



NORTH AMERICAN ELECTRIC
RELIABILITY CORPORATION

July 6, 2010

Ms. Kimberly Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**Re: Abbreviated Notice of Penalty
Benton County Wind Farm, LLC, FERC Docket No. NP10-__-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides this Abbreviated Notice of Penalty (NOP) regarding Benton County Wind Farm, LLC (Benton County Wind Farm),¹ with information and details regarding the nature and resolution of the violation² discussed in detail in the Settlement Agreement (Attachment b) and the Disposition Document (Attachment e), in accordance with the Federal Energy Regulatory Commission's (Commission or FERC) rules, regulations and orders, as well as NERC Rules of Procedure including Appendix 4C (NERC Compliance Monitoring and Enforcement Program (CMEP)).³

On October 31, 2008, Benton County Wind Farm self-certified a violation of TOP-002-2 Requirement (R) 3 to ReliabilityFirst Corporation (ReliabilityFirst) for Benton County Wind Farm's failure to coordinate its current-day, next-day, and seasonal operations with its Host

¹Also concurrently being filed is a Notice of Penalty designated as NOC-455 regarding a separate Settlement Agreement between ReliabilityFirst and Camp Grove Wind Farm, LLC for a violation of the same Reliability Standard. Benton County Wind Farm and Camp Grove Wind Farm are both owned by wind farm developer Orion Energy, a wholly-owned subsidiary of BP Alternative Energy. Benton County Wind Farm is also known as Goodland I.

²For purposes of this document, each violation at issue is described as a "violation," regardless of its procedural posture and whether it was a possible, alleged or confirmed violation.

³*Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards* (Order No. 672), III FERC Stats. & Regs. ¶ 31,204 (2006); *Notice of New Docket Prefix "NP" for Notices of Penalty Filed by the North American Electric Reliability Corporation*, Docket No. RM05-30-000 (February 7, 2008). See also 18 C.F.R. Part 39 (2010). *Mandatory Reliability Standards for the Bulk-Power System*, FERC Stats. & Regs. ¶ 31,242 (2007) (Order No. 693), *reh'g denied*, 120 FERC ¶ 61,053 (2007) (Order No. 693-A). See 18 C.F.R. § 39.7(c)(2).

Balancing Authority and Transmission Service Provider,⁴ Northern Indiana Public Service Company (NIPSCO). This Notice of Penalty is being filed with the Commission because ReliabilityFirst and Benton County Wind Farm have entered into a Settlement Agreement to resolve all outstanding issues arising from a preliminary and non-public assessment resulting in ReliabilityFirst's determination and findings of the enforceable violation of TOP-002-2 R3. According to the Settlement Agreement, Benton County Wind Farm neither admits nor denies the violation, but has agreed to the proposed penalty of two thousand five hundred dollars (\$2,500), in addition to other remedies and actions to mitigate the instant violation and facilitate future compliance under the terms and conditions of the Settlement Agreement. Accordingly, the violation identified as NERC Violation Tracking Identification Number RFC200800103 is being filed in accordance with the NERC Rules of Procedure and the CMEP.

Statement of Findings Underlying the Violation

This Notice of Penalty incorporates the findings and justifications set forth in the Settlement Agreement executed on January 4, 2010, by and between ReliabilityFirst and Benton County Wind Farm and the Supplemental Record Information document issued by ReliabilityFirst on January 8, 2010. The details of the findings and the basis for the penalty are set forth in the Disposition Document. This Notice of Penalty filing contains the basis for approval of the Settlement Agreement by the NERC Board of Trustees Compliance Committee (NERC BOTCC). In accordance with Section 39.7 of the Commission's regulations, 18 C.F.R. § 39.7, NERC provides the following summary table identifying each violation of a Reliability Standard resolved by the Settlement Agreement, as discussed in greater detail below.

Region	Registered Entity	NOC ID	NERC Violation ID	Reliability Std.	Req. (R)	VRF	Total Penalty (\$)
ReliabilityFirst	Benton County Wind Farm, LLC	NOC-454	RFC200800103	TOP-002-2 ⁵	3	Medium	2,500

The text of the Reliability Standard at issue is set forth in the Disposition Document.

TOP-002-2 R3 - OVERVIEW⁶

ReliabilityFirst determined that Benton County Wind Farm, as a Generator Operator, did not coordinate its current-day, next-day, and seasonal operations with its Host Balancing Authority and Transmission Service Provider, NIPSCO. Benton County Wind Farm was instead submitting data about its current-day, next-day, and seasonal operations to its "Power Purchasing" parties.

⁴ ReliabilityFirst's Verification of Mitigation Plan Completion incorrectly states that Northern Indiana Public Service Company (NIPSCO) is Benton County Wind Farm's Transmission Operator.

⁵ TOP-002-2 was enforceable from June 18, 2007 through December 1, 2009. TOP-002-2a is the current enforceable Standard and was approved by the Commission and became enforceable on December 2, 2009. The subsequent interpretations provide clarity regarding R11 only and do not change the meaning or language of the original NERC Reliability Standard and its requirements at issue in this Notice. For consistency in this filing, the original NERC Reliability Standard, TOP-002-2, is used throughout.

⁶ Further information on this violation is contained in the Disposition Document included as Attachment e.

The duration of the TOP-002-2 R3 violation was from October 13, 2008, when Benton County Wind Farm was included on the NERC Compliance Registry, through November 3, 2008, the date Benton County Wind Farm completed its Mitigation Plan.

ReliabilityFirst concluded that this violation did not pose a serious or substantial risk to the reliability of the bulk power system (BPS) because Benton County Wind Farm's total generation capacity is 130.5 MW, and the period that Benton County Wind Farm did not coordinate its current-day, next-day and seasonal operations with its Balancing Authority and Transmission Service Provider was less than three weeks (October 13, 2008 through November 3, 2008). Additionally, Benton County Wind Farm was a newly registered entity and it was unaware that it was supposed to have been coordinating with the Balancing Authority and the Transmission Service Provider, instead of the "Power Purchasing" Parties.

Regional Entity's Basis for Penalty

According to the Settlement Agreement, ReliabilityFirst has assessed a penalty of two thousand five hundred dollars (\$2,500) for the referenced violation. In reaching this determination, ReliabilityFirst considered the following factors:

1. the violation constituted Benton County Wind Farm's first occurrence of violation of the subject NERC Reliability Standard;
2. Benton County Wind Farm was cooperative throughout the compliance enforcement process;
3. the quality of the Benton County Wind Farm's compliance program, as discussed in the Disposition Document;
4. there was no evidence of any attempt to conceal the violation nor evidence of intent to do so;
5. the violation did not pose a serious or substantial risk to the reliability of the BPS, as discussed above and in the Disposition Document; and
6. there were no other mitigating or aggravating factors or extenuating circumstances that would affect the assessed penalty.

