**Title 18 Code of Federal Regulations**

**§ 366.2 Commission access to books**

**and records.**

(a) *In general.* Unless otherwise exempted

by Commission rule or order,

each holding company and each associate

company thereof shall maintain,

and shall make available to the Commission,

such books, accounts, memoranda,

and other records as the Commission

determines are relevant to

costs incurred by a public utility or

natural gas company that is an associate

company of such holding company

and necessary or appropriate for

the protection of utility customers

with respect to jurisdictional rates.

However, for purposes of this subchapter,

no provision in the subchapter

shall apply to or be deemed to include:

(1) The United States;

(2) A state or political subdivision of

a state;

(3) Any foreign governmental authority

not operating in the United States;

(4) Any agency, authority, or instrumentality

of any entity referred to in

paragraphs (a)(1), (2), or (3) of this section;

or

(5) Any officer, agent, or employee of

any entity referred to in paragraphs

(a)(1), (2), (3), or (4) of this section as

such in the course of his or her official

duty.

(b) *Affiliate companies.* Unless otherwise

exempted by Commission rule or

order, each affiliate of a holding company

or of any subsidiary company of a

holding company shall maintain, and

shall make available to the Commission,

such books, accounts, memoranda,

and other records with respect

to any transaction with another affiliate,

as the Commission determines are

relevant to costs incurred by a public

utility or natural gas company that is

an associate company of such holding

company and necessary or appropriate

for the protection of utility customers

with respect to jurisdictional rates.

(c) *Holding company systems.* The

Commission may examine the books,

accounts, memoranda, and other

records of any company in a holding

company system, or any affiliate thereof,

as the Commission determines are

relevant to costs incurred by a public

utility or natural gas company within

such holding company system and necessary

or appropriate for the protection

of utility customers with respect

to jurisdictional rates.

(d) *E-Tag Authors and Balancing Authorities.*

E-Tag Authors and Balancing

Authorities must take appropriate

steps to ensure Commission view-only

access to complete electronic tags (e-

Tags), or any successor to e-Tags, used

to schedule the transmission of electric

power in wholesale markets, by designating

the Commission as an addressee

on the e-Tags. E-Tag Authors must include

the Commission on the list of entities

with view-only rights to the e-

Tags. Balancing Authorities located

within the United States must validate

the inclusion of the Commission on the

e-Tag before those e-Tags are electronically

delivered to an address specified

by the Commission. The complete

e-Tag data to be made available under

this section shall consist of:

(1) e-Tags for interchange transactions

scheduled to flow into, out of

or within the United States’ portion of

the Eastern or Western Interconnections,

or into the Electric Reliability

Council of Texas from the United

States’ portion of the Eastern or Western

Interconnection; or from the Electric

Reliability Council of Texas into

the United States’ portion of the Eastern

or Western Interconnection; and

(2) Information on every aspect of the

e-Tag, including all applicable e-Tag

IDs, transaction types, market segments,

physical segments, profile sets,

transmission reservations, and energy

schedules. In addition, e-Tag Authors

and Balancing Authorities must also

make available, upon request to the e-

Tag Authors and Balancing Authorities,

access to the complete e-Tags, or

any successor to e-Tags, used to schedule

the transmission of electric power

in wholesale markets, to Regional

Transmission Organizations, Independent

System Operators, and their

Market Monitoring Units, on an ongoing

basis, subject to appropriate confidentiality

restrictions.

(e) *Confidentiality.* No member, officer,

or employee of the Commission

shall divulge any fact or information

that may come to his or her knowledge

during the course of examination of

books, accounts, memoranda, or other

records as provided in this section, except

as may be directed by the Commission

or by a court of competent jurisdiction.

[Order 667–A, 71 FR 28457, May 16, 2006, as

amended by Order 771, 77 FR 76379, Dec. 28,

2012]