

## **Cost Sharing Provisions for TOA-AC and TOA-AC Working Groups**

### **Intent:**

*Make cost sharing provisions universal for all TOA-AC actions requiring the services of attorneys and/or consultants, or other related purposes, to include all Working Groups authorized by the TOA-AC subject to Section C.4 provisions (2/3s per capita majority as detailed in the Section 205 Working Group Charter).*

### **Clarify that an exclusion from paying costs of attorneys and/or consultants by an Eligible TO shall require the following:**

1. At the time the applicable vote to enlist attorneys and/or consultants is taken by the Eligible TOs of the TOA-AC or a TOA-AC Working Group, any Eligible TO objecting to the direction/action under consideration by that vote of the Eligible TOs must indicate their opposition by voting “No”. Absence during the taking of the vote, or abstaining from the vote, does not constitute opposition for this purpose, and will not exempt that Eligible TO from its share of the costs for attorneys and/or consultants. An Eligible TO that is absent during the taking of the vote will be permitted to register a vote via email up to three (3) business days after the date of the initial vote.
2. At the time the applicable vote to enlist attorneys and/or consultants is taken by the Eligible TOs, any Eligible TO objecting to or declining participating in the direction/action under consideration by the Eligible TOs and the subsequent cost sharing of such direction/action, must indicate that said Eligible TO is itself either an opposing party, the complainant, or will be filing in opposition to the “2/3s per capita majority” position being taken by the Eligible TOs. Upon this notification, the objecting TO will no longer be included in attorney client consultation and related communications on the action undertaken by the Eligible TOs.
3. Not later than five (5) business days after the vote is taken, a letter is received by the Chair of the TOA-AC and/or the Chair of the respective Working Group stating the objection of the eligible TO desiring to be excluded from the direction/action of the Eligible TOs and the subsequent cost sharing that said Eligible TO does not wish to participate in or be billed for the services contracted for by the Eligible TOs.

## Cost Sharing Provisions for TOA-AC and TOA-AC Working Groups

### **Additional Considerations:**

4. Any Eligible TO that is also the complainant in a proceeding will not be required to participate in the cost sharing approved by the Eligible TOs and will be exempt from all communications/meetings/reviews of the effort so approved.
5. Revise the section requiring the filing be prepared in whole or in part prior to the vote by the Eligible TOs to indicate the vote to be taken requires an understanding by the Eligible TOs of the direction/action to be taken and that the vote is to determine whether the Eligible TOs shall approve such direction/action and participate in subsequent cost sharing.
6. New Transmission Owners that have not executed the CTOA and are not part of the TOA-AC at the time of the vote to approve the enlistment of attorneys/consultants for a specific action shall not bear any part of the costs of any proceeding underway except where the new or incoming Transmission Owner indicates a desire to participate moving forward in the action underway, has their intent to participate approved by a majority vote of the Eligible TOs, and agrees to the cost sharing as detailed by the TOA-AC Voting Tool percentages.