



APPROVED BY: GENERAL MANAGER

DATE ISSUED: 06/08/2012

DATE LAST REVIEWED: 11/01/2019

DATE REVISED: 11/01/2019

**City Utilities of Springfield, Missouri
Standards of Conduct
Implementation and Compliance Procedures
Posted June 8, 2012**

In conformance with 18 C.F.R. Section 358.7(d), this statement of policy and procedure (“Policy and Procedure” or “Policy”) sets forth the steps that City Utilities of Springfield, Missouri (CU) has undertaken in order to implement the Standards of Conduct promulgated by Federal Energy Regulatory Commission (“FERC” or the “Commission”), as revised and restated in Order 717, Standards of Conduct for Transmission Providers, 125 FERC ¶ 61,064 (2008), and subsequent orders. FERC’s standards of conduct regulations are codified at 18 C.F.R. § 358.1, et seq. For ease of reference, the text of the regulation is set forth in the boxes below. As explained below, CU, a non-jurisdictional transmission owner, is not subject to the regulations directly, but has undertaken to comply with them upon relinquishment of the waiver granted to CU in *Easton Utils. Comm’n*, 83 FERC ¶ 61,334, at 62,342-43 & nn.4, 14 (1998), in order to satisfy the reciprocity condition imposed on it as an open-access transmission customer of a FERC-jurisdictional public utility.

Pursuant to this Policy and Procedure, CU provides that personnel responsible for Transmission Functions will operate independently of personnel at CU or its affiliates engaged in Marketing Functions. The purpose of this separation of functions is to assure that all of CU’s transmission customers receive non-discriminatory service and that employees of CU and its affiliates engaged in Marketing Functions do not have preferential access to any information about CU’s transmission system that is not available to other users of the system.

Standards of Conduct Policy: Introduction and Overview

§ 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



APPROVED BY: GENERAL MANAGER

DATE ISSUED: 06/08/2012

DATE LAST REVIEWED: 11/01/2019

DATE REVISED: 11/01/2019

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.

CU is a municipal electric utility in southwest Missouri owning and operating generation, transmission and distribution facilities. CU serves retail customers in the City of Springfield, Missouri and the surrounding environs.

CU owns and operates certain electric transmission facilities, which it has placed under the functional control of the Southwest Power Pool (SPP), a Regional Transmission Organization (RTO) approved by the FERC. Thus, transmission service requested on CU facilities will be processed on the SPP OASIS under the SPP Regional Tariff.

Although SPP functionally operates CU’s transmission facilities and provides service under its regional tariff, CU remains a Transmission Provider (TP) for Standards of Conduct regulations purposes, pursuant to 18 C.F.R. § 358.3(k), by virtue of its continued ownership of the facilities.

§ 358.2 General principles.

- (a) 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) 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) 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.
- (d) A transmission provider must provide equal access to non-public transmission function information to all its transmission function customers, affiliated and non-affiliated, except in the case of confidential customer information or Critical Energy Infrastructure Information.

This Policy provides for the organizational and physical separation of employees of CU engaged in Transmission Functions from employees of CU or its affiliate engaged in Marketing Functions. CU’s direct staff includes individuals engaged in Marketing Functions, although most of this activity is conducted through CU’s affiliate, The Energy Authority (TEA).



APPROVED BY: GENERAL MANAGER

DATE ISSUED: 06/08/2012

DATE LAST REVIEWED: 11/01/2019

DATE REVISED: 11/01/2019

This Policy substantially tracks language in the FERC regulations and emphasizes that these rules are binding on individual employees. As a transmission provider, CU and its employees, contractors, consultants, and agents are prohibited from disclosing, or using a conduit to disclose, non-public transmission information to the transmission provider’s Marketing Function employees. Employees failing to comply with the Standards of Conduct face possible disciplinary action, including potential termination. This Policy emphasizes that an employee may not do indirectly what the employee may not do directly in order to circumvent the requirements of these rules.

In accordance with FERC regulations, all Transmission Customers must receive equal access to any non-public Transmission Function Information, except Critical Energy Infrastructure Information or confidential customer information, that is disclosed to CU Marketing Function Employees.

Definitions and Identification of CU and CU’s Affiliate, TEA

FERC’s standards of conduct regulations define the following terms:

§ 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 website 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,
 - (iii) Sales of natural gas solely from a seller’s own production,



APPROVED BY: GENERAL MANAGER

DATE ISSUED: 06/08/2012

DATE LAST REVIEWED: 11/01/2019

DATE REVISED: 11/01/2019

- (iv) Sales of natural gas solely from a seller's own gathering or processing facilities, and
- (v) Sales by an intrastate natural gas pipeline, by a Hinshaw interstate pipeline exempt from the Natural Gas Act, or by a local distribution company making an on-system sale.
- (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 website 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 function 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:
 - (1) Any public utility that owns, operates or controls facilities used for the transmission of electric energy in interstate commerce.
 - (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.

