



NORTH AMERICAN ELECTRIC  
RELIABILITY CORPORATION

July 6, 2010

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

**Re: NERC Abbreviated Notice of Penalty regarding Camp Grove 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 Camp Grove Wind Farm, LLC (Camp Grove Wind Farm),<sup>1</sup> with information and details regarding the nature and resolution of the violation<sup>2</sup> 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)).<sup>3</sup>

On October 31, 2008, Camp Grove Wind Farm self-certified a violation of TOP-002-2 Requirement (R) 3 to ReliabilityFirst Corporation (ReliabilityFirst) for Camp Grove Wind Farm's failure to coordinate its current-day, next-day, and seasonal operations with its Host Balancing Authority, PJM Interconnection (PJM) and its Transmission Service Provider,

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<sup>1</sup>Also concurrently being filed is a Notice of Penalty designated as NOC-454 regarding a separate Settlement Agreement between ReliabilityFirst and Benton County Wind Farm, LLC for a violation of the same Reliability Standard. Camp Grove Wind Farm and Benton County Wind Farm are both owned by wind farm developer Orion Energy, a wholly-owned subsidiary of BP Alternative Energy.

<sup>2</sup>For 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.

<sup>3</sup>*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).

Commonwealth Edison (ComEd).<sup>4</sup> This Notice of Penalty is being filed with the Commission because ReliabilityFirst and Camp Grove 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, Camp Grove 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 RFC200800104 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 Camp Grove 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	Camp Grove Wind Farm, LLC	NOC-455	RFC200800104	TOP-002-2 <sup>5</sup>	3	Medium	2,500

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

#### TOP-002-2 R3 - OVERVIEW<sup>6</sup>

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

<sup>4</sup> ReliabilityFirst's Verification of Mitigation Plan Completion incorrectly states that PJM is Camp Grove Wind Farm's Transmission Service Provider and ComEd is Camp Grove Wind Farm's Transmission Owner.

<sup>5</sup> 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.

<sup>6</sup> 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 Camp Grove Wind Farm was included on the NERC registry, through November 3, 2008, the date Camp Grove 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 Camp Grove Wind Farm's total generation capacity is 150 MW, and the period that Camp Grove 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, Camp Grove 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 Camp Grove Wind Farm's first occurrence of violation of the subject NERC Reliability Standard;
2. Camp Grove Wind Farm was cooperative throughout the compliance enforcement process;
3. the quality of the Camp Grove 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 Imposed<sup>7</sup>**

##### **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,<sup>8</sup> the NERC

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<sup>7</sup> See 18 C.F.R § 39.7(d)(4).

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 Camp Grove 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 Camp Grove Wind Farm's first occurrence of violation of the subject NERC Reliability Standard;
2. ReliabilityFirst reported that Camp Grove Wind Farm was cooperative throughout the compliance enforcement process;
3. the quality of the Camp Grove 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 at issue, 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.

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<sup>8</sup> *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) Camp Grove Wind Farm's Self-Certification dated October 31, 2008, included as Attachment a;
- b) Settlement Agreement by and between ReliabilityFirst and Camp Grove Wind Farm executed January 4, 2010, included as Attachment b;
- c) Camp Grove 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 Publication<sup>9</sup>**

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

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<sup>9</sup> 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, N J 08540-5721 (609) 452-8060 (609) 452-9550 – facsimile gerry.cauley@nerc.net david.cook@nerc.net</p> <p>Kreg Kitchen* Asset Manager Camp Grove Wind Farm, LLC 1611 Telegraph Avenue, Suite 1515 Oakland, California 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, D.C. 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 &amp; 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: Camp Grove Wind Farm, LLC  
ReliabilityFirst Corporation

Attachments

## **Attachment c**

### **Camp Grove 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

Save PDF | Return To Search Results

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 **Camp Grove Wind Farm, LLC**, I certify the following:

1. Camp Grove Wind Farm, LLC is in **Compliance** with the NERC Reliability Standard TOP-002-2.
2. Camp Grove 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 Camp Grove 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.

This has been started as of 10/31/2008. Daily maintenance outage reports are sent along with a yearly report sent with updates as needed.

