

hundreds of service agreements that are impacted by the electronic tariff requirements of Order No. 714.² PJM has been working diligently with Commission staff, other RTOs and Independent System Operators (“ISO”), and vendors to develop the systems necessary to comply with Order No. 714.

On January 22, 2010, PJM notified the Commission of its intent to submit its baseline electronic tariff filing on or about August 10, 2010.

On March 12, 2010, citing recent acknowledgement by Commission Staff that the electronic tariff test environment was still being implemented and that the test environment will be discontinued once the electronic tariff baseline filing period commences, Edison Electric Institute (“EEI”) and Electric Power Supply Association (“EPSA”) submitted a motion requesting that the Commission, among other items: retain the pre-production test environment *at least* during the baseline filing period (emphasis supplied).³

II. MOTION

PJM respectfully requests that the Commission direct Commission Staff to (i) complete any further work on the electronic tariff pre-production testing environment (including the public viewer) as soon as possible, but ideally by the end of March 2010; and (ii) *permanently* retain the pre-production test environment and maintain the site with

² *Electronic Tariff Filings*, Order No. 714, III FERC Stats. & Regs., Regs. Preambles ¶ 31,276 (2008).

³ Expedited Motion of the Edison Electric Institute and Electric Power Supply Association for Delay of the E-Tariff Baseline Filing Time Frame and Extended Retention of the E-Tariff Test Environment, Docket No. RM01-5-000 (Mar. 12, 2010) (“EEI/EP SA Motion”).

codes, validation routines and operational support which pre-date their production releases.

Maintaining the current pre-production testing environment is critical to enable parties to ensure that their future electronic tariff submissions are accurate and will actually reduce the burden on the Commission's resources. The Commission's current plan to close the full testing environment and maintain only a limited "sandbox"⁴ will thwart the efforts of electronic tariff filers to verify that their filings are correctly formatted and coded and are compatible with the Commission's system before filing in the "live" production environment, and will cause significant confusion to parties and the Commission regarding the legal status of future filings.

PJM understands that if the Commission discontinues access to its pre-production environment, PJM will be required to test its electronic tariff filings using the Commission's active electronic tariff filing production environment in effect filing phantom tariffs in the Commission eTariff and eFiling systems. Such an approach will burden the Office of the Secretary of the Commission ("OSEC") and the staff of the filing parties, confuse parties and present the significant risk that "test" filings will be deemed to be submitted as "statutory" filings.⁵

This process will result in a significant increase in filings to the OSEC and great uncertainty to electronic tariff filers and their stakeholders. First, the OSEC will be

⁴ See EEI/EPSC Motion at 3-4.

⁵ "Statutory" filings are defined by the Commission as filings made pursuant to section 4 of the Natural Gas Act (NGA), section 205 of the Federal Power Act (FPA), or section 6 of the Interstate Commerce Act (ICA) to revise rates or terms and conditions of service." *Electronic Tariff Filings*, 130 FERC ¶ 61,047 (2010).

required to process all “test” filings submitted through the production system with no indication of whether they are being submitted for testing purposes or as formal Commission filings, and parties presumably then will be required to submit a notice or motion to withdraw their “test” filings after the fact. Such a process will significantly increase the workload of the OSEC, with no concurrent benefit to the Commission or industry.

Additionally, PJM understands that once submitted through the production environment, filings will be “accepted” by the OSEC system, presenting considerable ambiguity and confusion regarding whether a tariff or amendment is “on file” with the Commission. Once accepted, such filings which were validated by the OSEC will be entered into the Commission’s eLibrary system and become available in the electronic tariff “public viewer” system, creating a permanent record of the filing. Submitting a “test” filing through the Commission’s formal electronic filing portal therefore raises questions regarding the legal status of the filing and will cause confusion among electronic tariff filers and their stakeholders regarding which submissions are “on file” and which are not, and which submissions are deemed legally “filed” with the Commission in accordance with governing statutes and which are not. The Commission can easily avoid these legal and procedural ambiguities by maintaining the testing environment beyond the implementation date of electronic tariff filings.

eTariff requires that two software programs be compatible and be able to communicate with each other error free. PJM anticipates that software patches will occasionally be issued by its software vendor, Systrends, especially where this is version 1.0. If the test system is in place at the Commission then we can validate the software patches and other updates through the test site without concern that we are affecting our

public records on file at the Commission. The absence of a test site would require us to conduct software patch validation testing via the live production site at the Commission. It is never wise to use a production environment for testing, in the event that the software patch causes corruption or other unintended consequences.

Furthermore, the Commission, from time to time, will certainly update their schema and/or the CSV coding. This will require software vendors to update their software and a place for testing updates and upgrades will be necessary. This process necessarily requires the continued and indefinite presence of a test environment at the Commission.

Maintaining the site with codes, validation routines and operational support which pre-date their production releases is also critical to enable parties to test new and updated software codes which will be required as the Commission issues new rules and procedures. A test site serves to provide a replica of the proposed production environment. As the Commission stipulates new codes, rules and other procedures for the eTariff environment, software vendors must rewrite their software to adhere to these new requirements. There must be some way for parties and their vendors to ensure the software meets those new requirements and does not violate business rules or incorrectly implement those codes. This is the precise function of a test site. By the nature of writing software, it cannot be guaranteed to be completely correct. A test site is necessary to find inadvertent mistakes.

Parties need access to a test site with the most recent publicly available Validation Codes. When the Commission updates their validation code files, parties must be able to load those code changes into their software and verify all changes by submitting test filings to the Commission preproduction site as the ultimate authority for compliance. If

filing rejections occur using the new validation codes, it may indicate either issues with the submitters software or potentially unforeseen conditions in the Commission's validation routines. Both conditions would potentially require code changes. If outdated or inaccurate codes are maintained on the Commission test site, submitters will waste significant time testing against codes which will never achieve successful submissions, potentially alter their software to comply with erroneous codes resulting in failed submissions, and inundate the Commission's offices with support calls. Accurate, timely validate code updates to the Commission's test site is a necessary requirement.

Moreover, if the Commission does not provide details of how its software works, but only provides input and output specifications, it is necessary when updating and rewriting software to meet new rules to have a test site to verify a specific input from the software that uses the new rules produces the expected output.

III. REQUEST FOR EXPEDITED TREATMENT

In light of Commission Staff's stated intention to remove the testing site on March 31, 2010, PJM requests that the Commission act on this Motion by March 30, 2010.

IV. COMMUNICATIONS

PJM designates the following persons as those to receive all notices and communications with respect to this proceeding:

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V. CONCLUSION

For the foregoing reasons, PJM respectfully requests that the Commission grant this motion. PJM also requests that the Commission act expeditiously on this motion by March 30, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven R. Pincus". The signature is fluid and cursive, with the first name being the most prominent.

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