

August 31, 2012

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

**Re: NERC Full Notice of Penalty regarding Cedar Creek Wind Energy, LLC
FERC Docket No. NP12-_-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides this Notice of Penalty¹ regarding Cedar Creek Wind Energy, LLC (CCWE), NERC Registry ID# NCR10165,² in accordance with the Federal Energy Regulatory Commission's (Commission or FERC) rules, regulations and orders, as well as NERC Rules of Procedure including Appendix 4C (NERC Compliance Monitoring and Enforcement Program (CMEP)).³

CCWE is a 300.5 MW wind generation facility located on the High Plains of Colorado. CCWE connects to the bulk power system (BPS) via a 230 kV, 76-mile generation tie-line to a switching station of the Public Service Company of Colorado, a subsidiary of Xcel Energy, Inc. at Keenesburg. Its principal offices are located in Dallas, Texas.

This Notice of Penalty is being filed with the Commission because Western Electricity Coordinating Council (WECC) and CCWE have entered into a Settlement Agreement to resolve all outstanding issues

¹ *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 (2011). *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).

² Western Electricity Coordinating Council (WECC) confirmed that CCWE was included on the NERC Compliance Registry as a Generator Operator (GOP) and Generator Owner (GO) on November 20, 2007 and as a Transmission Operator (TOP) and Transmission Owner (TO) on January 21, 2008. As a TO and TOP, CCWE is subject to the requirements of NERC Reliability Standards EOP-005-1 R1 and R6, FAC-001-0 R1 through R3, PER-002-0 R2 through R4, PER-003-0 R1 and PRC-005-1 R2.

³ See 18 C.F.R § 39.7(c)(2).

**3353 Peachtree Road NE
Suite 600, North Tower
Atlanta, GA 30326
404-446-2560 | www.nerc.com**

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arising from WECC’s determination and findings of the violations⁴ of EOP-005-1 R1 and R6, FAC-001-0 R1 through R3, PER-002-0 R2 through R4, PER-003-0 R1 and PRC-005-1 R2. According to the Settlement Agreement, CCWE agrees and stipulates to facts of the violations and has agreed to the assessed penalty of sixty thousand dollars (\$60,000), 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 WECC201001950, WECC201001951, WECC201001953, WECC201001954, WECC201001955, WECC201001958, WECC201001959, WECC201001960, WECC201001961, and WECC201001962 are being filed in accordance with the NERC Rules of Procedure and the CMEP.

Statement of Findings Underlying the Violations

This Notice of Penalty incorporates the findings and justifications set forth in the Settlement Agreement executed on March 30, 2012 by and between WECC and CCWE, which is included as Attachment a. The details of the findings and basis for the penalty are set forth in the Settlement Agreement and herein. This Notice of Penalty filing contains the basis for approval of the Settlement Agreement by the NERC Board of Trustees Compliance Committee (NERC BOTCC). In accordance with Section 39.7 of the Commission’s regulations, 18 C.F.R. § 39.7 (2011), 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
Western Electricity Coordinating Council	Cedar Creek Wind Energy, LLC	NOC-1332	WECC201001950	EOP-005-1	R1	Medium	\$60,000
			WECC201001951		R6	High ⁵	

⁴ 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.

⁵ When NERC filed Violation Risk Factors (VRF) it originally assigned EOP-005-1 R6 a Medium VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified High VRF and on February 6, 2008, the Commission approved the modified High VRF. Therefore, the Medium VRF for EOP-005-1 R6 was in effect from June 18, 2007 until February 6, 2008 when the High VRF became effective.

			WECC201001953		R1	Medium	
			WECC201001954	FAC-001-0	R2	Medium	
			WECC201001955		R3	Medium	
			WECC201001958		R2	High	
			WECC201001959	PER-002-0	R3	High ⁶	
			WECC201001960		R4	High	
			WECC201001961	PER-003-0	R1	High	
			WECC201001962	PRC-005-1	R2.1	High ⁷	

WECC201001950 and WECC201001951 EOP-005-1 R1 and R6

The purpose statement of Reliability Standard EOP-005-1 provides: “To ensure plans, procedures, and resources are available to restore the electric system to a normal condition in the event of a partial or total shut down of the system.”

