



NORTH AMERICAN ELECTRIC  
RELIABILITY CORPORATION

September 30, 2010

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

**Re: NERC Abbreviated Notice of Penalty regarding Vermont Marble Power Division of Omya Inc (VMPD), FERC Docket No. NP10-\_\_-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides this Abbreviated Notice of Penalty (NOP) regarding Vermont Marble Power Division of Omya Inc (VMPD), with information and details regarding the nature and resolution of the violation<sup>1</sup> discussed in detail in the Disposition Documents attached hereto (Attachment a), 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>2</sup>

On June 26, 2009, VMPD self-certified violations of NERC Reliability Standards PRC-008-0 Requirement (R) 1 and R2 because VMPD did not have and did not implement a maintenance and testing program for its Under Frequency Load Shedding (UFLS) system; on September 21, 2009, VMPD self-certified a violation of CIP-001-1 R3 because an employee had not received the required personnel training for sabotage response. On March 5, 2010, upon investigation of the CIP-001-1 R3 violation, NPCC discovered violations of CIP-001-1 R1, R2 and R4 because VMPD did not have a written sabotage reporting procedure in place. This Notice of Penalty is being filed with the Commission because VMPD does not dispute the violations of PRC-008-0 R1 and R2 and CIP-001-1 R3, R1, R2 and R4 and the assessed five thousand dollar (\$5,000) penalty. Accordingly, the violations identified as NERC Violation Tracking Identification Numbers NPCC200900083, NPCC200900084, NPCC200900106, NPCC201000143,

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<sup>1</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>2</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).

NPCC201000144 and NPCC201000145 are Confirmed Violations, as that term is defined in the NERC Rules of Procedure and the CMEP.

### Statement of Findings Underlying the Violations

This Notice of Penalty incorporates the findings and justifications set forth in the Notice of Confirmed Violation and Proposed Penalty or Sanction (NOCV) issued on May 14, 2010, by NPCC. The details of the findings and the basis for the penalty are set forth in the Disposition Documents. This Notice of Penalty filing contains the basis for approval of this Notice of Penalty by the NERC Board of Trustees Compliance Committee (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 at issue in this Notice of Penalty.

Region	Registered Entity	NOC ID	NERC Violation ID	Reliability Std.	Req. (R)	VRF	Total Penalty (\$)
NPCC	Vermont Marble Power Division of Omya Inc.	NOC-556	NPCC200900083	PRC-008-0	1	Medium	5,000
			NPCC200900084	PRC-008-0	2	Medium	
			NPCC200900106	CIP-001-1	3	Medium	
			NPCC201000143	CIP-001-1	1	Medium	
			NPCC201000144	CIP-001-1	2	Medium	
			NPCC201000145	CIP-001-1	4	Medium	

### Statement Describing the Assessed Penalty, Sanction or Enforcement Action Imposed<sup>3</sup>

#### Basis for Determination

Taking into consideration the Commission's direction in Order No. 693, the NERC Sanction Guidelines and the Commission's July 3, 2008 and October 26, 2009 Guidance Orders,<sup>4</sup> the NERC BOTCC reviewed the NOCV and supporting documentation on July 12, 2010. The NERC BOTCC approved the NOCV and the assessment of a five thousand dollar (\$5,000) financial penalty against VMPD based upon NPCC's findings and determinations, the NERC BOTCC's review of the applicable requirements of the Commission-approved Reliability Standards and the underlying facts and circumstances of the violations at issue.

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

<sup>3</sup> See 18 C.F.R. § 39.7(d)(4).

<sup>4</sup> *North American Electric Reliability Corporation*, "Guidance Order on Reliability Notices of Penalty," 124 FERC ¶ 61,015 (2008); *North American Electric Reliability Corporation*, "Further Guidance Order on Reliability Notices of Penalty," 129 FERC ¶ 61,069 (2009). See also *North American Electric Reliability Corporation*, "Notice of No Further Review and Guidance Order," 132 FERC ¶ 61,182 (2010).

1. the violations constituted VMPD's first occurrence of violations of the subject NERC Reliability Standards;
2. VMPD self-certified the violations of PRC-008-0 R1 and R2 and CIP-001-1 R3;
3. NPCC reported that VMPD was not fully cooperative during the compliance enforcement process as discussed in detail in the Disposition Documents;
4. VMPD has a compliance program,<sup>5</sup> as discussed in the Disposition Documents;
5. there was no evidence of any attempt to conceal a violation nor evidence of intent to do so;
6. NPCC determined that the violations did not pose a serious or substantial risk to the reliability of the BPS, as discussed in the Disposition Documents; and
7. NPCC 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 believes that the assessed penalty of five thousand dollars (\$5,000) is appropriate for the violations 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 NOP with the Commission, or, if the Commission decides to review the penalty, upon final determination by the Commission.

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<sup>5</sup> The internal compliance program was a neutral factor in the penalty determination.

**Attachments to be included as Part of this Notice of Penalty**

The attachments to be included as part of this Notice of Penalty are the following documents:

- a) Disposition Document for Common Information dated July 12, 2010 included as Attachment a;
  - a. Disposition Document for PRC-008-0 R1 and R2, included as Attachment a.1;
  - b. Disposition Document for CIP-001-1 R1, R2, R3 and R4, included as Attachment a.2;
- b) VMPD's Response to the Notice of Alleged Violation and Proposed Penalty or Sanction dated March 30, 2010 (agreeing to the violation and proposed penalty), included as Attachment b;
- c) Documents regarding PRC-008-0 R1 and R2, included as Attachment c.
  - 1. VMPD's Self-Certification dated June 26, 2009;
  - 2. VMPD's Mitigation Plan MIT-07-2369 submitted December 31, 2009;
  - 3. VMPD's Certification of Mitigation Plan Completion dated February 24, 2010; and
  - 4. NPCC's Verification of Mitigation Plan Completion dated May 12, 2010;
- d) Documents regarding CIP-001-1 R1, R2, R3 and R4, included as Attachment d.
  - 1. VMPD's Self-Certification for CIP-001-1 R3 dated September 21, 2009;
  - 2. VMPD's Mitigation Plan MIT-09-2583 submitted March 26, 2010;
  - 3. VMPD's Certification of Mitigation Plan Completion dated June 11, 2010; and
  - 4. Verification of Mitigation Plan Completion dated June 11, 2010.

