wscc file

Mary Hain
08/30/99 02:39 PM

To: Lysa Akin/PDX/ECT@ECT
cc:
Subject: Anti-Trust Guidelines

Please print.

---------- Forwarded by Mary Hain/HOU/ECT on 08/30/99 02:41 PM ----------

To: Mary Hain/HOU/ECT@ECT, Tim Belden/HOU/ECT@ECT, Joe Hartsoe/Corp/Enron@Enron, Paul Kaufman/PDX/ECT@ECT, James B Fallon/HOU/ECT@ECT
cc:
Subject: Anti-Trust Guidelines

FYI

---------- Forwarded by Richard Ingersoll/HOU/ECT on 08/30/99 04:06 PM ----------

**Enron Capital & Trade Resources Corp.**

**From: evelyn@wscc.com** 08/30/99 04:15 PM

To: "Multiple Committees" <multi2@wscc.com>
cc: (bcc: Richard Ingersoll/HOU/ECT)
Subject: Anti-Trust Guidelines

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COMMITTEE CHAIRMEN
SUBCOMMITTEE CHAIRMEN
WORK GROUP CHAIRMEN
TASK FORCE CHAIRMEN
OTHER GROUP CHAIRMEN
CC: EXECUTIVE COMMITTEE

Attached is the Anti-Trust Guidelines which are to be used in conducting WSCC activities. These guidelines should be attached to all future meeting agendas until further notice.

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The following section of this message contains a file attachment prepared for transmission using the Internet MIME message format. If you are using Pegasus Mail, or any another MIME-compliant system, you should be able to save it or view it from within your mailer. If you cannot, please ask your system administrator for assistance.

---- File information ----------
File: Letter on anti-trust guidelines to chairmen.doc
Date: 30 Aug 1999, 14:46

Type: Unknown

- Letter on anti-trust guidelines to chairmen.doc

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The following section of this message contains a file attachment prepared for transmission using the Internet MIME message format. If you are using Pegasus Mail, or any another MIME-compliant system, you should be able to save it or view it from within your mailer. If you cannot, please ask your system administrator for assistance.

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---- File information -----------
  File:  WSCCAN2C.DOC
  Date:  27 Aug 1999, 14:26
  Size:  24064 bytes.
  Type:  Unknown
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- WSCCAN2C.DOC

# Western Systems Coordinating Council

DENNIS E. EYRE
EXECUTIVE DIRECTOR

WESTERN SYSTEMS COORDINATING COUNCIL
UNIVERSITY OF UTAH RESEARCH PARK
540 ARAPEEN DRIVE, SUITE 203
SALT LAKE CITY, UT 84108-1288
TEL: (801) 582-0353
FAX: (801) 582-3918

August 30, 1999

COMMITTEE CHAIRMEN
SUBCOMMITTEE CHAIRMEN
WORK GROUP CHAIRMEN
TASK FORCE CHAIRMEN
OTHER GROUP CHAIRMEN

As you know, the Board of Trustees has adopted the attached Anti-trust Guidelines which are to be used in conducting WSCC activities. These guidelines were distributed to the WSCC members by e-mail on July 30, 1999.

I have been instructed to request that you attach these guidelines to all future WSCC meeting agendas until further notice. If an agenda is not distributed, the guidelines should be attached to the meeting or conference call announcement.

Please call me if you have questions regarding these policies or this request.

Sincerely,

*Dennis E. Eyre*

Dennis E. Eyre

DEE:cb
attachment
cc: Executive Committee
G:\DEPT\SEC\COUNCREP\Letter on anti-trust guidelines to chairmen.doc

WSCC ANTI-TRUST DISCUSSION GUIDELINES

## I. GENERAL

The antitrust laws and the cases interpreting them do not clearly define all antitrust violations. Often, the resolution of an antitrust claim will turn on whether the action, such as reliability of the integrated grid or the enhancement of competition outweigh any countervailing anticompetitive effects. These are factual issues which may not be able to be resolved except by a fact finder such as a judge or jury. Notwithstanding this vagueness in the law, certain activities are clearly prohibited. Part II sets out the clearly prohibited activities. **WSCC members should refrain from the prohibited activities in all WSCC meetings and in other WSCC-related communications with WSCC members.** Even aside from the clearly prohibited activities, there may be other actions which could violate the antitrust laws which are not expressly dealt with herein. In considering nonreliability matters, so long as the action serves to promote or enhance competition, there should be little likelihood of an antitrust problem. Questions or requests for advice of WSCC counsel should be directed to the WSCC's Executive Director.

## II. PROHIBITED ACTIVITIES

WSCC members should refrain from the following when acting in their capacity as WSCC members (i.e., at WSCC meetings and informal discussions, conference calls, etc):

- Discussions involving non-public pricing information, especially margin (profit) and confidential internal cost information and members' expectations as to their future prices or internal costs.
- A member discussing its confidential marketing strategies.
- Discussions which are intended to reach agreement or to cause an action regarding how customers and geographical areas are to be divided among competitors unless such agreement or action would be expressly permitted by state law or will be effective only if accepted by a regulatory agency.
- Discussions which are intended to reach agreement or to cause actions to exclude competitors from markets unless such agreement or action would be expressly permitted by state law or will be effective only if accepted by a regulatory agency.

## III. ACTIVITIES WHICH ARE PERMITTED

WSCC members may discuss and approve:

- Reliability matters, including operation and planning matters such as establishing reliability criteria, operating procedures, operating transfer capabilities, and plans for new facilities.
- Other matters if any agreement or action will be permitted by express state approval or any such action or agreement will be filed with a governmental body such as FERC for its acceptance.
- Public pricing and public cost information.
- Planning and/or operating procedures that ensure that the operation of a project does not jeopardize the reliability of the interconnected system.

**For any matters which you desire to discuss which may adversely affect competition, you should have a legitimate reason for the discussion, such as to promote reliability, develop reliability criteria, policies, and operating procedures, enhance system operations, or to reach a settlement.** If you do not have a legitimate WSCC business reason for discussing a matter which could adversely affect competition, please refrain from discussing the matter during WSCC meetings and other WSCC-related communications. You should also ensure that WSCC procedures are followed in conducting WSCC business.