

Comments on Creditworthiness Draft #7 with Outcomes of May 15, 2003 Meeting

Section	Cmnt #	Comment	Commenter	Recommendation	Working Draft Status for 5/15/03	May 15, 2003 Action
0.0.0.0	1	NFGD proposes that rather than set specific timelines within the model business practices, that variables be provided (e.g. Creditor will respond within [x] days). This type of approach would permit utilities some flexibility to develop tables, for example, that identify values of [x] for different classes of customers. Such identification should be public and could provided within utility tariffs, operating manuals, etc...	National Fuel Gas Dist			Discussed at meeting, decided to keep most procedural time line for now. Will discuss timing issues at 6/19/03 Conf. Call
0.0.0.0	2	Model Business Practices requiring verification should utilize email as is envisioned in Proposed Creditworthiness Standards under development in NAESB's Wholesale Gas Quadrant. This is not meant to exclude the use of signatures or mail return receipts but more to make more effective use of time when limits are placed upon response time	National Fuel Gas Dist			Discussed - incorporated in 1.3.1.2, 1.3.3.13,(Does this need further discussion?)
0.0.0.0	3	NFGD also cautions against language that would (not?) permit a Creditor and Applicant to mutually agree to take another course of action. A general challenge of Model Business Practices development is balancing specificity with the need for latitude when appropriate. For example, the non-existence of a given document for an Applicant shouldn't automatically disqualify an Applicant when a substitute document may meet the needs of both parties. NFGD suggests that a new principle within the 1.1.1 Overall section addressing Mutual Agreement would be appropriate	National Fuel Gas Dist			Partially incorporated in new 1.3.3.2
0.0.0.0	4	Additionally, the Model Business Practices should defer to the Regulator when ever any element of a policy decision is present	National Fuel Gas Dist			Covered in 1.1.1.2
1.1.1.2	1	Change "Utility" to "Distribution Company"	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.1.1.2	5	1.1.1.2 The Utility should make public general information concerning the evaluation process and methodology for determining credit limits and risk exposure. Whether this information, as well as more detailed information, is reflected in the Utility's tariff or elsewhere is subject to determination by the Applicable Regulatory Authority	National Fuel Gas Dist			Covered in 1.1.1.2 with re-wording to applicable Governing Documents
1.2.1.1	74	Capitalize "Retail Access"	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.2.1.2	2	Delete second sentence, since covered by new MBP 1.3.1.2 which states "Either the Supplier or the Distribution Company may take on the role of Applicant or Creditor."	Reliant	Accept Change - Makes more sense as an MBP	Change Made in Working Draft	Change Red-lined in Working Draft Accepted

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1.2.1.5	3	Delete second sentence, since covered by new MBP 1.3.1.2 which states "Either the Supplier or the Distribution Company may take on the role of Applicant or Creditor."	Reliant	Accept Change - Makes more sense as an MBP	<i>Change Red-lined in Working Draft</i>	Accepted
1.2.1.6	4	Remove Glossary Subcommittee reference	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.2.1.7	5	Delete extra space in front of "to"	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.2.1.7	1	Remove extra space in front of "to"	Detroit Edison	Accept Change	Change Made in Working Draft	Accepted
1.2.1.9	6	Capitalize Supplier and Customer	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.2.3.2	7	Add "e.g." in parenthetical list)	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.2.3.3	8	Change "who" to "that", so it reads "The entity that guarantees..."	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.2.3.4	9	Lowercase on "guaranty" it's not a defined term.	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.2.4.2	75	Capitalize "Material Change"	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.2.4.4	10	Delete definition of Periodic Reconsideration since it doesn't appear in the document.	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.1.1	76	Capitalize "Customer:"	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.1.1	14	Fifth bullet: Punctuation change period to semi-colon	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.1.1	15	Sixth bullet: Punctuation change period to semi-colon and add the word "and"	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.1.1	16	Last paragraph: Change "such as:" to e.g.," and delete "or" in parenthetical statement.	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.1.1	11	First bullet: Change "when billing is consolidated" to "when Consolidated Billing is utilized."	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.1.1	12	Second bullet: Change it to read: "- Risks associated with the Supplier's purchase of distribution services on for resale to its customers under the Single Retailer Model."	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.1.1	13	Third bullet: Change it to read: "- Risks associated with the Distribution Company being the Default Provider that provides replacement energy when a Supplier defaults; and"	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Accepted with modification - spelled out duties instead of defining default provider