After consideration of the above factors, ReliabilityFirst determined that, in this instance, the penalty amount of two thousand five hundred dollars (\$2,500) is appropriate and bears a reasonable relation to the seriousness and duration of the violation.

Statement Describing the Proposed Penalty, Sanction or Enforcement Action Imposed⁷

Basis for Determination

Taking into consideration the Commission's direction in Order No. 693, the NERC Sanction Guidelines, the Commission's July 3, 2008 and October 26, 2009 Guidance Orders,⁸ the NERC BOTCC reviewed the Settlement Agreement and supporting documentation on May 14, 2010. The NERC BOTCC approved the Settlement Agreement, including ReliabilityFirst's imposition of a financial penalty, assessing a penalty of two thousand five hundred dollars (\$2,500) against Benton County Wind Farm and other actions to facilitate future compliance required under the terms and conditions of the Settlement Agreement. In approving the Settlement Agreement, the NERC BOTCC reviewed the applicable requirements of the Commission-approved Reliability Standards and the underlying facts and circumstances of the violation at issue.

In reaching this determination, the NERC BOTCC considered the following factors:

1. the violation constituted Benton County Wind Farm's first occurrence of violation of the subject NERC Reliability Standard;
2. ReliabilityFirst reported that Benton County Wind Farm was cooperative throughout the compliance enforcement process;
3. the quality of the Benton County Wind Farm's compliance program, as discussed in the Disposition Document;
4. there was no evidence of any attempt to conceal the violation nor evidence of intent to do so;
5. ReliabilityFirst determined that the violation did not pose a serious or substantial risk to the reliability of the BPS, as discussed above and in the Disposition Document; and
6. ReliabilityFirst reported that there were no other mitigating or aggravating factors or extenuating circumstances that would affect the assessed penalty.

For the foregoing reasons, the NERC BOTCC approves the Settlement Agreement and believes that the assessed penalty of two thousand five hundred dollars (\$2,500) is appropriate for the violation and circumstances in question, and is consistent with NERC's goal to promote and ensure reliability of the BPS.

Pursuant to 18 C.F.R. §39.7 (e), the penalty will be effective upon expiration of the 30 day period following the filing of this Notice of Penalty with FERC, or, if FERC decides to review the penalty, upon final determination by FERC.

⁷ See 18 C.F.R. § 39.7(d)(4).

⁸ *North American Electric Reliability Corporation*, "Guidance Order on Reliability Notices of Penalty," 124 FERC ¶ 61,015 (2008); *North American Electric Reliability Corporation*, "Guidance Order on Reliability Notices of Penalty," 129 FERC ¶ 61,069 (2009).

Attachments to be included as Part of this Notice of Penalty

The attachments to be included as part of this Notice of Penalty is the following documents and material:

- a) Benton County Wind Farm's Self-Certification dated October 31, 2008, included as Attachment a;
- b) Settlement Agreement by and between ReliabilityFirst and Benton County Wind Farm executed January 4, 2010, included as Attachment b;
- c) Benton County Wind Farm's Mitigation Plan and Certification of Completion therein dated October 31, 2008 and submitted January 22, 2009, included as Attachment c;
- d) ReliabilityFirst's Verification of Completion dated November 23, 2009, included as Attachment d; and
- e) Disposition Document, included as Attachment e.

A Form of Notice Suitable for Publication⁹

A copy of a notice suitable for publication is included in Attachment f.

⁹ See 18 C.F.R § 39.7(d)(6).

Notices and Communications

Notices and communications with respect to this filing may be addressed to the following:

<p>Gerald W. Cauley* President and Chief Executive Officer David N. Cook* Vice President and General Counsel North American Electric Reliability Corporation 116-390 Village Boulevard Princeton, NJ 08540-5721 (609) 452-8060 (609) 452-9550 – facsimile gerry.cauley@nerc.net david.cook@nerc.net</p> <p>Kreg Kitchen* Asset Manager Benton County Wind Farm, LLC 1611 Telegraph Avenue, Suite 1515 Oakland, CA 94612 (510) 267-9322 (510) 267-8911 – facsimile kkitchen@orion-energygroup.com</p> <p>Megan E. Gambrel* Compliance Enforcement Specialist ReliabilityFirst Corporation 320 Springside Drive, Suite 300 Akron, OH 44333 (330) 456-2488 (330) 456-5408 – facsimile megan.gambrel@rfirst.org</p> <p>Robert K. Wargo* Manager of Compliance Enforcement ReliabilityFirst Corporation 320 Springside Drive, Suite 300 Akron, OH 44333 (330) 456-2488 (330) 456-5408 – facsimile bob.wargo@rfirst.org</p>	<p>Rebecca J. Michael* Assistant General Counsel Holly A. Hawkins* Attorney V. Davis Smith* Attorney (admitted in IN, application pending in NJ, not admitted in D.C.) North American Electric Reliability Corporation 1120 G Street, N.W. Suite 990 Washington, DC 20005-3801 (202) 393-3998 (202) 393-3955 – facsimile rebecca.michael@nerc.net holly.hawkins@nerc.net davis.smith@nerc.net</p> <p>Timothy R. Gallagher* President & CEO ReliabilityFirst Corporation 320 Springside Drive, Suite 300 Akron, OH 44333 (330) 456-2488 (330) 456-5390 – facsimile tim.gallagher@rfirst.org</p> <p>Raymond J. Palmieri* Vice President and Director of Compliance ReliabilityFirst Corporation 320 Springside Drive, Suite 300 Akron, OH 44333 (330) 456-2488 (330) 456-5408 – facsimile ray.palmieri@rfirst.org</p> <p>*Persons to be included on the Commission's service list are indicated with an asterisk. NERC requests waiver of the Commission's rules and regulations to permit the inclusion of more than two people on the service list.</p>
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Conclusion

Accordingly, NERC respectfully requests that the Commission accept this Abbreviated NOP as compliant with its rules, regulations and orders.

Respectfully submitted,

Gerald W. Cauley
President and Chief Executive Officer
David N. Cook
Vice President and General Counsel
North American Electric Reliability Corporation
116-390 Village Boulevard
Princeton, NJ 08540-5721
(609) 452-8060
(609) 452-9550 – facsimile
gerry.cauley@nerc.net
david.cook@nerc.net

/s/ Rebecca J. Michael
Rebecca J. Michael
Assistant General Counsel
Holly A. Hawkins
Attorney
V. Davis Smith
Attorney (admitted in IN, application
pending in NJ, not admitted in D.C.)
North American Electric Reliability
Corporation
1120 G Street, N.W.
Suite 990
Washington, DC 20005-3801
(202) 393-3998
(202) 393-3955 – facsimile
rebecca.michael@nerc.net
holly.hawkins@nerc.net
davis.smith@nerc.net

cc: Benton County Wind Farm, LLC
ReliabilityFirst Corporation

Attachments

Attachment c

Benton County Wind Farm's Self-Certification dated October 31, 2008

Logged in as:

PDF Conversion Service

Log Out

System Administration

Committees

Compliance

All Forms

Historical Forms

Certification Statements

Reports

TOP-002-2 Self Certification (All Functions) - Normal Operations Planning - 2008

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Attachments (1)

This form was marked as ready for authorized signatory approval on 10/31/2008.