**A Form of Notice Suitable for Publication<sup>6</sup>**

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

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<sup>6</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* Sr. 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>Barry Donovan* Operations Manager Vermont Marble Power Division of Omya Inc 84 Deere Lane Florence, VT 05744 (802) 770-7168 (802) 776-8297 barry.donovan@omya.com</p> <p>Rob Tikoft* Director of Engineering - RAM Omya Inc. 9987 Carver Road, Suite 300 Cincinnati, OH 45242 (513) 387-4684 (802) 776-8219 rob.tikoft@omya.com</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>	<p>Rebecca J. Michael* Assistant General Counsel V. Davis Smith* Attorney 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 davis.smith@nerc.net</p> <p>Edward A. Schwerdt* President &amp; Chief Executive Officer Northeast Power Coordinating Council, Inc. 1040 Avenue of the Americas-10<sup>th</sup> Fl. New York, NY 10018-3703 (212) 840-1070 (212) 302-2782 - facsimile eschwerdt@npcc.org</p> <p>Stanley E. Kopman* Assistant Vice President of Compliance Northeast Power Coordinating Council, Inc. 1040 Avenue of the Americas-10<sup>th</sup> Fl. New York, NY 10018-3703 (212) 840-1070 (212) 302-2782 – facsimile skopman@npcc.org</p> <p>Walter Cintron* Manager of Compliance Enforcement Northeast Power Coordinating Council, Inc. 1040 Avenue of the Americas-10<sup>th</sup> Fl. New York, NY 10018-3703 (212) 840-1070 (212) 302-2782 – facsimile wcintron@npcc.org</p>
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## Conclusion

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

Respectfully submitted,

Gerald W. Cauley  
President and Chief Executive Officer  
David N. Cook  
Sr. Vice President and General Counsel  
North American Electric Reliability Corporation  
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(609) 452-8060  
(609) 452-9550 – facsimile  
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david.cook@nerc.net

/s/ Rebecca J. Michael  
Rebecca J. Michael  
Assistant General Counsel  
V. Davis Smith  
Attorney  
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Washington, DC 20005-3801  
(202) 393-3998  
(202) 393-3955 – facsimile  
rebecca.michael@nerc.net  
davis.smith@nerc.net

cc: Vermont Marble Power Division of Omya Inc  
Northeast Power Coordinating Council, Inc.

Attachments

## **Attachment a**

### **Disposition Document for Common Information dated July 12, 2010**

**DISPOSITION OF VIOLATION<sup>1</sup>**  
**INFORMATION COMMON TO INSTANT VIOLATIONS**  
**Dated July 12, 2010**

REGISTERED ENTITY                      NERC REGISTRY ID                      NOC#  
**Vermont Marble Power Division**      **NCR07226**                      **NOC-556**  
**of Omya Inc (VMPD)**

REGIONAL ENTITY  
**Northeast Power Coordinating Council, Inc. (NPCC)**

**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									
	06/21/07				06/21/07									

**DESCRIPTION OF THE REGISTERED ENTITY**

VMPD's assets include four hydroelectric dams that extend along Otter Creek from Center Rutland, VT to Middlebury, VT with a combined capacity of 18.1 MW. VMPD is a wholly owned subsidiary of Omya Vermont. Omya Vermont produces both dry and slurry products for paper, paint and plastics applications and is VMPD's main customer.

Omya is a worldwide mineral processing company, with North, Central, and South American headquarters located in Cincinnati, OH.

IS THERE A SETTLEMENT AGREEMENT      YES ☐      NO ☒

WITH RESPECT TO THE VIOLATION(S), REGISTERED ENTITY

NEITHER ADMITS NOR DENIES IT (SETTLEMENT ONLY)      YES ☐  
 ADMITS TO IT      YES ☐  
 DOES NOT CONTEST IT (INCLUDING WITHIN 30 DAYS)      YES ☒

WITH RESPECT TO THE PROPOSED PENALTY OR SANCTION, REGISTERED ENTITY

<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.



ACCEPTS IT/ DOES NOT CONTEST IT

YES ☒

## II. PENALTY INFORMATION

TOTAL PROPOSED PENALTY OR SANCTION OF **FIVE THOUSAND DOLLARS (\$5,000)** FOR VIOLATIONS OF **SIX** REQUIRMENTS OF **TWO** STANDARDS.

### (1) 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

### (2) 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

- i. **VMPD was tardy in responding to NPCC requests;**
- ii. **The data submitted in the Mitigation Plan for PRC-008-0 R1 and R2 had incorrect dates, included the wrong procedure and incorrect testing data; and**
- iii. **NPCC had to request the data after verifying the incorrect data was submitted as evidence.**

(3) THE PRESENCE AND QUALITY OF THE REGISTERED ENTITY'S COMPLIANCE PROGRAM

IS THERE A DOCUMENTED COMPLIANCE PROGRAM<sup>2</sup>

YES ☒ NO ☐

EXPLAIN

**VMPD is a company comprised of four (4) office employees and twelve (12) Union operating staff. In April 2009, the company appointed the Operations Manager as the new Compliance Manager. The program consists of the review and revision if necessary of VMPD procedures and operations to ensure compliance with NERC standards.**

EXPLAIN SENIOR MANAGEMENT'S ROLE AND INVOLVEMENT WITH RESPECT TO THE REGISTERED ENTITY'S COMPLIANCE PROGRAM, INCLUDING WHETHER SENIOR MANAGEMENT TAKES ACTIONS THAT SUPPORT THE COMPLIANCE PROGRAM, SUCH AS TRAINING, COMPLIANCE AS A FACTOR IN EMPLOYEE EVALUATIONS, OR OTHERWISE.

**VMPD operates as an independent regulated electric utility. The Compliance Officer does not report directly to Omya's CEO; however VMPD reported to NPCC that the CEO and Omya's Board of Directors fully support the compliance efforts of VMPD.**

(4) 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

(5) 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

(6) ANY OTHER MITIGATING FACTORS FOR CONSIDERATION

YES ☐ NO ☒

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<sup>2</sup> The internal compliance program was a neutral factor in the penalty determination.

IF YES, EXPLAIN

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

YES ☐ NO ☒  
IF YES, EXPLAIN

(8) ANY OTHER EXTENUATING CIRCUMSTANCES

YES ☐ NO ☒  
IF YES, EXPLAIN

OTHER RELEVANT INFORMATION:

NOTICE OF ALLEGED VIOLATION AND PROPOSED PENALTY OR  
SANCTION ISSUED

DATE: **3/26/10** OR N/A ☐

SETTLEMENT DISCUSSIONS COMMENCED

DATE: OR N/A ☒

NOTICE OF CONFIRMED VIOLATION ISSUED

DATE: **5/14/10** OR N/A ☐

SUPPLEMENTAL RECORD INFORMATION

DATE(S) OR N/A ☒

REGISTERED ENTITY RESPONSE CONTESTED

FINDINGS ☐ PENALTY ☐ BOTH ☐ NO CONTEST ☒

HEARING REQUESTED

YES ☐ NO ☒

DATE

OUTCOME

APPEAL REQUESTED

## **Disposition Document for PRC-008-0 R1 and R2**

## **DISPOSITION OF VIOLATION**

**Dated July 12, 2010**

NERC TRACKING NO.	REGIONAL ENTITY TRACKING NO.
<b>NPCC200900083</b>	<b>NPCC200900083</b>
<b>NPCC200900084</b>	<b>NPCC200900084</b>

### **I. VIOLATION INFORMATION**

RELIABILITY STANDARD	REQUIREMENT(S)	SUB-REQUIREMENT(S)	VRF(S)	VSL(S)
<b>PRC-008-0</b>	<b>1</b>		<b>Medium</b>	<b>Lower</b>
<b>PRC-008-0</b>	<b>2</b>		<b>Medium</b>	<b>Lower</b>