WECC201001950 EOP-005-1 R1

EOP-005-1 R1 provides:

R1. Each Transmission Operator shall have a restoration plan to reestablish its electric system in a stable and orderly manner in the event of a partial or total shutdown of its system, including necessary operating instructions and procedures to cover emergency conditions, and the loss of vital telecommunications channels. Each Transmission

⁶ Reliability Standard PER-002-0 R3 has a High VRF, sub-requirements R3.1 and R3.2 have Medium VRFs and sub-requirements R3.3 and R3.4 have Lower VRFs.

⁷ PRC-005-1 R2 has a Lower VRF; R2.1 has 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 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.

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Operator shall include the applicable elements listed in Attachment 1-EOP-005 in developing a restoration plan.

EOP-005-1 R1 has a “Medium” Violation Risk Factor (VRF) and a “Lower” Violation Severity Level (VSL). The subject violation applies to CCWE’s TOP function.⁸

From May 17, 2010 to May 24, 2010, WECC conducted a compliance audit of CCWE. The Audit Team reviewed CCWE’s system restoration plan, *Cedar Creek Wind Steps to System Restoration* (dated November 21, 2007 and May 8, 2009) and determined that it failed to include one applicable element listed in Attachment 1-EOP-005 of EOP-005-1. Specifically, *Cedar Creek Wind Steps to System Restoration* did not consider element 7 of Attachment 1-EOP-005.

As a result of this determination, the Audit Team conducted an interview at CCWE’s Dallas Operations Control Center with CCWE’s Regulatory Compliance Manager and two operations supervisors. The Audit Team stated it did not find a reference to element 7 and asked the CCWE personnel if CCWE’s restoration plan included element 7. CCWE personnel stated its restoration plan did not include a reference to element 7. WECC determined that CCWE, as a TOP, failed to include each applicable element listed in Attachment 1-EOP-005 in developing its restoration plan. Specifically, CCWE failed to address annual training and participation in its restoration plan as required by EOP-005-1 R1.

WECC determined the duration of the violation to be from January 21, 2008, the date CCWE registered on the NERC Compliance Registry as a TOP, through August 23, 2010, when CCWE updated its system restoration plan to include element 7.

WECC determined that this violation posed a minimal risk to the reliability of the BPS and did not pose a serious or substantial risk to the reliability of the BPS because of the following reasons. CCWE owns a wind generation facility and a 72-mile 230 kV transmission line that connects to a neighboring entity. CCWE does not serve load. Although CCWE did not address annual training and participation in its restoration plan restoration, CCWE’s facility is connected to the neighboring entity through a ring bus, with automatic system protection that can isolate CCWE without impacting the continuity of the neighboring entity’s system. Further, in order to re-establish its electric system in a stable and orderly manner in the event of a partial or total shutdown of its system, the neighboring entity’s operators have the capability and authority to take actions on the 72-mile transmission line. The neighboring

⁸ The Settlement Agreement states the EOP-005-1 R1 violation applies to the Transmission Owner and Transmission Operator functions.

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entity can take action on CCWE's line to restore the line to a normal condition, thus mitigating a possible CCWE failure.

WECC201001951 EOP-005-1 R6

EOP-005-1 R6 provides: "Each Transmission Operator and Balancing Authority shall train its operating personnel in the implementation of the restoration plan. Such training shall include simulated exercises, if practicable."

EOP-005-1 R6 has a "High" VRF and a "High" VSL. The subject violation applies to CCWE's TOP function.⁹

From May 17, 2010 to May 24, 2010, WECC conducted a Compliance Audit of CCWE. During the Compliance Audit, the Audit Team reviewed CCWE's *Cedar Creek Wind Steps to System Restoration* (dated November 21, 2007 and May 8, 2009). CCWE did not demonstrate to the Audit Team that it trained its operating personnel in the implementation of the restoration plan.

As a result, the Audit Team conducted an interview with CCWE's Regulatory Compliance Manager and two operations supervisors. The Audit Team asked if CCWE trained its operating personnel, and if CCWE had training records to support training. CCWE stated it trained its operators on the implementation of the plan, but failed to provide evidence of such training.

Based on this interview, the Audit Team determined CCWE restored its system on two occasions (July 6, 2009 and May 10, 2010) following forced outages. The Audit Team determined the CCWE personnel on shift during the restoration activities (following the forced outages) had experience implementing the restoration plan; however, CCWE had eight operating personnel in its Dallas Control Center who did not receive training on the implementation of CCWE's restoration plan. During the Compliance Audit, WECC's subject matter experts concluded, based on their review of the Audit which included an interview at the Dallas control center, that the operators on shift during the forced outage represented fewer than 33 percent of its operating personnel. WECC determined that CCWE, as a TOP, was in violation of EOP-005-1 R6 for failing to train the entirety of its operating personnel in the implementation of CCWE's restoration plan.

