

Agenda Critical Infrastructure Protection Committee

March 17, 2010 | 1 p.m. – 5 p.m.
March 18, 2010 | 8 a.m. – noon
Phoenix Convention Center
100 N. 3rd Street
Phoenix, Arizona

Administrative Matters

Antitrust Compliance Guidelines

Consent Agenda -- Approve

1. **Approval Minutes** 30 min
 - [December 9, 2009 Meeting](#)

Regular Agenda

2. CIPC Executive Committee Report – Barry Lawson 30 min
 - a. Board of Trustees Highlights – Barry Lawson
 - b. Electricity Sector Coordinating Council and PCIS Update – Barry Lawson
 - c. Washington, D.C. Update – Barry Lawson

3. NERC / ES-ISAC Updates – Michael Assante 120 min
 - a. FERC Order 706B Update – Michael Assante
 - b. Technical Feasibility Exception (TFE) Process – Michael Assante
 - c. ESSG Activity – Michael Assante
 - d. Department of Homeland Security Advisory System (HSAS) Update – Michael Assante
 - e. HILF Update – Michael Assante / Robert McClanahan/David Baumken/Kelly Ziegler
 - f. FERC Order 706 Drafting Team Update – Scott Mix
 - g. Results-Based Standards Update – Michael Assante
 - h. Aurora Advisory Update – Michael Assante
 - i. NERC Organizational Changes – Michael Assante
 - j. ESCC Charter Update – Michael Assante

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| k. | National Security Information Exchange Model & Standards – Michael Assante | |
| 4. | CIPC Organization Issues and Creation of WG/TFs for Security Guideline Work – Barry Lawson | 60 min |
| 5. | Control System Security Working Group – Mark Engels | 15 min |
| a. | Security guideline work | |
| 6. | Briefing Feedback Overview (on classified briefing in Atlanta) – Barry Lawson | 30 min |
| 7. | Standards Drafting Team CIP 001 – Bob Canada | 30 min |
| a. | Provide updates on activities | |
| 8. | Legislative update on Cyber security -- David Batz | 30 min |
| 9. | Recent BPS Incidents – Scott Mix | 10 min |
| 10. | Risk Assessment Working Group – Greg Fraser | 30 min |
| a. | Update on industry comments received on CCA guideline | |
| b. | Schedule and next steps for bringing CCA guideline back to CIPC for final vote | |

Agency Reports 20 min

11. Department of Homeland Security
12. Department of Energy
13. Public Safety Canada / Royal Canadian Mounted Police
14. Federal Energy Regulatory Commission

Closing 5 min

15. Follow-up Items and Future Actions – Barry Lawson
16. 2010 Future Meetings – Scott Mix
 - June 16–17, 2010 (Vancouver, British Columbia)
 - September 15–16, 2010 (Denver, CO)
 - December 8–9, 2010 (Tampa, FL)

* Background material included

Antitrust Compliance Guidelines

I. General

It is NERC's policy and practice to obey the antitrust laws and to avoid all conduct that unreasonably restrains competition. This policy requires the avoidance of any conduct that violates, or that might appear to violate, the antitrust laws. Among other things, the antitrust laws forbid any agreement between or among competitors regarding prices, availability of service, product design, terms of sale, division of markets, allocation of customers or any other activity that unreasonably restrains competition.

It is the responsibility of every NERC participant and employee who may in any way affect NERC's compliance with the antitrust laws to carry out this commitment.

Antitrust laws are complex and subject to court interpretation that can vary over time and from one court to another. The purpose of these guidelines is to alert NERC participants and employees to potential antitrust problems and to set forth policies to be followed with respect to activities that may involve antitrust considerations. In some instances, the NERC policy contained in these guidelines is stricter than the applicable antitrust laws. Any NERC participant or employee who is uncertain about the legal ramifications of a particular course of conduct or who has doubts or concerns about whether NERC's antitrust compliance policy is implicated in any situation should consult NERC's General Counsel immediately.

II. Prohibited Activities

Participants in NERC activities (including those of its committees and subgroups) should refrain from the following when acting in their capacity as participants in NERC activities (e.g., at NERC meetings, conference calls and in informal discussions):

- Discussions involving pricing information, especially margin (profit) and internal cost information and participants' expectations as to their future prices or internal costs.
- Discussions of a participant's marketing strategies.
- Discussions regarding how customers and geographical areas are to be divided among competitors.

- Discussions concerning the exclusion of competitors from markets.
- Discussions concerning boycotting or group refusals to deal with competitors, vendors or suppliers.
- Any other matters that do not clearly fall within these guidelines should be reviewed with NERC's General Counsel before being discussed.

III. Activities That Are Permitted

From time to time decisions or actions of NERC (including those of its committees and subgroups) may have a negative impact on particular entities and thus in that sense adversely impact competition. Decisions and actions by NERC (including its committees and subgroups) should only be undertaken for the purpose of promoting and maintaining the reliability and adequacy of the bulk power system. If you do not have a legitimate purpose consistent with this objective for discussing a matter, please refrain from discussing the matter during NERC meetings and in other NERC-related communications.

You should also ensure that NERC procedures, including those set forth in NERC's Certificate of Incorporation, Bylaws, and Rules of Procedure are followed in conducting NERC business.

In addition, all discussions in NERC meetings and other NERC-related communications should be within the scope of the mandate for or assignment to the particular NERC committee or subgroup, as well as within the scope of the published agenda for the meeting.

No decisions should be made nor any actions taken in NERC activities for the purpose of giving an industry participant or group of participants a competitive advantage over other participants. In particular, decisions with respect to setting, revising, or assessing compliance with NERC reliability standards should not be influenced by anti-competitive motivations.

Subject to the foregoing restrictions, participants in NERC activities may discuss:

- Reliability matters relating to the bulk power system, including operation and planning matters such as establishing or revising reliability standards, special operating procedures, operating transfer capabilities, and plans for new facilities.
- Matters relating to the impact of reliability standards for the bulk power system on electricity markets, and the impact of electricity market operations on the reliability of the bulk power system.
- Proposed filings or other communications with state or federal regulatory authorities or other governmental entities.
- Matters relating to the internal governance, management and operation of NERC, such as nominations for vacant committee positions, budgeting and assessments, and employment matters; and procedural matters such as planning and scheduling meetings.