

**COMMENTS ON BEHALF OF THE CITIES OF ANAHEIM, AZUSA, BANNING,
COLTON, PASADENA, AND RIVERSIDE, CALIFORNIA ON THE WHITE PAPER ON
CRITICAL INFRASTRUCTURE AND CYBER SECURITY**

In response to the CAISO's request, the Cities of Anaheim, Azusa, Banning, Colton, Pasadena, and Riverside, California (collectively, the "Six Cities") provide their comments on the tariff revisions proposed by the CAISO in its White Paper on Critical Infrastructure and Cyber Security, issued on August 21, 2019 (the "White Paper"). In addition to the comments below, the Six Cities also provide a redline with recommended revisions to the proposed tariff language, which is attached hereto.

Section 20.4(c)(ii)

- Delete the reference to a Cyber Exigency "that threatens or has the potential to threaten reliable operation of the CAISO Balancing Authority Area." If the definition of "Cyber Exigency" is revised as proposed below, this language is redundant.
- Specify that the information to be provided should be related to the Cyber Exigency.

Section 20.4(c)(iii)

- Is the reference to the "WECC Reliability Coordinator" still relevant? Should the language be modified to reference information sharing with "other Reliability Coordinators"?

Definition of "Cyber Exigency":

- Delete the reference in the definition to the CAISO's need for "expert assistance." It is not obvious why the level or type of resources needed by the CAISO to address a Cyber Exigency is linked to the CAISO's willingness to respond to agency requests for information about the Cyber Exigency. A preferable approach would be to focus on events that "materially" compromise reliability or operability within the CAISO Balancing Authority Area (or have the potential to do so).

Submitted by,

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20.4 Disclosure

Notwithstanding anything in this Section 20 to the contrary,

- (a) The CAISO: (i) shall publish individual bids ninety (90) days after the Trading Day with respect to which the bid was submitted and in a manner that does not reveal the specific resource or the name of the Scheduling Coordinator submitting the bid, but that allows the bidding behavior of individual, unidentified resources and Scheduling Coordinators to be tracked over time; (ii) may publish data sets analyzed in any public report issued by the CAISO or by the MSC, provided that such data sets shall be published no sooner than six (6) months after the latest Trading Day to which data in the data set apply, and in a manner that does not reveal any specific resource or the name of any Scheduling Coordinator submitting bids included in such data sets; and (iii) shall, consistent with 18 CFR § 35.28 (g)(4), electronically deliver to FERC, on an ongoing basis and in a form and manner consistent with the CAISO's own collection of data and in a form and manner acceptable to FERC, data related to the CAISO Markets.
- (b) If the CAISO is required by applicable laws or regulations, or in the course of administrative or judicial proceedings, to disclose information that is otherwise required to be maintained in confidence pursuant to this Section 20, the CAISO may disclose such information; provided, however, that as soon as the CAISO learns of the disclosure requirement and prior to making such disclosure, the CAISO shall notify any affected Market Participant of the requirement and the terms thereof. The Market Participant may, at its sole discretion and own cost, direct any challenge to or defense against the disclosure requirement and the CAISO shall cooperate with such affected Market Participant to the maximum extent practicable to minimize the disclosure of the information consistent with applicable law. The CAISO shall cooperate with the affected Market Participant to obtain proprietary or confidential treatment of confidential information by the person to whom such information is disclosed prior to any such disclosure.

- (c) The CAISO may disclose confidential or commercially sensitive information, without notice to an affected Market Participant, in the following circumstances:
- (i) If the FERC, the Commodity Futures Trading Commission (“CFTC”), or the staff of one of those agencies, during the course of an investigation or otherwise, requests information that is confidential or commercially sensitive. In providing the information to FERC or its staff, the CAISO shall take action consistent with 18 C.F.R. §§ 1b.20 and 388.112, or to the CFTC or its staff, the CAISO shall take action consistent with 17 C.F.R. §§ 11.3 and 145.9, and request that the information be treated as confidential and non-public by the agency and its staff and that the information be withheld from public disclosure. The CAISO shall provide the requested information to the agency or its staff within the time provided for in the request for information. The CAISO shall notify an affected Market Participant within a reasonable time after the CAISO is notified by the agency or its staff that a request for disclosure of, or decision to disclose, the confidential or commercially sensitive information has been received, at which time the CAISO and the affected Market Participant may respond before such information would be made public; or information would be made public; or
 - (ii) If the National Cyber Communication Information Center (“NCCIC,” part of the Department of Homeland Security), or a federal agency with similar cybersecurity responsibilities, or the staff of one of those agencies, requests information that is confidential or commercially sensitive in response to a Cyber Exigency ~~that threatens or has the potential to threaten reliable operation of the CAISO Balancing Authority Area,~~ provided that the information requested is reasonably related to investigation or resolution of the Cyber Exigency. In providing the information to the agency or its staff, the CAISO shall take action consistent with applicable laws and regulations, as well as other applicable policies or

procedures of the agency, and request that the information be treated as confidential and non-public by the agency and its staff and that the information be withheld from public disclosure. The CAISO shall notify an affected Market Participant within a reasonable time after the CAISO is notified by the agency or its staff that a request for disclosure of, or decision to disclose, the confidential or commercially sensitive information has been received, at which time the CAISO and the affected Market Participant may respond before such information would be made public; or