⁹ The Settlement Agreement states the EOP-005-1 R6 violation applies to the Transmission Owner and Transmission Operator functions.

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WECC determined the duration of the violation to be from January 1, 2008, the date CCWE registered on the NERC Compliance Registry as a TOP, through September 20, 2010, when CCWE completed the training required by the Standard.

WECC determined that this violation posed a minimal risk to the reliability of the BPS and did not pose a serious or substantial risk to the reliability of the BPS because of the following reasons. CCWE owns a wind generation facility and a 72-mile 230 kV transmission line that connects to a neighboring entity. CCWE does not serve load. CCWE's facility is connected to the neighboring entity through a ring bus, with automatic system protection that can isolate CCWE without impacting the continuity of the neighboring entity's system. The neighboring entity's operators have the capability and authority to take actions on the 72-mile transmission line. Thus, the neighboring entity can take action if CCWE fails to protect the reliability of the interconnection. The neighboring entity can take action on CCWE's line, including possible actions appropriate when returning the line to normal system conditions, thus mitigating a possible CCWE failure.

WECC201001953, WECC201001954, and WECC201001955 FAC-001-0 R1, R2 and R3

The purpose statement of Reliability Standard FAC-001-0 provides: "To avoid adverse impacts on reliability, Transmission Owners must establish facility connection and performance requirements."

FAC-001-0 R1 provides:

R1. The Transmission Owner shall document, maintain, and publish facility connection requirements to ensure compliance with NERC Reliability Standards and applicable Regional Reliability Organization, sub-regional, Power Pool, and individual Transmission Owner planning criteria and facility connection requirements. The Transmission Owner's facility connection requirements shall address connection requirements for:

R1.1. Generation facilities,

R1.2. Transmission facilities, and

R1.3. End-user facilities

FAC-001-0 R2 provides:

R2. The Transmission Owner's facility connection requirements shall address, but are not limited to, the following items:

R2.1. Provide a written summary of its plans to achieve the required system performance as described above throughout the planning horizon:

R2.1.1. Procedures for coordinated joint studies of new facilities and their impacts on the interconnected transmission systems.

R2.1.2. Procedures for notification of new or modified facilities to others (those responsible for the reliability of the interconnected transmission systems) as soon as feasible.

R2.1.3. Voltage level and MW and MVAR capacity or demand at point of connection.

R2.1.4. Breaker duty and surge protection.

R2.1.5. System protection and coordination.

R2.1.6. Metering and telecommunications.

R2.1.7. Grounding and safety issues.

R2.1.8. Insulation and insulation coordination.

R2.1.9. Voltage, Reactive Power, and power factor control.

R2.1.10. Power quality impacts.

R2.1.11. Equipment Ratings.

R2.1.12. Synchronizing of facilities.

R2.1.13. Maintenance coordination.

R2.1.14. Operational issues (abnormal frequency and voltages).

R2.1.15. Inspection requirements for existing or new facilities.

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R2.1.16. Communications and procedures during normal and emergency operating conditions.

FAC-001-0 R3 provides: “The Transmission Owner shall maintain and update its facility connection requirements as required. The Transmission Owner shall make documentation of these requirements available to the users of the transmission system, the Regional Reliability Organization, and NERC on request (five business days).”

FAC-001-0 R1, R2 and R3 each have a “Medium” VRF and a “Severe” VSL. The subject violations apply to CCWE’s TO function.

From May 17, 2010 to May 24, 2010, WECC conducted a Compliance Audit of CCWE. CCWE did not provide any evidence to demonstrate compliance with the Standard. As a result, the Audit Team submitted a data request to CCWE asking CCWE to provide any documentation demonstrating compliance with FAC-001-0 R1, R2 and R3. CCWE stated that its Generation Interconnection Facility is a sole-use facility, connecting CCWE’s generation to the point of interconnection or the BPS.

CCWE failed to provide evidence that it documented, maintained, and published facility connection requirements addressing generation facilities, transmission facilities, and end-user facilities as required by FAC-001-0 R1. Similarly, CCWE failed to provide facility connection requirements addressing the sub-requirements of FAC-001-0 R2; specifically, CCWE failed to have a written summary of its plans to achieve the required system performance related to facility connection requirements. In addition, CCWE failed to demonstrate that it maintained and updated its facility connections requirements as required by FAC-001-0 R3 and failed to provide documentation of these requirements to the Audit Team upon the Audit Team’s request.