This policy incorporates the defined terms set forth in FERC's regulation. To clarify how certain of the defined terms apply to its circumstances, CU notes the following:



APPROVED BY: GENERAL MANAGER

DATE ISSUED: 06/08/2012

DATE LAST REVIEWED: 11/01/2019

DATE REVISED: 11/01/2019

- A. **Affiliate** - CU's wholesale and energy marketing functions are performed by an Affiliate: The Energy Authority (TEA), a nonprofit corporation organized and operated under the Georgia Nonprofit Corporation Code. CU is one of TEA's seven owners. TEA is a full-service power-marketing organization with seven-day per week, 24-hour per day trading operations and will actively participate in the short, mid- and long-term markets.

TEA has offices in Seattle, Washington and Jacksonville, Florida. Its headquarters is located at:

TEA (The Energy Authority)
301 W. Bay Street, Suite 2600
Jacksonville, Florida 32202
(904) 356-3900

TEA and CU do not share any facilities. TEA employees have limited access to CU's energy management system (EMS) information, which allows them to only view generation-related data. CU does not provide or act as a conduit to provide non-public transmission information to TEA employees.

Additionally, certain CU employees perform marketing functions as defined by the standards of conduct. Those CU employees are located at CU's offices at 301 E. Central Street, Springfield, MO. CU's marketing employees are not allowed access to the CU electric control center that differs in any way from the access available to other open access transmission customers, and have limited access to CU's EMS information, which permits them to only view generation-related data.

As required by 18 C.F.R. § 358.7(g) (1), CU will update affiliate information within seven days of any change and will post the date on which the information was updated.

As required by 18 C.F.R. § 358.7(e) (3), CU will post information concerning any potential merger partners as affiliates within seven days after any potential merger is announced.

- B. **Internet Website** – refers to the location where CU electronically posts the information required by this policy. CU will utilize its website home page as the location for its Standards of Conduct postings.
- C. **Marketing Function Employee** – means an employee, contractor, consultant, or agent of CU or of TEA who actively and personally engages on a day-to-day basis in Marketing Functions, as defined above. Most of CU's Marketing Functions are performed by TEA. However, certain CU employees who are involved in administering CU's contract with TEA and wholesale requirement contracts continue to conduct Marketing Functions. These employees are: Director – Forecasting and Power Marketing, Manager – Power Marketing, Energy Market Analyst and Energy Marketer.
- D. **Transmission Provider** – means an entity that owns, operates, or controls facilities used for Transmission of electric energy in interstate commerce. CU remains a "Transmission Provider" for standards of conduct purposes, pursuant to 18 C.F.R. 358.3(k), by virtue of its continued ownership of the facilities, and CU will abide by the standards of conduct regulations applicable to jurisdictional public utilities under 18 C.F.R Part 358.



APPROVED BY: GENERAL MANAGER

DATE ISSUED: 06/08/2012

DATE LAST REVIEWED: 11/01/2019

DATE REVISED: 11/01/2019

- E. **Transmission Service** – CU has placed its transmission facilities under the functional control of the Southwest Power Pool (SPP). Transmission service requested on CU facilities will be processed on the SPP OASIS under the SPP Regional Tariff.

Non-Discrimination

§ 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.

As noted above, CU has placed its transmission facilities under the functional control of SPP, and SPP provides interconnection and transmission service with respect to those facilities pursuant to its tariff.

To the extent that CU continues to administer and implement its OATT (for example, in providing ancillary services), CU employees will:

- strictly enforce all tariff provisions that do not permit the use of discretion;
- apply all tariff provisions that do permit the use of discretion in a fair and impartial manner that treats all customers in a non-discriminatory manner; and
- not give preference to any person, through the application of tariff provisions or otherwise.

Independent Functioning

§ 358.5 Independent functioning rule.



APPROVED BY: GENERAL MANAGER

DATE ISSUED: 06/08/2012

DATE LAST REVIEWED: 11/01/2019

DATE REVISED: 11/01/2019

- (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.**
 - (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.

