Attachment a

Source Document

Compliance Audit Report
Public Version

Utilities Commission of New Smyrna Beach
December 20 - 21, 2007

Confidential Information (including Privileged and Critical Energy Infrastructure Information) Has Been Removed

October 13, 2008

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EXECUTIVE SUMMARY

As part of the Florida Reliability Coordinating Council, Inc. (FRCC) Compliance Monitoring and Enforcement Program (CMEP), the FRCC performs On-Site Compliance Audits of each Balancing Authority, Transmission Operator, and Reliability Coordinator within the Region once every three years.

The FRCC 2007 Compliance Audit of the Utilities Commission of New Smyrna Beach (NSB) was conducted on Thursday December 20, 2007 and Friday, December 21, 2007, at its facilities in New Smyrna Beach, Florida.

The specific North American Electric Reliability Corporation (NERC) Reliability Standards, applicable requirements, along with NSB documentation (where required to demonstrate compliance), were reviewed by the compliance audit team. Relevant copies of documents, detailed audit team notes, completed Reliability Standard Audit Worksheets (RSAW) and the detailed basis of the findings is included in the NSB audit record file.

A total of thirty-eight (38) NERC Reliability Standards were reviewed, and the audit team found that:

- NSB was fully compliant with thirteen (13) standards.
- NSB was found to be in non-compliance for fourteen (14) standards with eighteen (18) possible violations.
- Eleven (11) of the standards were not applicable to NSB.

This audit report includes information about how far NSB missed the requirements, if any, for the possible compliance violations. Possible compliance violations will be processed through the FRCC's CMEP. Any further actions related to possible compliance violations will be through that process.

AUDIT PROCESS

The compliance audit team followed the audit process steps that are outlined in the FRCC CMEP. The audit included the use of approved RSAWs along with the NERC reliability standards for definition of requirements. The FRCC CMEP generally conforms to the United States Government Accountability Office Government Auditing Standards and other generally accepted audit practices, as required by NERC.

Objectives

All registered entities are subject to an audit for compliance with all reliability standards applicable to the functions for which the entity is registered.[1] The audit objectives were to:

- Independently review NSB's compliance with the requirements of the reliability standards that are applicable to NSB based on NSB's registered functions.
- Validate compliance with applicable reliability standards from the NERC 2007 Implementation Plan list of actively monitored standards.

Scope

In general a compliance audit will include all reliability standards applicable to the registered entity that are included in the FRCC Implementation Plan for the current and three previous years, and may include other reliability standards applicable to the registered entity as identified by the FRCC. The scope of an on-site compliance audit can vary depending on whether it is scheduled as part of a regular, periodic scheduled audit or as part of a compliance investigation.

The specific scope of this audit included:

- Pre-audit review of submitted documentation at FRCC headquarters in Tampa, FL.
- On-site audit review of NSB facilities.
- Validation of NSB's 2006 self-certification documents.
- Review of NSB compliance with the specifically monitored standards included in the 2007 FRCC Implementation Plan. 2007 is a transition year and NERC's implementation plan did not include previous years.
- Detailed reviews of procedures, plans, records (such as training and maintenance), and other documentation developed by NSB to demonstrate compliance to the applicable NERC reliability standards requirements.

Confidentiality and Conflict of Interest

In order to ensure confidentiality and avoid conflict of interest, the FRCC required the volunteers who participated on the NSB compliance audit team to execute confidentiality agreements. The NERC representative and FRCC staff signed Non-Disclosure Acknowledgements as per the NERC Rules of Procedures. The signed documents were provided to NSB in advance of the on-site audit. NSB was given an opportunity to object to an audit team member on the basis of a possible conflict of interest or the existence of other circumstances that could interfere with the audit team member's impartial performance of duties. NSB accepted the audit team participants with no objections.

[1] FRCC CMEP, paragraph 3.1, Compliance Audits

Notice

On September 28, 2007, the FRCC submitted the notice of on-site audit to NSB by email and US mail. NSB was notified the audit was scheduled for December 20 and 21, 2007. The notice of audit defined the audit process, the audit expectations, and a request for data submittal.

The audit notice also included a pre-audit survey, audit scope, audit folders containing the RSAW's, audit agenda, and the audit team review process table listing the reliability standards that would be reviewed during the audit.

Methodology

The audit team conducted a pre-audit review of the evidence of compliance supplied by NSB, at the FRCC offices in Tampa, Florida. After an initial review of the data using the RSAWs, the audit team advised NSB that submittal of follow-up data was required for further determination and clarification of the evidence submitted.