* Required Fields

Status: Read Only

Technical Contact

* Kreg Kitchen (kkitchen@orion-energygroup.com) |

ReliabilityFirst will disclose this information to NERC and other third parties, only as required, and in accordance with established procedures pursuant to section 1500 of the NERC rules of procedure.

Applicable Function(s): GOP

A possible violation has been previously self-reported or identified by ReliabilityFirst. Provide the issues tracking number, if known.

Please provide a detailed status in the Additional Comments field below.

As an authorized representative of **Benton County Wind Farm, LLC**, I certify the following:

1. Benton County Wind Farm, LLC is in **Compliance** with the NERC Reliability Standard TOP-002-2.
2. Benton County Wind Farm, LLC is **Not in Compliance** with the following Requirements of NERC Reliability Standard TOP-002-2 (indicated by checkmark) but is in compliance with all other Requirements of the standard. Check all requirements for which Benton County Wind Farm, LLC is Not in Compliance:
 - R3. Each Load Serving Entity and Generator Operator shall coordinate (where confidentiality agreements allow) its current-day, next-day, and seasonal operations with its Host Balancing Authority and Transmission Service Provider. Each Balancing Authority and Transmission Service Provider shall coordinate its current-day, next-day, and seasonal operations with its Transmission Operator.


Provide a detailed explanation why this was not accomplished.


The site operation has been sending the daily updates to the PPA parties and not the BA etc. The site will begin sending after confirmation of contact information is recieved on 11/03/2008

Violation Severity Level

Not Specified

- R13. At the request of the Balancing Authority or Transmission Operator, a Generator Operator shall perform generating real and reactive capability verification that shall include, among other variables, weather, ambient air and water conditions, and fuel quality and quantity, and provide the results to the Balancing Authority or Transmission Operator operating personnel as requested.
- R14. Generator Operators shall, without any intentional time delay, notify their Balancing Authority and Transmission Operator of changes in capabilities and characteristics including but not limited to:
 - R14.1. Changes in real and reactive output capabilities. (Retired August 1, 2007) Changes in real output capabilities. (Effective August 1, 2007)
 - R14.2. Automatic Voltage Regulator status and mode setting. (Retired August 1, 2007)
- R15. Generation Operators shall, at the request of the Balancing Authority or Transmission Operator, provide a forecast of expected real power output to assist in operations planning (e.g., a seven-day forecast of real output).

 **R18.** Neighboring Balancing Authorities, Transmission Operators, Generator Operators, Transmission Service Providers and Load Serving Entities shall use uniform line identifiers when referring to transmission facilities of an interconnected network.

 3. The NERC Reliability Standard TOP-002-2 **does not** apply to **Benton County Wind Farm, LLC** because

Additional Comments:

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Attachment d

**Settlement Agreement by and between
ReliabilityFirst and Benton County Wind Farm
executed January 4, 2010**



In re)	
)	
BENTON COUNTY WIND FARM,)	
LLC)	
)	
)	
)	DOCKET NUMBER
)	
)	
NERC Registry ID # NCR00170)	RFC200800103
)	

**SETTLEMENT AGREEMENT
OF
RELIABILITYFIRST CORPORATION AND
BENTON COUNTY WIND FARM LLC**

I. INTRODUCTION

1. ReliabilityFirst Corporation ("ReliabilityFirst") and Benton County Wind Farm, LLC ("Benton County Wind Farm") enter into this Settlement Agreement ("Agreement") to resolve all outstanding issues arising from a preliminary and non-public investigation resulting in ReliabilityFirst's determination and findings, pursuant to the North American Electric Reliability Corporation ("NERC") Rules of Procedure, of an alleged violation by Benton County Wind Farm of the NERC Reliability Standard TOP-002-2, Requirement 3.

II. STIPULATION OF FACTS

2. The facts stipulated herein are stipulated solely for the purpose of resolving between Benton County Wind Farm and ReliabilityFirst the matters discussed herein and do not constitute stipulations or admissions for any other purpose. Benton County Wind Farm and ReliabilityFirst hereby stipulate and agree to the following:

A. BACKGROUND

3. Benton County Wind Farm is a facility of the Orion Energy Group (Orion). Orion is a wind developer based in Oakland, California. The total megawatt capacity of Benton County Wind Farm is 130.5 MW.
4. ReliabilityFirst staff confirmed that Benton County Wind Farm is registered on the NERC Compliance Registry as a Generator Operator (GOP) in the ReliabilityFirst region with the NERC Registry Identification Number of NCR00170 and is therefore subject to compliance with TOP-002-2, Requirement 3.

B. ALLEGED VIOLATION OF TOP-002-2, Requirement 3 – RFC200800103

5. Requirement 3 of Reliability Standard TOP-002-2 states in part,

“Each Load Serving Entity and Generator Operator shall coordinate (where confidentiality agreements allow) its current-day, next-day, and seasonal operations with its Host Balancing Authority and Transmission Service Provider.”
6. Benton County Wind Farm self-certified non-compliance to TOP-002-2, R3 on October 31, 2008, and stated in the self certification that the site operation staff had been sending the daily updates to the “Power Purchasing” parties rather than to the Host Balancing Authority and Transmission Service Provider. In a response to a ReliabilityFirst information request, Benton County Wind Farm indicated that the Power Purchasing parties (the Power Purchasers of the energy) were PSI Energy Inc. dba Duke Energy Indiana Inc. and Vectren Power Supply Inc. Benton County Wind Farm indicated that its Host Balancing Authority and Transmission Service Provider is Northern Indiana Public Service Company. Benton County Wind Farm indicated that there are and have been no confidentiality agreements in place that restrict coordination of the current day, next day, and seasonal operations with its Host Balancing Authority or Transmission Provider.
7. Benton County Wind Farm provided information regarding factors that indicate that the Bulk Electric System was not placed at substantial risk as a result of the alleged violation. Benton County Wind Farm indicated that the first of the wind farm’s eighty-seven turbines was commissioned on March 13, 2008 and that the final turbine was commissioned on April 30, 2008. Consequently Benton County Wind Farm started producing power on March 13, 2008, but did not have the capability to produce its total capacity until April 30, 2008. Benton County became registered on the NERC Compliance Registry on October 13, 2008. The total megawatt capacity of Benton County Wind Farm is 130.5 MW. Benton County Wind Farm provided its MW output from October 13, 2008 to November 3, 2008, which showed that the highest MWh total for the day during any single day during that time period was 2838.19 MWh.

