

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 Conectiv Energy Supply, Inc.,¹ FERC Docket No. NP10-__-000

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides this Abbreviated Notice of Penalty (NOP) regarding Conectiv Energy Supply, Inc. (Conectiv),² with information and details regarding the nature and resolution of the violation³ discussed in detail in the Settlement Agreement (Attachment b) and the Disposition Document (Attachment c), 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)).⁴

On September 28, 2009, Conectiv self-reported violations of PRC-005-1 Requirement (R) 1 and R2/2.1 to Reliability*First* Corporation (Reliability*First*) because Conectiv (1) could not provide evidence of maintenance and testing intervals, the basis for these maintenance and testing

¹ According to the Disposition Document, Conectiv is a wholly owned subsidiary of PEPCO Holdings, Inc. (PHI) and Pepco, Delmarva Power and Atlantic City Electric are also subsidiaries of PHI. On October 14, 2009, NERC submitted an Omnibus filing under FERC Docket Number NP10-2-000 which addressed violations for certain registered entities including a violation of PRC-005-1 R2.1 for Delmarva Power. On November 13, 2009, FERC issued an order stating it would not engage in further review of the violations addressed in the Omnibus Notice of Penalty. Reliability*First* has examined the relationship between the Conectiv violations and the Delmarva Power & Light violation. Reliability*First* notes that the Delmarva Power & Light violation was an isolated incident caused by human error (a clerical error regarding one test date incorrectly entered into the tracking system), and was not a systematic issue affecting all PEPCO companies.

² On July 16, 2010, Conectiv was deregistered from the NERC Compliance Registry for the function of Generator Owner because it sold all of its generation assets.

³ 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.

⁴ 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).

intervals, or any summary of maintenance and testing procedures for 1,033 Protection System⁵ devices (31% of all of Conectiv's Protection System devices) not included in its Protection System maintenance and testing program; and (2) could not provide evidence that an additional 461 Protection System devices⁶ (14% of all of Conectiv's Protection System devices) were maintained and tested within the intervals defined in its Protection System maintenance and testing program. This NOP is being filed with the Commission because Reliability*First* and Conectiv have entered into a Settlement Agreement to resolve all outstanding issues arising from Reliability*First*'s determination and findings of the enforceable violations of PRC-005-1 R1 and R2.1. According to the Settlement Agreement, Conectiv neither admits nor denies the violation, but has agreed to the assessed penalty of fifteen thousand dollars (\$15,000), in addition to other remedies and actions to mitigate the instant violations and facilitate future compliance under the terms and conditions of the Settlement Agreement. Accordingly, the violations identified as NERC Violation Tracking Identification Numbers RFC200900188 and RFC200900189 are being filed in accordance with the NERC Rules of Procedure and the CMEP.

Statement of Findings Underlying the Violations

This NOP incorporates the findings and justifications set forth in the Settlement Agreement executed on June 11, 2010, by and between Reliability*First* and Conectiv. The details of the findings and the basis for the penalty are set forth in the Disposition Documents. This NOP 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 (\$)
Reliability <i>First</i>	Conectiv Energy Supply, Inc	NOC-587	RFC200900188	PRC-005-1	1	High ⁷	15,000
			RFC200900189	PRC-005-1	2.1	High ⁸	

⁵ The NERC Glossary of Terms Used in Reliability Standards defines Protection System as "Protective relays, associated communication systems, voltage and current sensing devices, station batteries and DC control circuitry."
⁶ The 461 Protection system devices were comprised of 57 relays, 346 battery cells, 57 DC Control Circuits and 1 communication system.

⁷ When NERC filed Violation Risk Factors (VRFs) for PRC-005-1, NERC originally assigned a "Medium" VRF to PRC-005-1 R1. In the Commission's May 18, 2007 Order on Violation Risk Factors, the Commission approved the VRF as filed but directed modifications. On June 1, 2007, NERC filed a modified "High" VRF for PRC-005 R1 for approval. On August 9, 2007, the Commission issued an Order approving the modified VRF. Therefore, the "Medium" VRF was in effect from June 18, 2007 until August 9, 2007 and the "High" VRF has been in effect since August 9, 2007.

⁸ PRC-005-1 R2 has a "Lower" VRF; R2.1 and R2.2 each have a "High" VRF. During a final review of the standards subsequent to the March 23, 2007 filing of the Version 1 VRFs, NERC identified that some standards requirements were missing VRFs; one of these include PRC-005-1 R2.1. On May 4, 2007, NERC assigned PRC-005-1 R2.1 a "High" VRF. In the Commission's June 26, 2007 Order on Violation Risk Factors, the Commission approved the PRC-005-1 R2.1 "High" VRF as filed. Therefore, the "High" VRF was in effect from June 26, 2007. Reliability*First* determined that the "High" VRF was more applicable.

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

PRC-005-1 - OVERVIEW⁹

Regarding PRC-005-1 R1, Reliability*First* determined that Conectiv, as a Generator Owner, could not provide sufficient evidence of maintenance and testing intervals, the basis for these maintenance and testing intervals, and a summary of maintenance and testing procedures for 1,033 Protection System devices not included in its Protection System maintenance and testing program.

With regard to PRC-005-1 R2.1, Reliability*First* determined that Conectiv, as a Generator Owner, could not provide sufficient evidence that 1,494¹⁰ of the 3,386 Protection System devices in its system were maintained and tested in accordance with the subject Standard requirement.

The duration of the PRC-005-1 R1 and R2.1 violations was from June 18, 2007, when the Standards became mandatory and enforceable, through October 10, 2009, the date Conectiv completed Protection System maintenance and testing.

Reliability*First* concluded that these violations did not pose a serious or substantial risk to the reliability of the bulk power system (BPS) because Conectiv employs overlapping "zones" of protection whereby individual differential relays around a single piece of equipment are monitored at a higher level by differential relays surrounding multiple pieces of equipment. This redundancy applies to Conectiv's largest generating units including Hay Road Units 1 through 8, Bethlehem Units 1 through 8, Cumberland Unit 2, and Edgemoor Unit 5. In addition, a non-exhaustive review of Conectiv's smaller BES units indicates that this redundancy is also applied in that context. Conectiv's implementation of these multiple techniques enhances the reliability of the BES.

Statement Describing the Assessed Penalty, Sanction or Enforcement Action Imposed¹¹

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, ¹² the NERC BOTCC reviewed the Settlement Agreement and supporting documentation on August 3, 2010. The NERC BOTCC approved the Settlement Agreement, including Reliability*First*'s assessment of a fifteen thousand dollar (\$15,000) financial penalty against Conectiv and other actions to

⁹ Further information on this violation is contained in the Disposition Document included as Attachment c. ¹⁰ 461 of the untested Protection System devices were listed in Conectiv's Protection System maintenance and testing program and 1,033 of the devices were not tested because they were not included in the Conectiv's maintenance and testing program.

¹¹ See 18 C.F.R. § 39.7(d)(4).

¹² 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).

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 violations at issue.

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

- 1. the violations constituted Conectiv's first occurrence of violation of the subject NERC Reliability Standards;
- 2. Conectiv self-reported the violations;
- 3. Reliability*First* reported that Conectiv was cooperative throughout the compliance enforcement process;
- 4. Conectiv has a compliance program,¹³ as discussed in the Disposition Document;
- 5. there was no evidence of any attempt to conceal a violation nor evidence of intent to do so;
- 6. Reliability*First* determined that the violations did not pose a serious or substantial risk to the reliability of the BPS, as discussed above and in the Disposition Document; and
- 7. Reliability*First* 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 fifteen thousand dollars (\$15,000) 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 FERC, or, if FERC decides to review the penalty, upon final determination by FERC.

¹³ Reliability*First* considered the Conectiv Compliance Program to be a mitigating factor in determining the penalty.

Attachments to be included as Part of this Notice of Penalty

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

- a) Conectiv's Self-Report for PRC-005-1 dated September 28, 2009, included as Attachment a;
- b) Settlement Agreement by and between Reliability*First* and Conectiv executed June 11, 2010, included as Attachment b;
 - i. Conectiv's Mitigation Plan MIT-07-2093 for PRC-005-1 R1-R2 submitted September 30, 2009, included as Attachment a to the Settlement Agreement;
 - ii. Conectiv's Certification of Mitigation Plan Completion for PRC-005-1 R1-R2 dated December 23, 2009, included as Attachment b to the Settlement Agreement; and
 - iii. Reliability*First*'s Verification of Mitigation Plan Completion for PRC-005-1 R1-R2 dated March 30, 2010, included as Attachment c to the Settlement Agreement;
- c) Disposition Document, included as Attachment c.

A Form of Notice Suitable for Publication¹⁴

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

Notices and Communications

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

Gerald W. Cauley*	Rebecca J. Michael*
President and Chief Executive Officer	Assistant General Counsel
David N. Cook*	North American Electric Reliability Corporation
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North American Electric Reliability Corporation	Suite 990
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	President & CEO
Kara Dundas*	Reliability <i>First</i> Corporation
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Conectiv Energy Supply, Inc.	Akron, OH 44333
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Newark, Delaware 19702	(330) 456-5390 – facsimile
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kara.dundas@conectiv.com	Raymond J. Palmieri*
	Vice President and Director of Compliance
Peter Meier*	Reliability <i>First</i> Corporation
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Counsel to Conectiv Energy Supply	Manager of Compliance Enforcement
	Reliability <i>First</i> Corporation
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Akron, OH 44333	bob.wargo@rfirst.org
(330) 456-2488	
(330) 456-5408 – facsimile	David J. Coyle*
megan.gambrel@rfirst.org	Compliance Specialist
	ReliabilityFirst Corporation
*Persons to be included on the Commission's service	320 Springside Drive, Suite 300
list are indicated with an asterisk. NERC requests	Akron, OH 44333
waiver of the Commission's rules and regulations to	(330) 456-2488
permit the inclusion of more than two people on the	(330) 456-5408 – facsimile
service list.	dave.coyle@rfirst.org

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 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 <u>/s/ Rebecca J. Michael</u> Rebecca J. Michael Assistant General Counsel 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

cc: Conectiv Energy Supply, Inc Reliability*First* Corporation

Attachments





Attachment a

Conectiv's Self-Report for PRC-005-1 dated September 28, 2009



COMPLIANCE MONITORING AND ENFORCEMENT PROGRAM

VIOLATION SELF-REPORTING FORM

This Violation Self-Reporting Form can be used for submittals via e-mail for violations of the Reliability Standards identified by a self- assessment.

