

**Project 2009-23: Interpretation of CIP-004-2 for the U.S. Army Corps of Engineers
 Consideration of Comments for Initial Ballot (December 1–14, 2009)**

Summary Consideration:

Four predominant concerns were raised about the interpretation. First, many who submitted comments had concerns about documents required for identity verification for persons living outside the United States and Canada. The drafting team considered these comments and referred to government documents in the United States and Canada that are used to provide identity verification upon employment. The team then modified the interpretation to reference these documents. Second, some entities stated that only the Social Security Number should be used as identification in the United States. The drafting team believed the wording in the requirement was not restrictive to the Social Security Number. Third, some entities were concerned with the guidance provided by the team concerning “local agency check.” The drafting team considered these comments and referred to the U.S. Government Information Security Oversight Office Web site, which provided a definition of this term. The drafting team modified the response based on this definition. Finally, some entities were concerned with the requirement of recurring identity verifications (every seven years). The drafting team understands the concerns but felt the wording of the standard left no other options available. The team suggested that if a voter wished to pursue changing the requirement, he or she would need to submit a standards authorization request (SAR).

Based on the comments received, the drafting team modified the response to questions 1 and 3. This revised interpretation will be posted for a second pre-ballot review and subsequent initial ballot.

If you feel that the drafting team overlooked your comments, please let us know immediately. Our goal is to give every comment serious consideration in this process. If you feel there has been an error or omission, you can contact the Vice President and Director of Standards, Gerry Adamski, at 609-452-8060 or at gerry.adamski@nerc.net. In addition, there is a NERC Reliability Standards Appeals Process.¹

Voter	Entity	Segment	Vote	Comment
Henry Ernst-Jr	Duke Energy Carolina	3	Affirmative	“We agree with the Interpretation, but the responses to Questions #1 and #3 should be expanded to specifically address and clarify the identity verification and background check requirements for persons living in countries other than the United States and Canada. For example, an equipment manufacturer or contractor may be located in another country, but require access to our critical cyber assets in order to perform work for us.”
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about identity verification for persons outside the United States and Canada. For this reason, the response has been modified to include “a current passport, driver’s license, or identification (ID) card issued by a state or province or outlying possession of the United States; a Permanent Resident Card or Alien Registration Receipt Card; U.S., Mexican, or Canadian military ID card; or Native American tribal document or Certificate of Indian Status.” The team believed these were the documents likely to be used by such individuals, and this information could then be used to perform the “seven year criminal check.”</p>				

¹ The appeals process is in the Reliability Standards Development Procedure: http://www.nerc.com/files/RSDP_V6_1_12Mar07.pdf.

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Douglas E. Hils	Duke Energy Carolina	1	Affirmative	Duke Energy agrees with the Interpretation, but believes the responses to Questions #1 and #3 should be expanded to specifically address and clarify the identity verification and background check requirements for persons living in countries other than the United States and Canada. For example, an equipment manufacturer or contractor may be located in another country, but require access to our critical cyber assets in order to perform work for us.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about identity verification for persons outside the United States and Canada. For this reason, the response has been modified to include “a current passport, driver’s license, or identification (ID) card issued by a state or province or outlying possession of the United States; a Permanent Resident Card or Alien Registration Receipt Card; U.S., Mexican, or Canadian military ID card; or Native American tribal document or Certificate of Indian Status.” The team believed these were the documents likely to be used by such individuals, and this information could then be used to perform the “seven year criminal check.”</p>				
Russell A Noble	Cowlitz County PUD	3	Affirmative	It is appropriate to address the gap of not requiring a national background check. However, due to the obstacle of the lack of a true comprehensive national database, a full national background check would require a state by state search; this would be cost prohibitive. An acceptable compromise might be to require a good faith attempt to check all states and foreign jurisdictions where the individual is known to have resided at.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the gap of not requiring a national database search. The response has been modified to define “local agency check” as “a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration.” This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check. There are services that can perform background checks that can cover national and international scopes.</p>				
Chuck B Manning	Electric Reliability Council of Texas, Inc.	2	Affirmative	Regarding Question #3, ERCOT is concerned with the use of information from local agencies. These agencies typically maintain arrest records which seem to expand the scope of the “seven year criminal check”. The use of national databases and services will capture the information regarding pertinent criminal convictions. Regarding Question #1, ERCOT provides the following comment. This is one of those situations where the SDT is making processes more complicated than necessary and creating redundant work. Recommend that SDT take action to “simplify the paperwork”. This can and should be simplified. All employers are required to obtain a completed Form I-9, Employment Eligibility Verification to ensure that citizens and noncitizens are authorized to work in the US. This form is published by the Department of Homeland Security. Would this not be sufficient documentation rather than requiring additional documentation to what DHS already requires? Please see http://www.uscis.gov/files/form/i-9.pdf for details.