### 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 **Camp Grove Wind Farm, LLC** because

Additional Comments:

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## **Attachment d**

**Settlement Agreement by and between  
ReliabilityFirst and Camp Grove Wind Farm  
executed January 4, 2010**



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In re	)	
	)	
	)	
CAMP GROVE WIND FARM, LLC	)	
	)	
	)	
	)	DOCKET NUMBER
	)	
	)	
NERC Registry ID # NCR00214	)	RFC200800104
	)	

**SETTLEMENT AGREEMENT  
OF  
RELIABILITYFIRST CORPORATION AND  
CAMP GROVE WIND FARM, LLC**

**I. INTRODUCTION**

1. ReliabilityFirst Corporation (“ReliabilityFirst”) and Camp Grove Wind Farm, LLC (“Camp Grove 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 Camp Grove 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 Camp Grove Wind Farm and ReliabilityFirst the matters discussed herein and do not constitute stipulations or admissions for any other purpose. Camp Grove Wind Farm and ReliabilityFirst hereby stipulate and agree to the following:

## **A. BACKGROUND**

3. Camp Grove 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 Camp Grove Wind Farm is 150 MW.
4. ReliabilityFirst staff confirmed that Camp Grove 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 NCR00214 and is therefore subject to compliance with TOP-002-2, Requirement 3.

## **B. ALLEGED VIOLATION OF TOP-002-2, Requirement 3 – RFC200800104**

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. Camp Grove Wind Farm self-certified noncompliance to TOP-002-2, R3 on October 31, 2008. Camp Grove Wind Farm’s site operation staff had been sending the daily updates to the Power Purchasing party rather than to the Host Balancing Authority and Transmission Service Provider as required by TOP-002-2, R3. In a response to a ReliabilityFirst information request, Camp Grove Wind Farm indicated that the “Power Purchasing party” (the power purchaser of 50% of the plant output in this case) was Appalachian Power Company. Camp Grove Wind Farm indicated that its Host Balancing Authority is PJM Interconnection, LLC and that its Transmission Service Provider is Commonwealth Edison. Camp Grove 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. Camp Grove 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. Camp Grove Wind Farm became registered on the NERC Compliance Registry on October 13, 2008. The total megawatt capacity of Camp Grove Wind Farm is 150 MW. Camp Grove 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 3259 MWh.
8. ReliabilityFirst alleges that Camp Grove 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 4, 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 Camp Grove 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 Camp Grove 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 CAMP GROVE WIND FARM**

13. Camp Grove Wind Farm neither admits nor denies that the facts set forth and agreed to by the parties for purposes of this Agreement constitute a violation of TOP-002-2, Requirement 3.
14. Camp Grove 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. Camp Grove 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 – RFC200800104

15. Camp Grove Wind Farm submitted to ReliabilityFirst a Mitigation Plan to address the Alleged Violation set forth in this Agreement.<sup>1</sup> On February 23, 2008, ReliabilityFirst accepted the Mitigation Plan (Mitigation Plan Tracking # MIT-08-1421, *see* Attachment c), 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. Camp Grove Wind Farm certified within the Mitigation Plan that the Mitigation Plan was completed by October 31, 2008 and submitted evidence of completion of the Mitigation Plan on October 22, 2009.
16. In the Mitigation Plan, Camp Grove Wind Farm indicated that Camp Grove 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. Camp Grove Wind Farm indicated that it began sending the required information including daily updates and yearly planned maintenance schedule as of October 31, 2008.
17. ReliabilityFirst reviewed the evidence Camp Grove 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 (*see* Attachment d, “Summary and Review of Evidence of Mitigation Plan Completion”).
18. Camp Grove Wind Farm shall pay a monetary penalty of \$2,500 to ReliabilityFirst. ReliabilityFirst shall present an invoice to Camp Grove 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 the North American Electric Reliability Corporation if the payment is not received.

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<sup>1</sup> On October 31, 2008, Camp Grove 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. Camp Grove Wind Farm resubmitted the October 31, 2008 Mitigation Plan to ReliabilityFirst on January 22, 2009. Because the January 22, 2009 submittal included Camp Grove Wind Farm’s statement that the Mitigation Plan was completed by October 31, 2008, Camp Grove Wind Farm certified completion of the Mitigation Plan within the document.