1. I	Date: 09/28/09
2.	Registered Entity: Conectiv Energy Supply, Inc.
3.	NERC Registry ID: NCR00732 Joint Registration ID (JRO) (if applicable:)
4.	Multiple Regional Registered Entity (MRRE) Regional Affiliates (if applicable:) NPCC
5.	Reliability Standard PRC-005-1 Requirement ^a : R1.1, R1.2, R2.1
6.	Reporting for registered function(s): GO
7.	Date Violation was Discovered:9/21/09Beginning Date of Violation:6/18/07End or Expected End Date of Violation:10/31/09
8.	Has this violation been previously reported: Yes or No X If yes, Provide NERC Violation ID number:
9.	Has this violation been reported to another region(s): Yes or No x If yes, Provide Region(s):
10.	Is the violation still occurring: Yes x or No

- 11. Detail description and cause of the violation: See Attached Exhibit 1
- 12. Violation Risk Factor: Lower () Medium () High (X) Not Specified () Select One
- 13. Violation Severity Level: "Lower" for R1.1 and R1.2. "Moderate" for R2.1Select OneProvide justification for this determination: See Attached Exhibit 1

14. Provide a determination of the Potential Impact to the Bulk Electric System: See Attached Exhibit 1

15. Mitigation Plan attached: Yes or No x

16. Additional Comments: Mitigation steps are underway and a formal Mitigation Plan is being finalized at this time. The formal Mitigation Plan will be submitted upon finalization and prior to complete implementation.

17. Officer Verification: I understand that this information is being provided as required by the Reliability*First* Compliance Monitoring and Enforcement Program. Any review of this violation will require <u>all</u> information certified on this form be supported by appropriate documentation.

Officer's Name: Gary Morsches Title: Pres & CEO Conectiv Energy E-mail address: gary.morsches@conectiv.com Primary Compliance Contact: Kara Dundas E-mail address: kara.dundas@conectiv.com

Phone: (302) 451-5313

Phone: (302) 451-5079

E-mail Submittals to <u>compliance@rfirst.org</u> Subject Line: Violation Self-Report For any questions regarding compliance submittals, please e-mail <u>compliance@rfirst.org</u>.

^a. Report on a requirement basis. If the violation is to a sub requirement, or multiple sub requirements, include all sub requirements relevant to this violation.



Exhibit 1

Information required to provide supplemental information to various items as referenced on the "Violation Self-Reporting Form" submitted herewith and for Section C.2 and C.3 of the Mitigation Plan Submittal Form to be submitted at a later date September 28, 2009.

Description of Alleged Violations:

Conectiv Energy Supply, Inc. (CESI) has self-identified the following (2) alleged violations of PRC-005-1:

Alleged Violation 1:

CESI's Program and Summary of Procedures ("CESI's Program") Version 0 which describes maintenance and testing intervals for its generation Protection System did not include testing of "voltage and current sensing devices" and did not include testing of generating units under 100 MW.¹ Because "voltage and current sensing devices" is included in the NERC glossary definition for "Protection System" and because generating units less than 100 MW are included in the NERC glossary definition for "Bulk Electric System" the absence of these items from CESI's Program Version 0 may have constituted a violation of PRC-005-1 (R1.1 and R1.2). If this is a violation it has existed since the standards became mandatory in 2007.

The Violation Risk Factor for the violation of R1.1 and 1.2 is noted in the NERC "Violation Risk Factor Standard Applicability Matrix" as "High". The Violation Severity Level for R1.1 and R1.2 is determined to be "Lower" since one of the five required tests (20%) was not included in CESI's test program. Since the "Summary of maintenance and testing procedures was missing for no more than 25% of the applicable devices", the "Violation Severity Level Matrix" indicates that this is a "Lower" level violation.

¹ When developing Version 0 of CESI's Program, CESI relied upon the "PJM Relay Testing and Maintenance Procedures" prepared by the PJM Relay Subcommittee as its basis. This document did not include requirements for testing voltage and current sensing devises or testing of generating units less than 100 MW.



The following lists the tests that were not performed because testing was not required by CESI's Program Version 0:

Tests not performed
Functional Trip Test:
Deepwater Unit 1 and Unit 6
DC Control Circuitry Test:
Deep Water Unit 1 and Unit 6
Voltage and Current Sensing Devices testing:
Deepwater Unit 1 and Unit 6
Edge Moor Unit 3 and Unit 4
Hay Rd Unit 1, Units 3-8, 230kV Line and Red Lion Connection
Bethlehem Units 1-8, 230kV Line, 500kV Line, and 501/502 Bus
Cumberland Unit 1
Sherman Unit 1

CESI has commenced testing of all devices that were not tested previously because they were not in the CESI Program Version 0. CESI will complete such testing in accordance with the requirements of the Mitigation Plan currently under development. Where testing has been completed thus far the devices have been found to be working properly. Since testing thus far has indicated that protection systems are operable, it is determined that the Potential Impact to the Bulk Electric System is minimal.

Alleged Violation 2:

CESI's Program Version 0 provided for a Four Calendar Year test interval for its generation Protection System. However, CESI did not test certain of the components of its Protection System at the Bethlehem and Hay Road plants within the Four Calendar Year Time Frame.² This failure to test certain components of its generation Protection System in compliance with the CESI Program may constitute a violation of PRC-005-1 (R2.1). If this is a violation it has existed since 2007/2008.

² Although the Conectiv Bethlehem Plant *Generator* Protection System Relays were tested in 2007, the additional components of the "*Generation* Protection System" (i.e. the GSU) beyond the generator were not tested due to mis-interpretation of PRC-005-1. The Conectiv Hay Road Power Plant was scheduled to undergo the required testing during its Unit 3 outage schedules in 2008. However, a late notice conflict with the test consultant precluded completing this testing at that time. Testing was immediately rescheduled to be completed during the Fall 2009 Unit 3 outage. This rescheduled date was outside the Four Calendar Year window.



The Violation Risk Factor for this violation of 2.1 is noted in the NERC "Violation Risk Factor Standard Applicability Matrix" as "High". The Violation Severity Level for R2.1 is determined to be "Moderate" since evidence that Protection System devices were maintained and tested within the defined intervals was missing for 47% of the applicable devices which is "more than 25% but less than or equal to 50% of the applicable devices" as noted in the NERC "Violation Severity Level Matrix".

The following lists the specific tests that were not completed within the Four Calendar Year time frame in compliance with CESI's Program Version 0:

Tests not Completed w/in 4 Years	
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Functional Trip Test:

Hay Rd Unit 3

Bethlehem Units 1-8 beyond the Generator trip testing, 230kV Line, 500kV Line, and 501/502 Bus

Relay Calibration Test: Hay Rd Unit 3

DC Control Circuitry Test:

Hay Rd Unit 3

Bethlehem Units 1-8 beyond the Generator trip testing, 230kV Line, 500kV Line, and 501/502 Bus

CESI has commenced testing of all devices that were not tested within the Four Calendar Year window of CESI Program Version 0. Testing of such devices was previously conducted successfully in the 2002 to 2004 time frame. CESI will complete such testing in accordance with the requirements of the Mitigation Plan currently under development. In cases where testing has been completed thus far the devices have been found to be working property. Since testing thus far has indicated that protection systems are operable, it is determined that the Potential Impact to the Bulk Electric System is minimal.



Attachment b

Settlement Agreement by and between ReliabilityFirst and Conectiv executed June 11, 2010



In re: CONECTIV ENERGY SUPPLY, INC.

Docket Nos. RFC200900188; and RFC200900189

NERC Registry ID No. NCR00732

NERC Reliability Standards: PRC-005-1, Requirement 1; and PRC-005-1, Requirement 2.1

SETTLEMENT AGREEMENT BETWEEN RELIABILITY*FIRST* CORPORATION AND CONECTIV ENERGY SUPPLY, INC.

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I. INTRODUCTION

1. Reliability*First* Corporation ("Reliability*First*") and Conectiv Energy Supply, Inc ("Conectiv") enter into this Settlement Agreement ("Agreement") to resolve all outstanding issues arising from Reliability*First*'s determination and findings, pursuant to the North American Electric Reliability Corporation ("NERC") Rules of Procedure, of a violation by Conectiv of the NERC Reliability Standard PRC-005-1, Requirement 1 and PRC-005-1, Requirement 2.1.

II. STIPULATION OF FACTS

2. Conectiv and Reliability*First* agree and stipulate to Sections I, II, IV, and V of this Agreement in their entirety, and affirm the accuracy of their respective representations contained within Section III of this Agreement. The facts stipulated herein are stipulated solely for the purpose of resolving between Conectiv and Reliability*First* the subject matter of this Agreement and do not constitute admissions or stipulations for any other purpose. Conectiv neither admits nor denies that the facts stipulated herein constitute a violation of NERC Reliability Standards PRC-005-1, R1 or PRC-005-1, R2.1.

A. Background.

3. Conectiv, a wholly owned subsidiary of PEPCO Holdings, Inc., manages power plants and sells fuel and energy in the wholesale marketplace. Conectiv

operates a cross-commodity trading floor. In addition to power, Conectiv's trading specialists buy and sell natural gas, coal, oil, and emission credits.

- 4. Conectiv owns 17 generation facilities that are capable of producing approximately 4,324 MW.
- 5. During the time period the alleged violation occurred, Conectiv was registered on the NERC Compliance Registry as Generator Owner, Generator Operator, and Purchasing Selling Entity in the Reliability*First* region with the NERC Registry Identification No. NCR00732, and therefore, is subject to compliance with NERC Reliability Standard PRC-005-1, R1, and PRC-005-1, R2.1.¹
- 6. In September, 2009, Conectiv reviewed its Generation Protection System Maintenance and Testing procedure (the "Program"), Version 0, which provided a four calendar year test interval for its generation Protection System. During this review, Conectiv became aware that 461 of its Protection System devices included in its Program, Version 0 were not tested and maintained within their defined interval.²
- 7. Shortly thereafter, Conectiv reviewed the NERC glossary definition for "Protection System" and the Reliability*First* definition for the Bulk Electric System ("BES"), and discovered that Conectiv's Program, Version 0 improperly excluded certain Protection System devices. Specifically, Conectiv's Program, Version 0 failed to include (a) "voltage and current sensing devices," despite their inclusion within the NERC glossary definition for "Protection System;" and (b) generating units less than 100 MW and generating units connected *via* step-up transformers to facilities operated at 100 kV or higher, despite their inclusion within the Reliability*First* definition for BES. Consequently, Program, Version 0 failed to provide the maintenance and testing intervals, their basis, and summaries of maintenance and testing procedures for a total of 1,033 Protection System devices that should have been included in Program, Version 0. This omission also resulted in Conectiv failing to test and maintain 1,033 Protection System devices.
- 8. Accordingly, Conectiv failed to (a) include maintenance and testing intervals, the basis for these maintenance and testing intervals, or summaries of maintenance and testing procedures for a total of 1,033 Protection System devices in accordance with PRC-005-1, R1; and (b) maintain and test a total of 1,494 total Protection System devices in accordance with PRC-005-1, R2.1.