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1.3.1.2	17	Insert new Model Business Practice that reads: "1.3.1.2 Either the Supplier or the Distribution Company may take on the role of Applicant or Creditor."	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted - New 1.3.1.1
1.3.2.2	18	Change "Provider of Last Resort" to "Default Provider"	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.2.2	6	Insert "as practicable", so it reads: 1.3.2.2 The same criteria and methodology for calculating credit exposure should be used for all Applicants, as practicable, presenting a given risk, such as the risk associated with Consolidated Billing, Provider of Last Resort, etc.	National Fuel Gas Dist			Not changed
1.3.2.3	19	Delete comma.	Reliant	Accept Change	Change Made in Working Draft	Item re-worded and moved to 1.3.1.3
1.3.2.3	2	Remove space before the comma	Detroit Edison	Accept Change	Change Made in Working Draft	Accepted
1.3.2.3	3	Add "prior to making their application", so it reads: 1.3.2.3 The methodology for calculating credit exposure for various risks should be publicly available , so that Applicants have a general idea of the requirements prior to making their application.	Detroit Edison	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Accepted with modification - moved to 1.3.1.3
1.3.2.3	7	1.3.2.3 Examples of the methodology for calculating credit exposure for various risks should be available to the Applicant, so that Applicants have a general idea of the requirements	National Fuel Gas Dist			Accepted, put in 1.3.1.3 with re-wording
1.3.2.4	20	Change "how much" to "the amount of", so the sentence reads: "Determination of the amount of credit..."	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.2.5	22	Remove capitalization from "issues" in the headings for the bulleted lists.	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.2.5	24	Add punctuation: semi-colons etc. and the word "and" in the bulleted lists	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.2.5	21	Add "where applicable" so it reads: "1.3.2.5 Specific methodologies should be developed, where applicable, for each of the major types of risks that incorporate the dollar amount at risk and the period of time it remains at risk."	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.2.5	23	Add the word "For" to each of the sub-headings for the bulleted items.	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.3.1	25	Change "the same" to "a given"	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted

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1.3.3.1	26	Change "or Default Provider." to "or an entity acting as the Default Provider."	Reliant	Accept with Modification: Change to "...serving as the Default Provider."	<i>Change Red-lined in Working Draft</i>	Accepted with modification - spelled out duties instead of defining default provider
1.3.3.4	11	Delete reference to receipt, since covered by new Section 1.3.9 1.3.3.4 The Applicant should submit the Credit Application Form and supporting documents using a method that verifies that delivery took place	National Fuel Gas Dist			Accepted
1.3.3.5	27	Change "credit evaluation" to "creditworthiness evaluation" (also 1.3.3.6)	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	No change made
1.3.3.6	8	Remove extra spaces before "for" in first sentence and before "notice" in second sentence.	Detroit Edison	Accept Change	Change Made in Working Draft	Accepted
1.3.3.6	12	Replace specified timing with "X" (Tied to comment #1).	National Fuel Gas Dist			Discuss at 6/19 Conf Call
1.3.3.6	28	Change "may" to "should"	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.3.6	29	Change "credit evaluation" to "creditworthiness evaluation" (also 1.3.3.5)	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.3.8	30	Change "by" to "from"	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.3.9	31	First bullet: remove capitalization from "annual report"	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.3.9	32	Second bullet: punctuation so it reads: · Most recent SEC Form 10-K and 10-Q and any independent auditor's letter to management or, if SEC Form 10-K is unavailable, substitute audited annual financial information (including a balance sheet, income statement, cash flow statement with notes, and any independent auditor's letter to management); and"	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.3.9	33	Remove extra space in front of "that"	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.3.9	4	Remove extra spaces before "audited" in 2ndbullet point and before "that" in second bullet point.	Detroit Edison	Accept Change	Change Made in Working Draft	Accepted
1.3.4.1	15	Replace specified timing with "X" (Tied to comment #1).	National Fuel Gas Dist			Discuss at 6/19 Conf Call
1.3.4.1	42	Add the word "thirty" to the number "(30)".	Reliant	Accept Change	Change Made in Working Draft	Accepted

