

Proposed Revisions to OA to Address Access to Confidential Information
For Presentation to Operating Committee on June 4, 2020

18.17.6 Disclosure of EMS and Transmission System Data to Transmission Owners on PJM EMS Terminal and Via Other Reliability or Situational Awareness Tools

(a) While the Office of the Interconnection has overall responsibility for power system reliability in the PJM Region, Transmission Owners within the PJM Region perform specified reliability functions with respect to their individual Transmission Facilities and distribution systems. In order to facilitate reliable operations between the Office of the Interconnection and the Transmission Owners, the Office of the Interconnection may, without written authorization from any Member, install a read-only terminal, or allow the Transmission Owner through a secure communication channel, in any Transmission Owner's secure control room facility to access the Office of the Interconnection's Energy Management System (EMS), or its or one of its affiliated entities' other reliability or situational awareness tools, and the associated transmission and generation data under the terms and conditions set forth in this section 18.17.6.

(b) The data and information produced by the EMS or other situational awareness tool, are confidential and/or commercially sensitive because they will display the real-time status of electric transmission lines and generation facilities, the disclosure of which could impact the market and the commercial interests of its participants. In addition, the responsive information will contain detailed information about real-time grid conditions, transmission lines, power flows, and outages, which may fall within the definition of Critical Energy Infrastructure Information (CEII) as set forth in 18 CFR § 388.113. The Office of the Interconnection shall not release any generator cost, price or other market information without written authorization pursuant to section 18.17.1 (c) above unless otherwise provided for under this Agreement. The only generator information that will be made available on the read-only PJM EMS terminal is real-time MW/MVAR output and Minimum/Maximum MW Range. The transmission system information that may be made available via a reliability or situational awareness tool is limited to geospatial locations and other real-time operational data.

(c) The confidential or CEII information provided to the Transmission Owner on a read-only PJM EMS terminal or via another reliability or situational awareness tool shall only be held in the secure control room facility of the Transmission Owner. Such data shall be used for informational and operational purposes within the control room by transmission function employees as defined in the FERC's rules and regulations, 18 C.F.R. § 358. No "screen-scraping" or other data transfer of information from the read-only terminal or other situational awareness tool to other Transmission Owner systems or databases shall be permitted. No storage of information from the read-only terminal or other reliability or situational awareness tool shall be permitted. The data shall be held confidential within the transmission function environment and not be disclosed to other personnel within the Transmission Owners' company, subsidiaries, marketing organizations, energy affiliates or independent third parties. The Transmission Owner may use the confidential or CEII information only for the purpose of performing Transmission Owner's reliability function and shall not otherwise use the confidential information for its own benefit or for the benefit of any other person.

(d) In the event of any breach:

- (i) The Transmission Owner(s) that caused the breach, or whose confidential information or CEII was used or disseminated beyond the limitations specified herein shall promptly notify the Office of the Interconnection, which shall, in turn, promptly notify FERC and any affected Member(s) of any inadvertent or intentional release, or possible release, of confidential or CEII information disclosed as provided above.
- (ii) The Office of the Interconnection shall terminate all rights of the Transmission Owner to receive confidential or CEII information as provided in this section 18.17.6; provided, however, that the Office of the Interconnection may restore a Transmission Owners' status after consulting with the affected Member(s) whose confidential or CEII information was used or disseminated beyond the limitations specified herein and to the extent that: (a) the Office of the Interconnection determines that the disclosure was not due to the intentional, reckless or negligent action or omission of the authorized transmission function employee; (b) there were no harm or damages suffered by the affected Member(s); or (c) similar good cause shown. Any appeal of the Office of the Interconnection's actions under this section shall be to FERC.
- (iii) The Office of the Interconnection and/or the affected Member(s) shall have the right to seek and obtain at least the following types of relief: (a) an order from FERC requiring any breach to cease and preventing any future breaches; (b) temporary, preliminary, and/or permanent injunctive relief and/or damages with respect to any breach; and (c) the immediate return of all confidential or CEII information to the Office of the Interconnection.
- (iv) Any dispute or conflict requesting the relief in section (d)(ii) or (d)(iii)(a) above, shall be submitted to FERC for hearing and resolution. Any dispute or conflict requesting the relief in section (d)(iii)(b) and (c) above may be submitted to FERC or any court of competent jurisdiction for hearing and resolution.