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<p>Response: Thank you for your comments. The drafting team acknowledges your concern about identity verification. For this reason, the response has been modified to include “a current passport, driver's license, or identification (ID) card issued by a state or province or outlying possession of the United States; a Permanent Resident Card or Alien Registration Receipt Card; U.S., Mexican, or Canadian military ID card; or Native American tribal document or Certificate of Indian Status.” This standard applies to all persons that are granted unescorted access, whether or not they are an employee of an entity. An entity may not have an I-9 form for a non-employee. The drafting team further acknowledges your concern about using information from local agencies. The response has been modified to define “local agency check” as “a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration.” This definition is based on the definition provided by the U.S. Government Information Security Oversight Office.</p>				
Mike Blough	Kissimmee Utility Authority	5	Affirmative	The only thing that doesn't make sense is to re-verify identity. If the person has worked for you for 7 years how is his identity going to change. Also they make no clarification about where to check if the individual is from overseas and has not resided in the country for at least 7 years. I have had issues with this when interviewing for new technicians.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about recurring identity verifications. Since the standard is silent on the issue of subsequent personnel risk assessments, the minimum requirements for all personnel risk assessments must apply. If the wording of the standard needs to be updated, a SAR must be initiated to change the standard.</p>				
Robert Smith	Duke Energy	5	Affirmative	We agree with the Interpretation, but the responses to Questions #1 and #3 should be expanded to specifically address and clarify the identity verification and background check requirements for persons living in countries other than the United States and Canada. For example, an equipment manufacturer or contractor may be located in another country, but require access to our critical cyber assets in order to perform work for us.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about identity verification for persons outside the United States and Canada. For this reason, the response has been modified to include “a current passport, driver's license, or identification (ID) card issued by a state or province or outlying possession of the United States; a Permanent Resident Card or Alien Registration Receipt Card; U.S., Mexican, or Canadian military ID card; or Native American tribal document or Certificate of Indian Status.” The team believed these were the documents likely to be used by such individuals, and this information could then be used to perform the “seven year criminal check.”</p>				
David Frank Ronk	Consumers Energy	4	Affirmative	While we support the interpretation additional clarification can be provided to "place of residence" used in response to item 3. Additionally the interpretation might want to clarify that a criminal record check only needs to be made through the local state's State Police system.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define “local agency check” as “a criminal history records check covering all locations where, during the period covered by the</p>				

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<p>(re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration.” This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.</p>				
Jacquie Smith	ReliabilityFirst Corporation	10	Negative	<p>“Requirement R3.1 is intended to verify the identity of an individual, not at the time the individual presents himself/herself at a work site but, instead, as part of the screening process of the individual. The identity verification should be coupled with the seven year criminal check as part of the Personnel Risk Assessment. While Social Security numbers can be falsified, it is easier to falsify other forms of identification such as a drivers license and therefore, only the Social Security Number verification should be used for this in the U.S.”</p>
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about documents used for identity verification. The interpretation drafting team had discussions surrounding this issue. The requirement uses the term “e.g.”, which by definition is “for example.” It is not prescriptive as the only acceptable document for identity verification. In addition, a risk assessment may need to be performed on individuals that do not have a Social Security Number. For this reason, the response has been modified to include “a current passport, driver’s license, or identification (ID) card issued by a state or province or outlying possession of the United States; a Permanent Resident Card or Alien Registration Receipt Card; U.S., Mexican, or Canadian military ID card; or Native American tribal document or Certificate of Indian Status.” If the wording of the standard needs to be updated to require only a Social Security Number verification, a SAR must be initiated to change the standard.</p>				
Dan R Schoenecker	Midwest Reliability Organization	10	Negative	<p>1. For the SDT response to question 1, we would caution the SDT for the use of an example that may be interpreted as the only means of compliance, & 2. For the SDT response to question 3, while we understand the local background check issue, a national background check should be acceptable to fulfill the requirements of a 7 year criminal background check.</p>
<p>Response: Thank you for your comments. The drafting team acknowledges your concern about documents used for identity verification. The interpretation drafting team had discussions surrounding this issue. The requirement uses the term “e.g.”, which by definition is “for example.” It is not prescriptive as the only acceptable document for identity verification. In addition, a risk assessment may need to be performed on individuals that do not have a Social Security Number. For this reason, the response has been modified to “a current passport, driver’s license, or identification (ID) card issued by a state or province or outlying possession of the United States; a Permanent Resident Card or Alien Registration Receipt Card; U.S., Mexican, or Canadian military ID card; or Native American tribal document or Certificate of Indian Status.” The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define “local agency check” as “a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration.” This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.</p>				
Larry Monday	E.ON U.S. LLC	1	Negative	<p>The interpretation appears to assume candidates have resided in the US or other countries</p>