WECC determined that CCWE had a violation of FAC-001-0 R1 for failing to document, maintain, and publish facility connection requirements. WECC also determined that CCWE had a violation of FAC-001-0 R2 for failing to have a written summary of its plans to achieve the required system performance related to facility connection requirements described in the sub-requirements of FAC-001-0 R2. In addition, WECC determined CCWE had a violation of FAC-001-0 R3 for failing to provide documentation of its facility connection requirements, including failing to demonstrate it maintained and updated facility connection requirements.

WECC determined the duration of the violations to be from January 21, 2008, when CCWE registered on the NERC Compliance Registry as a TO, through November 19, 2010, when CCWE completed its facility connection requirements.

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WECC determined that this violation posed a minimal risk to the reliability of the BPS and did not pose a serious or substantial risk to the reliability of the BPS because of the following reasons. CCWE owns a wind generation facility and a 72-mile 230 kV transmission line that connects to a neighboring entity. CCWE's facility is connected to the neighboring entity through a ring bus, with automatic system protection that can isolate CCWE without impacting the continuity of the neighboring entity's system. The neighboring entity's operators have the capability and authority to take actions on the 72-mile transmission line. Thus, the neighboring entity can take action if CCWE fails to protect the reliability of the line. Although inadequate or missing facility connection requirements could have an adverse impact on system reliability, presently (and throughout the violation period), CCWE is a sole-use facility with no plans to develop new facility connections. Furthermore, any new facility integration also would have to go through CCWE's neighboring entity. CCWE's neighboring entity has facility connection requirements. Any new facility connections would be handled in coordination with the neighboring entity.

WECC201001958, WECC201001959, and WECC201001960 PER-002-0 R2, R3 and R4

The purpose statement of Reliability Standard PER-002-0 provides: "Each Transmission Operator and Balancing Authority must provide their personnel with a coordinated training program that will ensure reliable system operation."

PER-002-0 R2 provides:

R2. Each Transmission Operator and Balancing Authority shall have a training program for all operating personnel that are in:

R2.1. Positions that have the primary responsibility, either directly or through communications with others, for the real-time operation of the interconnected Bulk Electric System.

R2.2. Positions directly responsible for complying with NERC standards.

PER-002-0 R3 provides:

R3. For personnel identified in Requirement R2, the Transmission Operator and Balancing Authority shall provide a training program meeting the following criteria:

R3.1. A set of training program objectives must be defined, based on NERC and Regional Reliability Organization standards, entity operating procedures, and

applicable regulatory requirements. These objectives shall reference the knowledge and competencies needed to apply those standards, procedures, and requirements to normal, emergency, and restoration conditions for the Transmission Operator and Balancing Authority operating positions.

R3.2. The training program must include a plan for the initial and continuing training of Transmission Operator and Balancing Authority operating personnel. That plan shall address knowledge and competencies required for reliable system operations.

R3.3. The training program must include training time for all Transmission Operator and Balancing Authority operating personnel to ensure their operating proficiency.

R3.4. Training staff must be identified, and the staff must be competent in both knowledge of system operations and instructional capabilities.

PER-002-0 R4 provides: "For personnel identified in Requirement R2, each Transmission Operator and Balancing Authority shall provide its operating personnel at least five days per year of training and drills using realistic simulations of system emergencies, in addition to other training required to maintain qualified operating personnel."

PER-002-0 R2, R3 and R4 has a "Medium" VRF and a "Severe" VSL. The subject violations apply to CCWE's TOP function.

From May 17, 2010 to May 24, 2010, WECC conducted a Compliance Audit of CCWE. During the Compliance Audit, the Audit Team reviewed CCWE's pre-audit data submittals. CCWE did not provide evidence demonstrating compliance with PER-002-0 R2, R3 and R4. As a result, the Audit Team submitted a data request to CCWE, requesting that CCWE provide documentation to demonstrate compliance with PER-002-0 R2, R3 and R4. CCWE did not provide the Audit Team such evidence. WECC determined CCWE had a violation of PER-002-0 R2 for failing to demonstrate it had a training program for all operating personnel that are in positions that have primary responsibility, either directly or through communications with others, for real-time operation on the interconnected BPS or positions directly responsible for complying with NERC standards.

