

# Compliance Application Notice – 0039

EOP-004 R3 Filing DOE Form OE-417 Event Reports

Posted: December 9, 2011

## Primary Interest Groups

Compliance Enforcement Authority (CEA)<sup>1</sup>

NERC

Regional Entity

Reliability Coordinator (RC)

Balancing Authority (BA)

Transmission Operator (TOP)

Generator Operator (GOP)

Load-Serving Entity (LSE)

Regional Reliability Organization

## Issue: Does the Department of Energy's (DOE) new online process affect the EOP-004 requirement for a registered entity to submit the OE-417 disturbance report to NERC?

The Department of Energy's (DOE) new online process for submitting the OE-417 disturbance reporting form does not contain an option to automatically issue a copy to NERC or the Regional Entities.

## Background

The DOE's Electric Emergency Incident and Disturbance Report (Form OE-417) collects information on electric incidents and emergencies. The DOE uses the information to fulfill its overall national security and energy emergency management responsibilities, as well as for analytical purposes. Beginning January 2011, the DOE initiated a new process by which entities are to submit OE-417 reports for qualifying events. Entities may now go to the DOE web site and fill out an online form for submission. The DOE online process tool does not automatically issue a copy to NERC or the Regional Entities, either simultaneously or at a later time. Updates to the form have been proposed to allow respondents to add multiple names/e-mail addresses to whom the form may be sent after a submission; however, even when this update is incorporated it may require an additional action by a registered entity to have a copy of the report forwarded to NERC and the Regional Entities.

## Compliance Application

EOP-004, Table 1-EOP-004 states, in pertinent part:

*All entities required to file a DOE OE-417 report (Schedule 1 & 2) shall send a copy of these*

<sup>1</sup>Compliance Enforcement Authorities include ERO auditors, investigators, enforcement personnel or any person authorized to assess issues of concern, potential non-compliance, and possible, alleged or confirmed violations of NERC Reliability Standard requirements.

*reports to NERC simultaneously, but no later than 24 hours after the start of the incident or disturbance.*

EOP-004 R3 provides, in pertinent part:

**R3.** *A Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator or Load Serving Entity experiencing a reportable incident shall provide a preliminary written report to its Regional Reliability Organization and NERC.*

**R3.1.** *The affected Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator or Load Serving Entity shall submit within 24 hours of the disturbance or unusual occurrence either a copy of the report submitted to DOE, or, if no DOE report is required, a copy of the NERC Interconnection Reliability Operating Limit and Preliminary Disturbance Report form. Events that are not identified until some time after they occur shall be reported within 24 hours of being recognized.*

**R3.2.** *Applicable reporting forms are provided in Attachments 1-EOP-004 and 2-EOP-004.*

**R3.3.** *Under certain adverse conditions, e.g., severe weather, it may not be possible to assess the damage caused by a disturbance and issue a written Interconnection Reliability Operating Limit and Preliminary Disturbance Report within 24 hours. In such cases, the affected Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, or Load Serving Entity shall promptly notify its Regional Reliability Organization(s) and NERC, and verbally provide as much information as is available at that time. The affected Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, or Load Serving Entity shall then provide timely, periodic verbal updates until adequate information is available to issue a written Preliminary Disturbance Report.*

DOE's institution of a new process does not provide an exemption to EOP-004 reporting requirements. Until the option to automatically send Form OE-417 to NERC and the Regional Entities becomes available, whether registered entities fulfill their DOE requirement through the online submission tool or in another manner, CEAs are to look for evidence that entities submitted either

- 1) a copy of the on-line OE-417 report or
- 2) an off-line form pursuant to R3.2

to NERC at [ESISAC@nec.com](mailto:ESISAC@nec.com) and to the entity's Regional Entity within 24 hours of the disturbance or unusual occurrence, or as otherwise required by the standard, to fulfill the requirements of EOP-004. In the event that the CEA finds a registered entity did not submit a report to NERC, a CEA is to find a Possible Violation of EOP-004.

In the event registered entities submitted an OE-417 report online between January 2011 and posting of this CAN as final on the NERC web site, and did not provide NERC with a copy, registered entities are encouraged to submit the information from these reports to NERC at [ESISAC@nerc.com](mailto:ESISAC@nerc.com).

### **Effective Period for CAN**

This CAN is effective for EOP-004 upon posting as final on the NERC Web site, and is to be used by CEAs to assess compliance from the posting date forward, regardless of the start date of any non-compliance or Possible Violation. It supersedes all prior communications and will remain in effect until such time that a future version of a FERC-approved or other applicable government authority-approved standard or interpretation becomes effective and addresses the specific issue contained in this CAN.

For any enforcement action in process and for audits that have been initiated,<sup>2</sup> a CEA will apply the appropriate discretion, including consideration of the specific facts and circumstances of the non-compliance, in determining whether to assess compliance pursuant to this CAN.

### **Evidence of Compliance**

CEAs are to look for evidence that entities provided a report to the appropriate Regional Entity and NERC within 24 hours of the disturbance or unusual occurrence, or as otherwise required by EOP-004.

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*This document is designed to convey compliance monitoring instruction to achieve a measure of consistency among auditors and Compliance Enforcement Authorities. It is not intended to establish new requirements under NERC's Reliability Standards or to modify the requirements in any existing NERC Reliability Standard. Compliance will continue to be assessed based on language in the currently enforceable NERC Reliability Standards. This document is not intended to define the exclusive method an entity must use to comply with a particular standard or requirement, or foreclose a registered entity's demonstration by alternative means that it has complied with the language and intent of the standard or requirement, taking into account the facts and circumstances of a particular registered entity. Implementation of information in this document is not a substitute for compliance with requirements in NERC's Reliability Standards.*

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<sup>2</sup> "Initiated" means that a registered entity has received notification of the upcoming audit.