- A. **Commitment to Comply with Standards of Conduct.** In this Policy, CU describes those steps it has undertaken in order to achieve the functional separation of Transmission Functions from Marketing Functions, in compliance with the Commission's Standards of Conduct.
- B. **Physical Separation.** Employees of CU or its Affiliate engaged in Marketing Functions will not have access to the Power System Control Center or to similar facilities used for transmission operations that differs in any way from the access available to other open access transmission customers. The Power System Control Center is a highly restricted area and can only be accessed by use of a coded access card and unique pin code. Authorization of access cards is administered through CU's Manager – Physical Security.
- C. **Organizational Separation.** In order to comply with the Standards of Conduct, CU has designed its organizational structure to assure that its Marketing Function Employees and Transmission Function Employees function independently. The Director – Forecasting and Power Marketing is responsible for those Marketing Function Employees who are direct employees of CU and for administering CU's contract with its Affiliate. The Director – Forecasting and Power Marketing has no Transmission Function responsibilities and receives no reports from any employees engaged in the Transmission Functions. The Director - Power System Control has overall responsibility for CU's Transmission Functions and Transmission Function Employees. This position has no Marketing Function responsibilities. The Director – Forecasting and Power Marketing reports directly to CU's Associate General Manager - CFO. The Director – Power System Control reports directly to CU's Associate General Manager – Electric Supply and Delivery.

No Conduit Rule

§ 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.



APPROVED BY: GENERAL MANAGER

DATE ISSUED: 06/08/2012

DATE LAST REVIEWED: 11/01/2019

DATE REVISED: 11/01/2019

(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.

A. CU 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 CU and an employee, contractor, consultant or agent of an affiliate of CU that is engaged in Marketing Functions is prohibited from disclosing non-public Transmission Function Information to any of CU's or TEA's Marketing Function Employees.

Transparency Rule: Required Postings

§ 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 website.

(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 website 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 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 website 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 website current written procedures implementing the standards of conduct.

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



APPROVED BY: GENERAL MANAGER

DATE ISSUED: 06/08/2012

DATE LAST REVIEWED: 11/01/2019

DATE REVISED: 11/01/2019

- (1) A transmission provider must post on its Internet website the names and addresses of all its affiliates that employ or retain marketing function employees.
 - (2) A transmission provider must post on its Internet website 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 website the job titles and job descriptions of its transmission function employees.
 - (2) A transmission provider must post a notice on its Internet website 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 website 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:
 - (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 website 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 website 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



APPROVED BY: GENERAL MANAGER

DATE ISSUED: 06/08/2012

DATE LAST REVIEWED: 11/01/2019

DATE REVISED: 11/01/2019

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
 - (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 website 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.

A. Contemporaneous Disclosure

- i. If CU discloses non-public Transmission Function Information, other than identified in the paragraph below, in a manner contrary to the requirements of 18 CFR 358.6, CU will immediately post the information that was disclosed on its Internet website.
- ii. If CU discloses, in a manner contrary to the requirements of 18 CFR 358.6, non-public Transmission Customer information, Critical Energy Infrastructure Information (CEII), or any other information that FERC by law has determined is to be subject to limited dissemination, CU will immediately post a notice on its Internet website that the information was disclosed, but will not post the actual information disclosed.

B. Exclusion for Specific Transaction Information

- i. CU's Transmission Function Employees may discuss with its Marketing Function Employees a specific request for Transmission Service submitted by the Marketing Function Employees. CU is not required to contemporaneously disclose this occurrence if the information disclosed relates solely to the specific Transmission Service request.

C. Voluntary Consent Provision

- i. As noted above, CU has placed its transmission facilities under the functional control of SPP, and requests for transmission service using those facilities will be processed on the SPP OASIS under SPP's Tariff. Nonetheless, to the extent applicable, a Transmission Customer may voluntarily consent, in writing, to allow CU to disclose the Transmission Customer's non-public information to CU's Marketing Function Employees. If the Transmission Customer authorizes CU to disclose



APPROVED BY: GENERAL MANAGER

DATE ISSUED: 06/08/2012

DATE LAST REVIEWED: 11/01/2019

DATE REVISED: 11/01/2019

its information to Marketing Function Employees, CU will post a notice on its Internet website of the consent along with a statement that it did not provide any preferences, either operational or rate-related, in exchange for the voluntary consent.

D. Posting Written Procedures on the Internet Website

- i. CU will maintain on its Internet website its Standards of Conduct Implementation and Compliance Procedures.

E. Identification of Affiliate Information on the Internet Website

- i. CU will maintain on its Internet website the names and addresses of its affiliates that employ or retain Marketing Function Employees. The Energy Authority is the only entity that meets the definition of an Affiliate for CU. The address for TEA is as follows:

TEA (The Energy Authority)
301 W. Bay Street, Suite 2600
Jacksonville, Florida 32202

- ii. CU will maintain on its Internet website a complete list of employee-staffed facilities shared by any of CU's Transmission Function Employees and Marketing Function Employees. The list will include the types of facilities shared and the addresses of the facilities.
- iii. CU will maintain on its Internet website information concerning potential merger partners, as affiliates that may employ or retain Marketing Function Employees, within seven days after a potential merger is announced.