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1.3.4.2	43	Add: "within five (5) business days of receipt" so first sentence reads: The Creditor should respond to a timely Challenge within five (5) business days of receipt by providing..."	Reliant	Accept change--adds a needed time frame.	<i>Change Red-lined in Working Draft</i>	Discuss at 6/19 Conf Call
1.3.4.2	44	Second sentence: Move "with the Applicant" so it reads: "The Creditor should also review with the Applicant the data used as inputs..."	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.4.2	45	Add the word "ten" to the number "(10)" in the last sentence.	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.4.4	16	Replace specified timing with "X" (Tied to comment #1).	National Fuel Gas Dist			Discuss at 6/19 Conf Call
1.3.5.1	7	Number second paragraph under 1.3.5.1 as "1.3.5.2" and change subsequent "1.3.5" numbers.	Detroit Edison	Accept Change	Change Red-lined in Working Draft	Accepted
1.3.5.2	46	Remove the words "made in", so it reads: Requests for security...should be in writing..."	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.5.3	47	Change wording to read: "When a Creditor requests security or a deposit and the required security or deposit is not tendered within the period specified in the appropriate governing document (e.g., Billing Services Agreement), the Creditor may begin taking actions to reduce its exposure, including:"	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.5.3	48	Move "and/or" from the end of the second bullet point to the end of the third.	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.5.4	49	Re-word as follows: "When the Applicant is a Supplier and it can partially, but not fully, meet a request for security or deposit in the time period specified in the appropriate governing document, it can avoid disqualification by reducing the risk exposure it presents to the Distribution Company to an amount commensurate with the amount of security or deposit tendered."	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.6.0	19	NFGD recommends that Section 1.3.6 be replaced with one Model Business Practice modeled along the lines of that proposed in the Wholesale Gas Quadrant.	National Fuel Gas Dist			Discuss at 6/19 Conf Call
1.3.6.0	20	Move definitions of security instruments to Section 1.2 (Definitions)	National Fuel Gas Dist			Accepted - New 1.3.1.1
1.3.6.1	52	1.3.6.1.4: Explains process, but doesn't explain what a Letter of Guaranty is.	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Defined at meeting

