

Status **Active** PolicyStat ID **14320276**



## Antitrust Policy

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### 1. Introduction

It is WECC's policy and practice to comply with antitrust laws and avoid all conduct that unreasonably restrains competition. This policy requires the avoidance of any conduct that violates, or that might appear to violate, the antitrust laws. Furthermore, under Section 3(d) of the Delegation Agreement, WECC must adhere to and require that all participants in WECC activities follow and comply with the NERC Antitrust Compliance Guidelines (attached), as amended from time to time.

#### 1.1. Purpose

The purpose of this policy is to provide guidance regarding potential antitrust problems and to set forth policies to be followed with respect to activities that may involve antitrust considerations.

#### 1.2. Document Owner

The owner of this document is the General Counsel. The document owner, or designee, is responsible for:

- Reviewing the policy within the review cycle;
- Making any needed revisions to the policy;
- Obtaining Board approval of any revisions; and
- Ensuring the policy is appropriately distributed, posted and communicated.

#### 1.3. Scope

This policy applies to all WECC Members, Board of Directors, staff, contractors, and meeting attendees (hereinafter "WECC Participants").

*Should any WECC Participant deviate from this policy, that individual is responsible for notifying his or her supervisor and WECC Legal Counsel of the deviation. The individual is responsible for documenting a description of the deviation and the reason(s) for it. Individuals who are concerned with reporting the deviation may use the WECC Conflict of Interest and Ethical Issue Reporting Hotline in lieu of reporting to their supervisor and WECC Legal Counsel.*

## **1.4. Review Cycle**

This document will be reviewed every two years or as needed.

# **2. Policy**

## **2.1. General Policy**

WECC Participants must only undertake activities for the purpose of promoting and maintaining the reliability and adequacy of the Bulk Power System within the Western Interconnection.

All WECC activities must be carried out within the scope of the mandate for the activity, any applicable charter, and the agenda for the meeting.

No decisions should be made nor any actions taken by WECC Participants for the purpose of giving an industry participant or group of participants a competitive advantage over other participants. In particular, decisions with respect to setting, revising, assessing or enforcing compliance with approved Reliability Standards should not be influenced by anticompetitive motivations.

From time to time, decisions or actions of WECC Participants related to reliability may have a negative impact on particular entities and, in that sense, may adversely impact competition. Such instances are unfortunate, but may be unavoidable and necessary for reliability purposes. WECC Participants must ensure there is a legitimate reliability purpose for any such decision or action.

## **2.2. Prohibited Activities**

The antitrust laws and the cases interpreting them do not clearly define all circumstances and activities which are antitrust violations. Notwithstanding this vagueness in the law, certain activities are clearly prohibited. WECC Participants must, at all times, refrain from the following activities when acting on behalf of WECC:

- Discussing or entering into any agreement between or among competitors regarding prices, availability of service, product design, terms of sale, division of markets, allocation of customers or any other activity that unreasonably restrains competition;
- Discussions involving pricing information, especially margin (profit) and expectations as to future prices or costs;
- Discussions regarding marketing strategies;
- Discussions regarding how customers and geographical areas are to be divided among competitors;
- Discussions to exclude competitors from markets; and

- Discussions concerning boycotting or group refusals to deal with competitors, vendors or suppliers.

There may be other actions that could violate the antitrust laws which are not identified above. Any WECC Participant who is uncertain about the legal ramifications of a particular course of conduct or who has doubts or concerns about whether WECC's Antitrust Policy is being violated should consult WECC Legal Counsel immediately.

## 2.3. Activities That Are Permitted

WECC Participants may discuss:

- Matters and issues related to the reliability of the Bulk Power System;
- Reliability documents such as Reliability Standards, Regional Criteria, guidelines, reports and white papers;
- Matters relating to the impact of reliability practices on electricity markets and the impact of operating procedures and electricity market operations on the reliability of the Bulk Power System;
- Proposed filings or other communications with state or federal regulatory authorities or other governmental entities; and
- Matters relating to the internal governance, management and operation of WECC, such as nominations for vacant committee positions, budgeting and assessments, and employment matters; and procedural matters such as planning and scheduling meetings.

Any other matters that do not clearly fall within these guidelines should be reviewed with WECC Legal Counsel before being discussed.

## 2.4. Reference Documents

- NERC Antitrust Compliance Guidelines
- WECC Delegation Agreement

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### Attachments

[NERC\\_Antitrust\\_Compliances\\_Guidelines.pdf](#)