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				where obtaining local criminal background checks is practical.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.</p>				
Robert Solomon	Hoosier Energy Rural Electric Cooperative, Inc.	1	Negative	An identity check using a state issued driver's license doesn't verify identity, it verifies that the picture on the license is that of the driver. It does not verify that the name on the license is the actual name of the person presenting the license. There may have been many demonstrations of the manufacture of fake driver's licenses. A fake license with a fake name will generate no criminal history and the fake person would then be granted access. While this interpretation makes it easy to do an identity verification that meets the Standard, it is not an adequate means of identity verification.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about documents used for identity verification. The interpretation drafting team had discussions surrounding this issue. The requirement uses the term "e.g.", which by definition is "for example." It is not prescriptive as the only acceptable document for identity verification. In addition, a risk assessment may need to be performed on individuals that do not have a Social Security Number. For this reason, the response has been modified to include "a current passport, driver's license, or identification (ID) card issued by a state or province or outlying possession of the United States; a Permanent Resident Card or Alien Registration Receipt Card; U.S., Mexican, or Canadian military ID card; or Native American tribal document or Certificate of Indian Status." If the wording of the standard needs to be updated to require only a Social Security Number verification, a SAR must be initiated to change the standard.</p>				
William L. Thompson	Dominion Virginia Power	1	Negative	Dominion is compelled to vote against this interpretation because we feel the SDT unduly narrowed the sources that can be used to provide information necessary for the criminal check. The requirement, as written, is not so prescriptive as to define whether an entity must use local, state or federal sources. The interpretation appears to have limited these sources to local police and sheriff's departments. A result of this is the exclusion of the courts, which we often use as a source of information. It is our experience that 'local' law enforcement often cannot or will not provide the necessary information or that the information is incomplete. While we would prefer that the interpretation refrain from prescribing which sources an entity might use, we could support an interpretation modified as follows: "The drafting team acknowledges that the requirement does not define "seven year criminal check." The team interprets that due to the nature of cyber and unescorted physical access to critical facilities, the risk assessment must encompass a broad examination of an individual's record. Therefore, at least a "local check" (normally

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				understood to be through the courts, OR city police department, county sheriff's department, or the state police) for every place of work and place of residence for the past seven years should be performed."
Jalal (John) Babik	Dominion Resources, Inc.	3	Negative	Dominion is compelled to vote against this interpretation because we feel the SDT unduly narrowed the sources that can be used to provide information necessary for the criminal check. The requirement, as written, is not so prescriptive as to define whether an entity must use local, state or federal sources. The interpretation appears to have limited these sources to local police and sheriff's departments. A result of this is the exclusion of the courts, which we often use as a source of information. It is our experience that 'local' law enforcement often cannot or will not provide the necessary information or that the information is incomplete. While we would prefer that the interpretation refrain from prescribing which sources an entity might use, we could support an interpretation modified as follows: "The drafting team acknowledges that the requirement does not define "seven year criminal check." The team interprets that due to the nature of cyber and unescorted physical access to critical facilities, the risk assessment must encompass a broad examination of an individual's record. Therefore, at least a "local check" (normally understood to be through the courts, OR city police department, county sheriff's department, or the state police) for every place of work and place of residence for the past seven years should be performed."
Mike Garton	Dominion Resources, Inc.	5	Negative	Dominion is compelled to vote against this interpretation because we feel the SDT unduly narrowed the sources that can be used to provide information necessary for the criminal check. The requirement, as written, is not so prescriptive as to define whether an entity must use local, state or federal sources. The interpretation appears to have limited these sources to local police and sheriff's departments. A result of this is the exclusion of the courts, which we often use as a source of information. It is our experience that 'local' law enforcement often cannot or will not provide the necessary information or that the information is incomplete. While we would prefer that the interpretation refrain from prescribing which sources an entity might use, we could support an interpretation modified as follows: "The drafting team acknowledges that the requirement does not define "seven year criminal check." The team interprets that due to the nature of cyber and unescorted physical access to critical facilities, the risk assessment must encompass a broad examination of an individual's record. Therefore, at least a "local check" (normally understood to be through the courts, OR city police department, county sheriff's department, or the state police) for every place of work and place of residence for the past

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				seven years should be performed."
Louis S Slade	Dominion Resources, Inc.	6	Negative	Dominion is compelled to vote against this interpretation because we feel the SDT unduly narrowed the sources that can be used to provide information necessary for the criminal check. The requirement, as written, is not so prescriptive as to define whether an entity must use local, state or federal sources. The interpretation appears to have limited these sources to local police and sheriff's departments. A result of this is the exclusion of the courts, which we often use as a source of information. It is our experience that 'local' law enforcement often cannot or will not provide the necessary information or that the information is incomplete. While we would prefer that the interpretation refrain from prescribing which sources an entity might use, we could support an interpretation modified as follows: "The drafting team acknowledges that the requirement does not define "seven year criminal check." The team interprets that due to the nature of cyber and unescorted physical access to critical facilities, the risk assessment must encompass a broad examination of an individual's record. Therefore, at least a "local check" (normally understood to be through the courts, OR city police department, county sheriff's department, or the state police) for every place of work and place of residence for the past seven years should be performed."

Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.

Daniel Duff	Liberty Electric Power LLC	5	Negative	I disagree with the interpretation on the point of checking ID for continuously employed personnel. The text of R3.2 reads "Entity shall update", not "Entity shall perform an assessment". The "update" is not defined. In my opinion, the average reader would construe "update" to mean change any important details, and reasonably could include a background check. However, requiring a business to re-confirm the identity of a long-term employee with continuous service goes beyond a reasonable reading of "update". Further, it degrades respect for the standards themselves, by requiring needless activities which take valuable time away from efforts to improve the reliability of the bulk electric system.
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Response: Thank you for your comment. The drafting team acknowledges your concern about recurring identity verifications. Since the standard is silent on the issue of subsequent personnel risk assessments, the minimum requirements for all personnel risk assessments must apply. If the wording of the standard needs to be updated, a SAR must be initiated to change the standard.

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Kent Kujala	Detroit Edison Company	3	Negative	I disagree with the statement on background checks, "at least a "local agency check" (normally understood to be through the city police department, county sheriff's department, or the state police) for every place of work and place of residence for the past seven years should be performed." If a prospective employee is nefarious he is unlikely to report all " work locations and places of residence." As an employer there is no way to easily determine these facts to ensure compliance to this requirement.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. If there is concern that a person may be "nefarious," then there might be a problem with granting that individual unescorted access to critical cyber assets.</p>				
Daniel Herring	Detroit Edison Company	4	Negative	If a prospective employee is nefarious he is unlikely to report all " work locations and places of residence." As an employer there is no way to easily determine these facts to ensure compliance to this requirement.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office.</p>				
Kenneth Goldsmith	Alliant Energy Corp. Services, Inc.	4	Negative	In Question #3, we believe that requiring a local agency check of every county where an employee worked over a 7-year period is not reasonable. We believe the words "place of work" need to be removed from the interpretation.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.</p>				
John Bos	Muscatine Power & Water	3	Negative	In the response to question #3, the interpretation states "a local agency check of every place of work and every place of residence should be performed." I agree with the part about a local agency check of every place of residence. However, when the term "every place of work" is used, there is a great deal of vagueness brought in to this portion of the interpretation. An individual can be assigned to work by their employer in many separate

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				places in the world. I would have expected to see language to reflect a local agency check of every employer instead of "every place of work."
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.</p>				
Terry Volkmann	Volkmann Consulting, Inc.	8	Negative	It is unreasonable for contractors to obtain criminal checks in all places of work in the last seven years. A minimum time at the location should be establish to consider the location in a crminal check.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.</p>				
Nicholas Lauriat	Network & Security Technologies	8	Negative	Perhaps inadvertently, this interpretation changes the standards. By listing specific requirements in response to question #3 ("at least a "local agency check"... for place of work and place of residence") the drafting team has changed the standard. If that's the reliability standard that they want to enforce, it should be written in the standards, not mandated through an interpretation.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.</p>				
Anthony Jankowski	Wisconsin Energy Corp.	4	Negative	Premise The questioner asks whether verifying an individual's SSN number is the only acceptable means of proving identity and whether verification of a passport, birth certificate or some kind of photographic identification is also acceptable. The questioner misunderstands the term identity verification as used in CIP 004 R3.1. Background The term identity verification refers to a process in the personnel risk assessment (PRA). It does not mean examination of a tangible document. The process of identity verification discovers other identities under which an individual may have been known. This is an important step

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				<p>in the PRA since an individual may have been known by a variety of names due to marriage, divorce or due to last name hyphenation. In addition, the individual may have been previously known under another name but legally changed a foreign-sounding name to a more common name. The individual may have chosen a different name due to a new religious affiliation or used a pen-name as an author. An individual may even be on file with several misspelled variations of their true name. Finally, some individuals will create an identity or assume the identity of another to avoid prosecution for crimes or to elude deportation due to immigration violations. To properly investigate these other potential identities, an entity commonly hires an investigative agency specializing in this kind of work. Upon the entity's request for a PRA, and as part of routine processing, the investigative agency submits to one of the major credit reporting agencies a request for non-financial data connected with the name and SSN of the applicant. The reply from the credit reporting agency will provide all names and addresses ever associated with the SSN. Individuals wrongly using another's SSN or using an SSN that does not exist are also discovered by the investigative agency when querying the credit reporting agency. (This collection of data is possible since the SSN is required to be disclosed in so many transactions and contracts. For instance, the SSN is required when an individual applies for a credit card, a car loan, a mortgage, a student loan, an apartment lease, etc. Even utilities obtain a customer's SSN during the customer's application for service so the entity can inform the credit reporting agencies if the customer falls into arrears. Again, this connects a SSN with a name and address.) Through all of the non-criminal name variations an individual may have, the SSN remains constant as an identifier. Consequently, researching an individual's identity by SSN reveals these other names and additional addresses, yielding a more comprehensive search for any criminal conviction record. This is what is meant and accomplished by identity verification using the SSN in the context of CIP 004 R3.1. While not explicitly required anywhere in CIP 004 or the other standards, an entity should ensure that the individual standing at the door seeking approval for unescorted access is who he claims to be. That is commonly done by personally inspecting a government-issued photo ID card. This inspection must occur before granting unescorted access to a PSP. It can occur when an applicant for unescorted access presents himself to commence processing or when the individual is photographed prior to issuance of a key card. However, this best-practice measure is not the same as identity verification as specified in CIP 004, R3.1. Conclusion With respect to question #1, the response is not consistent with the context and intent of CIP 004 R3.1 and should be referred back to the drafting team for review. With respect to question #2 and #3, the responses are correct.</p>

