Attachment a

Source Document

FRCC
Florida Reliability Coordinating Council, Inc.

FLORIDA RELIABILITY COORDINATING COUNCIL, INC.
1408 N. WESTSHORE BLVD., SUITE 1002
TAMPA, FLORIDA 33607-4512
PHONE 813.289.5644 • FAX 813.289.5646
WWW.FRCC.COM

FRCC 2007 COMPLIANCE PROGRAM

SELF-CERTIFICATION SIGNATURE PAGE

FOR FRCC REGISTERED ENTITY COMPLIANCE WITH NERC RELIABILITY STANDARDS

FRCC Registered Entities are to self-certify that they are in compliance with the NERC Reliability Standards that are included in the 2007 Actively Monitored NERC Standards. Please refer to the 2007 Actively Monitored NERC Standards, to review all Reliability Standards Requirements and Measurements that are included in the 2007 NERC Compliance Program.

All entities performing functions as defined in the Reliability Standards will complete and submit the appropriate Regional self-certification forms, indicating their compliance or level of non-compliance with the requirements of the individual standards for the **period from January 1, 2007 to December 31, 2007**. Compliance reporting for Standards that have an **effective date after January 1, 2007** shall be based on that Standards **effective date through December 31, 2007**. The Reliability Impact of any reports of non-compliance are to be noted in the Mitigation Plan.

This fully completed self-certification package including any required Mitigation Plans are due no later than December 17, 2007 to the FRCC office.

(Any changes to the self-certification status that occurs between December 18 and December 30, 2007 need to be reported to the FRCC office by January 11, 2007).

I. Compliance Features

1. The returned Self-Certification Forms will be kept confidential by FRCC.
2. Documentation that supports compliance or a non-compliance level must to be retained for a minimum of three (3) years and be available to FRCC review within five (5) business days.
3. The FRCC will conduct audits and random checks to verify compliance.

II. Mitigation Plans and Schedules

1. If levels of non-compliance are indicated on any of the Self-Certification Forms, Mitigation Plans including a detailed implementation schedule to achieve full compliance **must be provided with your response.**

III. FRCC Registered Entity Identification and Execution

Please complete the information requested below including the signature of the person responsible for certifying the Registered Entity's level of compliance and, as applicable, responses to the accompanying Self-Certification Forms and Mitigation Plans. Please fax or mail in the original executed signature page.

Reporting Entity: New Hope Power Partnership

Certifying Employee: Jose Gonzalez

Title: Plant Manager

Authorized Signature: _____

Phone: 561-993-1001 E-mail: Jose_Gonzalez@Floridacrystals .com Date of Reporting: 12/17/07

IV. Submittal to FRCC:

1. **Please email (preferred), mail, or fax the completed Self-Certification Forms with applicable Mitigation Plans and Schedules to: compliancemanager@frcc.com**

2. **Please fax or mail in the executed Signature Page to the address below:**

   Florida Reliability Coordinating Council
   1408 N. Westshore Blvd., Suite 1002
   Tampa, FL 33607-4512
   Attn: Compliance Department

If you have any questions regarding this self-certification, please contact:

Barry Pagel
Manager of Compliance
bpagel@frcc.com
Phone: (813) 207-7968
Fax: (813) 289-5646

2007 RELIABILITY STANDARDS COMPLIANCE MONITORING AND ENFORCEMENT PROGAM

RELIABILITY STANDARD SELF-CERTIFICATION FORM

NERC RELIABILITY STANDARD
CIP-001-1/ Requirements - All

I. Reliability Standard

TITLE

Sabotage Reporting

PURPOSE

Disturbances or unusual occurrences suspected or determined to be caused by sabotage, shall be reported to the appropriate systems, governmental agencies, and regulatory bodies.

APPLICABILITY

- Reliability Coordinators
- Balancing Authorities
- Transmission Operators
- Generator Operators
- Load Serving Entities

REQUIREMENTS

R1. Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall have procedures for the recognition of and for making their operating personnel aware of sabotage events on its facilities and multi-site sabotage affecting larger portions of the Interconnection.