8. ReliabilityFirst alleges that Benton County Wind Farm failed to coordinate its current-day, next-day, and seasonal operations with its Host Balancing Authority and Transmission Service Provider from October 13, 2008 to November 3, 2008.

III. PARTIES' SEPARATE REPRESENTATIONS

A. STATEMENT OF RELIABILITYFIRST AND SUMMARY OF FINDINGS

9. ReliabilityFirst considers this Agreement as the resolution of all issues with regard to the above captioned docket number and to bind Benton County Wind Farm in the commitment to perform actions hereafter enumerated and listed as conditions for this Agreement.
10. TOP-002-2, Requirement 3 has a Violation Risk Factor (VRF) of Medium, as evidenced by the NERC Violation Risk Factor Matrix.
11. ReliabilityFirst found noteworthy and commendable certain aspects of Benton County Wind Farm's compliance program including that the Orion Internal Compliance Program is supported and endorsed by senior management. The Internal Compliance Program is reviewed, updated, and approved annually by the Internal Compliance Program manager, who is an officer of the company. The Internal Compliance Program manager has direct access as necessary to the CEO of Orion for the purposes of communicating directly and quickly any reliability issues involving Orion, and has full authority to contact the CEO any time it is necessary to do so. The compliance activities associated with the Internal Compliance Program, along with ongoing training, reporting, documentation, self certifications, spot checks, investigations, regional audits, data retention and evidence related to compliance activities undergo an internal audit every six months. A report is generated and presented to the Internal Compliance Program Manager and plant management. The report includes a review of operating procedures relating to compliance responsibilities to insure they are up to date and reflect any changes to specific Standards resulting from the NERC Standards Work Plan, new NERC Standards, and new or revised Regional Standards.
12. ReliabilityFirst agrees that this agreement is in the best interest of the parties and in the best interest of bulk power system reliability.

B. STATEMENT OF BENTON COUNTY WIND FARM

13. Benton County Wind Farm neither admits nor denies that the facts set forth and agreed to by the parties for the purposes of this Agreement constitute a violation of TOP-002-2, Requirement 3.
14. Benton County Wind Farm has agreed to enter into this Settlement Agreement with ReliabilityFirst to avoid extended litigation with respect to the matters described or referred to herein, to avoid uncertainty, and to effectuate a complete

and final resolution of the issues set forth herein. Benton County Wind Farm agrees that this agreement is in the best interest of the parties and in the best interest of maintaining a reliable electric infrastructure.

IV. MITIGATING ACTIONS, REMEDIES AND SANCTIONS

A. Mitigating Actions for TOP-002-2, Requirement 3 – RFC200800103

15. Benton County Wind Farm submitted to ReliabilityFirst a Mitigation Plan to address the Alleged Violation set forth in this Agreement.¹ On February 23, 2009, ReliabilityFirst accepted the Mitigation Plan (Mitigation Plan Tracking # MIT-08-1420, *see* Attachment a), and submitted the accepted Mitigation Plan to NERC. NERC approved the Mitigation Plan on February 25, 2009 and submitted the Mitigation Plan to FERC as confidential, non-public information on February 27, 2009. Benton County Wind Farm certified within the Mitigation Plan that the Mitigation Plan was completed by November 3, 2008 and submitted evidence of completion of the Mitigation Plan on October 22, 2009.
16. In the Mitigation Plan, Benton County Wind Farm indicated that Benton County Wind Farm operation staff had been sending daily updates to the Power Purchasing Parties rather than to the Host Balancing Authority and Transmission Service Provider. Benton County Wind Farm indicated that Benton County Wind Farm began sending the required information including daily updates and yearly planned maintenance schedule as of November 3, 2008.
17. ReliabilityFirst reviewed the evidence Benton County Wind Farm submitted in support of its certification of completion of the Mitigation Plan. ReliabilityFirst performed an in-depth review to verify that all actions specified in the Mitigation Plan were successfully completed. On November 23, 2009, ReliabilityFirst verified that the Mitigation Plan was completed in accordance with its terms (*see* Attachment b, “Summary and Review of Evidence of Mitigation Plan Completion”).
18. Benton County Wind Farm shall pay a monetary penalty of \$2,500 to ReliabilityFirst. ReliabilityFirst shall present an invoice to Benton County Wind Farm within twenty days after the Agreement is approved (as submitted or as modified in a manner acceptable to the parties) either by the Federal Energy Regulatory Commission or by operation of law, and ReliabilityFirst shall notify

¹ On October 31, 2008, Benton County Wind Farm attempted to submit a Mitigation Plan to ReliabilityFirst but the Mitigation Plan was incorrectly attached to the self-certification electronic portal submittal rather than the ReliabilityFirst prescribed mitigation plan email address. Benton County resubmitted the October 31, 2008 Mitigation Plan to ReliabilityFirst on January 22, 2009. Because the January 22, 2009 submittal included Benton County Wind Farm’s statement that the Mitigation Plan was completed by November 3, 2008, Benton County Wind Farm certified completion of the Mitigation Plan within the document.

the North American Electric Reliability Corporation if the payment is not received.

19. It is understood that ReliabilityFirst staff shall audit the progress of mitigation plans and any other remedies of this Agreement, including, but not limited to site inspection, interviews, and request other documentation to validate progress and/or completion of the mitigation plans and any other remedies of this Agreement. ReliabilityFirst shall reasonably coordinate audits and information requests with Benton County Wind Farm related to this Agreement.
20. Benton County Wind Farm shall pay \$2,500 to ReliabilityFirst as stated in this Settlement Agreement. However, if Benton County Wind Farm fails to complete the actions described above, ReliabilityFirst reserves the right to assess and collect a monetary penalty, to impose a sanction or otherwise to impose enforcement actions. Benton County Wind Farm shall retain all rights to defend against such additional enforcement actions in accordance with NERC Rules of Procedure.
21. Failure to make a timely penalty payment or to comply with any of the terms and conditions agreed to herein, or any other conditions of this Settlement Agreement, shall be deemed to be either the same alleged violation that initiated this Settlement and/or additional violation(s) and may subject Benton County Wind Farm to new or additional enforcement, penalty or sanction actions in accordance with the NERC Rules of Procedure.
22. If Benton County Wind Farm does not make the monetary penalty payment above at the times agreed by the parties, interest payable to ReliabilityFirst will begin to accrue pursuant to the Commission's regulations at 18 C.F.R. § 35.19a(a)(2)(iii) from the date that payment is due, in addition to the penalty specified above.

