

Consideration of Comments on Initial Ballot — Violation Severity Levels for the BAL set of Standards (Project 2007-23)

Summary Consideration:

The VSL DT appreciates the industry feedback regarding the BAL standard VSLs. The following are highlights of stakeholder input and the VSL DT response to each item.

VSL Consistency with Requirements: The proposed set of VSLs represents a reasonable and consistent approach to assigning severity for a non-compliant condition. The VSL DT also recognizes that, as demonstrated by comments received, additional improvements are needed. Any additional VSL improvements are best made in concurrence with revising the language of the requirements. The VSL DT concludes that many of the comments received were related to the clarity of the requirement or the lack of clear measures within the standard, and not the VSL itself. VSLs replace the Levels of Non-compliance and are used, along with VRFs, as a starting point, in determining sanctions for violation of requirements. (The ERO Sanction Guidelines lists several factors that are used to make adjustments to this “starting point”.) The VSL DT cannot make revisions to requirements within the scope of this project. Therefore we would expect that additional improvements to the VSLs will occur as current and future standard drafting teams make revisions to the standards, including requirements, measures and compliance elements. All NERC Standards are slated for review in the course of the Standards Development Work Plan established by NERC. We encourage all stakeholders to participate in the standard development process.

Risk versus Severity: Some confusion remains related to the differences between Violation Risk Factors (VRFs) and Violation Severity Levels (VSL). VRFs are used to assess the risk to the bulk electric system if a requirement is not met and VSLs are used in classifying and identifying the degree or level by which the entity has failed to satisfy a requirement and are referenced after a determination has been made that an entity’s performance is non-compliant. For example, some commented that, for certain VSLs, the violation of the requirement does not have a “direct impact on reliability” and therefore the commenter did not agree with the VSL assignment. This type of feedback is really questioning the appropriateness of the VRF assignment which is out of scope for the VSL DT work.

Binary: In accordance with FERC Guideline 2, to provide consistency in the VSL assignments for binary requirements, the VSL DT revised the VSLs for some requirements to assign binary VSLs at the Severe category level. Such change is consistent with the Commission’s June 24, 2009 VSL order related to binary VSL assignments and will provide consistency and uniformity in the assignment of penalties for violations of binary requirements.

Balloting: Several comments stated that the VSLs for each standard should have been balloted individually instead of in the current sets. While the team can understand this concern we identified the administrative burden that balloting individually would cause in following FERC’s Order to establish VSLs for the original 83 approved NERC standards. The VSL DT determined early in our project that working through “sets” of VSLs would allow for consistency across the sets and help reduce the administrative load on stakeholders.

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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
Michael Gammon	Kansas City Power & Light Co.	1	Affirmative	Although do not agree with the Severe only VSL for requirements that are administrative, the elimination of the double jeopardy VSL's is a vast improvement.
Charles Locke		3		
Thomas Saitta		6		
<p>Response: The VSL DT appreciates your comments. Such change is consistent with the Commission's June 24, 2009 VSL order related to binary VSL assignments and will ensure consistency and uniformity in the assignment of penalties for violations of binary requirements.</p>				
Dana Cabbell	Southern California Edison Co.	1	Affirmative	<p>Although we understand that Project 2007-23 arose from the June 2007 order in which FERC directed NERC to replace the former "Levels of Non-Compliance" in certain reliability standards with "Violation Severity Levels," we strongly agree with the NERC Board of Trustees recent direction to the NERC Standards Committee that the NERC Reliability Standards Development Procedure should be modified to require that Violation Risk Factors and Violation Severity Levels be developed at the same time and by the same drafting team that drafts the underlying reliability standard. We have the following recommendations that we would like you to consider:</p> <p>1. Concern: There appears to be an inconsistent gradation between reliability standards involving duration-based requirements. Many requirements in the various reliability standards require specific action prior to a defined elapsed time. The VSLs for all reliability standards appear to have inconsistencies when the requirement specifies an action within a defined elapsed time. Recommendation: We recommend enhancing the</p>
Marcus V Lotto		6		