¹ Conectiv was registered on the NERC Compliance Registry as of September 28, 2007 and Self Certified non-compliance with PRC-005-1, R1 and R2.1 on September 30, 2009.

² These 461 Protection System devices were comprised of 57 relays, 346 battery cells, 57 DC control circuits, and 1 communication system.

Settlement Agreement Between ReliabilityFirst and Conectiv Energy Supply, Inc.

9. The below table summarizes the total Protection System devices that Conectiv improperly excluded from Program, Version 0, and the total Protection System devices that it failed to properly maintain and test.

- Totat Rahavs	Roiat C'Th	l Patent Spirit	- Tomil Barihory	EXC C ^a anaiterayl	Commun Teathar	TICI LAVE.
			Cells	Chronithey	CAMBER	
72	272	62	660	72	2	1,140
83	218	56	654	83	1	1,095
42	60	20	120	42	0	284
30	75	11	116	30	0	262
38	61	22	446	38	0	605
265	686	171	1,996	265	3	3,386
20	(0)	1771	117	20		1.022
30	.080	1/1	110	30	0	1,035
					<u>;</u>	
57	0	0	346	57	1	461
	<u>.</u>				<u></u>	
87	686	171	462	87	1	1,494
	72 83 42 30 38 265 30 57 87	Rotact CTS 72 272 83 218 42 60 30 75 38 61 265 686 30 686 57 0 87 686	Rotary RotaryCTA CTA PTS72 272 62 83 218 56 42 60 20 30 75 11 38 61 22 265 686 171 30 686 171 30 686 171 57 0 0 87 686 171	Rotat Rotat CTSPTS PTSBattery Cells722726266083218566544260201203075111163861224462656861711,99630686171116570034687686171462	Robert PolacyClarat CTRPT/S PT/SPathery CellsCantral Chanting7227262660728321856654834260201204230751111630386122446382656861711,99626530686171116305700346578768617146287	Redat Price Price Price Control Control Redation 72 272 62 660 72 2 83 218 56 654 83 1 42 60 20 120 42 0 30 75 11 116 30 0 38 61 22 446 38 0 30 75 11 116 30 0 38 61 22 446 38 0 265 686 171 1,996 265 3 30 686 171 116 30 0 57 0 0 346 57 1 87 686 171 462 87 1

³ These excluded Protection System devices were also not tested in violation of PRC-005-1, R2.1.

Settlement Agreement Between ReliabilityFirst and Conectiv Energy Supply, Inc.

B. Alleged Violation of PRC-005-1, R1 – RFC200900188.

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10. In pertinent part, NERC Reliability Standard PRC-005-1, R1 provides:

Each Transmission Owner and any Distribution Provider that owns a transmission Protection System and each Generator Owner that owns a generation Protection System shall have a Protection System maintenance and testing program for Protection Systems that affect the reliability of the BES. The program shall include:

R1.1. Maintenance and testing intervals and their basis.

R1.2. Summary of maintenance and testing procedures.

- 11. On September 28, 2009, Conectiv provided Reliability*First* Compliance Staff with a Self Report indicating a possible violation of Reliability Standard PRC-005-1, R1.
- 12. During an internal review of Program, Version 0, which described maintenance and testing intervals for its Generation Protection System, Conectiv found that Program did not include testing of "voltage and current sensing devices," did not include testing of generating units under 100 MW, and did not account for newly commissioned generating units interconnected at 100kV or higher. Because "voltage and current sensing devices" are included in the NERC glossary definition for "Protection System," and generating units less than 100 MW are included in the Reliability*First* definition for the BES, the absence of these categories from Program, Version 0 constituted a possible violation of PRC-005-1, R1. Program, Version 0 did not include maintenance and testing intervals or summaries of maintenance and testing procedures for 1,033 of the 3,386 applicable devices subject to PRC-005-1, R1.
- 13. As a result, Conectiv could not provide evidence of maintenance and testing intervals, the basis for these maintenance and testing intervals, or any summary of maintenance and testing procedures for those Protection System devices not included in Program, Version 0, as required by Reliability Standard PRC-005-1, R1.
- 14. Conectiv, upon discovery of the possible violation on September 21, 2009, scheduled maintenance and testing of all subject devices, all of which was completed on October 10, 2009. After completion of the testing, Conectiv determined that all of the Protection System devices were within their specifications, were operating correctly, and that none of the devices were involved in any misoperations.

- 15. Conectiv issued its Program, Version 1 on September 2, 2009, which included maintenance and testing intervals, the basis for these maintenance and testing intervals, and a summary of maintenance and testing procedures for the 1,033 Protection System devices that were not included in Program, Version 0.
- 16. On September 30, 2009, Conectiv submitted a Mitigation Plan (defined below) to Reliability*First*, which it completed and fully implemented on December 23, 2009.
- 17. The reliability of the BES was not placed at substantial risk as a result of the alleged violation because Conectiv determined that the Protection System devices were found to be fully functional and operable at the time of testing immediately following the missed intervals, and there were no occurrences of misoperations for the associated devices during the time period in which the alleged violation existed. For new relay protection scheme installations, Conectiv references the PJM Relay Subcommittee, Protective Relaying Philosophy and Design Standards, Revision: 03; Effective Date: June 1, 2003. Conectiv also corresponds with its connecting Transmission Owners when planning new generation installations. Conectiv's existing relay protection systems also often contain redundancies in their design by including two or more relays to monitor the same piece of equipment (i.e., generator, transformer or breaker, etc.). For example, Conectiv employs overlapping "zones" of protection whereby individual differential relays around a single piece of equipment are monitored at a higher level by differential relays surrounding multiple pieces of equipment. This redundancy applies to Conectiv's largest generating units including Hay Road Units 1 through 8, Bethlehem Units 1 through 8, Cumberland Unit 2, and Edgemoor Unit 5. In addition, a nonexhaustive review of Conectiv's smaller BES units indicates that this redundancy is also applied in that context. Conectiv's implementation of these multiple techniques enhances the reliability of the BES.
- 18. Reliability*First* alleges that Conectiv failed to provide sufficient evidence of maintenance and testing intervals, the basis for these maintenance and testing intervals, and a summary of maintenance and testing procedures for the 1,033 Protection System devices not included in Program, Version 0, in accordance with Reliability Standard PRC-005-1, R1.

C. Alleged Violation of PRC-005-1, R2.1 – RFC200900189.

19. In pertinent part, NERC Reliability Standard PRC-005-1, R2 provides:

Each Transmission Owner and any Distribution Provider that owns a transmission Protection System and each Generator Owner that owns a generation Protection System shall provide documentation of its Protection System maintenance and testing program and the implementation of that program to its Regional Reliability Organization on request (within 30 calendar days). The documentation of the program implementation shall include:

R2.1. Evidence Protection System devices were maintained and tested within the defined intervals.

- 20. On September 28, 2009, Conectiv provided Reliability*First* Compliance Staff with a Self Report indicating a possible violation of Reliability Standard PRC-005-1, R2.1.
- 21. During an internal review of Program, Version 0, Conectiv discovered it did not complete a portion of the tests for Protection System devices contained in Program, Version 0, within the specified testing intervals at three of its generation plants. Specifically, Conectiv could not provide evidence that an additional 461 of its Protection System devices were maintained and tested within defined intervals in accordance with Reliability Standard PRC-005-1, R2.1. As previously discussed (*supra*, at §§ II(A)-(B)), Conectiv also failed to maintain and test the 1,033 Protection System devices that it improperly excluded from its Program, Version 0. As a result, Conectiv failed to maintain and test a total of 1,494 Protection System devices in accordance with PRC-005-1, R2.1.
- 22. Conectiv, upon discovery of the possible violation, scheduled maintenance and testing of all subject devices, all of which was completed on October 10, 2009. All of the Protection System devices were found to be within specifications and none of the devices were involved in any misoperations.
- 23. On September 30, 2009, Conectiv submitted a Mitigation Plan (defined below) to Reliability*First*, which it completed and fully implemented on December 23, 2009.
- 24. The reliability of the BES was not placed at substantial risk as a result of the alleged violation because Conectiv determined that the Protection System devices were found to be fully functional and operable at the time of testing immediately following the missed intervals, and there were no occurrences of misoperations for the associated devices during the time period in which the alleged violation existed. For new relay protection scheme installations, Conectiv references the PJM Relay Subcommittee, Protective Relaying Philosophy and Design Standards, Revision: 03; Effective Date: June 1, 2003. Conectiv also corresponds with its connecting Transmission Owners when planning new generation installations. Conectiv's existing relay protection systems also often contain redundancies in their design by including two or more relays to monitor the same piece of equipment (*i.e.*, generator, transformer or breaker, etc.). For example, Conectiv employs overlapping "zones" of protection whereby individual differential relays around a single piece of equipment are monitored at a higher level by differential relays surrounding

multiple pieces of equipment. This redundancy applies to Conectiv's largest generating units including Hay Road Units 1 through 8, Bethlehem Units 1 through 8, Cumberland Unit 2, and Edgemoor Unit 5. In addition, a nonexhaustive review of Conectiv's smaller BES units indicates that this redundancy is also applied in that context. Conectiv's implementation of these multiple techniques enhances the reliability of the BES.

25. Reliability*First* alleges that Conectiv failed to provide sufficient evidence that 1,494 of its 3,386 Protection System devices were maintained and tested within the defined intervals in accordance with Reliability Standard PRC-005-1, R2.1.