V. ADDITIONAL TERMS

23. The signatories to the Agreement agree that they enter into the Agreement voluntarily and that, other than the recitations set forth herein, no tender, offer or promise of any kind by any member, employee, officer, director, agent or representative of ReliabilityFirst or Benton County Wind Farm has been made to induce the signatories or any other party to enter into the Agreement.
24. ReliabilityFirst shall report the terms of all settlements of compliance matters to NERC. NERC will review the settlement for the purpose of evaluating its consistency with other settlements entered into for similar violations or under other, similar circumstances. Based on this review, NERC will either approve the settlement or reject the settlement and notify ReliabilityFirst and Benton County Wind Farm of changes to the settlement that would result in approval. If NERC rejects the settlement, NERC will provide specific written reasons for

such rejection and ReliabilityFirst will attempt to negotiate a revised settlement agreement with Benton County Wind Farm including any changes to the settlement specified by NERC. If a settlement cannot be reached, the enforcement process shall continue to conclusion. If NERC approves the settlement, NERC will (i) report the approved settlement to the Commission for the Commission's review and approval by order or operation of law and (ii) publicly post the alleged violation and the terms provided for in the settlement.

25. This Agreement shall become effective upon the Commission's approval of the Agreement by order or operation of law as submitted to it or as modified in a manner acceptable to the parties.
26. Benton County Wind Farm agrees that this Agreement, when approved by NERC and the Commission, shall represent a final settlement of all matters set forth herein and Benton County Wind Farm waives its rights to further hearings and appeal, unless and only to the extent that Benton County Wind Farm contends that any NERC or Commission action on the Agreement contains one or more material modifications to the Agreement.
27. ReliabilityFirst reserves all rights to initiate enforcement, penalty or sanction actions against Benton County Wind Farm in accordance with the NERC Rules of Procedure in the event that Benton County Wind Farm fails to comply with any of the stipulations, remedies, sanctions or additional terms, as set forth in this Agreement. In the event that Benton County Wind Farm fails to comply with any of the stipulations, remedies, sanctions or additional terms, as set forth in this Agreement, ReliabilityFirst will initiate enforcement, penalty, or sanction actions against Benton County Wind Farm as allowed by the NERC Rules of Procedure, up to the maximum statutorily allowed penalty. Benton County Wind Farm shall retain all rights to defend against such enforcement actions, also according to the NERC Rules of Procedure.
28. Benton County Wind Farm consents to the use of ReliabilityFirst's determinations, findings, and conclusions set forth in this Agreement for the purpose of assessing the factors, including the factor of determining the company's history of violations, in accordance with the NERC Sanction Guidelines and applicable Commission orders and policy statements. Such use may be in any enforcement action or compliance proceeding undertaken by NERC and/or any Regional Entity; provided, however that Benton County Wind Farm does not consent to the use of the specific acts set forth in this Agreement as the sole basis for any other action or proceeding brought by NERC and/or Regional Entity, nor does Benton County Wind Farm consent to the use of this Agreement by any other party in any other action or proceeding.
29. Each of the undersigned warrants that he or she is an authorized representative of the entity designated, is authorized to bind such entity and accepts the Agreement on the entity's behalf.

30. The undersigned representative of each party affirms that he or she has read the Agreement, that all of the matters set forth in the Agreement are true and correct to the best of his or her knowledge, information and belief, and that he or she understands that the Agreement is entered into by such party in express reliance on those representations, provided, however, that such affirmation by each party's representative shall not apply to the other party's statements of position set forth in Section III of this Agreement.
31. The Agreement may be signed in counterparts.
32. This Agreement is executed in duplicate, each of which so executed shall be deemed to be an original.

Agreed to and accepted:



Raymond J. Palmieri (For Ray Palmieri)
Vice President and Director of Compliance
ReliabilityFirst Corporation

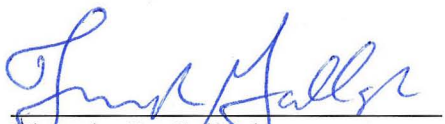
12/31/2009
Date



Michael Haas
President
Benton County Wind Farm, LLC

12/31/2009
Date

Approved by:



Timothy R. Gallagher
President & Chief Executive Officer
ReliabilityFirst Corporation

1/4/2010
Date

Attachment e

**Benton County Wind Farm's Mitigation Plan and
Certification of Completion therein dated October
31, 2008 and submitted January 22, 2009**



Mitigation Plan Submittal Form

Date this Mitigation Plan is being submitted: 10/31/2008

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."
- A.2 This form must be used to submit required Mitigation Plans for review and acceptance by ReliabilityFirst and approval by NERC.
- A.3 ☒ 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: Benton County Wind Farm LLC

Company Address: 1611 Telegraph Ave. Suite 1515

NERC Compliance Registry ID: NCR00170

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

Name: Kreg Kitchen

Title: Asset Manager

Email: kkitchen@orion-energygroup.com

Phone: 510-267-9322

RELIABILITY FIRST

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.

NERC Violation ID #	Reliability Standard	Requirement Number	Violation Risk Factor	Alleged or Confirmed Violation Date ^(*)	Method of Detection (e.g., Audit, Self-report, Investigation)
	TOP-002-2	R3	N/A	10/13/08-current	Self-Report

(*) Note: The Alleged or Confirmed Violation Date shall be expressly specified by the Registered Entity, and subject to modification by ReliabilityFirst, 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 ReliabilityFirst. Questions regarding the date to use should be directed to the ReliabilityFirst 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.

Site operation staff were sending daily updates to PPA parties and not BA.
Site operation personnel have requested contact information confirmation from BA to begin sending required information as of 11/03/08

Note: If a formal root cause analysis evaluation was performed, submit a copy of the summary report.

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.

The daily updates and yearly planned maintenance schedule will be sent as Monday 11/03/2008.

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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.

Site Operation has requested contact information confirmation from BA to begin sending required information as of 11/03/08.

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, and/or whether the actions necessary to assure the entity has returned to full compliance have been completed.

11/03/08 – The plan has been fully implemented and is now compliant.

- D.3 Enter Key Milestone Activities (with due dates) that can be used to track and indicate progress towards timely and successful completion of this Mitigation Plan.

Key Milestone Activity	Proposed/Actual Completion Date* (shall not be more than 3 months apart)
Full Compliance	11/03/08

(*) Note: Additional violations could be determined for not completing work associated with accepted milestones.

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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.

There are no risk known or anticipated at this time.

Prevention of Future BPS Reliability Risk

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

The site operating personnel have been briefed on the standard and will begin sending required information as of 11/03/2008. A full review of all standards is currently underway to confirm no other violations have occurred.

RELIABILITY FIRST

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 ReliabilityFirst 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 Asset Manager of Camp Grove Wind Farm.
 2. I am qualified to sign this Mitigation Plan on behalf of Camp Grove Wind Farm.
 3. I have read and am familiar with the contents of this Mitigation Plan.
 4. Camp Grove Wind Farm agrees to comply with, this Mitigation Plan, including the timetable completion date, as accepted by ReliabilityFirst and approved by NERC.