R2. Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator and Load Serving Entity shall have procedures for the communication of information concerning sabotage events to appropriate parties in the Interconnection.

R3. Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall provide its operating personnel with sabotage response guidelines, including personnel to contact, for reporting disturbances due to sabotage events.

R4. Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall establish communications contacts, as applicable, with local Federal Bureau of Investigation (FBI) or Royal Canadian Mounted Police (RCMP) officials and develop reporting procedures as appropriate to their circumstances.

MEASURES

M1. Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall have and provide upon request a procedure (either electronic or hard copy) as defined in Requirement 1.

M2. Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall have and provide upon request the procedures or guidelines that will be used to confirm that it meets Requirements 2 and 3.

M3. Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall have and provide upon request evidence that could include, but is not limited to procedures, policies, a letter of understanding, communication records, or other equivalent evidence that will be used to confirm that it has established communications contacts with the applicable, local FBI or RCMP officials to communicate sabotage events (Requirement 4).

II. Compliance Identification

Please read carefully the following descriptions of full compliance and levels of non-compliance and indicate which most closely applies to your organization by checking the appropriate box.

☐ **Full Compliance -** All applicable requirements have been addressed as required.

☐ **Standard Not Applicable –** Please provide below a brief explanation of why this standard is not applicable.

Levels of Non-Compliance CIP-001-1:

☒ **Level 1:** There shall be a **separate Level 1** non-compliance, for **every** one of the following requirements that is in violation:

- ☐ Does not have procedures for the recognition of and for making its operating personnel aware of sabotage events (R1).
- ☐ Does not have procedures or guidelines for the communication of information concerning sabotage events to appropriate parties in the Interconnection (R2).
- ☐ Has not established communications contacts, as specified in R4.

☐ **Level 2:** Not applicable.

☐ **Level 3:** Has not provided its operating personnel with sabotage response procedures or guidelines (R3).

☐ **Level 4:** Not applicable.

III. Mitigation Plans

For any levels of Non-Compliance reported, please complete a **separate** Mitigation Plan for each Reliability Standard using the attached FRCC Mitigation Plan Template.

☒ Mitigation Plan Included If Required (to be submitted by January 31, 2008)

IV. Contact Information

Entity Name: New Hope Power Partnership

This Self-Certification form was completed by:

Name: James Meriwether

Title: Environmental and Safety Manager

Phone: 561.993.1003

Email: james_meriwether@floridacrystals.com

Date: December 17, 2007

Attachment b

Settlement Agreement(s)

FRCC
Florida Reliability Coordinating Council, Inc.

FLORIDA RELIABILITY COORDINATING COUNCIL, INC.
1408 N. WESTSHORE BLVD., SUITE 1002
TAMPA, FLORIDA 33607-4512
PHONE 813.289.5644 • FAX 813.289.5646
WWW.FRCC.COM

VIA E-MAIL

September 3, 2009

Mr. Matthew Capone
Okeelanta Cogeneration Plant
New Hope Power Company
PO Box 9
South Bay, FL 33493

Re: Notice of Proposed Expedited Disposition of Pending Violations or Alleged Violations

Dear Mr. Capone,

This letter is giving notice that Florida Reliability Coordinating Council, Inc. proposes expedited disposition of the pending violations or alleged violations listed in **Attachment B**. **Please review the information below and respond in writing no later than five (5) days from the date of this Notice.** Responses should be directed to Barry Pagel, Manager of Compliance, at compliancemanger@frcc.com. If you have questions, please call Richard Gilbert at 813-207-7991 or Barry Pagel at 813-207-7968.