III. THE PARTIES' SEPARATE REPRESENTATIONS

A. Statement of Reliability*First* and Summary of Findings.

- 26. Reliability*First* considers this Agreement as the resolution of all issues in connection with the above captioned docket and binding on Conectiv in its commitment to perform actions hereafter enumerated and listed as conditions for this Agreement.
- 27. PRC-005-1, R1 and R2.1 each have a Violation Risk Factor ("VRF") of High as evidenced by the VRF Matrix, dated January 22, 2010. The duration of these violations, for purposes of penalty determination is from June 18, 2007, the date the NERC Reliability Standards became enforceable, through December 23, 2009, the date Conectiv completed its Mitigation Plan (defined below). Pursuant to Section 316A(b) of the Federal Power Act (16 U.S.C. § 825*o*-1),⁴ it is appropriate to apply this penalty on a daily basis for the duration of the violations.
- 28. Reliability*First* commends numerous aspects of Conectiv's Compliance Program. Conectiv has the support and participation of senior management. For example, Conectiv has developed its Compliance Committee to include its Chief Executive Officer as the Compliance Executive, its VP of Asset Development as the Compliance Officer, and other members of its senior management as its Compliance Manager, Compliance Coordinator, Subject Matter Experts, and Authorized Signatories. Conectiv's Compliance Committee assesses and reports Conectiv's NERC Compliance status and meets monthly to review compliance status and delegate compliance action plans.
- 29. The Conectiv Compliance Executive is engaged with reliability compliance and fosters a culture of compliance to include company performance goals from the top down regarding NERC Compliance initiatives. The Conectiv Compliance

⁴ See, also, NERC Sanction Guidelines, at § 3.20 (attached as Appendix 4(B) to the NERC Rules of Procedure).

Executive also supports compliance training, awareness, and budget implementation to ensure full compliance with applicable NERC and Reliability*First* standards.

- 30. Conectiv's senior management also routinely reviews and participates in Conectiv's Regulatory Coordination Committee and NERC/ERO Compliance Steering Committee meetings. Accordingly, Conectiv maintains an engaged leadership team fostering a culture of compliance throughout the organization and appears committed to reliability training and benchmarking industry best practices pertaining to BES reliability to maintain compliance with applicable NERC and Reliability*First* standards.
- 31. The Conectiv Compliance Program is distributed company wide. Additionally, Conectiv has conducted companywide NERC compliance overview training for all existing staff and continues this commitment *via* training during the orientation process for newly hired employees. Conectiv also provides additional training on specific procedures that apply to staff members' reliability compliance related activities. Subject Matter Experts routinely review reliability compliance performance and provide feedback regarding any need for additional training and procedural corrections necessary to enhance compliance performance.
- 32. Accordingly, it is recognized that Conectiv has a compliance culture that demonstrates a proactive compliance posture with respect to all applicable Reliability*First*/NERC requirements. It is also recognized that Conectiv has been cooperative throughout the compliance enforcement process.
- 33. Reliability*First* agrees that this Agreement is in the best interest of the parties and in the best interest of BES reliability.

B. Statement of Conectiv.

- 34. Conectiv concurs that the facts as stipulated herein and agreed to by the parties for purposes of facilitating this Agreement could constitute violations of PRC-005-1, R1 and PRC-005-1, R2.
- 35. Conectiv agrees to enter into this Agreement with Reliability*First* 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. Conectiv 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 PRC-005-1, R1 – RFC200900188; and PRC-00501, R2.1 – RFC20090189.

- 36. On September 30, 2009, Conectiv submitted to Reliability*First* a Mitigation Plan to address the alleged violations of PRC-005-1, R1 and PRC-005-1, R2.1. *See*, Mitigation Plan Tracking # MIT-07-2093 (attached as Attachment a). On October 30, 2009, Reliability*First* accepted the Mitigation Plan and, on this same date, Reliability*First* submitted the Mitigation Plan to NERC. NERC approved the Mitigation Plan on November 3, 2009 and, on this same date, submitted the Mitigation Plan to FERC as confidential, nonpublic information. Conectiv's Certification of Mitigation Plan Completion was received by Reliability*First* on December 23, 2009. *See*, Certification of Mitigation Plan Completion (attached as Attachment b). On March 30, 2010, Reliability*First* verified that the Mitigation Plan was complete in accordance with its terms. *See*, Summary and Review of Evidence of Mitigation Plan Completion, MIT-07-2093 (attached as Attachment c).
- 37. Conectiv, upon discovery of the possible violation of PRC-005-1, R1, scheduled maintenance and testing of all 1,038 subject Protection System devices not included in Program, Version 0, all of which was completed by October 10, 2009. All of the devices were found to be within specifications and none of the devices were involved in any misoperations.
- 38. Conectiv issued Program, Version 1 on September 2, 2009, which included maintenance and testing intervals, the basis for these maintenance and testing intervals, and a summary of maintenance and testing procedures for those Protection System devices not included in Program, Version 0 in response to the possible violation of PRC-005-1, R1.
- 39. Conectiv, upon discovery of the possible violation of PRC-005-1, R2.1, promptly scheduled maintenance and testing of all 461 Protection System devices included in Program, Version 0 that were not tested. Conectiv completed the maintenance and testing of all of these devices on October 10, 2009. Conectiv determined that all of the Protection System devices were within specifications and none of the devices were involved in any misoperations.

B. Monetary Penalty.

- 40. Based upon the foregoing, Conectiv shall pay a monetary penalty of \$15,000 to Reliability*First*.
- 41. Reliability*First* shall present a \$15,000 invoice to Conectiv within 20 days after the Agreement is either approved by the Commission or operation of law.

Conectiv shall have 30 days to remit payment. Reliability*First* will notify NERC if it does not timely receive the payment from Conectiv.

- 42. If Conectiv fails to timely remit the \$15,000 penalty payment to Reliability*First*, interest will commence to accrue on the outstanding balance, pursuant to 18 C.F.R. § 35.19(a)(2)(iii), on the earlier of (a) the 31st day after the date on the invoice issued by Reliability*First* to Conectiv for the \$15,000 penalty payment or (b) the 51st day after the Agreement is approved by the Commission or operation of law.
- 43. Reliability*First* may deem Conectiv's failure to timely remit the \$15,000 penalty payment as either the same alleged violations identified in this Agreement or additional violation(s) or both, and, if so deemed, Conectiv will be subject to new or additional enforcement, penalty, or sanction actions in accordance with the NERC Rules of Procedure. Conectiv shall retain all rights to defend against such additional actions in accordance with the NERC Rules of Procedure.

V. ADDITIONAL TERMS

- 44. The terms and conditions of the Agreement are consistent with the regulations and orders of the Commission and the NERC Rules of Procedure.
- 45. Reliability*First* shall report the terms of all settlements of compliance matters to NERC. Accordingly, NERC will review the Agreement for the purpose of evaluating its consistency with other settlements entered into for similar alleged violations or under similar circumstances. Based on this review, NERC will either approve or reject this Agreement. If NERC rejects the Agreement, NERC will provide specific written reasons for such rejection and Reliability*First* will attempt to negotiate with Conectiv a revised settlement agreement that addresses NERC's concerns. If a settlement cannot be reached, the enforcement process shall continue to conclusion. If NERC approves the Agreement, NERC will (a) report the approved settlement to the Commission for review and approval by order or operation of law, and (b) publicly post the alleged violations and the terms provided for in this settlement.
- 46. This Agreement shall become effective upon the Commission's approval of this Agreement by order or operation of law as submitted to it or as modified in a manner acceptable to the parties.
- 47. Conectiv agrees that this Agreement, when approved by NERC and the Commission, shall represent a final settlement of all matters set forth herein and Conectiv waives its right to further hearings and appeal, unless and only to the extent that Conectiv contends that any NERC or Commission action constitutes a material modification to this Agreement.

- 48. Reliability*First* reserves all rights to initiate enforcement, penalty, or sanction actions against Conectiv in accordance with the NERC Rules of Procedure in the event that Conectiv fails to comply with any of the stipulations, remedies, sanctions, or other terms of this Agreement. In the event Conectiv fails to comply with the stipulations, remedies, sanctions, or other terms of this Agreement, Reliability*First* may initiate enforcement, penalty, or sanction actions against Conectiv to the maximum extent allowed by the NERC Rules of Procedure, up to and including the maximum statutorily allowed penalty. Conectiv shall retain all rights to defend against such enforcement actions in accordance with the NERC Rules of Procedure.
- 49. Conectiv consents to Reliability*First*'s future use of the conclusions, determinations, and findings set forth in this Agreement for the purpose of assessing the factors within the NERC Sanction Guidelines and applicable Commission orders and policy statements, including, but not limited to, the factor evaluating Conectiv's history of violations. Such use may be in any enforcement action or compliance proceeding undertaken by NERC or any Regional Entity or both, provided however that Conectiv does not consent to the use of the conclusions, determinations, and findings set forth in this Agreement as the sole basis for any other action or proceeding brought by NERC or any Regional Entity or both, nor does Conectiv consent to the use of this Agreement by any other party in any other action or proceeding.
- 50. Conectiv affirms that all of the matters set forth in this Agreement are true and correct to the best of its knowledge, information, and belief, and that it understands that this Agreement is entered into by Reliability*First* in express reliance on the representations contained herein, as well as any other representations or information provided by Conectiv to Reliability*First* during any Conectiv interaction with Reliability*First* relating to the subject matter of this Agreement.
- 51. Each of the undersigned warrants that he or she is an authorized representative of the entity designated below, is authorized to bind such entity, and accepts this Agreement on the entity's behalf.
- 52. The signatories to this Agreement agree that they enter into this 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 Reliability*First* or Conectiv has been made to induce the signatories or any other party to enter into this Agreement.
- 53. This Agreement may be signed in counterparts.
- 54. This Agreement is executed in duplicate, both of which so executed shall be deemed to be an original.

Agreed to and accepted:

Raymond J

Vice President and Director of Compliance ReliabilityFirst Corporation

5/28/10

Date

Date

Gary Morsches President and Chief Executive Officer Conectiv Energy Supply, Inc.

Approved:

Timothy R. Gallagher President and Chief Executive Officer ReliabilityFirst Corporation

Date

Attachment a

Mitigation Plan (MIT-07-2093)

Submitted September 30, 2009

MIT-07-2093



RFC200900188 RFC200900189

Mitigation Plan Submittal Form

Date this Mitigation Plan is being submitted:

September 30, 2009

Section A: <u>Compliance Notices & Mitigation Plan Requirements</u>

- 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 Reliability*First* and approval by NERC.
- A.3 X I have reviewed Attachment A and understand that this Mitigation Plan Submittal Form will not be accepted unless this box is checked.

Section B: <u>Registered Entity Information</u>

B.1 Identify your organization.

Company Name:	Conectiv Energy Supply, Inc.
Company Address: Newark,	500 North Wakefield Drive DE 19702
NERC Compliance Registry ID:	<u>NCR00732</u>
ntify the individual in your organization	on who will be the Entity Contact

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

Name:	Kara	Dundas
Title:	Engineer	
Email:	kara.dundas	@conectiv.com
Phone:	302-451-5079	



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

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 ^(*) (Self Report Date)	Method of Detection (<i>e.g.</i> , Audit, Self-report, Investigation)
RFC200900 188	PRC-005-1	R1.1, R1.2,	High	9/28/09	Self Report
RFC200900 189	PRC-005-1	R2.1	High	9/28/09	Self Report

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

<u>Please see Exhibit "1", dated September 30, 2009 and attached hereto for a description and cause of violation. No outage event occurred.</u>

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.