VIOLATIONS APPLY TO THE FOLLOWING FUNCTION:

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

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

**The purpose statement of PRC-008-0 provides: “Provide last resort system preservation measures by implementing an Under Frequency Load Shedding (UFLS) program.”**

**PRC-008-0 requires:**

**R1. The Transmission Owner and Distribution Provider with a UFLS program (as required by its Regional [Entity]) shall have a UFLS equipment maintenance and testing program in place. This UFLS equipment maintenance and testing program shall include UFLS equipment identification, the schedule for UFLS equipment testing, and the schedule for UFLS equipment maintenance.**

**R2. The Transmission Owner and Distribution Provider with a UFLS program (as required by its Regional [Entity]) shall implement its UFLS equipment maintenance and testing program and shall provide UFLS maintenance and testing program results to its Regional Reliability [Entity] and NERC on request (within 30 calendar days).**

VIOLATION DESCRIPTION

**As a Distribution Provider, VMPD operates the UFLS equipment for the purposes of the meeting the UFLS obligation to the ISO New England. VMPD’s parent company**

owns the UFLS system but VMPD is the ERO registered entity and is therefore the responsible party. As a result of an internal investigation by VMPD on June 23, 2009, VMPD determined that there was no program in place for the maintenance and testing of the UFLS system. VMPD was under the misconception that its parent company had developed a maintenance and testing program for the UFLS system. VMPD as the registered entity has the responsibility for the maintenance and testing program. As a result of its internal investigation, VMPD submitted a Self-Certification on June 26, 2009 of its violation of PRC-008-0 R1 and R2.

## RELIABILITY IMPACT STATEMENT- POTENTIAL AND ACTUAL

NPCC Enforcement Staff determined that the violations did not create a serious or substantial risk to the bulk power system (BPS) because the UFLS equipment was tested on December 23, 2009 and the test results were within accepted specifications, hence the equipment would have operated correctly if the frequency would have declined to 59.3 Hz. In addition, VMPD's load is approximately 8 MW.

## II. 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) From June 21, 2007, when VMPD was included on the compliance registry, through December 23, 2009, when VMPD completed maintenance and testing of its UFLS equipment.**

**DATE DISCOVERED BY OR REPORTED TO REGIONAL ENTITY 6/26/09**

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"/>

### **III. MITIGATION INFORMATION**

**FOR FINAL ACCEPTED MITIGATION PLAN:**

MITIGATION PLAN NO.	<b>MIT-07-2369</b>
DATE SUBMITTED TO REGIONAL ENTITY	<b>12/31/09</b>
DATE ACCEPTED BY REGIONAL ENTITY	<b>2/26/10</b>
DATE APPROVED BY NERC	<b>3/12/10</b>
DATE PROVIDED TO FERC	<b>3/12/10</b>

IDENTIFY AND EXPLAIN ALL PRIOR VERSIONS THAT WERE ACCEPTED OR REJECTED, IF APPLICABLE

**Draft Mitigation Plans dated June 26, 2009 and September 16, 2009 were submitted for discussions with NPCC.**

MITIGATION PLAN COMPLETED      YES ☒      NO ☐

EXPECTED COMPLETION DATE	<b>12/31/09</b>
EXTENSIONS GRANTED	<b>NONE</b>
ACTUAL COMPLETION DATE	<b>12/31/09</b>

DATE OF CERTIFICATION LETTER	<b>2/24/10</b>
CERTIFIED COMPLETE BY REGISTERED ENTITY AS OF	<b>12/31/09</b>

DATE OF VERIFICATION LETTER	<b>5/12/10</b>
VERIFIED COMPLETE BY REGIONAL ENTITY AS OF	<b>12/31/09</b>

**ACTIONS TAKEN TO MITIGATE THE ISSUE AND PREVENT RECURRENCE**

- 1. Develop a comprehensive UFLS maintenance and testing program including all aspects as outlined in *NPCC Regional Reliability Reference Directory 3 Maintenance Criteria for Bulk Power System Protection* by September 30, 2009.**
- 2. Complete the maintenance and testing of all applicable UFLS equipment by December 31, 2009.**

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

**VMPD's *UFLS Equipment Maintenance and Testing Program* dated December 30, 2009**

EXHIBITS (SEE ATTACHMENTS TO NOTICE OF PENALTY):

SOURCE DOCUMENT

**VMPD's Self-Certification for PRC-008-0 R1 and R2 dated June 26, 2009**

MITIGATION PLAN

**VMPD's Mitigation Plan MIT-07-2369 submitted December 31, 2009**

CERTIFICATION BY REGISTERED ENTITY

**VMPD's Certification of Mitigation Plan Completion dated February 24, 2010**



## **Disposition Document for CIP-001-1 R1, R2, R3 and R4**

## **DISPOSITION OF VIOLATION**

**Dated July 12, 2010**

NERC TRACKING NO.	REGIONAL ENTITY TRACKING NO.
NPCC200900106	NPCC200900106
NPCC201000143	NPCC201000143
NPCC201000144	NPCC201000144
NPCC201000145	NPCC201000145

### **I. VIOLATION INFORMATION**

RELIABILITY STANDARD	REQUIREMENT(S)	SUB-REQUIREMENT(S)	VRF(S)	VSL(S)
<b>CIP-001-1</b>	<b>3</b>		<b>Medium</b>	<b>Moderate</b>
<b>CIP-001-1</b>	<b>1</b>		<b>Medium</b>	<b>Severe</b>
<b>CIP-001-1</b>	<b>2</b>		<b>Medium</b>	<b>Severe</b>
<b>CIP-001-1</b>	<b>4</b>		<b>Medium</b>	<b>Severe</b>

VIOLATIONS APPLY TO THE FOLLOWING FUNCTION:

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

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

**The purpose statement of CIP-001-1 provides: “Disturbances or unusual occurrences, suspected or determined to be caused by sabotage, shall be reported to the appropriate systems, governmental agencies, and regulatory bodies.”**

**CIP-001-1 requires:**

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

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

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

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

#### **VIOLATION DESCRIPTION**

**On September 21, 2009, VMPD self-certified that it was non-compliant with CIP-001-1 R3 because personnel training for sabotage response was not provided to an employee due to an administrative oversight. As a result of the investigation triggered by the self-certification, NPCC determined that VMPD did not have a sabotage reporting procedure in place and therefore was also not compliant with CIP-001-1 R1, R2 and R4.**

#### **RELIABILITY IMPACT STATEMENT- POTENTIAL AND ACTUAL**

**NPCC Enforcement Staff determined that the violations did not create a serious or substantial risk to the bulk power system (BPS) as this entity is registered because it maintains an Underfrequency Load Shedding Program designed to protect the Bulk Electric System during low frequency system excursions where the frequency decays to 59.3 Hertz. It does not own generating facilities or transmission lines designed to produce and deliver energy to the electric grid. Therefore the risk involved to the electric system is different for this type of registered entity as its facilities only involve delivering energy to its distribution customers.**