Response: Thank you for your comment. The drafting team acknowledges your concern about documents used for identity verification. The interpretation drafting team had discussions surrounding this issue. The requirement uses the term "e.g.", which by definition is "for example." It is not prescriptive as the

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<p>only acceptable document for identity verification. In addition, a risk assessment may need to be performed on individuals that do not have a Social Security Number. For this reason, the response has been modified to include “a current passport, driver’s license, or identification (ID) card issued by a state or province or outlying possession of the United States; a Permanent Resident Card or Alien Registration Receipt Card; U.S., Mexican, or Canadian military ID card; or Native American tribal document or Certificate of Indian Status.” This does not preclude the use of a Social Security Number for use in identity verification. If the wording of the standard needs to be updated to require only a Social Security Number verification, a SAR must be initiated to change the standard.</p>				
Lee Schuster	Florida Power Corporation	3	Negative	<p>Progress intends to vote Negative on this interpretation because we disagree with the last sentence of Response to Question #3, for two reasons. First, Progress does not agree with the parenthetical statement which attempts to define “local agency check” as “normally understood to be through the city police department, county sheriff’s department, or the state police”. Progress agrees that a local database check is preferable to a national database. However, while NERC probably did not intend to be overly specific or exclude other interpretations of “local agency check”, we are concerned that due to differences in how different states collect criminal records, utilizing the city police department, county sheriff’s department, or the state police could result in a less comprehensive database compared to other local databases. Therefore, Progress would recommend deleting the parenthetical statement in the Response to Question #3, or simply refer to “local or state” repository. Second, Progress does not agree that a criminal check should be performed for “every place of work”. Many utilities employ short-term contract labor, such as for plant outage work, where workers might frequently travel and might have been employed at dozens or even hundreds of “places of work” over the previous 7 years. Therefore, it is simply infeasible, too costly, and unproductive to attempt to determine a check of every place of work for the past 7 years. At a minimum, doing so would require the worker to actually be able to remember where he/she worked for the last 7 years, and the investigator would have no way to validate or confirm if the worker was purposely leaving off a place of work where a criminal activity might have taken place. Therefore, Progress recommends that the last sentence of Response to Question #3 be changed to read: “Therefore, a best effort investigation to include a local or state check for every place of residence for the past seven years (or until the age of 18) should be performed.”</p>
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define “local agency check” as “a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration.” This definition is based on the definition provided by the U.S. Government Information Security Oversight Office.</p>				
Sam Waters	Progress Energy Carolinas	3	Negative	<p>Progress intends to vote Negative on this interpretation because we disagree with the last sentence of Response to Question #3, for two reasons. First, Progress does not agree with the parenthetical statement which attempts to define “local agency check” as “normally</p>

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				<p>understood to be through the city police department, county sheriff’s department, or the state police”. Progress agrees that a local database check is preferable to a national database. However, while NERC probably did not intend to be overly specific or exclude other interpretations of “local agency check”, we are concerned that due to differences in how different states collect criminal records, utilizing the city police department, county sheriff’s department, or the state police could result in a less comprehensive database compared to other local databases. Therefore, Progress would recommend deleting the parenthetical statement in the Response to Question #3, or simply refer to “local or state” repository. Second, Progress does not agree that a criminal check should be performed for “every place of work”. Many utilities employ short-term contract labor, such as for plant outage work, where workers might frequently travel and might have been employed at dozens or even hundreds of “places of work” over the previous 7 years. Therefore, it is simply infeasible, too costly, and unproductive to attempt to determine a check of every place of work for the past 7 years. At a minimum, doing so would require the worker to actually be able to remember where he/she worked for the last 7 years, and the investigator would have no way to validate or confirm if the worker was purposely leaving off a place of work where a criminal activity might have taken place. Therefore, Progress recommends that the last sentence of Response to Question #3 be changed to read: “Therefore, a best effort investigation to include a local or state check for every place of residence for the past seven years (or until the age of 18) should be performed.”</p>

Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define “local agency check” as “a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration.” This definition is based on the definition provided by the U.S. Government Information Security Oversight Office.