Please see additional relevant information also included in Exhibit "1".



Section D: <u>Details of Proposed Mitigation Plan</u>

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.

Conectiv Energy Supply, Inc. ("CESI") proposes to undertake (and has already commenced implementation of) a Mitigation Plan to correct the matters identified in Part C.1 of this form. CESI's Mitigation Plan consists of the following components:

- Revision to the CESI Protection System maintenance and testing program • to include the basis, testing intervals, and a summary of maintenance and testing procedures for all generating units which fall under Reliability First Corporation's (RFC's) definition of the Bulk Electric System (BES) to include maintenance and testing categories for: voltage and current sensing devices, generating units rated below 100MW, and newly commissioned units interconnected to the BES at 100KV or higher. The required revision to CESI's Program (Version 1, which is CESI's first revision to its original program) has already been issued. In addition, CESI will complete the additional testing as now required by CESI's Program Version 1. As of September 30, 2009, the date of this Mitigation Plan filing, maintenance and testing of 533 of the 570 total additional devices now required under Version 1 has been completed, with all devices found to be operating properly. All required additional testing will be completed by October 31, 2009.
- Completion of the remaining required maintenance and testing of the Generation Protection Systems in 2009. As of September 30, 2009, the date of this mitigation plan filing, 111 of the 121 total devices requiring testing under Version 0 were complete and have been found to be operating properly. The remaining testing will all be completed, in accordance with the requirements of the Mitigation Plan, as soon as resources are able to be scheduled, but no later than October 31, 2009.
- <u>Consolidation of all existing test schedules into a CESI computer based</u> <u>compliance task tracking tool – creating a redundant schedule notification</u> <u>and tracking system</u>. <u>This additional step will enhance CESI's</u>

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performance in meeting its requirements for all NERC standards, not just PRC-005-1.

• <u>Posting of all approved CESI procedures on Conectiv Energy NERC</u> <u>intranet site to ensure constant access to current procedures and</u> <u>information at the plant and staff levels.</u>

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.

CESI has completed the following components of its above described Mitigation Plan:

- <u>Issuance of the updated CESI Generation Protection System</u> <u>Maintenance and Testing Procedure is complete</u>. This is Version 1, <u>which is CESI's first revision to its original program with additions for</u> <u>categories: voltage and current sensing devices, generating units rated</u> <u>below 100MW, and newly commissioned units interconnected at 100KV</u> <u>or higher.</u>
- <u>Maintenance and testing of 533 of the 570 total additional devices</u> including the Voltage and Current Sensing Devices and all Protection System devices on units below 100 MW and newly commissioned generating units interconnected at 100kV or higher now required by CESI's Program Version 1 is complete. All such testing will be 100% complete by October 31, 2009.
- <u>Maintenance and testing of 111 of the 121 outstanding required devices</u> included in the Generation Protection Systems for CESI Program Version 0 were completed as of September 30, 2009 (with the submission of this mitigation plan). Any remaining testing will be completed as soon as resources¹ are able to be scheduled, but no later than October 31, 2009, as required by this Mitigation Plan. When all such testing is complete, CESI shall have returned to full compliance.

¹ Scheduling of resources represents arranging for maintenance and testing service appointments with testing firms and where necessary, arranging to have the applicable generating units on-line and running.

RELIABILITY FIRST

<u>CESI will implement the following components of its above described Mitigation Plan</u> to mitigate the potential for violations of PRC-005-1 in the future and enhance CESI's performance of compliance with all NERC Standards:

- <u>Posting of the approved procedures on the CESI NERC intranet site will</u> <u>be completed by November 30, 2009.</u>
- Implementation of the database compliance task tracking tool will be completed by December 31, 2009.
- 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)
Revise Generation Protection System	Complete
Maintenance and Testing Program	
Complete remaining required Protection	10/31/09
System Maintenance and Testing	
Post approved Procedures on CESI	11/30/09
Intranet site	
Implement database compliance task	12/31/09
tracking tool	

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



Section E: Interim and Future Reliability Risk

Abatement of Interim BPS Reliability Risk

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

Until the testing required by the Mitigation Plan is complete, certain devices, as described more fully herein, may not have undergone the testing required by PRC-005-1. However, as of September 30, 2009 (with the submission of this mitigation plan), maintenance and testing of 533 of the 570 additional devices now required under CESI Program Version 1 has been completed. The tests that have been conducted on these devices thus far have shown that the devices are working properly. Additionally, the tests previously not required or performed are at units which are not running on a continuous basis. CESI asserts that these BPS interconnected generating units (and associated protection system devices) pose a minimal risk to the BPS while not running. In many cases, the next time that these units are brought on-line to run, they will be tested in completion of the CESI Version 1 Generation Protection Maintenance and Testing Program For these reasons, CESI asserts that during the implementation of this Mitigation Plan, any additional risk to the reliability of the Bulk Power System is minimal. CESI will complete the testing of the remaining devices as soon as resources are able to be scheduled, but no later than October 31, 2009, as required by this Mitigation Plan.

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.

As indicated above, completion of the final two milestones - implementation of the compliance task tracking tool and posting of the approved procedures on the CESI NERC intranet site – will mitigate the potential for future violations of PRC 005-1 and should minimize the possibility that the BPS will incur future risk. These enhancements represent a proactive approach to fix this problem and reduce the risk of similar violations of other standards as well.



Section F: <u>Authorization</u>

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 Reliability*First* 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 Donald J. Bridge of Conectiv Energy Supply, Inc.
 - 2. I am qualified to sign this Mitigation Plan on behalf of Conectiv Energy Supply, Inc.
 - 3. I have read and am familiar with the contents of this Mitigation Plan.
 - 4. Conectiv Energy Supply, Inc. agrees to comply with, this Mitigation Plan, including the timetable completion date, as accepted by Reliability*First* and approved by NERC.

Authorized Individual Signature

Date:

Donald JB ridge

Name (Print):Donald J. BridgeTitle:Manager Engineering

Section G: <u>Regional Entity Contact</u>

Please direct completed forms or any questions regarding completion of this form to the Reliability*First* Compliance e-mail address <u>mitigationplan@rfirst.org</u>. Please indicate the company name and reference the NERC Violation ID # (if known) in the subject line of the e-mail. Additionally, any Reliability*First* Compliance Staff member is available for questions regarding the use of this form. Please see the contact list posted on the Reliability*First* Compliance web page.

9/30/09



Attachment A – Compliance Notices & Mitigation Plan Requirements

- I. Section 6.2 of the $CMEP^2$ 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 Reliability*First* and approval by NERC.
- III. This Mitigation Plan is submitted to Reliability*First* 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

² "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.



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.



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	Raymond J. Palmieri		
Senior Consultant	Vice President and Director	Raymond J. Palmien	1/2/08
Compliance	Compliance	· ·	

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 <u>compliance@rfirst.org</u> to <u>mitigationplan@rfirst.org</u>	7/11/08



Exhibit 1

Information required to provide supplemental information to various items as referenced on the "Violation Self-Reporting Form" submitted herewith and for Section C.2 and C.3 of the Mitigation Plan Submittal Form. September 30, 2009.

Description of Alleged Violations:

Conectiv Energy Supply, Inc. (CESI) has self-identified the following (2) alleged violations of PRC-005-1:

Alleged Violation 1:

CESI's Program and Summary of Procedures ("CESI's Program") Version 0 which describes maintenance and testing intervals for its Generation Protection System did not include testing of "voltage and current sensing devices", did not include testing of generating units under 100 MW³, and did not account for newly commissioned generating units interconnected at 100KV or higher. Because "voltage and current sensing devices" is included in the NERC glossary definition for "Protection System" and because generating units less than 100 MW are included in the RFC definition for "Bulk Electric System", the absence of these two categories from CESI's Program Version 0 may have constituted a violation of PRC-005-1 (R1.1 and R1.2). If this is a violation it has existed since the standards became mandatory in 2007.

The Violation Risk Factor for the violation of R1.1 and 1.2 is noted in the NERC "Violation Risk Factor Standard Applicability Matrix" as "High". The Violation Severity Level for R1.1 and R1.2 is noted in the "Violation Severity Level Matrix", indicating that this is a "High" level violation since "Maintenance and testing intervals and their basis was missing for more than 50% but less than or equal to 75% of the applicable devices" and the "Summary of maintenance and testing procedures was missing for more than 50% but less than or equal to 75% of the applicable devices". CESI's Program Version 0 did not include maintenance and testing intervals, their basis, and summaries of maintenance and testing procedures for 570 of the 1049 applicable devices (54%)⁴.

As of September 30, 2009, CESI had issued its Program Version 1 to correct all of the above noted deficiencies. CESI is completing all tests which were not previously

³ When developing Version 0 of CESI's Program, CESI relied upon the "PJM Relay Subcommittee Relay Testing and Maintenance Practices" published 8/18/06 by the PJM Relay Subcommittee as its basis. This document did not include requirements for testing voltage and current sensing devises or testing of generating units less than 100 MW.

⁴ The actual number of Voltage and Current Sensing Devices associated with each relay is still under review. The number of these devices is not always a one-to-one relationship with the relays.



included in Version 0. The testing completed thus far has indicated that the devices are all working properly. The tests which have yet to be completed are on non base load units which do not run continuously. For these reasons, CESI asserts that the Potential Impact to the Bulk Electric System is minimal.



Alleged Violation 2:

CESI's Program Version 0 provided for specified testing intervals for its generation Protection System. However, CESI did not complete a portion of the tests within the version 0 program specified testing intervals at three of its plants. CESI has determined that maintenance and testing of 121 of 494 applicable devices (25%) were not completed within the specified testing interval since June 2007. This failure to complete these tests within the specified testing interval may constitute a violation of PRC-005-1 (R2.1). If this is a violation, it has existed since the dates, after the standards were made mandatory in 2007, when the specified testing interval expired without the applicable components being tested.

The Violation Risk Factor for this violation of PRC-005-1 (R2.1) is noted in the NERC "Violation Risk Factor Standard Applicability Matrix" as "High". The Violation Severity Level for R2.1 is determined to be "Lower" under the NERC "Violation Severity Level Matrix" since evidence that Protection System devices were maintained and tested was missing for 25% of the applicable devices, where the matrix criteria requires that "evidence that Protection System devices were maintained and tested within the defined intervals was missing for no more than 25% of the applicable devices."