## **II. DISCOVERY INFORMATION**

#### **METHOD OF DISCOVERY**

SELF-REPORT	<input type="checkbox"/>
SELF-CERTIFICATION (R3)	<input checked="" type="checkbox"/>
COMPLIANCE AUDIT	<input type="checkbox"/>
COMPLIANCE VIOLATION INVESTIGATION	<input type="checkbox"/>
SPOT CHECK (R1, R2 and R4)	<input checked="" type="checkbox"/>
COMPLAINT	<input type="checkbox"/>
PERIODIC DATA SUBMITTAL	<input type="checkbox"/>
EXCEPTION REPORTING	<input type="checkbox"/>

**DURATION DATE(S) From June 21, 2007, when VMPD was included on the compliance registry, through September 24, 2009, when VMPD completed its Mitigation Plan.**

**DATE DISCOVERED BY OR REPORTED TO REGIONAL ENTITY 9/21/09 (CIP-001-1 R3) and 3/05/10 (CIP-001-1 R1, R2 and R4).**

**IS THE VIOLATION STILL OCCURRING**

YES ☐ NO ☒  
 IF YES, EXPLAIN

REMEDIAL ACTION DIRECTIVE ISSUED YES ☐ NO ☒  
 PRE TO POST JUNE 18, 2007 VIOLATION YES ☐ NO ☒

### III. MITIGATION INFORMATION

FOR FINAL ACCEPTED MITIGATION PLAN:

MITIGATION PLAN NO.	MIT-09-2583
DATE SUBMITTED TO REGIONAL ENTITY	3/26/10
DATE ACCEPTED BY REGIONAL ENTITY	6/3/10
DATE APPROVED BY NERC	6/30/10
DATE PROVIDED TO FERC	7/1/10

IDENTIFY AND EXPLAIN ALL PRIOR VERSIONS THAT WERE ACCEPTED OR REJECTED, IF APPLICABLE

MITIGATION PLAN COMPLETED YES ☒ NO ☐

EXPECTED COMPLETION DATE	9/24/09
EXTENSIONS GRANTED	NONE
ACTUAL COMPLETION DATE	9/24/09

DATE OF CERTIFICATION LETTER	6/11/10
CERTIFIED COMPLETE BY REGISTERED ENTITY AS OF	9/24/09

DATE OF VERIFICATION LETTER	6/11/10
VERIFIED COMPLETE BY REGIONAL ENTITY AS OF	9/24/09

ACTIONS TAKEN TO MITIGATE THE ISSUE AND PREVENT RECURRENCE

1. After the discovery of the problem, VMPD created and adopted the sabotage reporting program document and conducted training with all operating personnel.
2. Further, in April 2009, the company appointed the Operations Manager as the new Compliance manager to oversee the NERC compliance activities and charged him with ensuring future compliance.
3. Finally, with the training completed, employees are now engaged and prepared to administer the program and prevent or minimize the possibility of future risk to the BPS.

LIST OF EVIDENCE REVIEWED BY REGIONAL ENTITY TO EVALUATE COMPLETION OF MITIGATION PLAN OR MILESTONES

*Sabotage Reporting VPMD-RRP-G001 Rev 0 dated 09/22/09*

*Vermont Marble Power Division Training Attendance Record dated 09/24/09*

EXHIBITS:

SOURCE DOCUMENT

**VMPD's Self-Certification for CIP-001-1 R3 dated September 21, 2009**

MITIGATION PLAN

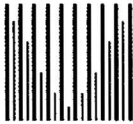
**VMPD's Mitigation Plan MIT-09-2583 submitted March 26, 2010**

CERTIFICATION BY REGISTERED ENTITY

**VMPD's Certification of Mitigation Plan Completion dated June 11, 2010.**

## **Attachment b**

**VMPD's Response to the Notice of Alleged  
Violation and Proposed Penalty or Sanction dated  
March 30, 2010 (agreeing to the violation and  
proposed penalty)**



Vermont Marble  
Power Division

84 Deere Lane  
Florence, VT 05744

March 30, 2010

Mr. Walter Cintron, Manager  
Compliance Enforcement  
Northeast Power Coordinating Council  
1040 Avenue of the Americas, 10<sup>th</sup> Floor  
New York City, New York 10018

RE: **NERC/NPCC Violation Tracking Identification Numbers: NPCC200900083,  
NPCC200900084, NPCC200900106, NPCC201000143, NPCC201000144, NPCC201000145**

Dear Mr. Cintron;

Vermont Marble Power Division of Omya Inc. (VMPD) is writing to inform the Northeast Power Coordinating Council (NPCC) that it elects the following option with regard to the Notice of Alleged Violation and Proposed Penalty or Sanction:

*VMPD agrees with or does not contest the Alleged Violation(s) and proposed penalty or sanction, and agrees to submit and implement a mitigation plan to correct the violation and its underlying causes.*

VMPD agrees to the stipulated penalty or sanction and will pay upon receiving the invoice. Please proceed with the steps necessary to complete this matter at NERC and FERC. Please let me know if NPCC needs any more information from VMPD.

VMPD values compliance very highly and stresses its importance everyday in its operations. Its' electric operations are a critical component to its total business enterprise. VMPD quickly addressed the deficiencies in the violations and has made procedural changes to ensure compliance to these NERC reliability standards prospectively. To the extent necessary, VMPD addressed any and all questions from NPCC quickly and conclusively. In fact, VMPD has already submitted and completed the actions identified in both filed Mitigation Plans as required under Section 6.4 of the NERC CMEP. All deficiencies were entirely completed within four months of their discovery; with some taking less than a month to reach completion.

Should you have any questions relating to this matter, please do not hesitate to contact me, as the Authorized Representative for VMPD, at 802-770-7168.

Sincerely;

Barry Donovan, P.E.  
Operations Manager



## **Attachment c**

### **Documents regarding PRC-008-0 R1 and R2**

- 1. VMPD's Self-Certification dated June 26, 2009**
- 2. VMPD's Mitigation Plan MIT-07-2369 submitted December 31, 2009**
- 3. VMPD's Certification of Mitigation Plan Completion dated February 24, 2010**
- 4. NPCC's Verification of Mitigation Plan Completion dated May 12, 2010**



Logged in as:

Rafael Sahiholamal

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System Administration

Compliance

DP Forms

LSE Forms

All Forms

Pending Certification  
Statements

Self Report

Self Report Forms

Historical Forms

Certification Statements

Reports

Mitigation Plans

Plants & Generators

2009 Schedule

PRC-008-0 Self Certification (DP) - Underfrequency Load Shedding Equipment Maintenance Programs - 06/01/2008 to 05/31/2009



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Attachments (0)

This form has been locked because it was included on a certification statement.  
If you need to edit data contained in this form, please contact your NPCC Administrator.

This form was marked as ready to be added to a certification statement on 6/26/2009.