An audit overview meeting was held with NSB via a conference call on December 10, 2007. The team leader went over the logistics and the agenda with NSB and informed NSB of the audit team's expectations while on site. During this meeting, the team leader confirmed the areas that would be interviewed and requested that appropriate subject matter experts be made available. NSB was in agreement with the agenda. NSB also provided the audit team with instructions of where to enter its facility and confirmed that the necessary personnel would be available during the on-site audit.

On-site Visit

Upon arrival at NSB, the team leader presented an overview of the audit agenda to NSB's audit participants. A brief discussion took place regarding the coordination of interviews. NSB was informed of when the preliminary compliance audit findings would be presented to its participants. The audit team later broke out into two (2) groups and reviewed the audit folders requiring follow-up of additional evidence of compliance from NSB.

During the on-site audit, the audit team conducted interviews with the appropriate subject matter experts, within the various areas to validate data and processes were being met as specified by the reliability standards and RSAWs. The interviews confirmed NSB's personnel were well informed of the processes in accordance to their specific job function (s). The following subject areas were clarified during the on-site interviews:

- Transmission planning
- Vegetation management
- System operator work schedule
- System operator training
- Facility ratings
- Emergency operations

- Relay maintenance

The audit team had direct communication with management as well as the audit participants. These interviews in conjunction with submitted evidence provided the audit team with a basis for their professional judgment when validating compliance with reliability standards. In accordance to the Generally Accepted Government Auditing Standard 3.31 - Auditors must use professional judgment in planning and performing audits and in reporting the results. The audit team was pleased with NSB's flexibility to accommodate its schedules to be readily available to answer questions regarding the assessed reliability standards.

The audit team requested additional documentation from NSB and asked the audit participants to clarify any questions or concerns they had in validating compliance. If a possible violation was determined, the teams discussed their findings on where NSB failed to provide evidence of compliance and reached consensus.

Exit Briefing

At the completion of the compliance audit, preliminary findings were presented to NSB's audit participants. (A list of the participants is included in this report). The monitored reliability standards were summarized along with a list of the applicable documents used to determine evidence of compliance for each standard. Possible violations were reviewed and the determination of how NSB failed to meet the standards was discussed. NSB was informed of the following next steps:

- The draft audit report will be provided for NSB's review.
- NSB is to provide written comments to FRCC within fourteen (14) days of receipt of the draft report.
- The audit team will finalize the report and provide to FRCC Compliance Staff.
- The FRCC Compliance Staff will review the audit report and determine the initial findings of alleged violation(s).
- The FRCC Compliance Committee will review the compliance staff's determination of alleged violations.
- Notice of alleged violation and penalty will be submitted to NSB.
- The final audit report will be issued and forwarded to NERC for posting in accordance with the FRCC CMEP.
- NSB feedback of the audit process will be requested.

Company Profile

NSB is registered on the NERC compliance registry with the following designated functions: Balancing Authority, Distribution Provider, Generator Owner, Generator Operator, Load Serving Entity, Planning Authority, Purchasing Selling Entity, Resource Planner, Transmission Owner, and Transmission Operator.

Audit Specifics

The compliance audit was conducted on December 20 - 21, 2007 at NSB's office in New Smyrna Beach, Florida. The NSB audit team consisted of the following members.

Audit Team:

Audit Team Role	Title	Company
Lead	Compliance Manager	FRCC
Member	Compliance Auditor	FRCC
Member	Manager - Transmission Planning & Reliability	Orlando Utilities Commission
Member	Manager Operations	Lakeland Electric
NERC Staff	Regional Compliance Program Coordinator	NERC
Documentation	FRCC Compliance Program Administrator	FRCC

NSB Audit Participants:

Title	NSB Organization
Director of System Operations	NSB
Sr. Electrical Engineer, P.E.	NSB
Director Electrical Operations	NSB
Supervisor of Substation	NSB

Compliance Culture

Post audit inquiries were made to NSB to determine whether its organization has an internal compliance program. NSB reported that it has implemented a compliance program to ensure its organization is complying with the NERC reliability standards. The audit team indicated FRCC compliance staff would request compliance program details at a later date.