Florida Reliability Coordinating Council, Inc. intends to submit to the North American Electric Reliability Corporation ("NERC") for filing with the Federal Energy Regulatory Commission ("FERC" or "Commission") a request to expedite resolution of the pending violations or alleged violations listed in **Attachment B** and to accept disposition of these violations or alleged violations under the terms of the Agreement in **Attachment A** hereto, based on the following factors:

- The violations did not pose a serious or substantial risk to system reliability.
- The violations occurred, and were reported to or identified by Florida Reliability Coordinating Council, Inc., prior to July 3. 2008.
- The violations have been mitigated with mitigation plan completion verified by Florida Reliability Coordinating Council, Inc. or the violations are being

mitigated under the terms of a mitigation plan that has been approved by Florida Reliability Coordinating Council, Inc. and NERC.

This proposed expedited disposition will result in the assessment of the penalty identified for each of the respective violations listed in **Attachment B** if this disposition is accepted by New Hope Power Company (formerly known as New Hope Power Partnership) and approved by NERC and FERC.

If New Hope Power Company accepts this proposed expedited disposition, sign the attached Agreement and return it to Florida Reliability Coordinating Council, Inc. within five **(5) days** after the date of this Notice. ***If New Hope Power Company does not wish to accept this proposed expedited disposition, sign the attached OPT OUT ATTACHMENT A1 and return it to Florida Reliability Coordinating Council, Inc. within five (5) days after the date of this Notice.***

Sincerely,

Barry G. Pagel
Manager of Compliance

BP/rg

Attachments:
A – Agreement
A1– Decision to Opt Out
B – List of Violations and associated Penalties

ATTACHMENT A

AGREEMENT

New Hope Power Company (formerly known as New Hope Power Partnership) and Florida Reliability Coordinating Council, Inc. agree to the following:

1. Acceptance of this Agreement results in the assessment of $ 0.00 (zero dollars) for the violations listed in **Attachment B**, subject to approval by the North American Electric Reliability Corporation ("NERC") and the Federal Energy Regulatory Commission ("FERC" or "Commission"). For monetary penalty payments the Florida Reliability Coordinating Council, Inc. will send an invoice to the New Hope Power Company within thirty-one (31) days after the Agreement is either approved by the Commission or is rendered effective by operation of law. Payment of this invoice must be made by check or by wire transfer to a Florida Reliability Coordinating Council, Inc. account outlined in the invoice within thirty-one (31) days after the receipt of the invoice. Florida Reliability Coordinating Council, Inc. shall notify NERC and NERC shall notify the Commission if the payment is not received.

2. The violations listed in **Attachment B** will be considered Confirmed Violations for all purposes and may be used as aggravating factors in accordance with the NERC Sanction Guidelines for determining appropriate monetary penalties or sanctions for future violations.

3. New Hope Power Company attests there have been no repeat occurrences of the violations listed in **Attachment B** as of the date of this attestation.

4. If New Hope Power Company does not make the monetary penalty payment above at the times agreed by the parties, interest payable to Florida Reliability Coordinating Council, Inc. will begin to accrue pursuant to the Commission's regulations at 18 C.F.R. § 35.19(a)(2)(iii) from the date that payment is due, in addition to the penalty specified above.

5. In the event New Hope Power Company fails to make the monetary penalty payment set forth below, Florida Reliability Coordinating Council, Inc. will initiate enforcement, penalty, or sanction actions against New Hope Power Company to the maximum extent allowed by the NERC Rules of Procedure, up to the maximum statutorily allowed penalty. Except as otherwise specified in this Disposition Agreement, New Hope Power Company shall retain all rights to defend against such enforcement actions, also according to the NERC Rules of Procedure.

6. The expedited disposition agreed to herein represents a full and final disposition of the violations listed in **Attachment B**, subject to approval by NERC and FERC.

Accepted:

New Hope Power Company

By GUS R. CEPERO

SEP 3, 2009

Date

Florida Reliability Coordinating Council, Inc.

By Linda D Campbell
VP and Executive Director
Standards & Compliance

9/9/09

Date

OPT OUT ATTACHMENT A1

Decision to Opt Out

New Hope Power Company declines to participate in the expedited resolution of the identified violations or alleged violations.