\* Required Fields

Status: Read Only

Technical Contact

\* Brian Evans-Mongeon (brian.evans-mongeon@utility |

Notice: Prior to submitting this self-certification form, you are directed to review the complete text of the applicable reliability standard (including interpretations) that is found at [www.nerc.com](http://www.nerc.com). Each registered entity should evaluate its compliance with the official standard in preparing this filing.

Evidence must be retained to support the responses to this Self-Certification, including any follow-up investigation, until the completion of the next scheduled audit, unless the NERC or Regional Entity advises otherwise.

NPCC 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.

This self-certification covers the Reporting Period for **06/01/2008 to 05/31/2009**. The response to the certification should accurately reflect the entity's compliance status for the entire Reporting Period.

Applicable Function: DP

As an authorized representative of **Vermont Marble Power Division of Omya Inc**, I certify the following:

1. **Vermont Marble Power Division of Omya Inc** was in Compliance with the NERC Reliability Standard PRC-008-0 for the entire Reporting Period.
2. **Vermont Marble Power Division of Omya Inc** is Not in Compliance for a portion of or the entire Reporting Period with the following requirement(s) of NERC Reliability Standard PRC-008-0 (indicated by checkmark) but was in compliance with all other requirements of the standard for the entire Reporting Period.
- ☒ **Vermont Marble Power Division of Omya Inc** is indicating a possible violation that has **not** been previously identified to NPCC.
- ☒ **Vermont Marble Power Division of Omya Inc** is indicating a possible violation that was **previously identified to NPCC**. Provide issues tracking number, if known.

Check all requirements for which Vermont Marble Power Division of Omya Inc was Not in Compliance for a portion of or the entire Reporting Period:

- ☒ **R1. The Transmission Owner and Distribution Provider with a UFLS program (as required by its Regional Reliability Organization) shall have a UFLS equipment maintenance and testing program in place. This UFLS equipment maintenance and testing program shall include UFLS equipment identification, the schedule for UFLS equipment testing, and the schedule for UFLS equipment maintenance.**

**NOTE:** While submittal of a mitigation plan is not required until after a determination of a violation is confirmed, early submittal of a mitigation plan to address and remedy an identified deficiency is encouraged. Submittal of a mitigation plan shall not be deemed an admission of a violation. (See

Provide a detailed explanation why this was not accomplished

See Self-Report and Mitigation Plan submissions

Enter date of alleged violation

9/5/2007

Enter time of alleged violation

hh:mm:ss



**R2.** The Transmission Owner and Distribution Provider with a UFLS program (as required by its Regional Reliability Organization) shall implement its UFLS equipment maintenance and testing program and shall provide UFLS maintenance and testing program results to its Regional Reliability Organization and NERC on request (within 30 calendar days).

**NOTE:** While submittal of a mitigation plan is not required until after a determination of a violation is confirmed, early submittal of a mitigation plan to address and remedy an identified deficiency is encouraged. Submittal of a mitigation plan shall not be deemed an admission of a violation. (See NERC Rules of Procedure, Appendix 4C, Section 6.4.)

Provide a detailed explanation why this was not accomplished

See Self-Report and Mitigation Plan submissions

Enter date of alleged violation

9/5/2007

Enter time of alleged violation

hh:mm:ss



3. The NERC Reliability Standard PRC-008-0 **does not** apply to **Vermont Marble Power Division of Omya Inc** because

Additional Comments:

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## Mitigation Plan Submittal Form

Date this Mitigation Plan is being submitted: 6/26/2009, 9/16/2009, 12/31/2009

### **Section A: Compliance Notices & Mitigation Plan Requirements**

- A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Attachment A - Compliance Notices & Mitigation Plan Requirements" to this form.
- A.2 ☒ I have reviewed Attachment A and understand that this Mitigation Plan Submittal Form will not be accepted unless this box is checked.

### **Section B: Registered Entity Information**

- B.1 Identify your organization:

Company Name: Vermont Marble Power Division of Omya Inc.  
Company Address: 84 Deere Lane  
Florence, VT 05744

NERC Compliance Registry ID: NCR07226

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

Name: Barry Donovan  
Title: Operations Manager  
Email: Barry.Donovan@omya.com  
Phone: (802) 770-7168

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

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

Applicable Standard, Requirement(s) and dates:



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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)
NPCC200900083	PRC-008	1	Medium	06-21-2007	Self Certification
NPCC200900084	PRC-008	2	Medium	06-21-2007	Self Certification

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

The parent company of VMPD of Omya Inc. owns the UFLS equipment. The parent company is not registered in the ERO program. VMPD operates the equipment for the purposes of the meeting the obligation to ISO New England and is registered as a Distribution Provider in the ERO Reliability Compliance program. VMPD was under the impression that the parent had developed a maintenance and testing program and the program was in place. As a result of an internal investigation by VMPD, it was determined that that program does not include all aspects for maintenance and testing as documented in the NPCC Directory 3 and VMPD is taking responsibility for the maintenance and testing prospectively.

**NPCC, Inc.**NORTHEAST POWER COORDINATING COUNCIL, INC.  
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- C.3 Provide any additional relevant information regarding the Alleged or Confirmed violations associated with this Mitigation Plan. Additional detailed information may be provided as an attachment:

## **Section D: Details of Proposed Mitigation Plan**

### **Mitigation Plan Contents**

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

VMPD of Omya Inc. in concert with its parent company shall develop a comprehensive UFLS maintenance and testing program including all aspects as outlined in NPCC Directory 3 by September 30, 2009. VMPD of Omya Inc. shall complete the maintenance and testing of all applicable UFLS equipment by December 31, 2009.

### **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: December 31, 2009
- D.3 Enter Milestone Activities, with due dates, that your organization is proposing, or has completed, for this Mitigation Plan:

Milestone Activity	Proposed/Actual Completion Date* (shall not be more than 3 months apart)
VMPD of Omya Inc. in concert with its parent company shall develop a comprehensive UFLS maintenance and testing program including all aspects as outlined in NPCC Directory 3 by September 30, 2009.	September 30, 2009
VMPD of Omya Inc. shall complete the maintenance and testing of all applicable UFLS equipment by December 31, 2009.	December 31, 2009



**NPCC, Inc.**

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



**NPCC, Inc.**

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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:

Since the UFLS equipment owned by the parent company has not been identified as part of the BPS through the NPCC A-10 Classification of the Bulk Power System, there is minimal impact to regional reliability.

### **Prevention of Future BPS Reliability Risk**

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

With the creation of a maintenance and testing program, the UFLS equipment will be tested and maintained on an ongoing basis.



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## 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 NPCC 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 Operations Manager of Vermont Marble Power Division of Omya Inc.
  2. I am qualified to sign this Mitigation Plan on behalf of Vermont Marble Power Division of Omya Inc.
  3. I understand Vermont Marble Power Division of Omya Inc.'s obligations to comply with Mitigation Plan requirements and ERO remedial action directives as well as ERO documents, including, but not limited to, the NERC Rules of Procedure, including Appendix 4(C) (Compliance Monitoring and Enforcement Program of the North American Electric Reliability Corporation" (NERC CMEP)).
  3. I have read and am familiar with the contents of this Mitigation Plan.
  4. Vermont Marble Power Division of Omya Inc. agrees to comply with, this Mitigation Plan, including the timetable completion date, as accepted by NPCC and approved by NERC.