Catherine Koch	Puget Sound Energy, Inc.	1	Negative	<p>PSE agrees with the interpretation response to questions 1 and 2, but does not believe the response to question 3 is appropriate for the following reasons: 1) currently the state and local level do not provide non-public information to non-governmental organizations and there is no legal requirement to do so as they are not bound by the NERC Reliability Standards and 2) the public information retrievable at the national level provides an adequate understanding for the individuals character and risk to an organization. Non-public information may be provided by an individual as part of a pre-employment questionnaire which in those instances the concerns can be reviewed further if necessary.</p>
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Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define “local agency check” as “a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration.”

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<p>This definition is based on the definition provided by the U.S. Government Information Security Oversight Office.</p>				
<p>Jeffrey Mueller</p>	<p>Public Service Electric and Gas Co.</p>	<p>3</p>	<p>Negative</p>	<p>PSE&G does not agree with the requirement that those with unescorted physical or cyber access must have documented background checks for all places of work and residence for the last 7 years (Response #3). While PSE&G does agree that background checks can provide a good layer of a robust security program, the interpretation that background checks be conducted for places of work may be impossible to ensure compliance. Many associates, particularly contractors and consultants, may be assigned various locations per year. The interpretation does not define how long a person has to be at a location to qualify as a place of work. Some associates may be on site for a one week assignment. Under the current interpretation, this would require that locations for every assignment, regardless of duration, be investigated. Entities will be required to know every place of work, and work location for every assignment for the last seven years. This places an expectation on the entity to interview those with unescorted physical or cyber access and collect information about all work locations, and conduct the necessary checks. If the potential associate simply forgets one work location in the last seven years, he will cause the entity to be in non compliance.</p>
<p>Thomas Piascik</p>	<p>PSEG Power LLC</p>	<p>5</p>	<p>Negative</p>	<p>PSE&G does not agree with the requirement that those with unescorted physical or cyber access must have documented background checks for all places of work and residence for the last 7 years (Response #3). While PSE&G does agree that background checks can provide a good layer of a robust security program, the interpretation that background checks be conducted for places of work may be impossible to ensure compliance. Many associates, particularly contractors and consultants, may be assigned various locations per year. The interpretation does not define how long a person has to be at a location to qualify as a place of work. Some associates may be on site for a one week assignment. Under the current interpretation, this would require that locations for every assignment, regardless of duration, be investigated. Entities will be required to know every place of work, and work location for every assignment for the last seven years. This places an expectation on the entity to interview those with unescorted physical or cyber access and collect information about all work locations, and conduct the necessary checks. If the potential associate simply forgets one work location in the last seven years, he will cause the entity to be in non compliance</p>
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration."</p>				

Voter	Entity	Segment	Vote	Comment
<p>This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.</p>				
James D. Hebson	PSEG Energy Resources & Trade LLC	6	Negative	<p>PSEG does not agree with the requirement that those with unescorted physical or cyber access must have documented background checks for all places of work and residence for the last 7 years (response #3). While PSEG does agree that background checks can provide a good layer of a robust security program, the interpretation that background checks be conducted for places of work may be impossible to ensure compliance. The interpretation does not define how long a person has to be at a location to qualify as a place of work. Some associates may be on site for a one week assignment. Under the current interpretation, this would require that locations for every assignment, regardless of duration, be investigated. Entities will be required to know every place of work, and work location for every assignment for the last 7 years. This places an expectation on the entity to interview those with unescorted physical or cyber access and collect information about all work locations, and conduct the necessary checks. If the potential associate simply forgets one work location in the last seven years, he will cause the entity to be in non-compliance. whole</p>
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.</p>				
Jason Shaver	American Transmission Company, LLC	1	Negative	<p>Question 3: ATC does not agree with the interpretation to question 3. Specifically we do not believe that the requirement requires Responsible Entities to perform a local check for every place of work and place of residence. We believe that the requirement allows each Responsible Entity to define their Personnel Risk Assessment with respect to the inclusion of either or both place of work and place of residence. The NERC Board of Trustees have provided feedback on the interpretation process and it our understanding of their discussion that an interpretation can only clarify the words of a requirement and can not place new obligation into the requirement. By stating that "...at least a "local agency check" for every place of work and place of residence for the past seven years should be performed" is at odds with the NERC BOT discussion around the proper use of the interpretation process and expands the Requirement's obligations. If the SDT disagrees with our position then we request that they provide specific language from Requirement 3 which states that the local agency check is needed for every place of work and place of residence. ATC offers the following suggestion for this question: The requirement does not define "seven year criminal</p>

