

# WECC Antitrust Policy

2026

## 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 WECC's Delegation Agreement, WECC must adhere to and require that all participants in WECC activities follow and comply with the NERC Antitrust Compliance Guidelines, as amended from time to time.

### 1.1. Purpose

Antitrust laws are complex and subject to court interpretation that can vary over time and from one court to another. The purpose of this Policy is to provide guidance to WECC participants and employees regarding potential antitrust issues and risks and to provide policies and guidance that WECC participants and members must follow when confronted with situations or activities that may involve antitrust considerations.

In some instances, this Policy and NERC's Antitrust Compliance Guidelines may contain elements that are stricter than the applicable antitrust laws. If any WECC participant or employee is uncertain about the legal ramifications of a particular course of conduct or has doubts or concerns about whether this Policy is implicated in any situation, you must consult WECC's Legal Counsel immediately.

### 1.2. Document Owner

The owner of this document is WECC's 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 WECC, all WECC Members, Board of Directors, staff, contractors, and meeting attendees ("WECC Participants").

Should any WECC Participant become aware that they have deviated from this Policy, that WECC Participant is responsible for immediately notifying his or her supervisor and WECC Legal Counsel of the deviation. The WECC Participant is responsible for documenting a description of the deviation and the reason(s) for it. WECC Participants who are concerned with reporting a 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 security 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 shall not be influenced by anticompetitive motivations.

From time to time, decisions or actions of WECC or WECC Participants related to reliability may have a negative impact on particular entities and, in that sense, may adversely impact competition. Such instances 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

Antitrust laws forbid 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. The antitrust laws and the cases interpreting them do not clearly define all circumstances and activities that are or may give rise to antitrust violations.

Notwithstanding this vagueness in the law, certain activities are clearly prohibited. WECC Participants shall not, at any time:

- Discuss or enter 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;
- Engage in discussions involving pricing information, especially margin (profit) and expectations as to future prices or costs;
- Engage in discussions involving employee or applicant wages, or agree to limit or otherwise fix employee or applicant wages;
- Discuss any agreement to not compete for, hire, or poach each other's employees or agree to not compete for, hire, or poach each other's employees;
- Engage in discussions regarding marketing strategies;
- Engage in discussions regarding how customers and geographical areas are to be divided among competitors or agree how customers and geographical areas are to be divided among competitors;

- Engage in discussions to exclude competitors from markets or agree to exclude competitors from markets; and
- Engage in discussions concerning boycotting or group refusals to deal with competitors, vendors, or suppliers or agree to 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 must consult WECC's General Counsel immediately.

### 2.3. Activities That Are Permitted

Subject to the guidance and restrictions contained in this Policy, 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 must be reviewed with WECC Legal Counsel before being discussed.

### 2.4. Collaboration with NERC and Other Regional Entities

WECC collaborates with NERC and the Regional Entities in carrying out our mission under the terms and conditions of our Regional Delegation Agreement, equivalent Canadian documents, the NERC Rules of Procedure and other applicable documents. In the context of such collaboration, WECC, NERC, and the other Regional Entities will abide by this Policy and NERC's Antitrust Compliance Guidelines.

### 2.5. Reference Documents

NERC Antitrust Compliance Guidelines

WECC Delegation Agreement

### **3. Antitrust Compliance Reminder (EXTERNAL)**

#### **To Be Read Aloud or Included in Agenda of WECC Meetings Attended by Industry Competitors**

Because this event brings together market participants who may be viewed as actual or potential competitors, we must be mindful to conduct the event in a manner that is consistent with the antitrust and competition laws and in accordance with WECC's Antitrust Policy and the NERC Antitrust Compliance Guidelines. This meeting is public—Participants must not disclose confidential, proprietary, or competitively sensitive information in this open session.

Attendees must exercise independent judgment and avoid even the appearance of discussions of agreements or concerted actions that may be viewed as restraining competition. Any company decisions that are informed by your discussions today must be made independently.

This guidance is not intended as legal advice, and each attendee is responsible for seeking their own legal advice with respect to compliance with applicable antitrust and competition laws, but any questions on WECC's Policy may be directed to WECC's General Counsel.



## 4. Antitrust Compliance Reminder (ERO Internal Collaboration)

### To Be Read Aloud or Included in Agenda of NERC ERO Enterprise Meetings with or Between Regional Entities

NERC and the Regional Entities collaborate to ensure the ERO Enterprise works as one synchronous machine. However, because NERC and Regional Entities are separate organizations that may be deemed as actual or potential competitors, we must be mindful to conduct meetings together in a manner that is consistent with the antitrust and competition laws and the NERC Antitrust Compliance Guidelines and the antitrust policies/guidelines of their respective organizations. Participants should not disclose non-public, proprietary, or competitively sensitive information.

Attendees should exercise independent judgment and avoid even the appearance of discussions of agreements or concerted actions that may be viewed as restraining competition. As a general practice, information should be aggregated and anonymized and should only be shared as it informs each organization's independent decisions. To the extent information is shared, it should be done in a transparent way through the agenda of the pertinent collaboration group meeting and not more broadly than it is useful for that purpose. Finally, avoid discussions involving current or future employees or labor wages or hiring decisions, discussions on benefits and compensation; in any case, all such decisions should be made independently.

This guidance does not affect information sharing by each Regional Entity with NERC for NERC oversight purposes.

This guidance is not intended as legal advice, and each attendee is responsible for seeking their own legal advice with respect to compliance with applicable antitrust and competition laws, but any question on these matters may be directed to your organization's legal counsel.