

Retail Minor Correction Recommendation

North American Energy Standards Board

**Request for Minor Correction/Clarification of a NAESB Business Practice Standard, Model
Business Practice or Electronic Transaction**

Instructions:

- 1. Please fill out as much of the requested information as possible. It is mandatory to provide a contact name, phone number and fax number to which questions can be directed. If you have an electronic mailing address, please make that available as well.**
- 2. Attach any information you believe is related to the request. The more complete your request is, the less time is required to review it.**
- 3. Once completed, send your request to:**
Rae McQuade
NAESB, Executive Director
1301 Fannin, Suite 2350
Houston, TX 77002

Phone: 713-356-0060
Fax: 713-356-0067

by either mail, fax, or to NAESB's email address, naesb@naesb.org

Once received, the request will be routed to the appropriate subcommittees for review.

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NAESB Correction/Clarification Procedure

Minor Clarifications and Corrections to Standards

Minor clarifications and corrections to existing standards include: (a) clarifications or corrections made by a regulatory agency to standards that are of a jurisdictional nature, or by the American National Standards Institute or its successor; (b) clarifications or corrections to the format, appearance, or descriptions of standards in standards documentation; (c) clarifications or corrections to add code values to tables; and (d) clarifications and corrections that do not materially change a standard. Any request for a minor clarification or correction to an existing standard should be submitted in writing to the executive director. This request shall include a description of the minor clarification or correction and the reason the clarification or correction should be implemented.

1. Processing of Requests

The executive director shall promptly notify the EC and any appropriate subcommittee(s) of the receipt of the request. The members of the applicable quadrant's EC shall promptly determine whether the request meets the definition of a minor clarification or correction. Through the decision of the vice chair of the applicable quadrant, this determination may be delegated to one of the quadrant's subcommittees, with the concurrence of the subcommittee chair, in which case the subcommittee shall make a prompt decision.

If the request is determined to meet the definition of minor clarification or correction, the applicable quadrant's EC, with input from any subcommittee(s) to which the request has been forwarded, shall act on the request within one month of its receipt. A meeting to discuss the request is not required; the decision may be made by notational vote. A simple majority of the votes received shall determine the outcome. The members of the applicable quadrant's EC shall be given at least three working days to consider and vote on the request.

2. Public Notice

The results of the vote on the request for a minor clarification or correction shall be posted on the NAESB website and the members of the applicable quadrant shall be notified of the request by e-mail. If the request has been approved by the applicable quadrant's EC, the notification shall include a brief description of the request, the contact name and number of the requester so that further information can be obtained, and the proposed effective date of the clarification or correction. The proposed effective date of the minor clarification or correction shall normally be one month from the date of the public notice. Any interested party shall have an opportunity to comment on the request, and the comments shall be posted on the NAESB website. The comment period is two weeks.

3. Final Disposition of Approved Requests

If no comments are received on an approved request, the standard shall be clarified or corrected as specified in the approved request on the effective date proposed. If comments are received, they shall be forwarded to the members of the applicable quadrant's EC for consideration. Each comment requires a public written response from the applicable quadrant's EC. The applicable quadrant's EC shall determine whether changes are necessary as a result of the comments. Members of the applicable quadrant's EC shall be given three working days to consider the comments and determine the outcome, which shall be decided by a simple majority of the votes received. A meeting to discuss the request is not required; the decision may be made by notational vote. The standard shall be clarified or corrected in accordance with the outcome of the vote, effective with the completion of voting, and notice thereof shall be posted on the NAESB website.

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Date of Request: 6 / 3 / 09

1. Submitting Entity & Address:

National Fuel Gas Distribution Corporation
6363 Main St
Williamsville, NY 14221

2. Contact Person, Phone #, Fax #, Electronic Mailing Address:

Name : Michael Novak
Title : Asst. General Manager
Phone : 716-857-7884
Fax : 716-857-7254
E-mail : novakm@natfuel.com

3. Version and Standard Number(s) suggested for correction or clarification:

NAESB RXQ 6.1 version 1.1 User Guide

4. Description of Minor Correction/Clarification including redlined standards corrections:

- 1) The Section reference within the answer to FAQ 2 refers to the incorrect exhibit number.

As used in the NAESB TPA, "EDI" is used in its broadest[1] interpretation and refers to any electronic (computer to computer) transfer of data between the trading partners. If necessary, Section ~~7-2~~ of the TPA Exhibit can be used to further define the term "EDI" as used by the trading partners.