New Hope Power Company

_____ _____

By Date

ATTACHMENT B
List of Violations

NERC Violation ID	REGISTERED ENTITY	Standard	Requirement	Penalty
FRCC200700025	New Hope Power Partnership (currently known as New Hope Power Company)	CIP-001-1	R1	$0.00
FRCC200700066	New Hope Power Partnership (currently known as New Hope Power Company)	CIP-001-1	R2	$0.00
FRCC200700067	New Hope Power Partnership (currently known as New Hope Power Company)	CIP-001-1	R3	$0.00
FRCC200700068	New Hope Power Partnership (currently known as New Hope Power Company)	CIP-001-1	R4	$0.00
FRCC200700026	New Hope Power Partnership (currently known as New Hope Power Company)	FAC-008-1	R1	$0.00
FRCC200700027	New Hope Power Partnership (currently known as New Hope Power Company)	TOP-003-0	R1	$0.00
FRCC200700069	New Hope Power Partnership (currently known as New Hope Power Company)	TOP-003-0	R2	$0.00
FRCC200700070	New Hope Power Partnership (currently known as New Hope Power Company)	TOP-003-0	R3	$0.00

NERC
NORTH AMERICAN ELECTRIC
RELIABILITY CORPORATION

Attachment c

Mitigation Plan

For Public Release - October 14, 2009

FRCC
Florida Reliability Coordinating Council, Inc.

Mitigation Plan Submittal Form

Date this Mitigation Plan is being submitted: 03-14-2008

Section A: Compliance Notices & Mitigation Plan Requirements

A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Attachment A - Compliance Notices & Mitigation Plan Requirements" to this form.

A.2 ☒ I have reviewed Attachment A and understand that this Mitigation Plan Submittal Form will not be accepted unless this box is checked.

Section B: Registered Entity Information

B.1 Identify your organization:

Company Name: New Hope Power Partnership
Company Address: 8001 Hwy 27 South, South Bay, FL, 33411
NERC Compliance Registry ID: NCR-00051

B.2 Identify the individual in your organization who will be the Entity Contact regarding this Mitigation Plan.

Name: James M. Meriwether
Title: Environmental and Safety Manager
Email: James_Meriwether@Floridacrystals.com
Phone: (561) 993-1003

Section C: Identification of Alleged or Confirmed Violation(s) Associated with this Mitigation Plan

C.1 This Mitigation Plan is associated with the following Alleged or Confirmed violation(s) of the reliability standard listed below.

For Public Release - October 14, 2009

FRCC
Florida Reliability Coordinating Council, Inc.

Applicable Standard, Requirement(s) and dates:

NERC Violation ID #	Reliability Standard	Requirement Number	Violation Risk Factor	Alleged or Confirmed Violation Date(*)	Method of Detection (*e.g.*, Audit, Self-report, Investigation)
	CIP-001-1	R1	Medium	03/14/08	Self-Report
	CIP-001-1	R2	Medium	03/14/08	Self-Report
	CIP-001-1	R3	Medium	03/14/08	Self-Report
	CIP-001-1	R4	Medium	03/14/08	Self-Report

(*) Note: The Alleged or Confirmed Violation Date shall be expressly specified by Registered Entity, and subject to modification by the FRCC, as: (i) the date the Alleged or Confirmed violation occurred; (ii) the date that the Alleged or Confirmed violation was self-reported; or (iii) the date that the Alleged or Confirmed violation has been deemed to have occurred on by the FRCC. Questions regarding the date to use should be directed to the FRCC contact identified in Section G of this form.

C.2 Identify the cause of the Alleged or Confirmed violation(s) identified above. Additional detailed information may be provided as an attachment:

New Hope is undergoing activities at this time to develop compliance procedures for the first time in our history. We recognize that we are behind schedule in the development of procedures and other documents that are needed for compliance, and reported this condition. We do not currently have procedures for recognition of sabotage, communication of events, response guidelines for personnel, or official contacts with local FBI offices.