- (iii) In order to maintain reliable operation of the CAISO Balancing Authority Area, the CAISO may share critical operating information, system models, and planning data with the WECC Reliability Coordinator that has executed the Western Electricity Coordinating Council Confidentiality Agreement for Electric System Data, or is subject to similar confidentiality requirements; or
- (iv) In order to maintain reliable operation of the CAISO Balancing Authority Area, the CAISO may share individual Generating Unit Outage information with the operations engineering and the outage coordination division(s) of other Balancing Authorities, Participating TOs, MSS Operators and other transmission system operators engaged in the operation and maintenance of the electric supply system whose system is significantly affected by the Generating Unit and who have executed the Western Electricity Coordinating Council Confidentiality Agreement for Electric System Data; or
- (v) In order to maintain reliable operation of the CAISO Balancing Authority Area, the CAISO may share information regarding Maintenance Outages and Forced Outages of natural gas-fired generation resources and Maintenance Outages and Forced Outages of elements of the ISO Controlled Grid with natural gas transmission and distribution utilities operating inter-state and/or intra-state natural gas pipelines that serve natural gas-fired generation resources within the

CAISO Balancing Authority Area. The CAISO may share information necessary for day-to-day coordination and longer term planning of gas transmission and pipeline outages which information includes, but is not limited to, the identity of individual natural gas-fired generation resources that are needed to support reliability of the ISO Balancing Authority Area in the event of natural gas shortage, natural gas pipeline testing and maintenance, or other curtailment of natural gas supplies. The information will be shared only pursuant to a non-disclosure agreement and non-disclosure statement included as part of the Business Practice Manual.

- (d) Notwithstanding the provisions of Section 20.2(e), information submitted through Resource Adequacy Plans and Supply Plans in accordance with Section 40 may be provided to:
- (i) the Scheduling Coordinator(s) and/or Market Participant(s) involved in a dispute or discrepancy as to whether a resource is properly identified in a Resource Adequacy Plan or a Supply Plan only to the limited extent necessary to identify the disputed transaction and the relevant counterparty or counterparties.
 - (ii) the regulatory entity, whether the CPUC, other Local Regulatory Authority, or federal agency, with jurisdiction over a Load Serving Entity involved in a dispute or discrepancy as to whether a resource is properly identified in a Resource Adequacy Plan or the Supply Plan, or otherwise identified by the CAISO as exhibiting a potential deficiency in demonstrating compliance with resource adequacy requirements adopted by the CPUC, other Local Regulatory Authority, or federal agency, as applicable. The information provided shall be limited to the particular dispute, discrepancy, or deficiency.
 - (iii) the California Energy Commission with respect to Demand Forecast information provided to the CAISO under Sections 40.2.2.3 and 40.2.3.3(b) to the extent the CAISO seeks, and the California Energy Commission grants, confidential

treatment of such information pursuant to California Public Resources Code Section 25322 and related regulations.

- (e) Notwithstanding the provisions of Section 20.2(f), information submitted through the Transmission Planning Process shall be disclosed as follows:
- (i) Critical Energy Infrastructure Information may be provided to a requestor where such person is employed or designated to receive CEII by: (a) a Market Participant; (b) an electric utility regulatory agency within California; (c) an Interconnection Customer that has submitted an Interconnection Request to the CAISO under the CAISO's Large Generator Interconnection Procedure or Small Generator Interconnection Procedure (LGIP or SGIP); (d) a developer having a pending or potential proposal for development of a Generating Facility or transmission addition, upgrade or facility and that is performing studies in contemplation of filing an Interconnection Request or submitting a transmission infrastructure project through the CAISO Transmission Planning Process; or (e) a not-for-profit organization representing consumer regulatory or environmental interests before a Local Regulatory Authority or federal regulatory agency. To obtain Critical Energy Infrastructure Information, the requestor must submit a statement as to the need for the CEII, and must execute and return to the CAISO the form of the non-disclosure agreement and non-disclosure statement included as part of the Business Practice Manual. The CAISO may, at its sole discretion, reject a request for CEII and, upon such rejection, the requestor will be directed to utilize the FERC procedures for access to the requested CEII.
 - (ii) Information that is confidential under Section 20.2(f)(i) or 20.2.(f)(ii) may be disclosed to any individual designated by a Market Participant, electric utility regulatory agency within California, or other stakeholder that signs and returns to the CAISO the form of the non-disclosure agreement, nondisclosure statement and certification that the individual is a non-Market Participant, which is any

person or entity not involved in a marketing, sales, or brokering function as market, sales, or brokering are defined in FERC's Standards of Conduct for Transmission Providers (18 C.F.R. § 358 et seq.), included as part of the Business Practice Manual; provided, however, that information obtained pursuant to this Section 20.4(e)(ii) will be provided only in composite form so that information related to individual Load Serving Entities or Scheduling Coordinators will not be disclosed.

- (iii) Data base and other transmission planning information obtained from the WECC, or its successor, may be disclosed to individuals designated by a Market Participant, electric utility regulatory agency within California, or other stakeholder in accordance with the procedures set forth in the Business Practice Manual.

Nothing in this Section 20 shall limit the ability of the CAISO to aggregate data for public release about the adequacy of supply.

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Appendix A

Master Definitions Supplement

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- Cyber Exigency

A suspicious electronic act or event that has the potential to materially compromise or does materially compromise the reliability or operability of ~~within~~ the CAISO Balancing Authority Area or other electrical facilities directly or indirectly connected to the CAISO Controlled Grid ~~and whose severity reasonably requires that the CAISO obtain expert assistance not normally called upon to counter such an electronic act or to resolve such an event.~~

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