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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				<p>guideline(s) for VSL development to follow specific criteria for assigning severity level based on elapsed time. The VSLs may be based on some ratio/multiple of the original time stated in the requirement. For example, if a requirement specifies that an action be performed within 30 days, the VSL gradations might use 30 day increments: Lower - Action was performed within 31-60 days Moderate - Action was performed within 61-90 days High - An action was performed within 91-120 days Severe - Either action was not performed or it was performed >120 days.</p> <p>2. Concern: There appears to be an inconsistency in the use of “binary” VSLs as opposed to “graded” VSLs. Because the decision as to whether a requirement is binary in nature is left to the various VSL drafting teams, it appears to be inconsistently applied. Some requirements that appear amenable to a graded approach have VSLs that are “binary” in nature. Recommendation: We recommend that the development of VSLs occur in conjunction with the development/revision of the respective standard. If the VSLs are developed in conjunction with the requirements, the requirements can be revised as needed to ensure compliance can be measured using the appropriate level. Additionally, we recommend more prescriptive guidance to VSL drafting teams surrounding the use of “binary” VSLs.</p> <p>3. Concern: There appears to be an inconsistent use of the “roll up” approach to assigning VSLs. Although the roll-up approach may be beneficial to avoid double jeopardy in some cases, it cannot be utilized in all instances of requirements containing sub-requirements. Since the decision to roll-up is left to the discretion of the various VSL drafting teams, it creates potential inconsistencies. Recommendation: We recommend that the development of VSLs occur in conjunction with the development/revision of the respective reliability standard. If the VSLs are developed in conjunction with the requirements, the requirements can be revised as needed to ensure compliance can be measured using the appropriate level.</p> <p>4. Concern: There appears to be an inconsistent application of percentages in VSLs (i.e. 5% increments in some, but not all). Recommendation: We recommend that the guidelines for development of VSLs include the standardization of percentages, much like the quartiles in the existing VSL Development Guidelines Criteria. Additionally, the development of the VSLs should occur in conjunction with the development/revision of the respective reliability standards. If the VSLs are developed in conjunction with the requirements, the requirements can be revised as needed to ensure compliance can be</p>

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				measured using the appropriate level/gradation.
<p>Response: The VSL DT appreciates your comments. The VSL DT understands your concerns. In accordance with Guideline 3, the VSL assignment(s) are consistent with the requirement. The VSL DT was unable to modify the requirement language but encourages you to contact current and future drafting teams to review and modify as necessary.</p> <p>The drafting team did aim for consistency in proposing VSLs for standards with timing elements. The drafting team could not identify a single time delay that was applicable for all requirements. For some requirements, the intent of the requirement may be mostly met with a time delay that was a full 30 days beyond the original due date (meeting the criteria for a Lower VSL) , while for another requirement a time delay of 5 days beyond the original due date may have met the criteria for a Lower VSL. The VSL DT decided to determine a reasonable time delay for the “Lower” VSL and then increment by 10 calendar days for the Moderate, High and Severe VSLs.</p> <p>The drafting team made a good faith effort to minimize the number of requirements treated as “binary” and invited stakeholders, during the public comment period, to propose alternatives with multiple VSLs, and the team was responsive to the suggestions provided resulting in changing several “binary” VSLs.</p> <p>The “roll up” approach was used in instances where the requirement and its subrequirements, have a single reliability-related purpose. In situations where the requirement’s subrequirements identify different reliability-related purposes, then the VSL DT proposed an individual set of VSLs for each subrequirement. As these standards are revised, we expect that subrequirements that address a different reliability-related purpose from their primary requirement will be revised so that these subrequirements become primary requirements with their own VRF and VSLs.</p> <p>FERC did not endorse the use of the quartile approach and in the set of VSLs that FERC directed us to modify, where percentages were used, the percentage thresholds were 5%, 10%, 15%, and greater than 15%. The drafting team adopted these thresholds for most of its VSLs – there were some VSLs that have different percentages that were justifiable either because they match historical levels of noncompliance or because application of the 5%, 10%, 15% thresholds didn’t result in a set of VSLs that met NERC’s criteria for Lower, Moderate, High and Severe VSLs.</p>				
Larry Akens Frank D Cuzzort	Tennessee Valley Authority	1 5	Negative	<p>BAL-001 R1 “Disturbance” is not well defined. In the NERC glossary it can mean any perturbation to the electric system. For this to be enforceable, the VSL needs to be more detailed or the NERC glossary definition needs to be revised.</p> <p>BAL-003, R2 The low VSL is not correct because by R5 the BA’s determination of its fixed frequency bias can be 1% of estimated load if supplying native load or 1% of maximum generation if not. The lower VSL as stated would imply that a BA using a bias as required by R5 would be in violation.</p> <p>BAL-003, R3 Not operating AGC to Tie Line Frequency Bias should not be a severe VSL. Perhaps moderate or high. For example if a BA was operating only to tie line bias, the frequency bias obligation is usually very small, especially during normal operations when frequency is near or equal to 60 hertz.</p>

