cause.

**§ 358.2 General principles.**

- (a) As more fully described and implemented in subsequent sections of this part, a transmission provider must treat all transmission customers, affiliated and non-affiliated, on a not unduly discriminatory basis, and must not make or grant any undue preference or advantage to any person or subject any person to any undue prejudice or disadvantage with respect to any transportation of natural gas or transmission of electric energy in interstate commerce, or with respect to the wholesale sale of natural gas or of electric energy in interstate commerce.
- (b) As more fully described and implemented in subsequent sections of this part, a transmission provider's transmission function employees must function independently from its marketing function employees, except as permitted in this part or otherwise permitted by Commission order.
- (c) As more fully described and implemented in subsequent sections of this part, a transmission provider and its employees, contractors, consultants and agents are prohibited from disclosing, or using a conduit to disclose, non-public transmission function information to the transmission provider's marketing function employees.

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(d) As more fully described and implemented in subsequent sections of this part, a transmission provider must provide equal access to non-public transmission function information disclosed to marketing function employees to all its transmission customers, affiliated and non-affiliated, except as permitted in this part or otherwise permitted by Commission order.

[[74 FR 54482](#), Oct. 22, 2009]

**§ 358.3 Definitions.**

(a) *Affiliate* of a specified entity means:

(1) Another person that controls, is controlled by or is under common control with, the specified entity. An affiliate includes a division of the specified entity that operates as a functional unit.

(2) For any exempt wholesale generator (as defined under [§ 366.1 of this chapter](#)), affiliate shall have the meaning set forth in [§ 366.1 of this chapter](#), or any successor provision.

(3) “Control” as used in this definition means the direct or indirect authority, whether acting alone or in conjunction with others, to direct or cause to direct the management policies of an entity. A voting interest of 10 percent or more creates a rebuttable presumption of control.

(b) *Internet Web site* refers to the Internet location where an interstate natural gas pipeline or a public utility posts the information, by electronic means, required under this part 358.

(c) *Marketing functions means:*

(1) in the case of public utilities and their affiliates, the sale for resale in interstate commerce, or the submission of offers to sell in interstate commerce, of electric energy or capacity, demand response, virtual transactions, or financial or physical transmission rights, all as subject to an exclusion for bundled retail sales, including sales of electric energy made by providers of last resort (POLRs) acting in their POLR capacity; and

(2) in the case of interstate pipelines and their affiliates, the sale for resale in interstate commerce, or the submission of offers to sell in interstate commerce, natural gas, subject to the following exclusions:

(i) Bundled retail sales,

(ii) Incidental purchases or sales of natural gas to operate interstate natural gas pipeline transmission facilities,

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- (iii) Sales of natural gas solely from a seller's own production,
  - (iv) Sales of natural gas solely from a seller's own gathering or processing facilities, and
  - (v) On-system sales by an intrastate natural gas pipeline, by a Hinshaw interstate pipeline exempt from the Natural Gas Act, by a local distribution company, or by a local distribution company operating under section 7(f) of the Natural Gas Act.
- (d) **Marketing function employee** means an employee, contractor, consultant or agent of a transmission provider or of an affiliate of a transmission provider who actively and personally engages on a day-to-day basis in marketing functions.
- (e) **Open Access Same Time Information System or OASIS** refers to the Internet location where a public utility posts the information required by [part 37 of this chapter](#), and where it may also post the information required to be posted on its Internet Web site by this part 358.
- (f) **Transmission** means electric transmission, network or point-to-point service, ancillary services or other methods of electric transmission, or the interconnection with jurisdictional transmission facilities, under [part 35 of this chapter](#); and natural gas transportation, storage, exchange, backhaul, or displacement service provided pursuant to subparts B or G of [part 284 of this chapter](#).
- (g) **Transmission customer** means any eligible customer, shipper or designated agent that can or does execute a transmission service agreement or can or does receive transmission service, including all persons who have pending requests for transmission service or for information regarding transmission.
- (h) **Transmission functions** means the planning, directing, organizing or carrying out of day-to-day transmission operations, including the granting and denying of transmission service requests.
- (i) **Transmission function employee** means an employee, contractor, consultant or agent of a transmission provider who actively and personally engages on a day-to-day basis in transmission functions.
- (j) **Transmission function information** means information relating to transmission functions.
- (k) **Transmission provider** means:

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- (1) Any public utility that owns, operates or controls facilities used for the transmission of electric energy in interstate commerce; or
  - (2) Any interstate natural gas pipeline that transports gas for others pursuant to subparts B or G of [part 284 of this chapter](#).
  - (3) A transmission provider does not include a natural gas storage provider authorized to charge market-based rates.
- (l) *Transmission service* means the provision of any transmission as defined in [§ 358.3\(f\)](#).
- (m) *Waiver* means the determination by a transmission provider, if authorized by its tariff, to waive any provisions of its tariff for a given entity.