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1.3.6.1	22	1.3.6.1 Creditors should offer the option of one or more of the following forms of secured credit to those Applicants who do not qualify for sufficient unsecured credit for the risks that they present to receive initial service or continue to receive service: (1) guarantee; (2) an irrevocable letter of credit; or (3) prepayment of service.	National Fuel Gas Dist			Accepted with modification - Bulleted list of Prior REQ items used
1.3.6.1	23	Add new paragraph after new 1.3.6.1 bullet points: Such credit option(s) should be acceptable to the Creditor, provided that the Creditor's acceptance should not be unreasonably withheld, and in accordance with standard industry practices. The Creditor and Applicant may mutually agree that the Applicant will provide other forms of credit options. In order for a guarantee or an irrevocable letter of credit to be accepted by the Creditor, the entity that provides such guarantee or letter of credit must be creditworthy in accordance with the Creditor's Governing Documents.	National Fuel Gas Dist			Accepted - Added after bulleted list
1.3.6.1	51	Capitalize "Guarantor"	Reliant	Accept Change	Change Made in Working Draft	Accepted - definition moved to 1.2.6.4
1.3.6.1	50	1.3.6.1.1 Remove the word "to" - to change "to secure" to "secure".	Reliant	Leave as is	No change in Working Draft	No change made
1.3.7.1	55	First bullet point: Need to decide on appropriate time period.	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Reworded to "Cure Period" (need definition)
1.3.7.1	8	First bullet: Did we decide on 5 days?	Detroit Edison	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Reworded to "Cure Period" (need definition)
1.3.7.1	53	Add comma after word "tariffs"	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.7.1	17	First Bullet: Replace specified timing with "X" (Tied to comment #1).	National Fuel Gas Dist			Discuss at 6/19 Conf Call
1.3.7.1	54	First bullet point: Close sentence with "...within five (5) days of receipt of written notice." (Should this be five "business days"?)	Reliant	Accept Change, if keep current content	<i>Change Red-lined in Working Draft</i>	Changed to "Cure Period"

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1.3.7.1	56	Fourth bullet point: Add "prior to the cure" at the end of sentence, so it reads: "Any applicable cured period ends prior to the cure."	Reliant	Leave as is, the third bullet point says payment hasn't been made.	<i>Change Red-lined in Working Draft</i>	Bullet deleted
1.3.7.2	18	Replace specified timing with "X" (Tied to comment #1).	National Fuel Gas Dist			Discuss at 6/19 Conf Call
1.3.7.3	57	Change "who" to "that" so it reads: "...Applicant (that is a Supplier)..."	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.8.1	58	Add "evaluation" to first sentence so it refers to the "creditworthiness evaluation process"	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.8.1	59	Add "should be" before "deemed confidential" so the phrase reads "...provided, should be deemed confidential, and ..."	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.8.2	60	Delete reference to Model Non-disclosure Agreement.	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.8.2		Change 1.3.8.2 to reflect tariffs or rules may already provide confidentiality. 1.3.8.2 When entering into the creditworthiness evaluation process, unless provided for with the Creditor's Governing Documents, the Applicant and the Creditor should execute a non-disclosure agreement. An example of a Non-disclosure Agreement is enclosed as Model 1.5.1.2	National Fuel Gas Dist			Accepted
1.3.8.3	62	Second bullet point: Re-word to: "- Cooperate with the Applicant in seeking a protective order or other appropriate remedy from the Applicable Regulatory Authority."	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.8.3	61	First bullet point: Capitalize "Notify"	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.9.0	8	NFGD recommends creation of a new section governing communication of information between parties. (Section 1.3.9 - SEE #9 and #10)	National Fuel Gas Dist			Added as 1.3.1.2
1.3.9.1	9	1.3.9.1 When notices, return-receipts or written communication are required, they may be delivered by overnight delivery, facsimile, or e-mail.	National Fuel Gas Dist			Delivery method still specified in MBP's