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 with Camp Grove Wind Farm related to this Agreement.
20. Camp Grove Wind Farm shall pay \$2,500 to ReliabilityFirst as stated in this Settlement Agreement. However, if Camp Grove 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. Camp Grove 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 Camp Grove Wind Farm to new or additional enforcement, penalty or sanction actions in accordance with the NERC Rules of Procedure.
22. If Camp Grove 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 Camp Grove 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 Camp Grove 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 Camp Grove 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. Camp Grove 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 Camp Grove Wind Farm waives its rights to further hearings and appeal, unless and only to the extent that Camp Grove 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 Camp Grove Wind Farm in accordance with the NERC Rules of Procedure in the event that Camp Grove 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 Camp Grove 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 Camp Grove Wind Farm as allowed by the NERC Rules of Procedure, up to the maximum statutorily allowed penalty. Camp Grove Wind Farm shall retain all rights to defend against such enforcement actions, also according to the NERC Rules of Procedure.
28. Camp Grove 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 Camp Grove 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 Camp Grove 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  
Camp Grove Wind Farm, LLC

12/31/2009  
Date

Approved by:



Timothy R. Gallagher  
President & Chief Executive Officer  
ReliabilityFirst Corporation

1/4/2010  
Date

## **Attachment e**

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

**RELIABILITY FIRST****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: Camp Grove Wind Farm LLC

Company Address: 1611 Telegraph Ave. Suite 1515

NERC Compliance Registry ID: NCR00214

- 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 <sup>(*)</sup>	Method of Detection (e.g., Audit, Self-report, Investigation)
	TOP-002-2	R3	N/A	10/13/08-10/30/08	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. BA is now being sent the information.

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 have been sent as of 10/31/08

# RELIABILITY FIRST

## 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 confirmed acknowledgement of standard and has began sending the daily reports to the appropriate personnel. The site is now compliant as of 10/31/08

### 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.

10/31/08 – 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	10/31/08

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

# RELIABILITY FIRST

## **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 has added the appropriate individuals to their daily email updates. This includes copying me on the messages to verify messages sent.



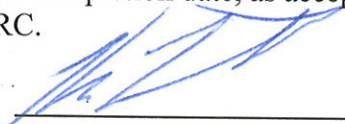
# RELIABILITY FIRST

## 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](mailto: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.



## **Attachment A – Compliance Notices & Mitigation Plan Requirements**

- I. Section 6.2 of the CMEP<sup>1</sup> 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

<sup>1</sup> "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.

# RELIABILITY FIRST

## 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 <a href="mailto:compliance@rfirst.org">compliance@rfirst.org</a> to <a href="mailto:mitigationplan@rfirst.org">mitigationplan@rfirst.org</a>	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**

<b>NERC Violation ID #:</b>	<b>RFC200800104</b>
<b>NERC Plan ID:</b>	<b>MIT-08-1421</b>
<b>Registered Entity;</b>	<b>Camp Grove Wind Farm, LLC</b>
<b>NERC Registry ID:</b>	<b>NCR00214</b>
<b>Standard:</b>	<b>TOP-002-2</b>
<b>Requirement:</b>	<b>3</b>
<b>Status:</b>	<b>Compliant</b>

Camp Grove Wind Farm, LLC submitted a Self Certification of noncompliance with NERC Reliability Standard TOP-002-2, Requirement 3, on October 31, 2008. Camp Grove Wind Farm, LLC submitted a Proposed Mitigation Plan to ReliabilityFirst on January 22, 2009, whereby stating Camp Grove Wind Farm, LLC had completed all mitigating actions by October 31, 2008. This Mitigation Plan, designated MIT-08-1421, was accepted by ReliabilityFirst on February 23, 2009 and approved by NERC on February 25, 2009.

**Review Process:**

On January 22, 2009, Camp Grove Wind Farm, LLC certified that the Mitigation Plan for Reliability Standard TOP-002-2, Requirement 3 was completed as of October 31, 2008. ReliabilityFirst requested and received evidence of completion for actions taken by Camp Grove 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:**

Daily Emails and associated Availability Data, November 4, 2008 through October 19, 2009

Camp Grove Wind Farm submitted copies of emails and associated data files that were submitted on a daily basis to PJM, ComEd, and AEP. The daily emails contain files showing the expected hourly generation availability of Camp Grove Wind farm for the following twenty-four hour period.

PJM is the appropriate Balancing Authority (BA), Transmission Operator (TOP) and Transmission Service (TSP) for Camp Grove Wind Farm. ComEd is the Transmission

Owner with which Camp Grove Wind Farm interconnects. AEP purchases the output of the Camp Grove Wind Farm.

Camp Grove April – May Availability Schedule, 3-31-2009

Camp Grove May - June Availability Schedule, 4-30-09

Camp Grove June – July Availability Schedule, 5-29-09

Camp Grove Scheduled Outage, November 17 – 20, 2008, 11-7-2008

Camp Grove Unit Yearly Maintenance - Hourly Availabilities plan, 3-11-09

Camp Grove submitted numerous documents as evidence that it has submitted longer range (e.g., seasonal) availability projections to PJM, ComEd, and AEP. The above list is a sample of the documentation provided.