C.3 Provide any additional relevant information regarding the Alleged or Confirmed violations associated with this Mitigation Plan. Additional detailed information may be provided as an attachment:

Section D: Details of Proposed Mitigation Plan

Mitigation Plan Contents

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FRCC
Florida Reliability Coordinating Council, Inc.

D.1 Identify and describe the action plan, including specific tasks and actions that your organization is proposing to undertake, or which it undertook if this Mitigation Plan has been completed, to correct the Alleged or Confirmed violations identified above in Part C.1 of this form. Additional detailed information may be provided as an attachment:

New Hope has retained the services of a consultant to assist in developing the necessary programs and procedures. We will produce the procedures and implement them as part of this mitigation plan.

Mitigation Plan Timeline and Milestones

D.2 Provide the date by which full implementation of the Mitigation Plan will be, or has been, completed with respect to the Alleged or Confirmed violations identified above. State whether the Mitigation Plan has been fully implemented: 06/30/2008

D.3 Enter Milestone Activities, with due dates, that your organization is proposing, or has completed, for this Mitigation Plan:

Milestone Activity	Proposed/Actual Completion Date* (shall not be more than 3 months apart)
Complete R4	March 31, 2008
Complete R1,2,3	June 30, 2008

(*) Note: Implementation milestones no more than three (3) months apart are permissible only for Mitigation Plans with expected completion dates more than three (3) months from the date of submission. Additional violations could be determined for not completing work associated with accepted milestones.

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FRCC
Florida Reliability Coordinating Council, Inc.

Section E: Interim and Future Reliability Risk

Abatement of Interim BPS Reliability Risk

E.1 While your organization is implementing this Mitigation Plan the reliability of the Bulk Power System (BPS) may remain at higher risk or be otherwise negatively impacted until the plan is successfully completed. To the extent they are, or may be, known or anticipated: (i) identify any such risks or impacts; and (ii) discuss any actions that your organization is planning to take to mitigate this increased risk to the reliability of the BPS. Additional detailed information may be provided as an attachment:

While New Hope implements this plan, there is the chance that our facility could be the victim of sabotage, and that identification and reporting of this sabotage could be delayed. The worst case condition would be for the sabotage to cause an unplanned shutdown of our facility while generating maximum power. However, we are not relied upon heavily by our transmission operator and reliability coordinator given the low amount of our facility's peak output. In order to mitigate this deficiency we are endeavoring to establish local contacts as soon as possible, and will meet with employees to heighten awareness while we develop the necessary programs and procedures.

Prevention of Future BPS Reliability Risk

E.2 Describe how successful completion of this Mitigation Plan will prevent or minimize the probability that your organization incurs further risk or Alleged violations of the same or similar reliability standards requirements in the future. Additional detailed information may be provided as an attachment:

New Hope will review and update our procedures, as needed, annually. The successful completion of this mitigation plan will bring us into compliance with the standard and will follow with the intent – that we are able to quickly identify and report sabotage at our facility.

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FRCC
Florida Reliability Coordinating Council, Inc.

Section F: Authorization

An authorized individual must sign and date this Mitigation Plan Submittal Form. By doing so, this individual, on behalf of your organization:

a) Submits this Mitigation Plan for acceptance by the FRCC and approval by NERC, and

b) If applicable, certifies that this Mitigation Plan was completed on or before the date provided as the 'Date of Completion of the Mitigation Plan' on this form, and

c) Acknowledges:

1. I am the Plant Manager of New Hope Power Partnership.

2. I am qualified to sign this Mitigation Plan on behalf of New Hope Power Partnership.

3. I understand New Hope Power Partnership's obligations to comply with Mitigation Plan requirements and ERO remedial action directives as well as ERO documents, including, but not limited to, the NERC Rules of Procedure, including Appendix 4(C) (Compliance Monitoring and Enforcement Program of the North American Electric Reliability Corporation" (NERC CMEP)).

3. I have read and am familiar with the contents of this Mitigation Plan.

4. New Hope Power Partnership agrees to comply with, this Mitigation Plan, including the timetable completion date, as accepted by the FRCC and approved by NERC.