Testing of all of the untested components was previously conducted successfully in the 2001 to 2004 time frame. As of September 30, 2009 CESI completed the testing of 111 of the 121 devices that were not tested within the specified testing interval of CESI's Program Version 0. In all cases where testing is now complete the devices have been found to be working properly. CESI will complete all of the remaining required testing in accordance with the requirements of this Mitigation Plan submitted to Reliability First Corporation dated 09/30/09. CESI believes that the potential impact to the Bulk Electric System is minimal because of the following: (i) testing of all of the untested components thus far has indicated that protection systems are operable; (ii) the untested components are all at units that are not running continuously, and (iii) the number of devices not tested constitutes 25% of CESI's total Generation Protection System Maintenance and Testing Program Version 0 devices required.

Attachment b

Certification of Mitigation Plan Completion

Submitted December 23, 2009



Certification of Mitigation Plan Completion

Submittal of a Certification of Mitigation Plan Completion shall include data or information sufficient for Reliability*First* Corporation to verify c ompletion of the Mitigation Plan. Reliability *yFirst* Corporation may request additional data or inf ormation and conduct follow -up assessments, on-site or other Spot Checking, or Compliance Audits as it deems necessary to verify that all required actions in the Mitigation Plan have been completed and the Registered Entity is in compliance with the subject Reliability Standard. (CMEP Section 6.6)

Registered Entity Name: Conectiv Energy Supply, Inc. (CESI)

NERC Registry ID:NCR00732

Date of Submittal of Certification:Self Report, 9/28/09

NERC Violation ID No(s):RFC200900188, RFC20090189.

Reliability Standard and the Requirement(s) of which a violation was mitigated:PRC-005-1 (R1.1, R1.2, & R2.1)

Date Mitigation Plan was scheduled to be completed per accepted Mitigation Plan: 12/31/09

Date Mitigation Plan was actually completed: 12/23/09

Additional Comments (or List of Documents Attached):

CESI has completed the fourth and final milestone activity as noted in Section D3 of the CESI mitigation Plan submitted 9/28/09. With com pletion of this fi nal activity, CESI certifies that it has completed its entire Mitigation Plan. Appendix A contains an ex ample page from the newly developed CESI "NERC Notifier" database created as a redundant schedule notification and tracking system. This tool is used in addition to the individual plant planned maintenance scheduling systems to notify operating personnel of scheduled com pliance act ivities and a llow responses to these notifications to be tracked by the compliance team. This final step was im plemented to mitigate the potential for violations of PRC-005-1 in the future and enhance CESI's performance of compliance with all NERC Standards.

Appendix A, Screenshot of NERC Notifier database (Compliance Task Tracking Tool).

Attachment b

RELIABILITY

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.

Name:Donald Bridge

Title:NERC Compliance Manager

Email:don.bridge@conectiv.com

Phone:(302) 451 5154

Authorized Signature Dauld J.B. miles

Date 12/23/09

Please direct completed forms or any questions regarding completion of this form to the Reliability *First* Compliance e-mail address <u>mitigationplan@rfirst.org</u>.

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



DOCUMENT CONTROL

Title:	Certification of Mitigation Plan Completion
Issue:	Version 1
Date:	5 January 2008
Distribution:	Public
Filename:	Certification of a Completed Mitigation Plan_Ver1.doc
Control:	Reissue as complete document only

DOCUMENT APPROVAL

Prepared By	Approved By	Approval Signature	Date
Robert K. Wargo Manager of Compliance Enforcement	Raymond J. Palmieri Vice President and Director Compliance	Raymond J. Palmieri	1/5/2009

DOCUMENT CHANGE/REVISION HISTORY

Page 3 of 4



Version	Prepared By	Summary of Changes	Date
1.0	Robert K. Wargo	Original Issue	1/5/2009

Attachment c

Summary and Review of Mitigation Plan Completion

Dated March 30, 2010



March 30, 2010

Summary and Review of Evidence of Mitigation Plan Completion

NERC Violation ID #:	RFC200900188
	RFC200900189
NERC Plan ID:	MIT-07-2093
Registered Entity;	Conectiv Energy Supply, Inc
NERC Registry ID:	NCR00732
Standard:	PRC-005-1
Requirement:	1 & 2.1
Status:	Compliant

Conectiv E nergy Supp ly, Inc ("C onectiv" or "CESI") s ubmitted a Self Report of noncompliance with N ERC Reliability Standard PRC-005-1, Requirement 1, and P RC-005-1, Requirement 2.1 on September 28, 2009. Specifically, Conectiv could not provide evidence of maintenance and testing intervals, the basis for these maintenance and testing intervals, or any summary of m aintenance and testing pro cedures for those protective system devices not included in Conectiv's Program, Version 0, as required by Reliability Standard PRC-005-1, R 1. Specifically, Conectiv could not provide evidence that 461 Protection System devices were m aintained and tested within def ined intervals as required by Reliability Standard PRC-005-1, R 2.1. Conectiv sub mitted a Proposed Mitigation Plan to Reliability *First* on September 30, 2009, whereby stating Conectiv would complete all m itigating actions on Decem ber 31, 2009. This Mitig ation Plan, designated MIT-07-209 3, was acce pted by Reliability *First* on October 30, 2009 and approved by NERC on November 3, 2009.

Review Process:

On Decem ber 23, 2009, Conectiv certified that the Mitig ation P lan f or PRC-005-1, Requirements 1 and 2.1 was completed as of Dece mber 23, 2009. Reliability *First* requested and received evidence of completion for actions taken by Conectiv as specified in the Mitigation Plan. Reliability *First* performed an in depth review of the inform ation provided to verify that all actions specified in the Mitigation Plan (MP) were successfully completed.

PRC-005-1, Requirement 1 states : "Each Transm ission Owner and any Distrib ution Provider that owns a transm ission Protecti on S ystem and each Generator Owner that owns a generation Protection System shall have a Protection System maintenance and testing program for Protection Systems that affect the reliability of the BES. The program shall include:

R1.1. Maintenance and testing intervals and their basis.

R1.2. Summary of maintenance and testing procedures."

Summary and Review of Mitigation Plan Completion Conectiv Energy Supply, Inc March 30, 2010 Page 2 of 6

Evidence Submitted:

Requirement 1:

Mitigation Plan D.1 Task 1:

Conectiv Energy "Generation Protection System Maintenance and Testing, Current Issue: Revision 1, Issue Date: September 2, 2009". (This was submitted February 16, 2010.) This revised docum ent details Conectiv's Protection System maintenance and testing program in effect since Septem ber 2, 2009. Re vision 1 (also referre d to as Version 1) incorporated the addition of Current Transformers (CTs) and Potential Transformers (PTs – also known as voltage transform ers or VTs) at five genera ting sta tions a nd all Protection System devices at a sixth genera ting station. W ith the changes m ade, the program now applies to Protection System s of all Conectiv f acilities included in the ReliabilityFirst Corpor ation Bulk Electr ic System (BES) Def inition approved May 9, 2007 (R1). In addition, it now applies to all Protection Systems devices as defined in the NERC Glossary of Terms Used in Reliability Standards, April 20, 2009 (R1). For each type of device, the program includes m aintenance and testing intervals and their basis (R1.1) and a summ ary of m aintenance and testing procedures (R1.2). The revised document was issued prior to the subm ittal of the prop osed Mitiga tion Plan. The issuance of this revised document brought Conectiv into compliance with Requirement 1 of PRC-005-1 by the September 30, 2009, the Mitigation Plan submittal date.

PRC-005-1, Requirement 2.1 states: "Each Transm ission Owner and any Distribution Provider that owns a transm ission Protecti on S ystem and each Generator Owner that owns a generation Protection System shall provide docum entation of its Protection System maintenance and testing program and the implementation of that program to its Regional Reliability Organi zation on requ est (within 30 calendar days). The documentation of the program implementation shall include:

R2.1. Evidence Protection System devices were maintained and tested within the defined intervals."

Evidence Submitted:

Requirement 2.1:

Except where a dif ferent submittal date is indicated, Cone ctiv submitted the f ollowing documents on February 3, 2010:

<u>Protection System Maintenance and Testing</u> listings of devices at six generating stations, dated January 14, 2010 and February 2, 2010.

Subsequent <u>Protection System Maintenance and Testing</u> listings f or b atteries at three generating stations, dated March 22, 2010. (This was submitted March 22, 2010.)

Summary and Review of Mitigation Plan Completion Conectiv Energy Supply, Inc March 30, 2010 Page 3 of 6

These provide the previous, most recent, and next due test dates and assist in tracking and counting the devices for which m aintenance and testing evidence was provided to complete Mitigation Plan D.1 Tasks 2 and 3.

Mitigation Plan D.1 Task 2:

The following is evidence for maintenance and testing of CTs and PTs at five generating stations and all Protection System devices at a sixth generating station. These additional devices were added to Revi sion 1 of <u>Generation Protection System Maintenance and Testing</u> issued September 9, 2010:

Functional trip testing docum ents for one generating station dated August 24, 2009 and August 27, 2009. These provide docum entation that includes the dates on which 30 relays and 30 DC Control Circuits were last tested/maintained.

Relay inspection and setting records dated October 2, 2009 and October 3, 2009. (T hese were submitted March 22, 2010.)

These provide documentation that includes the dates on which 12 relays at one generating station were last calibrated. These 12 relays had not been calibrated within the interval defined in the Protection System maintenance and testing program. These 12 relays are a portion of the 30 relays referenced in the previous paragraph.

<u>Metering</u> test results, screenshots of <u>NERC PT-CT Verification</u>, relay voltage and current test results, <u>CT Verification</u> test results, <u>Load Check</u> test results, <u>Test Reports</u> and <u>Protective Relay Input Verification Tests</u> with various dates.

These provide docum entation that include s the dates on which 686 CTs and 171 PTs associated with all BES relays at six generating stations were last tested/maintained.

Battery <u>PM Orders</u> (Preventative Maintenance Orders), <u>Vented Lead Acid Batteries</u> <u>Maintenance & Inspection</u> results, <u>Im pedance Test</u> records for one generating station with various dates.

These provide docum entation that includes the dates on which 116 battery cells were tested/maintained.