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1.3.9.2	10	1.3.9.2 The Applicant should provide the Creditor with the Internet E-mail address, fax number and mailing address of up to two authorized representatives who are designated to receive Creditworthiness communications. The Creditor should provide comparable information to the Applicant. The obligation of either party to provide notifications or for the Creditor to formally initiate the credit evaluation process is waived until the above requirement has been met. Both parties should manage internal distribution of communications that are received	National Fuel Gas Dist			Accepted - added as MBP 1.3.1.2
1.5.1.1	63	If we keep the diagram(s), I don't believe they should become 'model business practices'. They can be included in the 'standards book' as information. GISB has handled flow diagrams in this manner. An example can be found in the Business Process and Practices section of the WGQ Capacity Release standards book.	Reliant	Discuss at Meeting	<i>Need to discuss purpose/location of diagrams at meeting</i>	Not Discussed - Discuss at 6/19/03 Conf. Call
1.5.1.2	64	Change to read: "Model Non-Disclosure Agreement"	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.3.10	5	Remove extra space before "supporting"	Detroit Edison	Accept Change	Change Made in Working Draft	Accepted and re-worded
1.3.3.10	6	Remove extra space before "signing" in first bullet point	Detroit Edison	Accept Change	Change Made in Working Draft	Accepted
1.3.3.10	34	Change first sentence to read: "When the creditworthiness requirement is being met through a guarantee arrangement, the creditworthiness requirements that apply to the Applicant also apply to the Guarantor."	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Accepted with modification
1.3.3.10	35	Change second sentence to read: "In addition to submitting supporting financial documents, the Guarantor should also provide documentation of the guarantee arrangements, as applicable"	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Accepted with modification
1.3.3.10	36	Parental guarantee, second bullet: change "these" to "this" and add "for the Applicant" at end of sentence	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.3.10	37	Foreign Guarantor, second bullet: change "party" to "Guarantor"	Reliant	Accept Change	Change Made in Working Draft	Accepted
1.3.3.11	38	Change 30 days to 5 business days.	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Discuss at 6/19 Conf Call
1.3.3.11	13	Replace specified timing with "X" (Tied to comment #1).	National Fuel Gas Dist			Discuss at 6/19 Conf Call
1.3.3.12	14	Replace specified timing with "X" (Tied to comment #1).	National Fuel Gas Dist			Discuss at 6/19 Conf Call

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1.3.3.12	39	First sentence: Add "creditworthiness" so it reads: "The Creditor should provide the results of the creditworthiness evaluation..."	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.3.12	40	Second sentence: Change "may" to "should"	Reliant	Accept Change	<i>Change Red-lined in Working Draft</i>	Accepted
1.3.3.12	41	Third sentence: Delete the word "written"	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Accepted
NDA-1	65	Add language to first sentence in Paragraph One to make the application confidential as stated in MBP's: <i>(See red-line working draft)</i>	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Not Discussed - Discuss at 6/19/03 Conf. Call
NDA-11	73	Paragraph 11 (new 14), Add "(a)", so there is an "(a)" to go with the "(b)" that is already there. Paragraph will now start with "The agreement: (a) is the complete..."	Reliant	Accept Change	Change Made in Working Draft	Not Discussed - Discuss at 6/19/03 Conf. Call
NDA-2	66	Paragraph 2: Ad "or delivery" so the sentence closes with "...may enter into a written contract for the supply or delivery of electricity and/or gas."	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Not Discussed - Discuss at 6/19/03 Conf. Call
NDA-2	67	Add new paragraph as Paragraph 3: <i>(See red-line working draft)</i>	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Not Discussed - Discuss at 6/19/03 Conf. Call
NDA-3	69	Add new Paragraph 5 <i>(See red-line working draft)</i>	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Not Discussed - Discuss at 6/19/03 Conf. Call
NDA-3	68	Divide old paragraph 3 into new paragraphs 4 and 6: <i>(See red-line working draft)</i>	Reliant	Discuss at Meeting	Discuss at Meeting - Change shown in redline	Not Discussed - Discuss at 6/19/03 Conf. Call
NDA-4	70	Paragraph 4 (new 7): Fix number of sub-items and add the word "rightfully" on sub-item C (new C) so it reads: (c) "Was rightfully in Recipients possession free of any obligation of confidence at the time of Company's communication thereof to Recipient;"	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Not Discussed - Discuss at 6/19/03 Conf. Call
NDA-5	71	Paragraph 5 (new 8): Add " in the opinion of counsel for Recipient" to last sentence <i>(See red-line working draft)</i>	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Not Discussed - Discuss at 6/19/03 Conf. Call
NDA-5	72	Insert new paragraph 9 that discusses ownership of the confidential information.: <i>(See red-line working draft)</i>	Reliant	Discuss at Meeting	<i>Change Red-lined in Working Draft</i>	Not Discussed - Discuss at 6/19/03 Conf. Call