Authorized Individual Signature _____

Namè (Print): Jose F. Gonzalez
Title: Plant Manager
Date: March 14, 2008

For Public Release - October 14, 2009

FRCC
Florida Reliability Coordinating Council, Inc.

Section G: **Regional Entity Contact**

Please direct any questions regarding completion of this form to:

Madeline Alba, FRCC Compliance Program Administrator
813-207-7965
malba@frcc.com

For Public Release - October 14, 2009

FRCC
Florida Reliability Coordinating Council, Inc.

Attachment A – Compliance Notices & Mitigation Plan Requirements

I. Section 6.2 of the CMEP[1] sets forth the information that must be included in a Mitigation Plan. The Mitigation Plan must include:

(1) The Registered Entity's point of contact for the Mitigation Plan, who shall be a person (i) responsible for filing the Mitigation Plan, (ii) technically knowledgeable regarding the Mitigation Plan, and (iii) authorized and competent to respond to questions regarding the status of the Mitigation Plan. This person may be the Registered Entity's point of contact described in Section 2.0.

(2) The Alleged or Confirmed Violation(s) of Reliability Standard(s) the Mitigation Plan will correct.

(3) The cause of the Alleged or Confirmed Violation(s).

(4) The Registered Entity's action plan to correct the Alleged or Confirmed Violation(s).

(5) The Registered Entity's action plan to prevent recurrence of the Alleged or Confirmed violation(s).

(6) The anticipated impact of the Mitigation Plan on the bulk power system reliability and an action plan to mitigate any increased risk to the reliability of the bulk power-system while the Mitigation Plan is being implemented.

(7) A timetable for completion of the Mitigation Plan including the completion date by which the Mitigation Plan will be fully implemented and the Alleged or Confirmed Violation(s) corrected.

(8) Implementation milestones no more than three (3) months apart for Mitigation Plans with expected completion dates more than three (3) months from the date of submission. Additional violations could be determined for not completing work associated with accepted milestones.

(9) Any other information deemed necessary or appropriate.

(10) The Mitigation Plan shall be signed by an officer, employee, attorney or other authorized representative of the Registered Entity, which if applicable, shall be the person that signed the Self-Certification or Self Reporting submittals.

II. This submittal form must be used to provide a required Mitigation Plan for review and acceptance by the FRCC and approval by NERC.

III. This Mitigation Plan is submitted to the FRCC and NERC as confidential information in accordance with Section 1500 of the NERC Rules of Procedure.

[1] "*Uniform Compliance Monitoring and Enforcement Program of the North American Electric Reliability Corporation*;" a copy of the current version approved by the Federal Energy Regulatory Commission is posted on NERC's website.

For Public Release - October 14, 2009

FRCC
Florida Reliability Coordinating Council, Inc.

IV. This Mitigation Plan Submittal Form may be used to address one or more related Alleged or Confirmed violations of one Reliability Standard. A separate mitigation plan is required to address Alleged or Confirmed violations with respect to each additional Reliability Standard, as applicable.

V. If the Mitigation Plan is accepted by the FRCC and approved by NERC, a copy of this Mitigation Plan will be provided to the Federal Energy Regulatory Commission in accordance with applicable Commission rules, regulations and orders.

VI. The FRCC or NERC may reject Mitigation Plans that they determine to be incomplete or inadequate.

VII. Remedial action directives also may be issued as necessary to ensure reliability of the BPS.

Attachment d

Registered Entity's Certification of Completion

FRCC Mitigation Plan Completion Form

Certification of a Completed Mitigation Plan

All Mitigation Plan Completion Certification submittals shall include data or information sufficient for FRCC to verify completion of the Mitigation Plan. FRCC may request such additional data or information and conduct follow-up assessments, on-site or other Spot Checking, or Compliance Audits as it deems necessary to verify that all required actions in the Mitigation Plan have been completed and the Registered Entity is in compliance with the subject Reliability Standard. (CMEP Section 6.6)