AUDIT RESULTS

Audit Findings Summary Table

NERC Reliability Standard Number / Title	2006 Self-Certification Response	2007 Audit Findings
BAL-001-0 – Real Power Balancing Control Performance	Fully Compliant	Fully Compliant
BAL-002-0 – Disturbance Control Performance	Fully Compliant	Fully Compliant
BAL-003-0 – Frequency Response and Bias	Fully Compliant	Fully Compliant
CIP-001-1 – Sabotage Reporting	Not included In Self-Certification	Fully Compliant
COM-001-1 – Telecommunications	Not Included In Self-Certification	Possible Violation
EOP-001-0 – Emergency Operations Planning	Fully Compliant	Possible Violation
EOP-003-1 – Load Shedding Plans	Not Included In Self-Certification	Possible Violation
EOP-005-1 – System Restoration Plans	Fully Compliant	Possible Violation

NERC Reliability Standard Number / Title	2006 Self-Certification Response	2007 Audit Findings
EOP-008-0 – Plans for Loss of Control Center Functionality	Fully Compliant	Possible Violation
EOP-009-0 – Documentation of Black-start Generating Unit Test Results	Standard Not Applicable	Standard Not Applicable
FAC-003-1 – Transmission Vegetation Management Program	Standard Not Applicable	Standard Not Applicable
FAC-008-1 –Facility Ratings Methodology	Not Included In Self-Certification	Possible Violation
FAC-009-1 – Establish and Communicate Facility Ratings	Not Included In Self-Certification	Possible Violation
IRO-001-1 – Reliability Coordination Operations Planning	Standard Not Applicable	Fully Compliant
IRO-004-1 – Reliability Coordination Operations Planning	Standard Not Applicable	Fully Compliant
PER-002-0 – Operating Personnel Training	Fully Compliant	Fully Compliant
PER-003-0 – Operating Personnel Credentials	Non Compliance	Fully Compliant
PRC-004-1 – Analysis and Mitigation of Transmission and Generation Protection System Mis-operations	Fully Compliant	Fully Compliant

NERC Reliability Standard Number / Title	2006 Self-Certification Response	2007 Audit Findings
PRC-005-1 – Transmission and Generation Protection System Maintenance and Testing	Non Compliance	Possible Violation
PRC-008-0 – Implementation and Documentation of UFLS Equipment Maintenance Programs	Non Compliance	Fully Compliant
PRC-010-0 – Technical Assessment of the Design and Effectiveness of Under-voltage Load Shedding Program	Not Included In Self-Certification	Standard Not Applicable
PRC-011-0 – UVLS System Maintenance and Testing	Non Compliance	Standard Not Applicable
PRC-016-0 – SPS Mis-operations	Standard Not Applicable	Standard Not Applicable
PRC-017-0 – SPS Maintenance and Testing	Standard Not Applicable	Standard Not Applicable
PRC-021-1 – Under-Voltage Load Shedding Program Data	Not Included In Self-Certification	Standard Not Applicable
TOP-003-0 - Planned Outage Coordination	Fully Compliant	Fully Compliant
TOP-004-1 – Transmission Operations	Not Included In Self-Certification	Possible Violation
TOP-005-1 – Operational Reliability Information	Fully Compliant	Fully Compliant

NERC Reliability Standard Number / Title	2006 Self-Certification Response	2007 Audit Findings
TOP-007-0 – Reporting System Operating Limit (SOL) and Interconnection Reliability	Fully Compliant	Fully Compliant
TPL-001-0 – System Performance Under Normal Conditions	Fully Compliant	Possible Violation
TPL-002-0 – System Performance Following Loss of a Single Bulk Electric System Element	Fully Compliant	Possible Violation
TPL-003-0 – System Performance Following Loss of a Two or More Bulk Electric System Element	Fully Compliant	Possible Violation
TPL-004-0 – System Performance Following Extreme Events Resulting in the Loss of Two or More Bulk Electric System Element	Fully Compliant	Possible Violation
VAR-001-1 – Voltage and Reactive Control	Not Included In Self-Certification	Possible Violation

Summary Conclusion

At the conclusion of the on-site audit, preliminary findings were presented to NSB personnel by the audit team. The possible violations were reviewed and NSB personnel were asked if they had any questions or concerns. No questions or concerns were presented by NSB.