### Authorized Individual Signature

A handwritten signature in black ink, appearing to read 'Barry Donovan', written over a horizontal line.

Name (Print): Barry Donovan  
Title: Operations Manager  
Date: December 31, 2009





NORTHEAST POWER COORDINATING COUNCIL, INC.  
1040 AVE OF THE AMERICAS, NEW YORK, NY 10018 TELEPHONE (212) 840-1070 FAX (212) 302-2782

**Section G: Regional Entity Contact**

Please direct any questions regarding completion of this form to:

Walter Cintron  
Manager, Compliance Enforcement  
Northeast Power Coordinating Council, Inc.  
1040 Ave. of the Americas – 10<sup>th</sup> Floor  
New York, N.Y. 10018  
Tel: 212-840-1070  
Fax: 212-302-2782  
E-mail: [wcintron@npcc.org](mailto:wcintron@npcc.org)



NORTHEAST POWER COORDINATING COUNCIL, INC.  
1040 AVE OF THE AMERICAS, NEW YORK, NY 10018 TELEPHONE (212) 840-1070 FAX (212) 302-2782

## **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. This person may be the Registered Entity's point of contact described in Section 2.0.
  - (2) The Alleged or Confirmed Violation(s) of Reliability Standard(s) the Mitigation Plan will correct.
  - (3) The cause of the Alleged or Confirmed Violation(s).
  - (4) The Registered Entity's action plan to correct the Alleged or Confirmed Violation(s).
  - (5) The Registered Entity's action plan to prevent recurrence of the Alleged or Confirmed violation(s).
  - (6) The anticipated impact of the Mitigation Plan on the bulk power system reliability and an action plan to mitigate any increased risk to the reliability of the bulk power-system while the Mitigation Plan is being implemented.
  - (7) A timetable for completion of the Mitigation Plan including the completion date by which the Mitigation Plan will be fully implemented and the Alleged or Confirmed Violation(s) corrected.
  - (8) Implementation milestones no more than three (3) months apart for Mitigation Plans with expected completion dates more than three (3) months from the date of submission. Additional violations could be determined for not completing work associated with accepted milestones.
  - (9) Any other information deemed necessary or appropriate.
  - (10) The Mitigation Plan shall be signed by an officer, employee, attorney or other authorized representative of the Registered Entity, which if applicable, shall be the person that signed the Self-Certification or Self Reporting submittals.
- II. This submittal form must be used to provide a required Mitigation Plan for review and acceptance by NPCC and approval by NERC.

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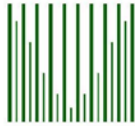
<sup>1</sup> "Uniform Compliance Monitoring and Enforcement Program of the North American Electric Reliability Corporation;" a copy of the current version approved by the Federal Energy Regulatory Commission is posted on NERC's website.



**NPCC, Inc.**

NORTHEAST POWER COORDINATING COUNCIL, INC.  
1040 AVE OF THE AMERICAS, NEW YORK, NY 10018 TELEPHONE (212) 840-1070 FAX (212) 302-2782

- III. This Mitigation Plan is submitted to the regional entity (ies) 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 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 NPCC 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. NPCC 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.



Vermont Marble  
Power Division  
of Omya Inc.

84 Deere Lane  
Florence, VT 05744  
U.S.A.

## **Certification of a Completed Mitigation Plan**

### **NPCC Violation Mitigation Plan Closure Form**

Name of registered entity submitting certification: [Vermont Marble Power Division of Omya Inc.](#)

Date of Certification<sup>1</sup>: [2/24/2010](#)

Name of Standard and the Requirement of which a violation was mitigated: [PRC-008, Requirements 1 & 2](#)

Date of the Mitigation Plan submittal<sup>2</sup>: [6/26/2009, 12/31/2009](#)

Date of completion of the Milestone Activities in Mitigation Plan<sup>3</sup>: [12/23/2009](#)

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

Please provide any additional information required for NPCC to verify completion of the mitigation plan.

Name: [W. Barry Donovan, P.E.](#)

Title: [Operations Manager](#)

Entity: [Vermont Marble Power Division of Omya Inc.](#)

Email: [barry.donovan@omya.com](mailto:barry.donovan@omya.com)

Phone: [802-770-7168](#)

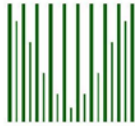
Executive Signature W. Barry Donovan P.E. Date: [2/24/2010](#)

<sup>1</sup> This date has to be the same as the signature date

<sup>2</sup> The date final Mitigation Plan has been signed

<sup>3</sup> The completion date for the last Milestone Activity





Vermont Marble  
Power Division  
of Omya Inc.



84 Deere Lane  
Florence, VT 05744  
U.S.A.

## Mitigation Plan Milestone Activity Reporting

Date: 2/24/2010

To: Walter Cintron,  
Manager, Compliance Enforcement

[REGISTERED ENTITY] provides the following evidence for NPCC to verify the completed activities in the Mitigation Plan.

Activity	Dates Completed	Documentation <sup>1</sup> Insert any documents indicating completion of the Activity.
i. VMPD of Omya Inc. in concert with its parent company shall develop a comprehensive UFLS maintenance and testing program including all aspects as outlined in NPCC Directory 3 by September 30, 2009.	7/28/2009	 VMPD-RRP-G002.pdf
ii. VMPD of Omya Inc. shall complete the maintenance and testing of all applicable UFLS equipment by December 31, 2009.	12/23/2010	 OMYA750.pdf

1. To attach a file: from the INSERT drop down menu in Microsoft Word click OBJECT, click the tab CREATE FROM FILE, click BROWSE, find the file you wish to attach, click INSERT, click the DISPLAY AS ICON check box, click CHANGE ICON, in the CAPTION field change the file name, click OK, click OK. Resize the attached file to fit in the cell.

Authorized Signature: \_\_W. Barry Donovan P.E.\_\_





NORTHEAST POWER COORDINATING COUNCIL, INC.  
1040 AVE OF THE AMERICAS, NEW YORK, NY 10018 TELEPHONE (212) 840-1070 FAX (212) 302-2782

**Confidential**

Date: May 12, 2010

Mr. Barry Donovan  
Operations Manager  
Vermont Marble Power Division of Omya Inc  
84 Deere Lane  
Florence, VT 05744

Re: Mitigation Plan Tracking # MIT-07-2369. NERC Violation # NPCC200900083,  
NPCC200900084

This letter is to notify you that on May 12, 2010, NPCC verified the completion of the Mitigation Plan # MIT-07-2369 submitted on December 31, 2009 by reviewing each of the documents submitted as evidence of completion.

NPCC thanks you for your cooperation in this matter and for improving the reliability of the bulk electric system.