Registered Entity Information
Company Name: New Hope Power Company
Company Address: 8001 US Hwy. 27 South, South Bay, FL 33493
NERC Compliance Registry ID (*if known*): NCR-00051

Date Original Mitigation Plan was submitted to FRCC: March 14, 2008

Date Mitigation Plan was completed: June 30, 2008

Name of Standard and the Requirement(s) covered under the accepted Mitigation Plan: CIP-001-1 Sabotage Reporting R1, R2, R3, R4

NERC Violation ID # (*if known*)**:**

Date of Certification: December 12, 2008

I certify that the mitigation plan for the above named alleged or confirmed violation has been completed on the date shown above, and that all information submitted information is complete and correct to the best of my knowledge.

Name: George Woodward
Title: Plant Manager
Email: George_Woodward@floridacrystals.com
Phone: (561)993-1461
Authorized Individual Signature George D. Woodward

To close out a completed Mitigation Plan, fill out this form, save and email it to compliancemanager@frcc.com.

Attachment e

Regional Entity's Verification of Completion

FLORIDA RELIABILITY COORDINATING COUNCIL, INC.
1408 N. WESTSHORE BLVD., SUITE 1002
TAMPA, FLORIDA 33607-4512
PHONE 813.289.5644 • FAX 813.289.5646
WWW.FRCC.COM

VIA E-MAIL

April 15, 2009

Mr. George Woodward
Plant Manager
New Hope Power Company
8001 US Highway 27 South
South Bay, FL 33493

Re: New Hope Power Company
Mitigation Plan – Self-Certification
Violations of NERC Standard:
CIP-001-1 R1 through R4

Dear Mr. Woodward,

The mitigation plan completion evidence submitted by New Hope Power Company (NHPC), formerly New Hope Power Partnership (NHPP), for the above referenced self-certification violations have been received by the Florida Reliability Coordinating Council, Inc. (FRCC). After review, the FRCC finds the mitigation plan for CIP-001-1, **Requirements 1 and 2** to be completed.

NHPC did not submit sufficient evidence to verify compliance for the following requirements:

- **Requirement 3**: Provide evidence of providing the sabotage response guidelines to NHPC operating personnel.

- **Requirement 4:** Provide evidence in accordance with the NERC Guidance contained in the NERC Pre-Audit Questionnaire and Reliability Standard Audit Worksheet for CIP-001-1:

  "In accordance with the referenced Reliability Standard Requirement the registered entity must provide to the Regional Entities evidence that its procedures contain correct and working contact information for the applicable local FBI or RCMP officials and such record evidence may include written notes, e-mail, etc., indicating who within the organization identified this contact information and describing how the entity verified the contact information."

The FRCC requests that NHPC submit the above requested evidence to the FRCC at compliancemanager@frcc.com by the required date of **April 22, 2009**.

If you have any questions you may reach me at 813-207-7968.

Respectfully,

Barry Pagel
Manager of Compliance
bpagel@frcc.com

FRCC Compliance and Enforcement Program
Mitigation Plan Disposition and Completion Steps

Entity: **New Hope Power Partnership**
Date Submitted: **03/14/2008**
Standard: **CIP-001-1**
Requirement(s): **R1 through 4**

Disposition Steps

FRCC acceptance Yes ☒ No ☐
Date reviewed **April 7, 2008**
(Within 30 days of receipt)
Within 10 days of re-submittal

Submit to NERC Yes ☒ No ☐
Date submitted
(Within 5 days of mitigation plan acceptance)
NERC Approved Yes ☐ No ☐

Resend to Entity to correct deficiencies Yes ☐ No ☒
Date retuned to Entity
Describe deficiencies

Tickle for milestone Yes ☒ No ☐
(10 days before completion date)
Date for milestone **June 30, 2008**

Milestone dates from Mitigation Plan **March 31, 2008**

Completion date **June 30, 2008**

Milestone date extended/modified Yes ☐ No ☒
Date NERC notified:
(Within 5 business days)