Authorized Individual Signature



Name (Print): Kreg Kitchen
Title: Asset Manager
Date: 10/31/08

Section G: Regional Entity Contact

Please direct completed forms or any questions regarding completion of this form to the ReliabilityFirst Compliance e-mail address mitigationplan@rfirst.org.

Please indicate the company name and reference the NERC Violation ID # (if known) in the subject line of the e-mail. Additionally, any ReliabilityFirst Compliance Staff member is available for questions regarding the use of this form. Please see the contact list posted on the ReliabilityFirst Compliance web page.

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Attachment A – Compliance Notices & Mitigation Plan Requirements

- I. Section 6.2 of the CMEP¹ 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.
 - (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) Key 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 ReliabilityFirst and approval by NERC.
- III. This Mitigation Plan is submitted to ReliabilityFirst and NERC as confidential information in accordance with Section 1500 of the NERC Rules of Procedure.
- 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

¹ "Compliance Monitoring and Enforcement Program" of the ReliabilityFirst Corporation;" a copy of the current version approved by the Federal Energy Regulatory Commission is posted on the ReliabilityFirst website.

RELIABILITY *FIRST*

- 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 Reliability*First* 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. Reliability*First* 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.

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DOCUMENT CONTROL

Title: Mitigation Plan Submittal Form
Issue: Version 2.0
Date: 11 July 2008
Distribution: Public
Filename: ReliabilityFirst Mitigation Plan Submittal Form - Ver 2.DOC
Control: Reissue as complete document only

DOCUMENT APPROVAL

Prepared By	Approved By	Approval Signature	Date
Robert K. Wargo Senior Consultant Compliance	Raymond J. Palmieri Vice President and Director Compliance	<i>Raymond J. Palmieri</i>	1/2/08

DOCUMENT CHANGE/REVISION HISTORY

Version	Prepared By	Summary of Changes	Date
1.0	Robert K. Wargo	Original Issue – Replaces “Proposed Mitigation Plan” Form	1/2/08
2.0	Tony Purgar	Revised email address from compliance@rfirst.org to mitigationplan@rfirst.org	7/11/08

Attachment f

Reliability*First*'s Verification of Completion dated November 23, 2009

November 23, 2009

Summary and Review of Evidence of Mitigation Plan Completion

NERC Violation ID #:	RFC200800103
NERC Plan ID:	MIT-08-1420
Registered Entity;	Benton County Wind Farm, LLC
NERC Registry ID:	NCR00170
Standard:	TOP-002-2
Requirement:	3
Status:	Compliant

Benton County Wind Farm, LLC submitted a Self Certification of noncompliance with NERC Reliability Standard TOP-002-2, Requirement 3, on October 31, 2008. Benton County Wind Farm, LLC submitted a Proposed Mitigation Plan to ReliabilityFirst on January 22, 2009, whereby stating Benton County Wind Farm, LLC completed all mitigating actions by November 3, 2008. This Mitigation Plan, designated MIT-08-1420, was accepted by ReliabilityFirst on February 23, 2009 and approved by NERC on February 25, 2009.

Review Process:

On January 22, 2009, Benton County Wind Farm, LLC certified that the Mitigation Plan for Reliability Standard TOP-002-2, Requirement 3 was completed as of November 3, 2008. ReliabilityFirst requested and received evidence of completion for actions taken by Benton County Wind Farm, LLC as specified in the Mitigation Plan. ReliabilityFirst performed an in depth review of the information provided to verify that all actions specified in the Mitigation Plan were successfully completed.

TOP-002-2, Requirement 3 states: "Each Load Serving Entity and Generator Operator shall coordinate (where confidentiality agreements allow) its current-day, next-day, and seasonal operations with its host Balancing Authority and Transmission Service Provider. Each Balancing Authority and Transmission Service provider shall coordinate its current-day, next-day, and seasonal operations with its Transmission Operator."

Evidence Submitted:

Email from NIPSCO to Benton County Wind Farm, November 5, 2008

The email from NIPSCO to Benton County Wind Farm dated November 5, 2008 provides a list of personnel at NIPSCO who need to see the Benton County Wind Farm availability report on a daily basis. NIPSCO is the appropriate Balancing Authority (BA) and Transmission Operator (TOP).

Daily Emails and associated Availability Data, November 3, 2008 through October 31, 2009

Benton County Wind Farm submitted copies of emails and associated data files that were submitted on a daily basis to NIPSCO. The daily emails contain files showing the expected hourly generation availability of Benton County Wind farm for the following twenty-four hour period.

Emails Between Midwest ISO, Orion Energy Group (owner of Benton County Wind Farm, Vectren Corporation, and Duke Energy.

The email from the Midwest ISO indicates that Intermittent Resource Owners are required to submit a day-ahead forecast of resource output by 1700 EST on a daily basis via a Midwest ISO portal.

The output from Benton County Wind Farm is sold to Vectren Corporation and Duke Energy. The emails from Vectren and Duke Energy to Orion Energy confirm that the day-ahead forecast is being submitted to the Midwest ISO via its portal. This is in addition to the information that is still being provided to NIPSCO.

Emails From Site Supervisor of Benton County Wind Farm Transmitting Annual Availability Projection, November 17, 2010

The Email from the Site Supervisor of Benton County Wind Farm transmits an Excel file showing the projected daily availability, due to maintenance, for the thirteen (13) month period beginning December 1, 2009 and ending December 31, 2009.

Review Results:

ReliabilityFirst Corporation reviewed the evidence the Benton County Wind Farm, LLC submitted in support of its Certification of Completion. On November 23, 2009, ReliabilityFirst verified that the Mitigation Plan was completed in accordance with its terms and has therefore deemed Benton County Wind Farm, LLC compliant to the aforementioned NERC Reliability Standard.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert K. Wargo", with a stylized flourish at the end.

Robert K. Wargo
Manager of Compliance Enforcement
ReliabilityFirst Corporation

Attachment g

Disposition Document

DISPOSITION OF VIOLATION¹

NERC TRACKING
NO.
RFC200800103

REGIONAL ENTITY TRACKING
NO.
RFC200800103

NOC#

NOC-454

REGISTERED ENTITY
Benton County Wind Farm, LLC (Benton County Wind Farm)

NERC REGISTRY ID
NCR00170

REGIONAL ENTITY
ReliabilityFirst Corporation (ReliabilityFirst)

I. REGISTRATION INFORMATION

ENTITY IS REGISTERED FOR THE FOLLOWING FUNCTIONS:

BA	DP	GO	GOP	IA	LSE	PA	PSE	RC	RP	RSG	TO	TOP	TP	TSP
		X	X											
		10/13/08	10/13/08											

* VIOLATION APPLIES TO SHADED FUNCTIONS

DESCRIPTION OF THE REGISTERED ENTITY

Benton County Wind Farm (also called Goodland I) consists of 87 model Gen4 GE 1.5 MW wind turbines near Earl Park, Indiana in northern Benton County, Indiana. The farm's nameplate capacity is 130.5 MW. It began commercial operation in April 2008. At the time of its construction, it was Indiana's only commercial-scale wind farm.