F. Identification of Employee Information on the Internet Website

- i. CU will post on its Internet website the job titles and job descriptions of its Transmission Function Employees.
- ii. CU will post on its Internet website a notice of any transfer of a Transmission Function Employee to a position of a Marketing Function Employee, or vice versa. The information will remain on the Internet website for 90 days. No such job transfer may be used as a means to circumvent any provision of this policy. The information to be posted must include:
 1. The name of the transferring employee,
 2. The respective titles held while performing each function as a Transmission Function Employee and a Marketing Function Employee, and
 3. The effective date of the transfer.



APPROVED BY: GENERAL MANAGER

DATE ISSUED: 06/08/2012

DATE LAST REVIEWED: 11/01/2019

DATE REVISED: 11/01/2019

G. Timing and General Requirements of Posting on the Internet Website

- i. CU will update on its Internet website the information required by this policy within seven business days of any change, and post the date on which the information was updated.
- ii. In the event an emergency, such as earthquake, flood, fire, tornado, ice storm, etc. severely disrupts CU's normal business operations, the posting requirements in this policy may be suspended by CU. If the disruption lasts longer than one month, CU will notify FERC and may seek further exemption from the posting requirements.
- iii. All Internet website postings will be sufficiently prominent as to be readily accessible.

H. Exclusion for and Recordation of Certain Information Exchanges

- i. Notwithstanding the requirements of the Independent Functioning Rule of 18 CFR 358.5(a) and the No Conduit Rule of 18 CFR 358.6, CU's Transmission Function Employees and Marketing Function Employees may exchange certain non-public Transmission Function Information. Those circumstances may include either information pertaining to compliance with Reliability Standards approved by FERC, or information necessary to maintain or restore operation of the transmission system or generating units, or that may affect the dispatch of generating units.
- ii. If information is exchanged in a manner as stated above, CU will make and retain a contemporaneous record of all such exchanges except in emergency circumstances, in which case a record will be made of the exchange as soon as practicable after the fact. The record will be retained by CU for a period of five years.

I. Posting of Waivers

18 C.F.R. § 358.7(i) requires transmission providers to post on their Internet websites a notice of each waiver of a tariff provision granted in favor of an affiliate, unless such waiver has been approved by the Commission. As noted above, CU has placed its transmission facilities under the functional control of SPP, which provides interconnection and transmission service with respect to those facilities pursuant to SPP's tariff. Accordingly, CU is not in a position to grant waivers of the tariff provisions applicable to the use of its facilities.

If that situation changes and if CU does grant such a waiver, CU will post, within one business day of each occurrence, a notice of each waiver of any CU OATT provision that it grants in favor of its marketing function, unless such waiver has been approved by the Commission. CU will post the information on its internet website, maintain a log of such waivers, make the log available to the Commission upon request, and retain records for a period of five years from the date of each act of waiver.



APPROVED BY: GENERAL MANAGER

DATE ISSUED: 06/08/2012

DATE LAST REVIEWED: 11/01/2019

DATE REVISED: 11/01/2019

Implementation, Training, and Compliance Officer

§ 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 he or she 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 website.

(d) **Books and records.**

A transmission provider must maintain its book 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 made available for Commission inspections.

A. Effective Date

- i. This policy is effective as of the policy approval date by CU, June 8, 2012, and will continue in effect until amended or withdrawn.

B. Compliance Measures and Written Procedures

- i. CU will implement measures to ensure that the requirements of the Independent Functioning and No Conduit Rules are observed by its employees and the employees of its affiliate.



APPROVED BY: GENERAL MANAGER

DATE ISSUED: 06/08/2012

DATE LAST REVIEWED: 11/01/2019

DATE REVISED: 11/01/2019

- ii. CU will distribute the written procedures required to be posted on CU’s Internet website, as stated in the “Posting Written Procedures on the Internet Website” section of the Transparency Rule, to all Transmission Function Employees, Marketing Employees, officers, directors, supervisory employees, and any other employees likely to become privy to transmission function information.

C. Training and Compliance Personnel

- i. CU will provide annual training on this standard of conduct policy to all employees listed in the “Compliance Measures and Written Procedures” section, and to new employees in those categories within 30 days of their employment. All employees must certify electronically or in writing that they have completed the training.
- ii. CU’s Chief Compliance Officer will be responsible for standards of conduct compliance. CU will post the name of the Chief Compliance Officer and his or her contact information on its Internet website. CU’s Chief Compliance Officer for Standards of Conduct related questions is:

Jeff Knottek
Director – Transmission Planning & Compliance
City Utilities of Springfield, MO
301 East Central Street
P.O. Box 551
Springfield, MO 65801-0551
jeff.knottek@cityutilities.net
(417) 831-8920

D. Books and Records

- i. CU will maintain its books of account and records separately from those of its affiliates that employ or retain Marketing Function Employees, and these will be made available to FERC upon request. Other than TEA, CU has no affiliates that are organized as separately incorporated affiliates or units of CU.