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## CHAPTER 1 – ADMINISTRATION AND PARTICIPATION

### 1.0 Authority and Scope

- 1.0.1 The authority and scope of the Electricity Business Rules (the “Business Rules”) are established in the Electricity Act. The Business Rules complement and supplement the Open Access Transmission Tariff (the “Tariff”), and facilitate the reliable operation of the Integrated Electricity System (the “IES”) and adherence to Board Approved Reliability Standards.
- 1.0.2 The operation of the IES is governed by the Electricity Act, the Tariff, and the Business Rules.
- 1.0.3 The Transmission Provider shall administer the Business Rules.
- 1.0.4 If a conflict exists between a provision of the Business Rules and a provision of Tariff the provision of the Tariff prevails.
- 1.0.5 If a conflict exists between a provision of the Business Rules and a Board Approved Reliability Standard the more stringent provision prevails.

### 1.1 Purpose of the Business Rules

- 1.1.1 The purpose of the Business Rules is to clarify and provide interpretation regarding the rights and obligations between the Transmission Provider and transmission system users with respect to the administration of the Tariff, the operation of the IES, and functions performed by the Transmission Provider with respect to electricity systems outside of New Brunswick.
- 1.1.2 The Business Rules define the administrative practices for the sale and provision of Transmission Services. The Transmission Provider offers Transmission Service in accordance with the rates, terms, and conditions contained in the Tariff, a copy of which is posted on the Transmission Provider’s public website.

1.1.3 The Transmission Provider offers both Point-to-Point Transmission Service and Network Integration Transmission Service under the Tariff. The terms and conditions for these Transmission Services are contained in Parts II and III of the Tariff. The Tariff also contains terms and conditions for Transmission Customers' use of Ancillary Services.

## 1.2 Applicability

1.2.1 Respecting sections 1.2.3 and 1.2.4, the Business Rules apply to the following entities, hereinafter referred to as Transmission Users:

- Transmission Provider
- Transmission Customers
- Compliance registrants for Board Approved Reliability Standards
- Those Facilities deemed by the Transmission Provider to materially impact reliability of the IES
- External entities utilizing the services of or providing services to the Transmission Provider through:
  - Interconnection agreements
  - Application of NERC defined functions (e.g. Reliability Coordinator, Balancing Authority)

1.2.2 In the event that any of these entities identifies an actual or potential conflict between the Tariff (including schedules and attachments), the Standards of Conduct, a rate approved by the Board or an order of the Board and the Business Rules, it shall notify the Transmission Provider and seek clarification or appropriate correction.

1.2.3 Any person that conveys or causes electricity to be conveyed into, through, or out of the IES shall do so in accordance with the Business Rules.

1.2.4 Any person that provides or causes ancillary services to be provided into, through, or out of the IES shall do so in accordance with the Business Rules.

### **1.3 Amendments and Publication**

1.3.1 The Transmission Provider has the exclusive authority to amend the Business Rules. This authority shall be exercised in accordance with the Electricity Act.

1.3.2 Other than in the case of Urgent Amendments, amendments to the Business Rules shall be made as follows:

- Proposals for amendments may be made by any party through a submission to the Transmission Provider.
- Proposed amendments will be published by the Transmission Provider, at least 30 day before the amendments come into force, in advance of any decision to adopt the proposed changes.
- Transmission Provider shall make provision for comments on proposed amendments (other than Urgent Amendments), and comments that are received by the Transmission Provider shall be published by the Transmission Provider.

1.3.3 The Transmission Provider has the right to make Urgent Amendments in accordance with the Electricity Act. Although not a requirement, the conditions in Section 1.3.2 shall be treated as guidelines when making such Urgent Amendments.

1.3.4 In accordance with the Electricity Act, on application by any person the Board shall review any amendment to the Business Rules.

1.3.5 The Transmission Provider shall maintain a current version of the Business Rules on its public website and shall make the Business Rules available for public inspection during normal business hours.

### **1.4 Waivers from the Business Rules**

1.4.1 Any party may apply to the Transmission Provider for a waiver from any provision of the Business Rules.

- 1.4.2 An application for a waiver shall be made to the Transmission Provider via a letter signed by an officer of the requesting party. The Transmission Provider may only grant waivers from the Business Rules when not doing so would cause unjust, material, and irreparable harm to the requesting party. Any waiver granted in whole or in part and any terms and conditions imposed by the Transmission Provider shall be on a not unduly discriminatory or preferential basis, and the same waiver shall be available to similarly-situated customers.
- 1.4.3 All applications for waivers, granting of waivers in whole or in part along with any terms and conditions, and denials of waivers including rationale shall be Published. In each case, the Published material shall clearly identify the requesting party and the rationale behind the request and its approval or denial. The Published material may contain redactions as required to protect commercially sensitive information.
- 1.4.4 Disputes to requests, approvals, or denials of waivers are to be addressed in accordance with the dispute resolution process identified in section 1.6 and can be initiated by any party.
- 1.4.5 The applicant or any person affected by a decision made by the Transmission Provider in respect of the application may appeal the decision to the Board in accordance with the Act.

## **1.5 Confidentiality**

- 1.5.1 Information disclosed or provided by a Transmission Customer, a Transmitter or the Transmission Provider under the Business Rules shall be, to the best of the disclosing person's knowledge, true, correct and complete. No one shall knowingly or recklessly disclose or provide any information that is expressly or by omission misleading or deceptive. When it is discovered that any information disclosed or provided under the Business Rules has become untrue, incorrect, incomplete, misleading or deceptive, the disclosing party shall promptly rectify the situation.
- 1.5.2 The Transmission Provider is entitled to use any data or information obtained in the performance of its functions. Such use may be for any purpose contemplated under the

Business Rules, the Electricity Act, or as directed by the Board. Such use must not contravene the Standards of Conduct.

- 1.5.3 No party shall disclose or provide access to Confidential Information except as permitted by the Business Rules. Such disclosure or access to Confidential Information must not contravene the Standards of Conduct. No party shall use or reproduce such information other than for the purpose for which it was disclosed or another purpose contemplated by the Business Rules.

## **1.6 Dispute Resolution**

- 1.6.1 The settlement of disputes associated with the Business Rules shall be addressed through the dispute resolution process contained in the Tariff.
- 1.6.2 In accordance with the Act any person that is subject to an order or decision of the Transmission Provider made under the Business Rules may appeal the order or decision to the Board.

## **1.7 Sanctions**

- 1.7.1 Where a breach of the Business Rules results in a risk to Reliability or could reasonably be expected to adversely impact Reliability, the Transmission Provider may take all actions necessary to resolve the situation, including the imposition of operational restrictions up to and including disconnection, on a non-discriminatory basis in accordance with the Tariff, applicable connection agreements and Good Utility Practice.

## **1.8 Force Majeure and Indemnification**

- 1.8.1 The transmission system users identified in section 1.2.1 shall hold the Transmission Provider harmless with respect to its performance of obligations under the Business Rules in the same fashion as the Transmission Customer is required in the Tariff to hold the Transmission Provider harmless with respect to the Transmission Provider's performance of its obligations under the Tariff.

**1.9 Definitions**

Defined terms used in the Business Rules are capitalized. Definitions for these terms are listed in Appendix A.