Voter	Entity	Segment	Vote	Comment
				<p>check”, so it is up to each entity to cover this within their documented Personnel Risk Assessment. Due to the nature of cyber and unescorted physical access to critical facilities, the risk assessment should encompass a broad examination of an individual’s record. The requirement does not specifically identify the performance of a “local agency check” and therefore language imposing this type of check should be dropped. If folks believe that this should be requirement, then we believe that they should submit a SAR to make the change. Question 1: We believe that the second paragraph for question 1 should be modified and offer the following suggestion. “The requirement’s acknowledgment of a “Social Security Number” is to provide an example for compliance with Requirement 3.1 but it is not intended to be taken as the only way to show compliance. In addition the example does not set the obligation in which an alternative method has to obtain in order to satisfy compliance. The intent of identity verification is to ensure positive verification of an individual’s identity and that the risk assessment is performed on the same person who is being granted cyber or unescorted physical access. Each Responsible Entity is required to have a documented personnel risk assessment (R1) program that ensures each individual is positively identified.” ATC offers this suggestion because we believe that the interpretation establishes the obligation to use a social security number or an alternate document equal to the social security number. Our modification provides a more accurate interpretation of the requirement in question.</p>
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define “local agency check” as “a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration.” This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check. The drafting team acknowledges your concern about documents used for identity verification. The interpretation drafting team had discussions surrounding this issue. The requirement uses the term “e.g.”, which by definition is “for example.” It is not prescriptive as the only acceptable document for identity verification. In addition, a risk assessment may need to be performed on individuals that do not have a Social Security Number. For this reason, the response has been modified to include “a current passport, driver’s license, or identification (ID) card issued by a state or province or outlying possession of the United States; a Permanent Resident Card or Alien Registration Receipt Card; U.S., Mexican, or Canadian military ID card; or Native American tribal document or Certificate of Indian Status.”</p>				
Dana Cabbell	Southern California Edison Co.	1	Negative	<p>SCE votes no on Q3. A seven-year criminal check should be as comprehensive as possible and thus the check should be run against a national database. Although some local agencies might be able to provide the required detail, others may be underinclusive in their reporting. Accordingly, SCE believes that NERC should compel a single, uniform approach that would require these checks be conducted by national agencies, running checks on national databases. Such an approach would limit the potential for confusion and inconsistent</p>

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				application, and thus best serve the purpose of this standard.
David Schiada	Southern California Edison Co.	3	Negative	SCE votes no on Q3. A seven-year criminal check should be as comprehensive as possible and thus the check should be run against a national database. Although some local agencies might be able to provide the required detail, others may be underinclusive in their reporting. Accordingly, SCE believes that NERC should compel a single, uniform approach that would require these checks be conducted by national agencies, running checks on national databases. Such an approach would limit the potential for confusion and inconsistent application, and thus best serve the purpose of this standard.
Marcus V Lotto	Southern California Edison Co.	6	Negative	SCE votes no on Q3. A seven-year criminal check should be as comprehensive as possible and thus the check should be run against a national database. Although some local agencies might be able to provide the required detail, others may be underinclusive in their reporting. Accordingly, SCE believes that NERC should compel a single, uniform approach that would require these checks be conducted by national agencies, running checks on national databases. Such an approach would limit the potential for confusion and inconsistent application, and thus best serve the purpose of this standard.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.</p>				
Charles A. Freibert	Louisville Gas and Electric Co.	3	Negative	The interpretation appears to assume candidates have resided in the US or other countries where obtaining local criminal background checks is practical.
Daryn Barker	Louisville Gas and Electric Co.	6	Negative	The interpretation appears to assume candidates have resided in the US or other countries where obtaining local criminal background checks is practical.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check. If this criterion cannot be met for any particular individual, then one would question whether that individual should have unescorted access to critical cyber assets.</p>				

Voter	Entity	Segment	Vote	Comment
Kenneth D. Brown	Public Service Electric and Gas Co.	1	Negative	The PSEG Companies do not agree with the requirement that those with unescorted physical or cyber access must have documented background checks for all places of work and residence for the last 7 years (Response #3). While the PSEG Companies do agree that background checks can provide a good layer of a robust security program, the interpretation that background checks be conducted for places of work may be impossible to ensure compliance. Many associates, particularly contractors and consultants, may be assigned various locations per year. The interpretation does not define how long a person has to be at a location to qualify as a place of work. Some associates may be on site for a one week assignment. Under the current interpretation, this would require that locations for every assignment, regardless of duration, be investigated. Entities will be required to know every place of work, and work location for every assignment for the last seven years. This places an expectation on the entity to interview those with unescorted physical or cyber access and collect information about all work locations, and conduct the necessary checks. If the potential associate simply forgets one work location in the last seven years, he will cause the entity to be in non compliance.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.</p>				
Tony Kroskey	Brazos Electric Power Cooperative, Inc.	1	Negative	The Question #3 response uses the word "broad examination" which is not well defined. The wording of the interpretation should be clarified.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the use of the term "broad examination" in the response to question 3. While this term remains in the interpretation, the response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office.</p>				
Joseph G. DePoorter	Madison Gas and Electric Co.	4	Negative	The response to question #3 is unjust. "Therefore, at least a "local agency check" (normally understood to be through the city police department, county sheriff's department, or the state police) for every place of work and place of residence for the past seven years should be performed". A National Agency Check (NAC) is available and the SDT should review this