- 2) The reference regarding confidential information within the answer to FAQ 3 refers to the incorrect exhibit number.

There is no conflict. Section 3.4 was written conservatively by requiring the parties to itemize the information that they desire to be treated as confidential. The trading partners do this by itemizing the confidential data items in Section ~~4-4~~ of the TPA Exhibit.

- 3) The references to Sections within the answer to FAQ 4 refer to the incorrect exhibit numbers. Further, one referenced Section is now in the TPW.

Sections ~~4-2 and 5~~ of the TPA Exhibit facilitates customizing the TPA to any jurisdiction or accommodating any special needs the trading partners have. ~~Section 4 of The~~

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Transaction Set Information table within the ~~Exhibit~~ TPW is a template where the specific transactions used by the parties can be listed within the table. Section ~~5-2~~ of the TPA Exhibit can be used to reference datasets or transactions mandated for use in a specific jurisdiction.

4) FAQ 5 references a Section that is no longer included in the TPA or TPW.

5. In previous versions of the TPA, ~~Section 2 of the an~~ Exhibit ~~provides~~ provided for identification of Special Allocation Costs. What are these costs and where can they be included in the current version of the TPA?

This ~~is~~ was a general section where the parties may agree as to the cost recovery for any costs associated with transactions governed by the TPA. For example, in some jurisdictions, VAN fees are assessed when a party is unable to utilize the internet on a temporary basis. Section 2 of the TPA Exhibit can be used to accomplish the same result as the section in previous versions of the Exhibit.

5) In FAQ 7, the reference to Exhibit should be clarified so as not to be confused with current sections of the TPW that were formerly referred to as Exhibits.

The TPW ~~Exhibit~~ provides an exhaustive template for filling in the needed implementation details. These TPW details, along with any special instructions/additional specifications within the free form text line items in the TPA Exhibit ~~to~~ completely describe the trading partner's specific intentions.

6) The Section reference within the answer to FAQ 8 refers to the incorrect exhibit number.

The drafters of the NAESB TPA presumed that other Governing Documents, such as a master agreement between the trading partners or specific rules within a given jurisdiction, would dictate a dispute resolution procedure. If needed, dispute resolution language or a reference to a state's dispute resolution procedures could be added to Section ~~7-2~~ of the TPA Exhibit.

7) The Section reference within the answer to FAQ 9 refers to the incorrect exhibit number.

The TPA is designed to address the transfer of information between trading partners and not any back-office systems issues including, but not limited to, data back-up. This, however, does not preclude two mutually agreeing parties from adding special terms and conditions addressing data back-up in Section ~~7-2~~ of the TPA Exhibit.

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- 8) The Section reference within the answer to FAQ 10 refers to the incorrect exhibit number.

The interpretation of course of dealing and course of performance varies from jurisdiction to jurisdiction. It would be difficult to agree on standard language to be included in a section covering this topic. However, this does not preclude two parties from adding such language in jurisdictions where it may be required or desired. This may require reviewing language in Sections 4.3 and 4.10 to determine if any modifications are necessary to address language that might be interpreted to preclude the addition of course of dealing and course of performance language. Following this review, parties can then agree to modify or supplement the language in Sections 4.3 or 4.10 by placing appropriate language in Section 7-2 of the TPA Exhibit.

- 9) The answer for FAQ 15 references the WGO Standard No. 6.3.3 but does not reference RXQ 6.1

15. Why is there a Trading Partner Agreement and a Trading Partner Worksheet?

The original Trading Partner Agreement (TPA) has been separated with the intent of dividing the legal language from the technical specifications (contained in the original TPA Exhibit). The revised TPA contains legal language and a revised Exhibit. The revised Exhibit contains only the non-technical portions of the original Exhibit. The technical portions of the original Exhibit have been incorporated into the Trading Partner Worksheet (TPW).

Industry and overall technical experience indicate that while the legal language/arrangements remain the same, many of the technical details change over the course of time. Separation of these documents provides trading partner(s) the ability to administer changes independently of one another. For example, a trading partner's technical manager or staff may administer changes to the TPW while a legal department may administer changes to the TPA. The TPA and TPW are still considered NAESB ~~WGO Standard No. 6.3.3~~ RXQ Model Business Practice No. 6.1 and collectively indicate the entire understanding between the trading partners regarding EDI.

5. Reason for of Minor Correction/Clarification:

Accuracy & Completeness