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				<p>BAL-003, R5 I suggest this move from severe to moderate or high VSL. Again the error to the ACE equation would only come from the frequency bias obligation which is normally small and should not have a “severe” impact to the reliability of the interconnection.</p> <p>BAL-004 R1 This is not a requirement but a statement. If this is a severe VSL the only “responsible entity” that could be affected is the NERC Operating Committee. I recommend this VSL be removed.</p> <p>BAL-004, R2 The proposed severe VSL is problematic in that after reviewing the NAESB business practice, WEQBPS-004-000 it is not clear that corrective actions orders are so defined other than the thresholds of when time error should be initiated and when time error should be terminated. Secondly, the designated Time Error Monitor for the interconnection could be held in violation and this would discourage those who might accept the role as Time Monitors. Initiating time error, especially for fast time correction, can actually reduce the reliability of the interconnection by making it more prone to frequency deviations greater than 50 Hz. I suggest this VSL be revisited and moved to lower or moderate.</p> <p>BAL-003 R3 These VSL will be very difficult to measure. The industry needs to work on the measure before the assign the VSL.</p> <p>BAL-004, R4 This is the authority of the RC to terminate a time error if the RC feels the time error is a contributor to actual or potential reliability issues for the interconnection. In hindsight, the RC should not be subject to a severe VSL if a time error was not curtailed. I suggest the SDT revisit this VSL and consider removing it in light of this requirement is actually a statement of authority.</p> <p>BAL-005, R6 The language in the high VSL needs to be the same as that in the moderate VSL. That is, “failed to use the ACE calculation ...” needs to be “failed to calculate ACE as specified in the requirement”.</p> <p>BAL-005, R7 I recommend the SDT revisit whether this should be a severe VSL. Also, look at possibly splitting the two “or” statement to separate VSLs.</p> <p>BAL-005, R9 The requirement is silent on how long the schedule is not included. This needs to be better defined and a measure developed before a VSL can be assigned.</p> <p>BAL-006, R4 The lower VSL and the first part of the moderate VSL are the same. With</p>

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				the “or” statement in the moderate VSL, these two are now the same. Thank you for allowing me to provide comments.
<p>Response: The VSL DT appreciates your comments. The VSL DT understands your concerns. In accordance with Guideline 3, the VSL assignment(s) are consistent with the requirement. The VSL DT was unable to modify the definitions or requirements but encourages you to contact current and future drafting teams to review and modify as necessary to better align the requirements with VSLs.</p> <p>BAL-001 R1 – the VSL DT cannot change either the requirement or the definition of “Disturbance”. If you believe that a requirement is incorrect, we encourage you to submit comments to the drafting team working on revisions to this standard during the next public posting period.</p> <p>BAL-003 R2 – the two options for Lower VSLs use language from the subrequirements.</p> <p>BAL-003 R3 – this is a binary requirement and any noncompliance is rated a Severe VSL. The proposed justification for changing the VSL is based on an assessment of the reliability-related impact of the violation, and this is not the purpose of a VSL. The VSLs are used to define categories of noncompliant performance and don’t consider the risk to the Bulk Electric System of a violation. The risk of a violation is assessed by the Violation Risk Factor.</p> <p>BAL-003 R5 – this is a binary requirement and any noncompliance is rated a Severe VSL. The proposed justification for changing the VSL is based on an assessment of the reliability-related impact of the violation, and this is not the purpose of a VSL. The VSLs are used to define categories of noncompliant performance and don’t consider the risk to the Bulk Electric System of a violation. The risk of a violation is assessed by the Violation Risk Factor.</p> <p>BAL-004 R4 – The VSL DT was directed to assign a set of VSLs to each requirement. If you believe that a requirement is incorrect, we encourage you to submit comments to the drafting team working on revisions to this standard during the next public posting period.</p> <p>BAL-005 R6 – The VSL DT retained the original VSLs – while the proposed modification would result in more consistent wording for the set of VSLs, the existing wording is clear.</p> <p>BAL-005 R7 – The violation of either of the two components of the Severe VSL results in performance that falls so short of meeting the intent of the requirement that either violation meets the criteria for a “Severe” VSL.</p> <p>BAL-005 R9 – The VSL DT cannot change the language of the requirement. If you believe the requirement is incorrect, we encourage you to submit comments to the drafting team working on revisions to this standard during the next public posting period.</p> <p>BAL-006 R4 – The Lower VSL and first part of the Moderate VSL are slightly different – the Lower VSL uses the phrase, “. . . values stipulated in R4.1.1 or R4.1.2” while the Moderate VSL uses the phrase, “. . . values stipulated in R4.1.1 and R4.1.2.” The Lower VSL uses “or” and the Moderate VSL uses “and.”</p>				