Voter	Entity	Segment	Vote	Comment
				process (and Canadian processes) as it is already inplace and used by the US Government. Examples of agencies checked are the FBI and the Defense Central Index of Investigation.
<p>Response Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.</p>				
Louise McCarren	Western Electricity Coordinating Council	10	Negative	The responses to questions 1 and 2 add clarity. However, the response to question 3 leads to more questions. Local police agencies do not always perform background checks for private companies. Background checks are often referred to the State Police for the entire state. It seems the intent of the response is that checks should include information from local agencies. Many times third party organizations are utilized for background checks. Please consider the following suggested language as a better response to question 3. "A background check should be performed by either appropriate local, state, or federal agencies or a third party company that includes information from local, state, and federal agencies for every place of work and place of residence for the past several years."
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.</p>				
Martin Bauer	U.S. Bureau of Reclamation	5	Negative	The SDT has indicated that with regard to the seven year criminal background "The team interprets that due to the nature of cyber and unescorted physical access to critical facilities, the risk assessment must encompass a broad examination of an individual's record. Therefore, at least a "local agency check" (normally understood to be through the city police department, county sheriff's department, or the state police) for every place of work and place of residence for the past seven years should be performed." Unless there is a criminal reason / investigation, a local law enforcement entity cannot perform a "local agency check." In addition, many entities, including Reclamation are doing the criminal check (as defined in the standard - which says nothing about a "local agency check") through a third party of some sort. Based on this interpretation, these third party checks may not be in compliance.

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<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.</p>				
Allen Klassen	Westar Energy	1	Negative	The wording used in the Response to question #3, "... for every place of work and place of residence for the past seven years ..." could add significantly to the complexity of a risk assessment versus meeting the Requirement by reviewing seven years worth of history.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.</p>				
Jason L Marshall	Midwest ISO, Inc.	2	Negative	This interpretation appears to set the bar higher for the requirement than many in industry may have understood it. As written, the requirement is that a responsible entity must include in their personnel risk assessment to conduct a seven year criminal background check and to actually conduct the check. Since a seven year criminal background check is not a NERC defined term, one could conclude that the responsible entity may define what constitutes their seven year background check in their personnel risk assessment program. The interpretation establishes a minimum for what constitutes a seven year criminal background check and could be seen as defining the term. It is our understanding that new definitions to the NERC Glossary of Terms requires a Standards Authorization Request. We would support such a SAR and encourage the drafting team to submit one to strengthen the standard. To the extent that the interpretation can set the bar higher without causing retroactive compliance violations, we could support the standard.
<p>Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check.</p>				

Voter	Entity	Segment	Vote	Comment
Kirit S. Shah	Ameren Services	1	Negative	We do not agree with the response to question 1 that a driver's license should be used as an alternative to Social Security Number verification. A driver's license can be to easily forged. We do not agree with the response to question 3 that a "local agency check" should include checking an individual's record for every place of work and place of residence for the past seven years. Checking an individual's place of business or residence for the past seven years should be sufficient.
Mark Peters	Ameren Services	3	Negative	We do not agree with the response to question 1 that a driver's license should be used as an alternative to Social Security Number verification. A driver's license can be to easily forged. We do not agree with the response to question 3 that a "local agency check" should include checking an individual's record for every place of work and place of residence for the past seven years. Checking an individual's place of business or residence for the past seven years should be sufficient.

Response: Thank you for your comment. The drafting team acknowledges your concern about the clarification required in the response to question 3. The response has been modified to define "local agency check" as "a criminal history records check covering all locations where, during the period covered by the (re)investigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration." This definition is based on the definition provided by the U.S. Government Information Security Oversight Office. This is intended to set the minimum threshold for a seven year criminal check. The drafting team acknowledges your concern about documents used for identity verification. The interpretation drafting team had discussions surrounding this issue. The requirement uses the term "e.g.", which by definition is "for example." It is not prescriptive as the only acceptable document for identity verification. In addition, a risk assessment may need to be performed on individuals that do not have a Social Security Number. For this reason, the response has been modified to include "a current passport, driver's license, or identification (ID) card issued by a state or province or outlying possession of the United States; a Permanent Resident Card or Alien Registration Receipt Card; U.S., Mexican, or Canadian military ID card; or Native American tribal document or Certificate of Indian Status."