NSB Summary

NSB	*Standards in Full Compliance*	*Standards with Possible Violations*

2006 Self-Certification	**15**	**4**
12/20/07 – 12/21/07 Compliance Audit	**13**	**14**

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

August 31, 2009

Mr. Tim Beyrle
Director of System Operations and Generation
Utilities Commission, City of New Smyrna Beach
P.O. Box 100
New Smyrna Beach, FL 32170

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

Dear Mr. Beyrle,

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 Utilities Commission of New Smyrna Beach and approved by NERC and FERC.

If Utilities Commission of New Smyrna Beach 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 Utilities Commission of New Smyrna Beach 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

Utilities Commission, City of New Smyrna Beach 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 Utilities Commission, City of New Smyrna Beach 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. Utilities Commission, City of New Smyrna Beach attests there have been no repeat occurrences of the violations listed in **Attachment B** as of the date of this attestation.

4. If Utilities Commission, City of New Smyrna Beach 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 Utilities Commission, City of New Smyrna Beach fails to make the monetary penalty payment set forth below, Florida Reliability Coordinating Council, Inc. will initiate enforcement, penalty, or sanction actions against Utilities Commission, City of New Smyrna Beach 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, Utilities Commission, City of New Smyrna Beach

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:

Utilities Commission, City of New Smyrna Beach

By Timothy Beyrle

September 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

Utilities Commission of New Smyrna Beach declines to participate in the expedited resolution of the identified violations or alleged violations.

Utilities Commission of New Smyrna Beach

_____ _____

By Date

ATTACHMENT B

List of Violations

NERC Violation ID	REGISTERED ENTITY	Standard	Requirement	Penalty
FRCC200700051	Utilities Commission of New Smyrna Beach	BAL-005-0	R8.1	$0.00
FRCC200700028	Utilities Commission of New Smyrna Beach	COM-001-1	R5	$0.00
FRCC200700030	Utilities Commission of New Smyrna Beach	EOP-001-0	R6	$0.00
FRCC200700029	Utilities Commission of New Smyrna Beach	EOP-001-0	R4	$0.00
FRCC200700031	Utilities Commission of New Smyrna Beach	EOP-001-0	R7	$0.00
FRCC200700033	Utilities Commission of New Smyrna Beach	EOP-003-1	R7	$0.00
FRCC200700045	Utilities Commission of New Smyrna Beach	EOP-005-1	R1	$0.00
FRCC200700046	Utilities Commission of New Smyrna Beach	EOP-005-1	R7	$0.00
FRCC200700034	Utilities Commission of New Smyrna Beach	EOP-008-0	R1	$0.00
FRCC200700035	Utilities Commission of New Smyrna Beach	FAC-008-1	R1	$0.00
FRCC200700036	Utilities Commission of New Smyrna Beach	FAC-009-1	R1	$0.00
FRCC200700038	Utilities Commission of New Smyrna Beach	PRC-005-1	R1	$0.00
FRCC200700039	Utilities Commission of New Smyrna Beach	TOP-004-1	R6	$0.00

FRCC200700040	Utilities Commission of New Smyrna Beach	TPL-001-0	R1	$0.00
FRCC200700041	Utilities Commission of New Smyrna Beach	TPL-002-0	R1	$0.00
FRCC200700042	Utilities Commission of New Smyrna Beach	TPL-003-0	R1	$0.00
FRCC200700043	Utilities Commission of New Smyrna Beach	TPL-004-0	R1	$0.00
FRCC200700044	Utilities Commission of New Smyrna Beach	VAR-001-1	R1	$0.00

Attachment c

Mitigation Plan

Mitigation Plan Submittal Form

Date this Mitigation Plan is being submitted: 10/17/08

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: Utilities Commission, City of New Smyrna Beach
Company Address: P.O. Box 100, New Smyrna Beach, Florida 32170
NERC Compliance Registry ID: NCR00052

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

Name: Tim Beyrle
Title: Director of System Operations & Generation
Email: tbeyrle@ucnsb.org
Phone: (386) 424-3160

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.

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)
FRCC200700045	EOP-005-1	R1		12/21/07	Audit

(*) 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:

NSB's restoration plan did not specifically address the process to be followed during a restoration if vital data communication channels were unavailable. An additional section has been added to the System Restoration Procedures to address this situation.

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

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:

NSB's System Restoration Procedures addressed the loss of telecommunications, but did not specifically address the loss of vital data communication channels. The Procedure was modified, along with the steps outlined in the plan for Loss of Control Center Functionality, to detail the actions which should be taken in this situation.