Task 2 Device Total = 30+30+686+171+116 = 1,033*

Mitigation Plan D.1 Task 3:

The following is eviden ce for maintenance and te sting of devices that were included in Conectiv's Protection System maintenance and testing program prior to the Septem ber 9, 2010 issuance of Revision 1 of <u>Generation Protection System Maintenance and Testing</u> and for which the testing interval was exceeded:

Functional trip testing documents for two generating stations with various dates. These provide docum entation that includes the dates on which 57 relays and 57 DC Control Circuits were last tested/maintained. Summary and Review of Mitigation Plan Completion Conectiv Energy Supply, Inc March 30, 2010 Page 4 of 6

Battery PM Orders, S torage Battery Inspection Form s, Battery Im pedance Testing records, Storage Battery Reports, ProActive Summary Reports and/or Strap Reports for two generating stations with various dates. These provide d ocumentation that includes the dates on which 346 battery cells were tested/maintained.

"Line relay RFC info" e mail from a neighboring utility dated September 25, 2009 with attached <u>Relay Tes t Record</u>. These provide docum entation that in cludes the date on which one Communication System for a jointly-owned line was last tested/maintained.

Task 3 Device Total = 57+57+346+1 = 461*

The combination of all of the above also:

- a. Provides evidence that the las t test dates are within the defined testing interval (R2.1.), i.e., no subsequent tests have been required,
- b. Provides evidence that the work was com pleted by the Milestone date of October 31, 2009.
- c. Addresses the stated violation, and
- d. Brings Conectiv into Compliance with PRC-005-1 R2

In addition, Reliability *First* verified that there was no reported m isoperation of a ny of these devices for the period June 18, 2007 – December 31, 2009.

Explanation of Device Totals:

* Task 2 – The Mitigation Plan identified 570 devices that were added to Version 1 of the Protection System m aintenance and testing program. On Novem ber 6, 2009 Conectiv su bmitted an atte station to correct the number of devices id entified in the Mitigation Plan. The number of device tests was 570; the actual num ber of devices was 1,038. Subsequently, on March 22, 2010, Conectiv subm itted in a letter to Reliability*First* that there were ac tually five less PTs (connected to two relays) than previously reported. T his brought the num ber of devices added in Version 1 to 1,033 (1,038 - 5 = 1,033).

** Task 3 - The Mitigation Plan identified 121 devices that were included in Version 0 of the Pro tection System maintenance and testing program, but were not tested within the required interval. On Nove mber 6, 2009 Con ectiv submitted an attestation to correct the number of devices identified in the Mitigation Plan. The num ber of device tests was 121; the actual num ber of devices was 426. Subsequently, on February 16, 2010, Conectiv su bmitted a letter to Reliability *First* that ind icated the re were ac tually two relays and two DC control circuits for which the testing was f ound t o be within the required interval. In addition, there were 39 additional battery cells for which the testing was not within the required interval. This brought the num ber of devices not tested within the required interval to 461 (426 - 2 - 2 + 39 = 461).

Summary and Review of Mitigation Plan Completion Conectiv Energy Supply, Inc March 30, 2010 Page 5 of 6

Mitigation Plan Completion

The approved Mitigation Plan included two other tasks that either helped bring Conectiv into compliance with PRC-005-1, or that will protect the BES in the future.

Mitigation Plan D.1 Task 4:

Posting of the approved procedures on the completed by November 30, 2009.

Conectiv NERC intranet site will be

Mitigation Plan D.1 Task 5:

Implementation of the databas e compliance task track ing tool will b e completed by December 31, 2009.

Evidence Submitted:

Conectiv submitted the following documents as evidence of the completion for Tasks D.1 4 and 5 of the Mitigation Plan:

"Update to Conectiv Energy Supply, Inc. M itigation Plan for PRC-005-1" letter to Reliability*First* Corporation dated and submitted November 20, 2009. This letter and the atta ched sc reenshot of the Conectiv N ERC Intran et site v erify the posting of the <u>Generation Protection System Maintenance and Testing</u> procedures on the Conectiv NERC Intranet site.

Snapshot of Conectiv "NERC Notifier Vers ion 1.0.0" (Compliance Task Tracking Tool) – no date. (This was submitted December 23, 2009.) This snapshot verifies the implementation of the database compliance task tracking tool.

The above documents specifically address the issues in Mitigation Plan T asks D.1 4 and 5 and com plete thos e Mitigation Plan Task s by the Milestone d ates of Nove mber 30, 2009 and December 31, 2009, respectively.

Review Results:

Reliability*First* Corporation reviewed the evidence the Conectiv submitted in support of its Certification of Completi on. O n March 30, 2010 Reliability *First* verified that the Mitigation Plan was completed in accordance with its terms and has therefore de emed Conectiv compliant to the aforementioned NERC Reliability Standard.

Summary and Review of Mitigation Plan Completion Conectiv Energy Supply, Inc March 30, 2010 Page 6 of 6

Respectfully Submitted,

Nohat K. Wargo

K. Wargo of Compliance Enforcement *First* Corporation

Robert Manager Reliability



Attachment c

Disposition Document

DISPOSITION OF VIOLATION¹ Dated September 30, 2010

 NERC TRACKING
 REGIONAL ENTITY TRACKING
 NOC#

 NO.
 NO.
 NOC#

 RFC200900188
 RFC200900188
 NOC-587

 RFC200900189
 RFC200900189
 NOC-587

REGISTERED ENTITY Conectiv Energy Supply, Inc (Conectiv) NERC REGISTRY ID NCR00732

REGIONAL ENTITY ReliabilityFirst Corporation (ReliabilityFirst)

I. <u>REGISTRATION INFORMATION</u>

ENTITY IS REGISTERED FOR THE FOLLOWING FUNCTIONS:

BA	DP	GO^2	GOP	IA	LSE	PA	PSE	RC	RP	RSG	TO	TOP	TP	TSP
		Х	X				Х							
		2/30/02	5/30/07				5/30/07							

*** VIOLATION APPLIES TO SHADED FUNCTIONS**

DESCRIPTION OF THE REGISTERED ENTITY

Conectiv, a wholly owned subsidiary of PEPCO Holdings, Inc. (PHI), manages power plants and sells fuel and energy in the wholesale marketplace. Conectiv operates a cross-commodity trading floor. In addition to power, Conectiv's trading specialists buy and sell natural gas, coal, oil, and emission credits. Conectiv owns 17 generation facilities that are capable of producing approximately 4,324 MW.

PHI is one of the largest energy delivery companies in the Mid-Atlantic region, serving about 1.9 million customers in Delaware, the District of Columbia, Maryland and New Jersey. PHI subsidiaries Pepco, Delmarva Power³ and Atlantic

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

² On July 16, 2010, Conectiv was deregistered from the NERC Compliance Registry for the function of Generator Owner because it sold all of its generation assets.

³ On October 14, 2009, NERC submitted an Omnibus filing under FERC Docket Number NP10-2-000 which addressed violations for certain registered entities including a violation of PRC-005-1 R2.1 for Delmarva Power. On November 13, 2009, FERC issued an order stating it would not engage in further review of the violations addressed in the Omnibus Notice of Penalty. Reliability*First* has examined the relationship between the Conectiv violations and the Delmarva Power & Light violation. Reliability*First*

City Electric provide regulated electricity service; Delmarva Power also provides natural gas service. PHI provides competitive retail energy products and services through Pepco Energy Services.

RELIABILITY	REQUIREMENT(S)	SUB-	VRF(S)	VSL(S)
STANDARD		REQUIREMENT(S)		
DDC 005 1	1		High ⁴	Moderate ⁵
PKC-005-1	2	2.1	High ⁶	Moderate

II. VIOLATION INFORMATION

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

The purpose statement of PRC-005-1 provides: "To ensure all transmission and generation Protection Systems^[7] affecting the reliability of the Bulk Electric System (BES) are maintained and tested." (footnote added)

PRC-005-1 R1 provides:

R1. Each Transmission Owner and any Distribution Provider that owns a transmission Protection System and each Generator Owner that owns a generation Protection System shall have a Protection System maintenance and testing program for Protection Systems that affect the reliability of the BES. The program shall include:

R1.1. Maintenance and testing intervals and their basis.

R1.2. Summary of maintenance and testing procedures.

⁵ Conectiv's Self-Report incorrectly states a "Lower" VSL.

notes that the Delmarva Power & Light violation was an isolated incident caused by human error (a clerical error regarding one test date incorrectly entered into the tracking system), and was not a systematic issue affecting all PEPCO companies.

⁴ When NERC filed Violation Risk Factors (VRFs) for PRC-005-1, NERC originally assigned a "Medium" VRF to PRC-005-1 R1. In the Commission's May 18, 2007 Order on Violation Risk Factors, the Commission approved the VRF as filed but directed modifications. On June 1, 2007, NERC filed a modified "High" VRF for PRC-005 R1 for approval. On August 9, 2007, the Commission issued an Order approving the modified VRF. Therefore, the "Medium" VRF was in effect from June 18, 2007 until August 9, 2007 and the "High" VRF has been in effect since August 9, 2007.

⁶ PRC-005-1 R2 has a "Lower" VRF; R2.1 and R2.2 each have a "High" VRF. During a final review of the standards subsequent to the March 23, 2007 filing of the Version 1 VRFs, NERC identified that some standards requirements were missing VRFs; one of these include PRC-005-1 R2.1. On May 4, 2007, NERC assigned PRC-005-1 R2.1 a "High" VRF. In the Commission's June 26, 2007 Order on Violation Risk Factors, the Commission approved the PRC-005-1 R2.1 "High" VRF as filed. Therefore, the "High" VRF was in effect from June 26, 2007. WECC determined that the "High" VRF was more applicable.

⁷ *The NERC Glossary of Terms Used in Reliability Standards* defines Protection System as "Protective relays, associated communication systems, voltage and current sensing devices, station batteries and DC control circuitry."

PRC-005-1 R2 provides:

R2. Each Transmission Owner and any Distribution Provider that owns a transmission Protection System and each Generator Owner that owns a generation Protection System shall provide documentation of its Protection System maintenance and testing program and the implementation of that program to its Regional Reliability Organization[⁸] on request (within 30 calendar days). The documentation of the program implementation shall include:

R2.1. Evidence Protection System devices were maintained and tested within the defined intervals.

R2.2. Date each Protection System device was last tested/maintained.

VIOLATION DESCRIPTION

On September 28, 2009, Conectiv self-reported a violation of PRC-005-1 R1 after discovering that its Protection System maintenance and testing program did not include (1) voltage and current sensing devices; (2) generating units under 100 MW; or (3) newly commissioned generating units interconnected at 100 kV or higher. The exclusions represented 1,033 of the devices in Conectiv's system.