In August 2006, Duke Energy (Duke) finalized its agreement to buy the output of 54 of the wind farm's 87 wind turbines for 20 years. Duke purchases 100 MW of electricity from the wind farm and sells it to customers through its GoGreen Indiana program. This was the first significant long-term wind power purchase agreement in Indiana. The remaining 33 wind turbines in the wind farm sell their electricity to subsidiaries of Duke and Vectren Corporation (Power Purchasing parties).

¹ For purposes of this document and attachments hereto, each violation at issue is described as a "violation," regardless of its procedural posture and whether it was a possible, alleged, or confirmed violation.

The wind farm developer and owner is Orion Energy, a wholly-owned subsidiary of BP Alternative Energy.

I. VIOLATION INFORMATION

RELIABILITY STANDARD	REQUIREMENT(S)	SUB-REQUIREMENT(S)	VRF(S)	VSL(S)
TOP-002-2²	3		Medium	Severe

PURPOSE OF THE RELIABILITY STANDARD AND TEXT OF RELIABILITY STANDARD AND REQUIREMENT(S)/SUB-REQUIREMENT(S)

Purpose: Current operations plans and procedures are essential to being prepared for reliable operations, including response for unplanned events.

Requirement:

R3. Each Load Serving Entity and Generator Operator shall coordinate (where confidentiality agreements allow) its current-day, next-day, and seasonal operations with its Host Balancing Authority and Transmission Service Provider. Each Balancing Authority and Transmission Service Provider shall coordinate its current-day, next-day, and seasonal operations with its Transmission Operator.

VIOLATION DESCRIPTION

On October 31, 2008, Benton County Wind Farm self-certified non-compliance with TOP-002-2 R3 because it was coordinating its current-day, next-day and seasonal operations with its Power Purchasing parties rather than with its respective Host Balancing Authority and Transmission Service Provider, Northern Indiana Public Service Company (NIPSCO).³

RELIABILITY IMPACT STATEMENT- POTENTIAL AND ACTUAL

The violation did not pose a serious or substantial risk to the reliability of the bulk power system (BPS) because Benton County Wind Farm's total generation capacity is 130.5 MW, and the period that Benton County Wind Farm did not coordinate its current-day, next-day and seasonal operations with its BA and TSP was less than three weeks (10/13/08-11/04/08). Additionally, Benton County Wind Farm was a newly registered entity and it was unaware that it was supposed to have been

² TOP-002-2 was enforceable from June 18, 2007 through December 1, 2009. TOP-002-2a is the current enforceable Standard and was approved by the Commission and became enforceable on December 2, 2009. The subsequent interpretations provide clarity regarding R11 only and do not change the meaning or language of the original NERC Reliability Standard and its requirements at issue in this Notice. For consistency in this filing, the original NERC Reliability Standard, TOP-002-2, is used throughout.

³ ReliabilityFirst's Verification of Mitigation Plan Completion incorrectly states that NIPSCO is Benton County Wind Farm's Transmission Operator.

coordinating with the Balancing Authority and the Transmission Service Provider, instead of the “Power Purchasing” Parties.

IS THERE A SETTLEMENT AGREEMENT YES ☒ NO ☐

WITH RESPECT TO THE VIOLATION(S), REGISTERED ENTITY

NEITHER ADMITS NOR DENIES IT (SETTLEMENT ONLY)	YES	<input checked="" type="checkbox"/>
ADMITS TO IT	YES	<input type="checkbox"/>
DOES NOT CONTEST IT (INCLUDING WITHIN 30 DAYS)	YES	<input type="checkbox"/>

WITH RESPECT TO THE PROPOSED PENALTY OR SANCTION, REGISTERED ENTITY

ACCEPTS IT/ DOES NOT CONTEST IT YES ☒

III. DISCOVERY INFORMATION

METHOD OF DISCOVERY

SELF-REPORT	<input type="checkbox"/>
SELF-CERTIFICATION	<input checked="" type="checkbox"/>
COMPLIANCE AUDIT	<input type="checkbox"/>
COMPLIANCE VIOLATION INVESTIGATION	<input type="checkbox"/>
SPOT CHECK	<input type="checkbox"/>
COMPLAINT	<input type="checkbox"/>
PERIODIC DATA SUBMITTAL	<input type="checkbox"/>
EXCEPTION REPORTING	<input type="checkbox"/>

DURATION DATE(S) 10/13/2008 (date included on NERC Compliance Registry) through 11/3/2008 (Mitigation Plan completion)

DATE DISCOVERED BY OR REPORTED TO REGIONAL ENTITY 10/31/2008

IS THE VIOLATION STILL OCCURRING

YES ☐ NO ☒

IF YES, EXPLAIN

REMEDIAL ACTION DIRECTIVE ISSUED	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
PRE TO POST JUNE 18, 2007 VIOLATION	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>

IV. MITIGATION INFORMATION

MITIGATION PLAN NO. **MIT-08-1420⁴**

DATE SUBMITTED TO REGIONAL ENTITY **10/31/2008 (received 1/22/2009)⁵**

DATE ACCEPTED BY REGIONAL ENTITY **2/23/2009**

DATE APPROVED BY NERC **2/25/2009**

DATE PROVIDED TO FERC **2/27/2009**

IDENTIFY AND EXPLAIN VERSIONS THAT WERE REJECTED, IF APPLICABLE

MITIGATION PLAN COMPLETED YES ☒ NO ☐

EXPECTED COMPLETION DATE **11/3/2008**

EXTENSIONS GRANTED **N/A**

ACTUAL COMPLETION DATE **11/3/2008**

DATE OF CERTIFICATION LETTER **10/31/2008 (submitted 1/22/2009)**

CERTIFIED COMPLETE BY REGISTERED ENTITY AS OF **11/3/2008**

DATE OF VERIFICATION LETTER **11/23/2009**

VERIFIED COMPLETE BY REGIONAL ENTITY AS OF **11/3/2008**

ACTIONS TAKEN TO MITIGATE THE ISSUE AND PREVENT RECURRENCE

- 1. Request contact information from NIPSCO; and**
- 2. Send daily updates and yearly planned maintenance schedule to NIPSCO.**

LIST OF EVIDENCE REVIEWED BY REGIONAL ENTITY TO EVALUATE COMPLETION OF MITIGATION PLAN OR MILESTONES (FOR CASES IN WHICH MITIGATION IS NOT YET COMPLETED)

- 1. E-mail from NIPSCO to Benton County Wind Farm establishing contact information, November 5, 2008;**

⁴ The Mitigation Plan incorrectly states that the violation was self-reported.