Prior to the beginning of a month, Camp Grove submits a two (2) month projection of hourly availability. The examples cited above are the submissions for the April thru May, May through June, and June through July submitted on March 31, 2009, April 30, 2009, and May 31, 2009 respectively.

On November 7, 2008, Camp Grove submitted an outage schedule for the November 17 – 20, 2009 period indicating it has informed the appropriate entities of a pending outage.

On March 11, 2009 Camp Grove submitted an expected Maintenance schedule for the period March 1, 2009 through March 1, 2010.

**Review Results:**

ReliabilityFirst Corporation reviewed the evidence the Camp Grove Wind Farm, LLC submitted in support of its Certification of Completion. On November 23, 2009 ReliabilityFirst verified that the Mitigation Plan was completed and has therefore deemed Camp Grove 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 VIOLATION<sup>1</sup>**

NERC TRACKING  
NO.  
**RFC200800104**

REGIONAL ENTITY TRACKING  
NO.  
**RFC200800104**

NOC#  
  
**NOC-455**

REGISTERED ENTITY

**Camp Grove Wind Farm, LLC (Camp Grove Wind Farm)**

NERC REGISTRY ID

**NCR00214**

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

**Camp Grove Wind Farm consists of 100 wind turbines located in Marshall and Stark Counties, Illinois. The farm began commercial operation in the fall of 2007 and has a nameplate capacity of 150 MW. Electricity generated by the farm is purchased by Appalachian Power Company, a subsidiary of American Electric Power (AEP).**

**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)
<b>TOP-002-2<sup>2</sup></b>	<b>3</b>		<b>Medium</b>	<b>Severe</b>

<sup>1</sup> 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.

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, Camp Grove 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 party, Appalachian Power Company, rather than with its respective Host Balancing Authority, PJM Interconnection (PJM), and its Transmission Service Provider, Commonwealth Edison (ComEd).<sup>3</sup>**

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 Camp Grove Wind Farm's total generation capacity is 150 MW, and the period that Camp Grove did not coordinate its current-day, next-day and seasonal operations with its BA and TSP was less than three weeks (10/13//08-11/03/08). Additionally, Camp Grove 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.**

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"/>

<sup>2</sup> 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.

<sup>3</sup> ReliabilityFirst's Verification of Mitigation Plan Completion incorrectly states that PJM is Camp Grove Wind Farm's Transmission Service Provider and ComEd is Camp Grove Wind Farm's Transmission Owner.

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-08-1421<sup>4</sup>**

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

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

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

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

<sup>4</sup> Mitigation Plan incorrectly states that the violation was discovered by self-report.

<sup>5</sup> On October 31, 2008, Camp Grove 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 e-mail address. Camp Grove Wind Farm resubmitted the October 31, 2008 Mitigation Plan on January 22, 2009.

IDENTIFY AND EXPLAIN VERSIONS THAT WERE REJECTED, IF APPLICABLE

MITIGATION PLAN COMPLETED YES ☒ NO ☐

EXPECTED COMPLETION DATE **10/31/2008**

EXTENSIONS GRANTED **N/A**

ACTUAL COMPLETION DATE **10/31/2008**

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

CERTIFIED COMPLETE BY REGISTERED ENTITY AS OF **10/31/2008**

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

VERIFIED COMPLETE BY REGIONAL ENTITY AS OF **10/31/2008**

ACTIONS TAKEN TO MITIGATE THE ISSUE AND PREVENT RECURRENCE

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

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-mails and expected hourly generation availability data that was submitted daily to PJM, ComEd and AEP, November 3, 2008 through October 19, 2009; and**
- 2. Numerous documents showing longer range, seasonal availability projections to PJM, ComEd and AEP including the following: *Camp Grove April – May Availability Schedule, March 31, 2009; Camp Grove May - June Availability Schedule, April 30, 2009; Camp Grove June – July Availability Schedule, May 29, 2009; Camp Grove Scheduled Outage, November 17 – 20, 2008, November 7, 2008; Camp Grove Unit Yearly Maintenance - Hourly Availabilities Plan, March 11, 2009.***

#### **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

**Camp Grove 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

**Camp Grove Wind Farm's Self-Certification dated October 31, 2008**

MITIGATION PLAN

**Camp Grove 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

Camp Grove 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 Camp Grove 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](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: [BLANK]

Kimberly D. Bose,  
Secretary