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Larry Monday	E.ON U.S. LLC	1	Negative	BAL-002-0 R1.1 and R2 are unnecessarily discriminatory against BAs that participate in a Reserve Sharing Group. These VSLs could discourage BA participation in reserve sharing groups which is undesirable for E.ON U.S.
Charles A. Freibert	Louisville Gas and Electric Co.	3		E.ON U.S. does not believe that the balloting process on these VSL levels is appropriate. The bundling of VSLs with a single “up or down” vote that applies to all the VSLs in that group creates a situation where acceptable VSLs are needlessly rejected. In instances where the majority of the VSLs are acceptable, an entity is forced to vote down all the VSLs because of the one problematic VSL. E.ON U.S. suggests that the only remedy to this issue is to ballot each VSL separately. While it is recognized that this may be a tedious process, it will in the end provide at least a baseline group of VSLs for the standards. Work on the rejected VSLs can then be the focus of additional discussions.
Charlie Martin		5		
Daryn Barker		6		
<p>Response: The VSL DT appreciates your comments. Because VSLs are only applied after a violation has been identified, they should not discourage participation in reserve sharing groups. In accordance with FERC’s Guideline 3, the VSL assignment(s) are consistent with the requirement. The VSL DT was unable to modify the requirement language but encourages you to contact current and future drafting teams to review and modify as necessary. The decision to ballot these as groups as opposed to individually was made early in our project to assist in managing the scope and reduce the administrative complexity.</p>				
David A. Lapinski	Consumers Energy	3	Affirmative	BAL-002-0 R6 Suggested alternate wording: “...restored least 95%, but less than 100%, of the its contingency reserves...”
<p>Response: The VSL DT appreciates your comments. The existing VSL language is accurate as written and the DT has decided not to make changes at this time. The DT encourages you to contact current and future drafting teams to review and modify as necessary.</p>				
David Frank Ronk	Consumers Energy	4	Affirmative	BAL-002-0 R6 The intent of the VSLs for this requirement seems appropriate; however, the VSLs are poorly worded. Using the Lower VSL as an example, the VSL states, “...failed to restore 5% or less of its contingency reserves...” The intent seems to be that the entity restored almost all of its contingency reserves, but missed 5% or less of them. However, the VSL could easily be read explicitly to mean that, of all the reserves, the entity restored some, but less than 5% of them. Suggested alternate wording: “...restored least 95%, but less than 100%, of its contingency reserves...”
<p>Response: The VSL DT appreciates your comments. The existing VSL language is accurate as written and the DT has decided not to make changes at this time. The DT encourages you to contact current and future drafting teams to review and modify as necessary.</p>				

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Ronald L. Donahey	Tampa Electric Co.	3	Negative	I don'r believe this follows the guidelines (2b,3,4) given by FERC & NERC for this project.
Response: The VSL DT is unable to respond to your comment due to lack of specificity. The DT believes that the VSLs as presented meet the Guidelines as defined by FERC.				
Terry L. Blackwell	Santee Cooper	1	Negative	Santee Cooper believes the VSLs of these standards should be balloted separately in addition to an interval between ballots that will allow time for proper review.
Zack Dusenbury		3		
Suzanne Ritter		6		
Response: The VSL DT appreciates your comments. The decision to ballot these as groups as opposed to individually was made early in our project to assist in managing the scope and reduce the administrative complexity.				
W. R. Schoneck	Florida Power & Light Co.	3	Negative	The BAL-004, R4 should be changed from severe to low. Bal-005,R2,R7 should be changed from severe to low.
Response: The VSL DT appreciates your comments. In accordance with FERC Guideline 2, to ensure consistency in the VSL assignments for binary requirements, the VSL DT revised the VSL for this requirement to assign it a binary VSL at the SEVERE category level. Such change is consistent with the Commission's June 24, 2009 VSL order related to binary VSL assignments and will ensure consistency and uniformity in the assignment of penalties for violations of binary requirements.				
Daniel Duff	Liberty Electric Power LLC	5	Negative	The change raises the VSL from the lowest to the highest level for many generators. Further, the use of a percentage system to "maintain consistency" between standards makes for unequal treatment of substantially similar facilities. A generator with seven assets would be guilty of a severe violation for failure to assure one was within a metered area, but a generator with eight assets would be guilty of a high violation.
Response: The VSL DT appreciates your comments. The VSL DT believes that if a violation is identified, the VSL, along with other compliance considerations, will be utilized in determining penalty. The VSLs that were divided by percentage of non-compliant performance were modified to reflect FERC's guidance to				