Please do not hesitate to call if you have any questions regarding this issue.

Sincerely,

Walter Cintron  
Manager, Compliance Enforcement  
Tel: 212 840-1070  
Fax: 212 302-2782  
wcintron@npcc.org

## **Attachment d**

### **Documents regarding CIP-001-1 R1, R2, R3 and R4**

- 1. VMPD's Self-Certification for CIP-001-1 R3 dated September 21, 2009**
- 2. VMPD's Mitigation Plan MIT-09-2583 submitted March 26, 2010**
- 3. VMPD's Certification of Mitigation Plan Completion dated June 11, 2010**
- 4. Verification of Mitigation Plan Completion dated June 11, 2010**

Logged in as:

Rafael Sahiholamal

Log Out

System Administration

Compliance

Mitigation Plans

Plants & Generators

2009 Schedule

CIP-001-1 Self Certification (LSE) - Sabotage Reporting - 09/01/2008 to 08/31/2009

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Attachments (0)

This form has been locked because it was included on a certification statement.  
If you need to edit data contained in this form, please contact your NPCC Administrator.

This form was marked as ready to be added to a certification statement on 9/21/2009.

\* Required Fields

Status: Read Only

#### Technical Contact

\* Brian Evans-Mongeon (brian.evans-mongeon@utility) |

Notice: Prior to submitting this self-certification form, you are directed to review the complete text of the applicable reliability standard (including interpretations) that is found at [www.nerc.com](http://www.nerc.com). Each registered entity should evaluate its compliance with the official standard in preparing this filing.

Evidence must be retained to support the responses to this Self-Certification, including any follow-up investigation, until the completion of the next scheduled audit, unless the NERC or Regional Entity advises otherwise.

NPCC 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.

This self-certification covers the Reporting Period for **09/01/2008 to 08/31/2009**. The response to the certification should accurately reflect the entity's compliance status for the entire Reporting Period.

#### Applicable Function: LSE


As an authorized representative of **Vermont Marble Power Division of Omya Inc**, I certify the following:

1. **Vermont Marble Power Division of Omya Inc** was in Compliance with the NERC Reliability Standard CIP-001-1 for the entire Reporting Period.
2. **Vermont Marble Power Division of Omya Inc** is Not in Compliance for a portion of or the entire Reporting Period with the following requirement(s) of NERC Reliability Standard CIP-001-1 (indicated by checkmark) but was in compliance with all other requirements of the standard for the entire Reporting Period.
  - ☒ **Vermont Marble Power Division of Omya Inc** is indicating a possible violation that has **not** been previously identified to NPCC.
  - ☒ **Vermont Marble Power Division of Omya Inc** is indicating a possible violation that was **previously identified to NPCC**. Provide issues tracking number, if known.

Check all requirements for which Vermont Marble Power Division of Omya Inc was Not in Compliance for a portion of or the entire Reporting Period:

- ☒ **R1.** Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load-Serving Entity shall have procedures for the recognition of and for making their operating personnel aware of sabotage events on its facilities and multi-site sabotage affecting larger portions of the Interconnection.
- ☒ **R2.** Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load-Serving Entity shall have procedures for the communication of information concerning sabotage events to appropriate parties in the Interconnection.



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

**NOTE:** While submittal of a mitigation plan is not required until after a determination of a violation is confirmed, early submittal of a mitigation plan to address and remedy an identified deficiency is encouraged. Submittal of a mitigation plan shall not be deemed an admission of a violation. (See NERC Rules of Procedure, Appendix 4C, Section 6.4.)

Provide a detailed explanation why this was not accomplished


Due to a change in compliance personnel training was not accomplished due to administrative oversight.


Enter date of alleged violation

9/1/2009 

Enter time of alleged violation

00:00:00 hh:mm:ss

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

-  3. The NERC Reliability Standard CIP-001-1 **does not** apply to **Vermont Marble Power Division of Omya Inc** because

Additional Comments:

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## Mitigation Plan Submittal Form

Date this Mitigation Plan is being submitted: March 26, 2010

### **Section A: Compliance Notices & Mitigation Plan Requirements**

- A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Attachment A - Compliance Notices & Mitigation Plan Requirements" to this form.
- A.2 ☒ I have reviewed Attachment A and understand that this Mitigation Plan Submittal Form will not be accepted unless this box is checked.

### **Section B: Registered Entity Information**

- B.1 Identify your organization:

Company Name: Vermont Marble Power Division of Omya Inc.  
Company Address: 84 Deere Lane  
Florence, VT 05744

NERC Compliance Registry ID: NCR07226

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

Name: Barry Donovan  
Title: Operations Manager  
Email: Barry.Donovan@omya.com  
Phone: (802) 770-7168

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

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

Applicable Standard, Requirement(s) and dates:



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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)
NPCC 201000143	CIP-001	1	Medium	06-21-2007	Self-Certification
NPCC 201000144	CIP-001	2	Medium	06-21-2007	Self-Certification
NPCC 200900106	CIP-001	3	Medium	06-21-2007	Self-Certification
NPCC 201000145	CIP-001	4	Medium	06-21-2007	Self-Certification

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

Due to a change in compliance personnel and administrative oversight in NERC Compliance management of the company, the annual training requirement was not accomplished within the compliance requirement period. Further discovery highlighted that the draft sabotage reporting procedure for the entity was never formally established by the company.

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 Registered Entity has nothing more to add at this time.

#### **Section D: Details of Proposed Mitigation Plan**



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### **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:

VMPD of Omya Inc. established and sanctioned a Sabotage Reporting Program document recognizing the requirements of the CIP-001 Reliability Standard. Upon compliance authorization, VMPD of Omya Inc. completed the training of its operating personnel.

### **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:

Fully implemented on September 24, 2009

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

Milestone Activity	Proposed/Actual Completion Date* (shall not be more than 3 months apart)
Established Sabotage Reporting Procedure including Interconnection and FBI contacts	September 22, 2009
VMPD of Omya Inc. conducted the training of the operating personnel.	September 24, 2009

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

## **Section E: Interim and Future Reliability Risk**

### **Abatement of Interim BPS Reliability Risk**



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- 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:

The Registered Entity does not believe that there is any heightened risk to the BPS/BES as the entity is not physically or electrically interconnected to the BPS/BES. The nearest identified BPS/BES point is located approximately 50 miles to the southeast of the system.

#### **Prevention of Future BPS Reliability Risk**

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

After the discovery of the problem, the company quickly adopted the sabotage reporting program document and conducted training with all operating personnel within days of its occurrence. The company has appointed a new compliance manager to oversee the NERC compliance activities and charged him with ensuring future compliance. When the training was completed, employees are now engaged and prepared to administer the program. Completion has meant that employees are ready to prevent or minimize the possibility of future risk to the Bulk Power System.