Attachments:
NSB-EOP-002-2 – System Restoration Procedures (10/1/08)
Revision Tracking Document for NSB-EOP-002
NSB-EOP-008-2 – Plans for Loss of Control Center Functionality (9/30/08)
Revision Tracking Document for NSB-EO8-002

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: 10/1/08. Mitigation Plan has been fully implemented.

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)
Modified System Restoration Procedures to include steps for loss of vital data communications.	10/1/08

(*) 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.

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:

No expected impact to the reliability of the BPS

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:

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 Director of System Operations and Generation of Utilities Commission, City of New Smyrna Beach.

2. I am qualified to sign this Mitigation Plan on behalf of Utilities Commission, City of New Smyrna Beach.

3. I understand Utilities Commission, City of New Smyrna Beach'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. Utilities Commission, City of New Smyrna Beach agrees to comply with, this Mitigation Plan, including the timetable completion date, as accepted by the FRCC and approved by NERC.

Authorized Individual Signature _____

Name (Print): Tim Beyrle
Title: Director of System Operations and Generation
Date: 10/17/08

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

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.

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: Utilities Commission, City of New Smyrna Beach
Company Address: P.O. Box 100, New Smyrna Beach, FL 32170
NERC Compliance Registry ID: NCR00052

Date Original Mitigation Plan was submitted to FRCC: 10/17/08

Date Mitigation Plan was completed: 10/17/08

Name of Standard and the Requirement(s) covered under the accepted Mitigation Plan: EOP-005-1 R1

NERC Violation ID # (*if known*)**: FRCC200700045**

Date of Certification: 10/17/08

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: Tim Beyrle
Title: Director of System Operations & Generation
Email: tbeyrle@ucnsb.org
Phone: (386) 424-3160
Authorized Individual Signature _____

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

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

January 23, 2009

Mr. Tim Beyrle
Director of System Operations and Generation
Utilities Commission, City of New Smyrna Beach
P.O. Box 100
New Smyrna Beach, FL 32170

Re: Utilities Commission, City of New Smyrna Beach
Mitigation Plan – On-Site Audit Violations of NERC Standard: EOP-005-1, R1

FRCC200700045, NSB_2007_24

Dear Mr. Beyrle,

The mitigation plan submitted by Utilities Commission, City of New Smyrna Beach, for the above referenced On-Site Audit violations has been received by the Florida Reliability Coordinating Council, Inc. (FRCC). After review, the FRCC finds the mitigation plan for EOP-005-0, R1 is completed. The FRCC will forward the submitted mitigation plan to the North American Electric Reliability Corporation (NERC) for its review.

Feel free to contact me at 813-207-7968 with any questions.

Respectfully,

Barry D. Pagel

Barry Pagel
Manager of Compliance
bpagel@frcc.com

cc: FRCC NERC Mailbox

FRCC Compliance and Enforcement Program
Mitigation Plan Disposition and Completion Steps

Entity: City of New Smyrna Beach (NSB)
Date Submitted: 10/17/2008
Standard: EOP-005-1
Requirement(s): R1

Disposition Steps

FRCC acceptance	Yes	☒	No	☐
Date reviewed	01/17/2009			
(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				

Milestone dates from Mitigation Plan

Proposed Completion date from Mitigation Plan 10/01/2008

Milestone date extended/modified	Yes	☐	No	☒
Date NERC notified:				
(Within 5 business days)				
Quarterly updates required from Entity	Yes	☐	No	☒
Quarterly updates required to NERC	Yes	☐	No	☒

Reviewed by: Richard Gilbert
Date reviewed: 01/17/2009

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. Date request sent to Entity	Yes	☒	No	☐
Mitigation Plan completed on time If not, describe further action required	Yes	☒	No	☐

Actual Mitigation Plan Completion Date: **10/01/2008**

Reviewed by: **Richard Gilbert**
Date reviewed: **01/17/2009**

Notes:
Review process:
NSB provided a certification of completion for this mitigation plan on October 17, 2008. FRCC reviewed evidence of completion and compliance provided by NSB against the NERC Reliability Standard Audit Worksheet for EOP-005-1, requirement 1.

Evidence submitted by the entity included:
NSB provided documentation NSB-001, System Restoration Procedures dated 10/01/2008 and NSB-002, Plans for Loss of Control Center Functionality dated 09/30/2008.

Review results:
The FRCC Compliance Staff after completing the above review determined, in their professional judgment, that the evidence submitted by NSB did meet the requirement of the NERC Reliability Standard EOP-005-1, requirement 1.