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use 5% increments.				
Paul B. Johnson	American Electric Power	1	Negative	<p>The SDT seeks to advance VSLs to the NERC BOD by simply applying severe VSLs to binary compliance measures. In doing so, it is not assessing the reliability compliance severity under the FERC and NERC approved structure, which recognizes the variability of compliance with which a requirement has or has not been met. This approach will lead to significantly higher penalties for noncompliance that are not commensurate with the appropriate levels of severity and risk factors for the level to which a mandatory reliability compliance standard is violated. The SDTs often developed binary compliance measures because the standards were written by the SDT without the knowledge of the variable VSLs and VRFs compliance penalty matrix.</p> <p>AEP believes that it is the measures that should be revised through the standards development process to resolve the discontinuity between the binary measures and the variable compliance penalty matrix, not by arbitrarily assuming that all such requirements are of high severity level. As measures are improved in the standard development process, the determination of the degree of severity or risk level should follow directly from the compliance measure.</p> <p>In the interim, stakeholders have provided input on the appropriate severity level of the requirements and to suggest approaches for creating degrees of severity level for binary measures. The SDT describes that these suggestions lead to different interpretations or expansions of the existing standard. Again, it is the measures in the standard that must be revised through the standards development process to resolve the discontinuity between the binary measures and the variable compliance penalty matrix, not to dismiss stakeholder comments and proceed to ballot by assuming that all binary measures constitute high severity levels.</p>
Raj Rana		3		
Brock Ondayko	AEP Service Corp.	5		
Edward P. Cox	AEP Marketing	6		
<p>Response: The VSL DT appreciates your comments. In accordance with Guideline 2, to ensure consistency in the VSL assignments for binary requirements, the VSL DT assigned noncompliance with all binary requirements to the SEVERE VSL category. Such change is consistent with the Commission’s June 24, 2009 VSL order related to binary VSL assignments and will ensure consistency and uniformity in the assignment of penalties for violations of binary requirements. In accordance with FERC’s Guideline 3, the VSL assignment(s) are consistent with the requirement. The VSL DT was unable to modify the requirement or measure language but encourages you to contact current and future drafting teams to review and modify as necessary.</p> <p>The VRF and VSL for a requirement assist in providing a starting point for the determination of a penalty or sanction for a violation of that requirement. The ERO Sanction Guidelines identify several factors that the Compliance Enforcement Authority uses to determine the actual penalty. A review of the actual penalties</p>				

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<p>already assessed demonstrates that the Compliance Enforcement Authority is making a good faith effort at assigning penalties that are commensurate with the associated infraction. This information can be seen at the following site: http://www.nerc.com/filez/enforcement/index.html</p>				
Terry Bilke	Midwest ISO, Inc.	2	Affirmative	<p>There is too much industry (to include NERC) effort being spent on compliance elements. NERC should develop a job aid for drafting teams so that simpler and more objective VRFs and VSLs are developed with the standards. NERC should work with the FERC so these objective VRFs and VSLs are approved when submitted. We should not be expending this much effort on something that adds so little value to reliability.</p>
<p>Response: The VSL DT appreciates your comments. The DT agrees and encourages your continued promotion of a common approach for the definition and assignment of VRFs and VSLs.</p>				
Edward W Pourciau	Georgia System Operations Corporation	3	Negative	<p>These standards classify all binary violations as severe. Binary violations are not severe. They are not lower. The four violation levels apply to standards that can be violated in degrees. The four levels do not apply to a binary violation. Perhaps the concepts upon which the penalty matrix is built should be modified to correct this misapplication of the penalty matrix.</p>
<p>Response: The VSL DT appreciates your comments. In accordance with Guideline 2, to ensure consistency in the VSL assignments for binary requirements, the VSL DT revised the VSL for this requirement to assign it a binary VSL at the SEVERE category level. Such change is consistent with the Commission's June 24, 2009 VSL order related to binary VSL assignments and will ensure consistency and uniformity in the assignment of penalties for violations of binary requirements.</p>				