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## **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 NPCC 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 Operations Manager of Vermont Marble Power Division of Omya Inc.
  2. I am qualified to sign this Mitigation Plan on behalf of Vermont Marble Power Division of Omya Inc.
  3. I understand Vermont Marble Power Division of Omya Inc.'s obligations to comply with Mitigation Plan requirements and ERO remedial action directives as well as ERO documents, including, but not limited to, the NERC Rules of Procedure, including Appendix 4(C) (Compliance Monitoring and Enforcement Program of the North American Electric Reliability Corporation" (NERC CMEP)).
  3. I have read and am familiar with the contents of this Mitigation Plan.
  4. Vermont Marble Power Division of Omya Inc. agrees to comply with, this Mitigation Plan, including the timetable completion date, as accepted by NPCC and approved by NERC.

### **Authorized Individual Signature**

A handwritten signature in black ink, appearing to read 'Barry Donovan', written over a horizontal line.

Name (Print): Barry Donovan  
Title: Operations Manager  
Date: March 26, 2010



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1040 AVE OF THE AMERICAS, NEW YORK, NY 10018 TELEPHONE (212) 840-1070 FAX (212) 302-2782

**Section G: Regional Entity Contact**

Please direct any questions regarding completion of this form to:

Walter Cintron  
Manager, Compliance Enforcement  
Northeast Power Coordinating Council, Inc.  
1040 Ave. of the Americas – 10<sup>th</sup> Floor  
New York, N.Y. 10018  
Tel: 212-840-1070  
Fax: 212-302-2782  
E-mail: [wcintron@npcc.org](mailto:wcintron@npcc.org)



NORTHEAST POWER COORDINATING COUNCIL, INC.  
1040 AVE OF THE AMERICAS, NEW YORK, NY 10018 TELEPHONE (212) 840-1070 FAX (212) 302-2782

## **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. This person may be the Registered Entity's point of contact described in Section 2.0.
  - (2) The Alleged or Confirmed Violation(s) of Reliability Standard(s) the Mitigation Plan will correct.
  - (3) The cause of the Alleged or Confirmed Violation(s).
  - (4) The Registered Entity's action plan to correct the Alleged or Confirmed Violation(s).
  - (5) The Registered Entity's action plan to prevent recurrence of the Alleged or Confirmed violation(s).
  - (6) The anticipated impact of the Mitigation Plan on the bulk power system reliability and an action plan to mitigate any increased risk to the reliability of the bulk power-system while the Mitigation Plan is being implemented.
  - (7) A timetable for completion of the Mitigation Plan including the completion date by which the Mitigation Plan will be fully implemented and the Alleged or Confirmed Violation(s) corrected.
  - (8) Implementation milestones no more than three (3) months apart for Mitigation Plans with expected completion dates more than three (3) months from the date of submission. Additional violations could be determined for not completing work associated with accepted milestones.
  - (9) Any other information deemed necessary or appropriate.
  - (10) The Mitigation Plan shall be signed by an officer, employee, attorney or other authorized representative of the Registered Entity, which if applicable, shall be the person that signed the Self-Certification or Self Reporting submittals.
- II. This submittal form must be used to provide a required Mitigation Plan for review and acceptance by NPCC and approval by NERC.

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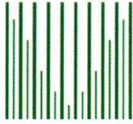
<sup>1</sup> "Uniform Compliance Monitoring and Enforcement Program of the North American Electric Reliability Corporation;" a copy of the current version approved by the Federal Energy Regulatory Commission is posted on NERC's website.





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- III. This Mitigation Plan is submitted to the regional entity (ies) 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 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 NPCC 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. NPCC 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.



Vermont Marble  
Power Division  
of Omya Inc.

84 Deere Lane  
Florence, VT 05744  
U.S.A.

## Certification of a Completed Mitigation Plan

### NPCC Violation Mitigation Plan Closure Form

Name of registered entity submitting certification: **Vermont Marble Power Division of Omya Inc.**

Date of Certification<sup>1</sup>: **June 11, 2010**

Name of Standard and the Requirement of which a violation was mitigated: **CIP-001R1-4**

Date of the Mitigation Plan submittal<sup>2</sup>: **March 26, 2010**

Date of completion of the Milestone Activities in Mitigation Plan<sup>3</sup>: **September 24, 2009**

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

Please provide any additional information required for NPCC to verify completion of the mitigation plan.

Name: **Barry Donovan**

Title: **Operations Manager**

Entity: **Vermont Marble Power Division of Omya Inc.**

Email: **barry.donovan@omya.com**

Phone: **802-770-7168**

Executive Signature  
**2010**

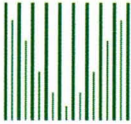
Date: **June 11,**

<sup>1</sup> This date has to be the same as the signature date

<sup>2</sup> The date final Mitigation Plan has been signed

<sup>3</sup> The completion date for the last Milestone Activity





Vermont Marble  
Power Division  
of Omya Inc.

84 Deere Lane  
Florence, VT 05744  
U.S.A.

### Mitigation Plan Milestone Activity Reporting

Date: June 11, 2010

To: Walter Cintron,  
Manager, Compliance Enforcement

[REGISTERED ENTITY] provides the following evidence for NPCC to verify the completed activities in the Mitigation Plan.

Activity	Dates Completed	Documentation <sup>1</sup> Insert any documents indicating completion of the Activity.
i. Establish a Sabotage Reporting Procedure including Interconnection and FBI contacts.	Sept. 22, 2009	VMPD-RRP-G001 R0
ii. VMPD of Omya Inc. conducted the training of the operating personnel	Sept. 24, 2009	Training signature sheets for VMPD-RRP-G001 R0
iii.		
iv.		
v.		

1. To attach a file: from the INSERT drop down menu in Microsoft Word click OBJECT, click the tab CREATE FROM FILE, click BROWSE, find the file you wish to attach, click INSERT, click the DISPLAY AS ICON check box, click CHANGE ICON, in the CAPTION field change the file name, click OK, click OK. Resize the attached file to fit in the cell.

Authorized Signature: 





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**Confidential**

Date: June 11, 2010

Mr. Barry Donovan  
Operations Manager  
Vermont Marble Power Division of Omya Inc  
84 Deere Lane  
Florence, VT 05744

Re: Mitigation Plan: NPCC200900107, NPCC201000144, NPCC201000145,  
NPCC201000146

This letter is to notify you that on June 11, 2010, NPCC verified the completion of the Mitigation Plan submitted on March 26, 2010 by reviewing each of the documents submitted as evidence of completion.

NPCC thanks you for your cooperation in this matter and for improving the reliability of the bulk electric system.

Please do not hesitate to call if you have any questions regarding this issue.

Sincerely,

Walter Cintron  
Manager, Compliance Enforcement  
Tel: 212 840-1070  
Fax: 212 302-2782  
wcintron@npcc.org

**Attachment e**

**Notice of Filing**

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Vermont Marble Power Division of Omya Inc

Docket No. NP10-\_\_\_\_-000

NOTICE OF FILING  
September 52, 2010

Take notice that on September 52, 2010, the North American Electric Reliability Corporation (NERC) filed a Notice of Penalty regarding Vermont Marble Power Division of Omya Inc in the Northeast Power Coordinating Council, Inc. 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