[[73 FR 63829](#), Oct. 27, 2008, as amended at [74 FR 54482](#), Oct. 22, 2009]

**§ 358.4 Non-discrimination requirements.**

- (a) A transmission provider must strictly enforce all tariff provisions relating to the sale or purchase of open access transmission service, if the tariff provisions do not permit the use of discretion.
- (b) A transmission provider must apply all tariff provisions relating to the sale or purchase of open access transmission service in a fair and impartial manner that treats all transmission customers in a not unduly discriminatory manner, if the tariff provisions permit the use of discretion.
- (c) A transmission provider may not, through its tariffs or otherwise, give undue preference to any person in matters relating to the sale or purchase of transmission service (including, but not limited to, issues of price, curtailments, scheduling, priority, ancillary services, or balancing).
- (d) A transmission provider must process all similar requests for transmission in the same manner and within the same period of time.

**§ 358.5 Independent functioning rule.**

- (a) *General rule.* Except as permitted in this part or otherwise permitted by Commission order, a transmission provider's transmission function employees must function independently of its marketing function employees.
- (b) *Separation of functions.*

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(1) A transmission provider is prohibited from permitting its marketing function employees to:

- (i) Conduct transmission functions; or
- (ii) Have access to the system control center or similar facilities used for transmission operations that differs in any way from the access available to other transmission customers.

(2) A transmission provider is prohibited from permitting its transmission function employees to conduct marketing functions.

**§ 358.6 No conduit rule.**

- (a) A transmission provider is prohibited from using anyone as a conduit for the disclosure of non-public transmission function information to its marketing function employees.
- (b) An employee, contractor, consultant or agent of a transmission provider, and an employee, contractor, consultant or agent of an affiliate of a transmission provider that is engaged in marketing functions, is prohibited from disclosing non-public transmission function information to any of the transmission provider's marketing function employees.

**§ 358.7 Transparency rule.**

(a) *Contemporaneous disclosure.*

- (1) If a transmission provider discloses non-public transmission function information, other than information identified in [paragraph \(a\)\(2\)](#) of this section, in a manner contrary to the requirements of [§ 358.6](#), the transmission provider must immediately post the information that was disclosed on its Internet Web site.
- (2) If a transmission provider discloses, in a manner contrary to the requirements of [§ 358.6](#), non-public transmission customer information, critical energy infrastructure information (CEII) as defined in [§ 388.113\(c\)\(1\) of this chapter](#) or any successor provision, or any other information that the Commission by law has determined is to be subject to limited dissemination, the transmission provider must immediately post notice on its Web site that the information was disclosed.

(b) *Exclusion for specific transaction information.* A transmission provider's transmission function employee may discuss with its marketing function employee a specific request for transmission service submitted by the marketing function employee. The transmission provider



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is not required to contemporaneously disclose information otherwise covered by [§ 358.6](#) if the information relates solely to a marketing function employee's specific request for transmission service.

(c) ***Voluntary consent provision.*** A transmission customer may voluntarily consent, in writing, to allow the transmission provider to disclose the transmission customer's non-public information to the transmission provider's marketing function employees. If the transmission customer authorizes the transmission provider to disclose its information to marketing function employees, the transmission provider must post notice on its Internet Web site of that consent along with a statement that it did not provide any preferences, either operational or rate-related, in exchange for that voluntary consent.

(d) ***Posting written procedures on the public Internet.*** A transmission provider must post on its Internet Web site current written procedures implementing the standards of conduct.

(e) ***Identification of affiliate information on the public Internet.***

(1) A transmission provider must post on its Internet Web site the names and addresses of all its affiliates that employ or retain marketing function employees.

(2) A transmission provider must post on its Internet Web site a complete list of the employee-staffed facilities shared by any of the transmission provider's transmission function employees and marketing function employees. The list must include the types of facilities shared and the addresses of the facilities.

(3) The transmission provider must post information concerning potential merger partners as affiliates that may employ or retain marketing function employees, within seven days after the potential merger is announced.

(f) ***Identification of employee information on the public Internet.***

(1) A transmission provider must post on its Internet Web site the job titles and job descriptions of its transmission function employees.

