



TO: NEPOOL Participants Committee Members and Alternates

FROM: NEPOOL Membership Subcommittee

DATE: September 10, 2021

SUBJECT: **ACTIONS OF THE NEPOOL MEMBERSHIP SUBCOMMITTEE**

This memorandum is notification that the NEPOOL Membership Subcommittee took the following actions at its meeting today:

1. New Member Applications Approved. Approved the application for membership in NEPOOL of each of the following Entities, subject to the following routine conditions: (i) that the applicant sign and return the Standard Membership Conditions, Waivers and Reminders acceptance letter; (ii) that the ISO and NEPOOL Counsel find the application complete; and (iii) that the applicant execute an Indemnification Agreement (requested effective date in parentheses):

- J.P. Morgan Ventures Energy Corp. (Oct 1, 2021) Supplier Sector
- Granite Apollo, LLC (Oct 1, 2021) AR Sector, RG Sub-Sector, Large Group Member
- Oxford Energy Center, LLC (Oct 1, 2021) Provisional Member

2. Recommendation Regarding Associate Non-Voting Participant (ANVP) Proposal. The Subcommittee recommended that the Participants Committee approve the ANVP proposal by (i) approving for balloting an agreement to amend the Second Restated NEPOOL Agreement to replace the definition of Fuels Industry Participant with a definition for Associate Non-Voting Participant; (ii) approving a resolution that, to effect an orderly transition, determines that each existing Fuels Industry Participant is an Associate Non-Voting Participant; and (iii) delegating to the Membership Subcommittee the determination that a gas industry participant or an energy sector trade association is an Associate Non-Voting Participant (retaining for itself such determination for Entities that are not either a gas industry participant or an energy sector trade association as defined in the ANVP Proposal). A copy of the ANVP proposal is attached to this notice of actions.

The Participants Committee (NPC) will be asked to take action on this recommendation at the October 7, 2021 NPC meeting. Additional information and background material will be circulated with the materials for that meeting.

Next *regularly*-scheduled Subcommittee meeting: **Tuesday, October 12, 2021 10:00 a.m**

Subcommittee Activity since Jan 1, 2021

Number of Meetings	New Member Applications	Terminations	Other Actions
11	27	16	2 <ul style="list-style-type: none"> • (NEPGA recommendation) • (Associate Non-Voting Participant Proposal recommendation)

2021 NEPOOL Membership Totals (as of September 10, 2021)

New Members	Terminations				Gen	TO	Supplier	POE	AR	End User	Other
28	16	Total Members	522		66	20	216	62	88	45	25
		Voting Members	288		12	5	136	59	24	38	14

- A. Delete definition of Fuels Industry Participant¹ and replace with the following definition of “Associate Non-Voting Participant”:

1.9A Associate Non-Voting Participant is a Participant that is determined by the Participants Committee or its designee to be an Associate Non-Voting Participant. Notwithstanding any other provision of this Agreement, an Associate Non-Voting Participant shall not have the right to join, or be or vote as a member of, a Sector. An Associate Non-Voting Participant, which is not a Related Person of another Participant, shall have the right however, to appoint to each Principal Committee a non-voting member, and an alternate to that member. Such a non-voting member and alternate shall have all of the rights of any other member of a Principal Committee except the right to vote or to serve as an officer of a Principal Committee.

- B. Participants Committee resolutions to be approved concurrently with the balloting of the Agreement to approve the changes in A. above:

1. Determination that each Fuels Industry Participant² is an Associate Non-Voting Participant.
2. Delegation of Authority to the Membership Subcommittee to determine an Applicant to be an Associate Non-Voting Participant if it is either:

¹ 1.28A Fuels Industry Participant is a Participant that either (i) meets all four of the following criteria: (a) the Participant is engaged in the production, gathering, processing, marketing, or transmission of natural gas for sale at wholesale or retail in one or more of the New England states; and (b) the Participant does not participate directly in the New England Markets; and (c) the Participant is not eligible to join or designate a voting member of a Sector (other than the End User Sector); and (d) the Participant elects to be treated as a Fuels Industry Participant before its membership application is approved by NEPOOL; or (ii) is determined by the Participants Committee to be a Fuels Industry Participant. Notwithstanding any other provision of this Agreement, a Fuels Industry Participant shall not have the right to join, or be or vote as a member of, a Sector. A Fuels Industry Participant, which is not a Related Person of another Participant, shall have the right however, to appoint to each Principal Committee a nonvoting member, and an alternate to that member. Such a non-voting member and alternate shall have all of the rights of any other member of a Principal Committee except the right to vote or to serve as an officer of a Principal Committee.

2 Current Fuels Industry Participants are:

gas industry participants

Algonquin Gas Transmission
Excelerate Energy
Repsol Energy North America

energy sector trade associations

Advanced Energy Economy (AEE)
American Petroleum Institute (API)
NEPGA

(i) a *gas industry participant* (i.e. an Entity that meets all four of the following criteria: (a) the Participant is engaged in the production, gathering, processing, marketing, or transmission of natural gas for sale at wholesale or retail in one or more of the New England states; and (b) the Participant does not participate directly in the New England Markets; and (c) the Participant is not eligible to join or designate a voting member of a Sector (other than the End User Sector); and (d) the Participant elects to be treated as an Associate Non-Voting Participant before its membership application is approved by NEPOOL); or

(ii) an *energy sector trade association* (i.e. an organization of Entities engaging in the storage, production, supply, transportation, or distribution of energy, organized to promote and improve business conditions in the energy sector and not to engage in a regular business of a kind ordinarily carried on for profit, and no part of the net earnings of which inures to the benefit of any of its members).

Applicants not meeting these definitions must, absent later delegation to the Membership Subcommittee, be determined by the Participants Committee to be an Associate Non-Voting Participant.