Quarterly updates required from Entity Yes ☒ No ☐

Reviewed by: **James Dodge**
Date reviewed: **April 7, 2008**

FRCC Compliance and Enforcement Program
Mitigation Plan Disposition and Completion Steps

Completion Steps

Entity submitted certification signed by the registered Entity's officer or equivalent for the plan, that all required actions described in the mitigation plan have been completed or information sufficient for the FRCC to verify completion.	Yes	☒	No	☐
Does FRCC require supporting information by conducting follow-up assessments, on-site or other Spot Checking, or Compliance Audits necessary to verify that all required actions in the Mitigation Plan have been completed?	Yes	☒	No	☐
Supporting information required.	Yes	☒	No	☐

NHPC did not submit sufficient evidence to meet compliance for the following requirements:

- **Requirement 3. NHPC needs to provide evidence of providing its sabotage response guidelines to NHPC operating personnel.**

- **Requirement 4. In accordance with the NERC Guidance contained in the NERC Pre-Audit Questionnaire and Reliability Standard Audit Worksheet for CIP-001-1:**

"In accordance with the referenced Reliability Standard Requirement the registered entity must provide to the Regional Entities evidence that its procedures contain correct and working contact information for the applicable local FBI or RCMP officials and such record evidence may include written notes, e-mail, etc., indicating who within the organization identified this contact information and describing how the entity verified the contact information."

Mitigation Plan completed on time If not, describe further action required	Yes	☐	No	☐
Actual Completion Date:				
Quarterly updates required to NERC	Yes	☐	No	☒

Reviewed by **Jim Dodge**
Date reviewed **3/26/2009**

Review process:
NHPC provided a certification of completion for this mitigation plan on December 12, 2008. FRCC reviewed evidence of completion and compliance provided by

NHPC against the NERC Reliability Standard Audit Worksheet for CIP-001-1, requirements 1 through 4.

Evidence submitted by the entity included:
NHPC provided documentation of its Sabotage Reporting Procedure, Version 0, Dated June 24, 2008.

Review results:
The FRCC Compliance Staff after completing the above review determined, in their professional judgment, that the evidence submitted by NHCP did meet the requirements of the NERC Reliability Standard CIP-001-1, requirements 1 and 2.

Further evidence is required to satisfy requirements 3 and 4. See not above.

Reviewed by **Richard Gilbert**
Date reviewed **08/27/2009**

Evidence submitted by the entity included:
Email from Matthew Capone (NHPC) response to FRCC request on CIP-003-1 R3, dated August 21, 2009

The FRCC Compliance Staff after completing the above review determined, in their professional judgment, that the evidence submitted by NHCP did meet the requirements of the NERC Reliability Standard CIP-001-1, R3.

FLORIDA RELIABILITY COORDINATING COUNCIL, INC.
1408 N. WESTSHORE BLVD., SUITE 1002
TAMPA, FLORIDA 33607-4512
PHONE 813.289.5644 • FAX 813.289.5646
WWW.FRCC.COM

VIA E-MAIL

September 8, 2009

Mr. Matthew Capone
Okeelanta Cogeneration Plant
New Hope Power Company
P.O. Box 9
South Bay, FL 33493

Re: New Hope Power Company
Mitigation Plan – Self-Certification
Violations of NERC Standard:
CIP-001-1 R1, R2, R3, and R4

FRCC200700025, FRCC200700066,
FRCC200700067, FRCC200700068

Dear Mr. Capone,

The mitigation plan completion evidence submitted by New Hope Power Company (NHPC), formerly New Hope Power Partnership (NHPP), for the above referenced self-certification violations has been received by the Florida Reliability Coordinating Council, Inc. (FRCC). After review on August 27, 2009, the FRCC finds this mitigation plan for CIP-001-1, Requirements 1 though 4, is completed. The FRCC will notify the North American Electric Reliability Corporation (NERC) that NHPC has completed its mitigation plan.

If you have any questions, feel free to contact me at 813-207-7968.

Respectfully,

Barry D. Pagel

Barry Pagel
Manager of Compliance
bpagel@frcc.com