(2) A transmission provider must post a notice on its Internet Web site of any transfer of a transmission function employee to a position as a marketing function employee, or any transfer of a marketing function employee to a position as a transmission function employee. The information posted under this section must remain on its Internet Web site for 90 days. No such job transfer may be used as a means to circumvent any provision of this part. The information to be posted must include:

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- (i) The name of the transferring employee,
- (ii) The respective titles held while performing each function (*i.e.*, as a transmission function employee and as a marketing function employee), and
- (iii) The effective date of the transfer.

**(g) *Timing and general requirements of postings on the public Internet.***

(1) A transmission provider must update on its Internet Web site the information required by this part 358 within seven business days of any change, and post the date on which the information was updated. A public utility may also post the information required to be posted under part 358 on its OASIS, but is not required to do so.

(2) In the event an emergency, such as an earthquake, flood, fire or hurricane, severely disrupts a transmission provider's normal business operations, the posting requirements in this part may be suspended by the transmission provider. If the disruption lasts longer than one month, the transmission provider must so notify the Commission and may seek a further exemption from the posting requirements.

(3) All Internet Web site postings required by this part must be sufficiently prominent as to be readily accessible.

**(h) *Exclusion for and recordation of certain information exchanges.***

(1) Notwithstanding the requirements of [§§ 358.5\(a\)](#) and [358.6](#), a transmission provider's transmission function employees and marketing function employees may exchange certain non-public transmission function information, as delineated in [§ 358.7\(h\)\(2\)](#), in which case the transmission provider must make and retain a contemporaneous record of all such exchanges except in emergency circumstances, in which case a record must be made of the exchange as soon as practicable after the fact. The transmission provider shall make the record available to the Commission upon request. The record may consist of hand-written or typed notes, electronic records such as e-mails and text messages, recorded telephone exchanges, and the like, and must be retained for a period of five years.

(2) The non-public information subject to the exclusion in [§ 358.7\(h\)\(1\)](#) is as follows:

- (i) Information pertaining to compliance with Reliability Standards approved by the Commission, and

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(ii) Information necessary to maintain or restore operation of the transmission system or generating units, or that may affect the dispatch of generating units.

(i) **Posting of waivers.** A transmission provider must post on its Internet Web site notice of each waiver of a tariff provision that it grants in favor of an affiliate, unless such waiver has been approved by the Commission. The posting must be made within one business day of the act of a waiver. The transmission provider must also maintain a log of the acts of waiver, and must make it available to the Commission upon request. The records must be kept for a period of five years from the date of each act of waiver.

**§ 358.8 Implementation requirements.**

(a) **Effective date.** A transmission provider must be in full compliance with the standards of conduct on the date it commences transmission transactions with an affiliate that engages in marketing functions.

(b) **Compliance measures and written procedures.**

(1) A transmission provider must implement measures to ensure that the requirements of [§§ 358.5](#) and [358.6](#) are observed by its employees and by the employees of its affiliates.

(2) A transmission provider must distribute the written procedures referred to in [§ 358.7\(d\)](#) to all its transmission function employees, marketing function employees, officers, directors, supervisory employees, and any other employees likely to become privy to transmission function information.

(c) **Training and compliance personnel.**

(1) A transmission provider must provide annual training on the standards of conduct to all the employees listed in [paragraph \(b\)\(2\)](#) of this section. The transmission provider must provide training on the standards of conduct to new employees in the categories listed in [paragraph \(b\)\(2\)](#) of this section, within the first 30 days of their employment. The transmission provider must require each employee who has taken the training to certify electronically or in writing that s/he has completed the training.

(2) A transmission provider must designate a chief compliance officer who will be responsible for standards of conduct compliance. The transmission provider must post the name of the chief compliance officer and provide his or her contact information on its Internet Web site.

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(d) ***Books and records.*** A transmission provider must maintain its books of account and records (as prescribed under [parts 101](#), [125](#), [201](#) and [225 of this chapter](#)) separately from those of its affiliates that employ or retain marketing function employees, and these must be available for Commission inspections.



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**e-Signature Approval History**

<b>Role</b>	<b>Name</b>	<b>Title</b>	<b>Date</b>	<b>Result</b>
Final Approver	Gryzlo, Joseph	VP & Chief Ethics & Compliance Officer	10/31/2024	Approve
Content Owner	Lucas, Mitchell	Compliance Officer	10/31/2024	Approve
BCG	matthew.french@nypa.gov	BCG Team Member	10/31/2024	Approve