Conectiv, in the aforementioned Self-Report, also stated an additional 461⁹ devices that were listed in its Protection System maintenance and testing program were not tested within the defined intervals as required by PRC-005-1 R2.1.

RELIABILITY IMPACT STATEMENT- POTENTIAL AND ACTUAL

Reliability*First* concluded that these violations did not pose a serious or substantial risk to the reliability of the bulk power system (BPS) because Conectiv employs overlapping "zones" of protection whereby individual differential relays around a single piece of equipment are monitored at a higher level by differential relays surrounding multiple pieces of equipment. This redundancy applies to Conectiv's largest generating units including Hay Road Units 1 through 8, Bethlehem Units 1 through 8, Cumberland Unit 2, and Edgemoor Unit 5. In addition, a non-exhaustive review of Conectiv's smaller BPS units indicates that this redundancy is also applied in that context. Conectiv's implementation of these multiple techniques enhances the reliability of the BPS. Additionally, Conectiv determined that the Protection System devices were found to be fully functional and operable at the time of testing immediately following the missed intervals, and there were no occurrences of misoperations for the associated devices during the time period in which the violation existed.

⁸ Consistent with applicable FERC precedent, the term 'Regional Reliability Organization' in this context refers to Reliability*First*.

⁹ These 461 Protection System devices were comprised of 57 relays, 346 battery cells, 57 DC control circuits, and 1 communication system.

IS THERE A SETTLEMENT AGREEMENT YES 🛛 NO 🗌

WITH RESPECT TO THE VIOLATION(S), REGISTERED ENTITY

NEITHER ADMITS NOR DENIES IT (SETTLEMENT ONLY)YESADMITS TO ITYESDOES NOT CONTEST IT (INCLUDING WITHIN 30 DAYS)YES

WITH RESPECT TO THE ASSESSED PENALTY OR SANCTION, REGISTERED ENTITY

ACCEPTS IT/ DOES NOT CONTEST IT

YES 🛛

III. DISCOVERY INFORMATION

METHOD OF DISCOVERY

SELF-REPORT SELF-CERTIFICATION COMPLIANCE AUDIT COMPLIANCE VIOLATION INVESTIGATION SPOT CHECK COMPLAINT PERIODIC DATA SUBMITTAL EXCEPTION REPORTING

DURATION DATE(S) 6/18/2007 (when the Standards became mandatory and enforceable) through 10/10/2009 (Protection System maintenance and testing completion)

DATE DISCOVERED BY OR REPORTED TO REGIONAL ENTITY 9/28/2009

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

IV. MITIGATION INFORMATION

FOR FINAL ACCEPTED MITIGATION PLAN:
MITIGATION PLAN NO. MIT-07-2093
DATE SUBMITTED TO REGIONAL ENTITY
DATE ACCEPTED BY REGIONAL ENTITY
DATE APPROVED BY NERC
DATE PROVIDED TO FERC9/30/2009
10/30/2009
10/30/2009

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

MITIGATION PLAN COMPLETED YES \square NO \square

EXPECTED COMPLETION DATE12/31/2009EXTENSIONS GRANTEDN/AACTUAL COMPLETION DATE12/23/2009

DATE OF CERTIFICATION LETTER **12/23/2009** CERTIFIED COMPLETE BY REGISTERED ENTITY AS OF **12/23/2009**

DATE OF VERIFICATION LETTER 3/30/2010 VERIFIED COMPLETE BY REGIONAL ENTITY AS OF 12/23/2009

ACTIONS TAKEN TO MITIGATE THE ISSUE AND PREVENT RECURRENCE

- 1. Revise its Generation Protection System Maintenance and Testing Program to include the basis, testing intervals, and a summary of maintenance and testing procedures for all generating units which fall under Reliability*First*'s definition of the BES to include maintenance and testing categories for: voltage and current sensing devices, generating unites rated below 100 MW, and newly commission units interconnected tot eh BES at 100 kV or higher;
- 2. complete remaining required Protection System maintenance and testing in 2009;
- 3. post approved procedures on Conectiv's Intranet site; and
- 4. implement database compliance task tracking tool.

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

- 1. Conectiv Energy "Generation Protection System Maintenance and Testing, Current Issue: Revision 1, Issue Date: September 2, 2009";
- 2. Protection System Maintenance and Testing listings of devices at six generating stations, dated January 14, 2010 and February 2, 2010;
- 3. Subsequent Protection System Maintenance and Testing listings for batteries at three generating stations, dated March 22, 2010;
- 4. Conectiv Energy "Generation Protection System Maintenance and Testing" issued on September 9, 2010 which included the maintenance

and testing of CTs and PTs at five generating stations and all Protection System devices at a sixth generating station;

- 5. Functional trip testing documents for one generating station dated August 24, 2009 and August 27, 2009 which includes the dates 20 relays and 30 DC Control Circuits were last tested/maintained;
- 6. Relay inspection and setting records dated October 2, 2009 and October 3, 2009 which show the dates on which 12 relays at one generating station were last calibrated;
- 7. Metering test results, screenshots of NERC PT-CT Verification, relay voltage and current test results, CT Verification test results, Load Check test results, test Reports and Protective Relay Input Verification Tests with various dates which address the 686 CTs and 171 PTs associated with all BES relays at six generating stations were last tested/maintained;
- 8. Battery Preventative Maintenance Orders, Vented Lead Acid Batteries Maintenance & Inspection results, Impedance Test records for one generating station which includes the dates on which 116 battery cells were last tested/maintained;
- 9. Functional trip testing documents for two generating stations with various dates which includes the dates 57 relays and 57 DC Control Circuits were last tested/maintained;
- 10. Battery Preventative Maintenance Orders, Storage Battery Inspection Forms, Battery Impedance Testing records, Storage Battery Reports, ProActive Summary Reports and/or Strap reports for two generating station which includes the dates on which 346 battery cells were last tested/maintained;
- 11. Line relay Reliability*First* e-mail from a neighboring utility dated September 25, 2009 with attached *Relay Testing Record* which includes the date on which one Communication System for a jointly-owned line was last tested/maintained;
- 12. "Update to Conectiv Energy Supply, Inc. Mitigation Plan for PRC-005-1" letter to Reliability*First* Corporation dated and submitted November 20, 2009; and
- 13. Snapshot of Conectiv "NERC Notifier Version 1.0.0" (Compliance Task Tracking Tool).

V. PENALTY INFORMATION

TOTAL ASSESSED PENALTY OR SANCTION OF **\$15,000** FOR **TWO** VIOLATIONS OF TWO REQUIREMENTS OF ONE RELIABILITY STANDARD.

(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

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

IS THERE A DOCUMENTED COMPLIANCE PROGRAM¹⁰ YES NO EXPLAIN The Conectiv Compliance Program is distributed company wide. Additionally, Conectiv has conducted companywide NERC compliance overview training for all existing staff and continues this commitment *via* training during the orientation process for newly hired employees. Conectiv also provides additional training on specific procedures that apply to staff members' reliability compliance

¹⁰ Reliability*First* considered the Conectiv Compliance Program to be a mitigating factor in determining the penalty. Conectiv provided information regarding its own compliance program, rather than one overall PEPCO compliance program. Conectiv does participate in a PEPCO compliance steering committee to encourage shared knowledge. Conectiv provided its own compliance procedures and training materials as part of the compliance survey.

related activities. Subject matter experts routinely review reliability compliance performance and provide feedback regarding any need for additional training and procedural corrections necessary to enhance compliance performance.

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.

Conectiv has the support and participation of senior management. For example, Conectiv has developed its Compliance Committee to include its Chief Executive Officer as the Compliance Executive, its VP of Asset Development as the Compliance Officer, and other members of its senior management as its Compliance Manager, Compliance Coordinator, Subject Matter Experts, and Authorized Signatories. Conectiv's Compliance Committee assesses and reports Conectiv's NERC Compliance status and meets monthly to review compliance status and delegate compliance action plans.

The Conectiv Compliance Executive is engaged with reliability compliance and fosters a culture of compliance to include company performance goals from the top down regarding NERC Compliance initiatives. The Conectiv Compliance Executive also supports compliance training, awareness, and budget implementation to ensure full compliance with applicable NERC and Reliability*First* standards.

Conectiv's senior management also routinely reviews and participates in Conectiv's Regulatory Coordination Committee and *NERC/ERO* Compliance Steering Committee meetings. Accordingly, Conectiv maintains an engaged leadership team fostering a culture of compliance throughout the organization and appears committed to reliability training and benchmarking industry best practices pertaining to BPS reliability to maintain compliance with applicable NERC and Reliability*First* standards.

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

 \square 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	\boxtimes
IF YES, E	XPLAIN	

(6) ANY OTHER MITIGATING FACTORS FOR CONSIDERATION

YES NO IF YES, EXPLAIN

(7) ANY OTHER AGGRAVATING FACTORS FOR CONSIDERATION

YES NO IF YES, EXPLAIN

(8) ANY OTHER EXTENUATING CIRCUMSTANCES

YES NO IF YES, EXPLAIN

EXHIBITS:

SOURCE DOCUMENT Conectiv's Self-Report for PRC-005-1 dated September 28, 2009

MITIGATION PLAN Conectiv's Mitigation Plan submitted September 30, 2009

CERTIFICATION BY REGISTERED ENTITY Conectiv's Certification of Mitigation Plan Completion dated December 23, 2009

VERIFICATION BY REGISTERED ENTITY Reliability*First*'s Summary and Review of Mitigation Plan Completion dated March 30, 2010

OTHER RELEVANT INFORMATION:

NOTICE OF ALLEGED VIOLATION AND PROPOSED PENALTY OR SANCTION ISSUED

DATE: OR N/A

SETTLEMENT DISCUSSIONS COMMENCED DATE: 3/4/10 OR N/A

NOTICE OF CONFIRMED VIOLATION ISSUED DATE: OR N/A \square

SUPPLEMENTAL RECORD INFORMATION DATE(S) OR N/A \boxtimes

REGISTERED ENTITY RESPONSE CONTESTED FINDINGS PENALTY BOTH NO CONTEST

HEARING REQUESTED YES NO DATE OUTCOME APPEAL REQUESTED



Attachment d

Notice of Filing

UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

Conectiv Energy Supply, Inc

Docket No. NP10-___-000

NOTICE OF FILING September 30, 2010

Take notice that on September 30, 2010, the North American Electric Reliability Corporation (NERC) filed a Notice of Penalty regarding Conectiv Energy Supply, Inc in the Reliability*First* Corporation region.

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

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

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

Comment Date: [BLANK]

Kimberly D. Bose, Secretary