⁵ On October 31, 2008, Benton County Wind Farm attempted to submit a Mitigation Plan to ReliabilityFirst but the Mitigation Plan was incorrectly attached the self-certification electronic portal submittal rather than ReliabilityFirst's prescribed mitigation Plan e-mail address. Benton County Wind Farm resubmitted the Mitigation Plan on January 22, 2009.

2. E-mails and expected hourly generation availability data that was submitted daily to NIPSCO, November 3, 2008 through October 31, 2009;
3. E-mails between Midwest ISO, Orion Energy, Vectren Corporation, and Duke indicating that Intermittent Resource Owners are required to submit a day-ahead forecast on a daily basis via a Midwest ISO portal; and
4. E-mails from the Site Supervisor of Benton County Wind Farm transmitting annual availability projection, November 17, 2010.

V. PENALTY INFORMATION

TOTAL PROPOSED PENALTY OR SANCTION OF **\$2,500** FOR **ONE** VIOLATION.

(1) DOCUMENTATION ☐ PERFORMANCE ☒ BOTH ☐

EXPLAIN (FOR DOCUMENTATION-TYPE VIOLATIONS, INCLUDE A DESCRIPTION OF HOW THE REGIONAL ENTITY VERIFIED THAT THE REGISTERED ENTITY HAD PERFORMED IN ACCORDANCE WITH THE RELIABILITY STANDARD(S)/REQUIREMENT(S))

(2) REGISTERED ENTITY'S COMPLIANCE HISTORY

PRIOR VIOLATIONS OF ANY OF THE INSTANT RELIABILITY STANDARD(S) OR REQUIREMENT(S) THEREUNDER
YES ☐ NO ☒

LIST ANY CONFIRMED OR SETTLED VIOLATIONS AND STATUS

ADDITIONAL COMMENTS

PRIOR VIOLATIONS OF OTHER RELIABILITY STANDARD(S) OR REQUIREMENTS THEREUNDER
YES ☐ NO ☒

LIST ANY PRIOR CONFIRMED OR SETTLED VIOLATIONS AND STATUS

ADDITIONAL COMMENTS

(3) THE DEGREE AND QUALITY OF COOPERATION BY THE REGISTERED ENTITY (IF THE RESPONSE TO FULL COOPERATION IS “NO,” THE ABBREVIATED NOP FORM MAY NOT BE USED.)

FULL COOPERATION YES ☒ NO ☐
IF NO, EXPLAIN

(4) THE PRESENCE AND QUALITY OF THE REGISTERED ENTITY’S COMPLIANCE PROGRAM

IS THERE A DOCUMENTED COMPLIANCE PROGRAM
YES ☒ NO ☐
EXPLAIN

Benton County Wind Farm’s Internal Compliance Program (ICP) is encompassed within the compliance program of its parent company Orion Energy. The Orion ICP is supported and endorsed by senior management and reviewed, updated, and approved annually by the ICP Manager, who is an officer of the company. The ICP Manager has direct access as necessary to the CEO of Orion for the purposes of communicating directly and quickly any reliability issues involving Orion, and has full authority to contact the CEO at any time.

DOES SENIOR MANAGEMENT TAKE ACTIONS THAT SUPPORT THE COMPLIANCE PROGRAM, SUCH AS TRAINING, COMPLIANCE AS A FACTOR IN EMPLOYEE EVALUATIONS, OR OTHERWISE
YES ☒ NO ☐
EXPLAIN

The compliance activities associated with the ICP, along with ongoing training, reporting, documentation, self certifications, spot checks, investigations, regional audits, data retention and evidence related to compliance activities undergo an internal audit every six months. A report is generated and presented to the ICP Manager and to plant management. The report includes a review of operating procedures relating to compliance responsibilities to insure they are up to date and reflect any changes to specific standards resulting from the NERC Standards Work Plan, new NERC Standards, and new or revised Regional Standards.

EXPLAIN SENIOR MANAGEMENT’S ROLE AND INVOLVEMENT WITH RESPECT TO THE REGISTERED ENTITY’S COMPLIANCE PROGRAM

The Orion ICP is supported and endorsed by senior management and reviewed, updated, and approved annually by the ICP Manager, who is an officer of the company.

(5) ANY ATTEMPT BY THE REGISTERED ENTITY TO CONCEAL THE VIOLATION(S) OR INFORMATION NEEDED TO REVIEW, EVALUATE OR INVESTIGATE THE VIOLATION.

YES ☐ NO ☒
IF YES, EXPLAIN

(6) ANY EVIDENCE THE VIOLATION(S) WERE INTENTIONAL (IF THE RESPONSE IS "YES," THE ABBREVIATED NOP FORM MAY NOT BE USED.)

YES ☐ NO ☒
IF YES, EXPLAIN

(7) ANY OTHER MITIGATING FACTORS FOR CONSIDERATION

YES ☐ NO ☒
IF YES, EXPLAIN

(8) ANY OTHER AGGRAVATING FACTORS FOR CONSIDERATION (IF THE RESPONSE IS "YES," THE ABBREVIATED NOP FORM MAY NOT BE USED.)

YES ☐ NO ☒
IF YES, EXPLAIN

(9) ANY OTHER EXTENUATING CIRCUMSTANCES

YES ☐ NO ☒
IF YES, EXPLAIN

(10) ADDITIONAL SUPPORT FOR PROPOSED PENALTY OR SANCTION

EXHIBITS (SEE ATTACHMENTS TO THE NOTICE OF PENALTY):

SOURCE DOCUMENT

Benton County Wind Farm's Self-Certification dated October 31, 2008

MITIGATION PLAN

Benton County Wind Farm's Mitigation Plan dated October 31, 2008 and submitted January 22, 2009

CERTIFICATION BY REGISTERED ENTITY

Contained within Mitigation Plan

OTHER RELEVANT INFORMATION:

NOTICE OF ALLEGED VIOLATION AND PROPOSED PENALTY OR
SANCTION ISSUED

DATE: OR N/A ☒

SETTLEMENT DISCUSSIONS COMMENCED

DATE: **11/13/2009** OR N/A ☐

NOTICE OF CONFIRMED VIOLATION ISSUED

DATE: OR N/A ☒

SUPPLEMENTAL RECORD INFORMATION

DATE(S) **1/8/2010** OR N/A ☐

REGISTERED ENTITY RESPONSE CONTESTED

FINDINGS ☐ PENALTY ☐ BOTH ☐ NO CONTEST ☒

HEARING REQUESTED

YES ☐ NO ☒

DATE

OUTCOME

APPEAL REQUESTED

Attachment f

Notice of Filing

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Benton County Wind Farm, LLC

Docket No. NP10-____-000

NOTICE OF FILING
June 8, 2010

Take notice that on June 8, 2010, the North American Electric Reliability Corporation (NERC) filed a Notice of Penalty regarding Benton County Wind Farm, LLC in the Reliability *First* Corporation region.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, D.C. There is an "eSubscription" link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: [BLANK]

Kimberly D. Bose,
Secretary