WECC also determined that CCWE had a violation of PER-002-0 R3 for failing to demonstrate that it had a training program that met all sub-requirements of PER-002-0 R3 for personnel identified in PER-002-0

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R3. CCWE failed to demonstrate that it had defined a set of training program objectives, based on NERC and Regional Reliability Organization standards, entity operating procedures and applicable regulatory requirements. CCWE also failed to include a plan for initial and continuing training of TOP operating personnel. In addition, CCWE failed to include training time for all TOP operating personnel to ensure their operating proficiency, and CCWE failed to identify training staff.

WECC further determined that CCWE had a violation of PER-002-0 R4 for failing to demonstrate that it provides its operating personnel at least five days per year of training and drills using realistic simulations of system emergencies.

WECC determined the duration of the violations to be from January 21, 2008, when CCWE registered on the NERC Compliance Registry as a TOP, through March 27, 2012, when CCWE completed its Mitigation Plan.

WECC determined that this violation posed a minimal risk to the reliability of the BPS and did not pose a serious or substantial risk to the reliability of the BPS because of the following reasons. CCWE owns a wind generation facility and a 72-mile 230 kV transmission line that connects to a neighboring entity. CCWE does not serve load. CCWE's facility is connected to the neighboring entity through a ring bus, with automatic system protection that can isolate CCWE without impacting the continuity of the neighboring entity's system. Although CCWE did not have a formal, coordinated training program for its local operators, the neighboring entity's operators have the capability and authority to take actions on the 72-mile transmission line. The neighboring entity can take action on CCWE's line, thus mitigating a possible CCWE failure.

WECC201001961 PER-003-0 R1

The purpose statement of Reliability Standard PER-003-0 provides: "Certification of operating personnel is necessary to ensure minimum competencies for operating a reliable Bulk Electric System."

PER-003-0 R1 provides:

R1. Each Transmission Operator, Balancing Authority, and Reliability Coordinator shall staff all operating positions that meet both of the following criteria with personnel that are NERC-certified for the applicable functions:

R1.1. Positions that have the primary responsibility, either directly or through communications with others, for the real-time operation of the interconnected Bulk Electric System.

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R1.2. Positions directly responsible for complying with NERC standards.

PER-003-0 R1 has a “High” VRF and a “Severe” VSL. The subject violation applies to CCWE’s TOP function.

From May 17, 2010 to May 24, 2010, WECC conducted a Compliance Audit of CCWE. During the Compliance Audit, the Audit Team reviewed CCWE’s pre-audit data submittals. CCWE did not provide evidence demonstrating compliance with PER-003-0 R1. As a result, the Audit Team submitted a data request to CCWE, requesting that CCWE provide documentation to demonstrate compliance with PER-003-0 R1. CCWE did not provide the Audit Team such evidence. CCWE failed to demonstrate that it staffs the applicable positions with NERC-certified personnel. WECC determined that CCWE had a violation of PER-003-0 R1 for failing to demonstrate that it had NERC-certified personnel related to its TOP function.

WECC determined the duration of the violation to be from January 21, 2008, when CCWE registered on the NERC Compliance Registry as a TOP, through December 27, 2011, when CCWE completed its Mitigation Plan.

WECC determined that this violation posed a minimal risk to the reliability of the BPS and did not pose a serious or substantial risk to the reliability of the BPS because of the following reasons. CCWE owns a wind generation facility and a 72-mile 230 kV transmission line that connects to a neighboring entity. CCWE does not serve load. CCWE’s facility is connected to the neighboring entity through a ring bus, with automatic system protection that can isolate CCWE without impacting the continuity of the neighboring entity’s system. Although CCWE could not demonstrate that it staffs the applicable positions with NERC-certified personnel, the neighboring entity’s operators have the capability and authority to take actions on the 72-mile transmission line. The neighboring entity can take action on CCWE’s line, thus mitigating a possible CCWE failure.

WECC201001962 PRC-005-1 R2.1

The purpose statement of Reliability Standard PRC-005-1 provides: “To ensure all transmission and generation Protection Systems¹⁰ affecting the reliability of the Bulk Electric System (BES) are maintained and tested.”

¹⁰ *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.”

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PRC-005-1 R2.1 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^[11] 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.

PRC-005-1 R2.1 has a “High” VRF and a “Severe” VSL. The subject violation applies to CCWE’s TO function.

From May 17, 2010 to May 24, 2010, WECC conducted a Compliance Audit of CCWE. On April 28, 2008, CCWE put its existing Protection System maintenance and testing program into a new template format. CCWE’s Protection System maintenance and testing program requires CCWE to conduct monthly battery tests. CCWE’s facility started commercial operation in November 2007. CCWE did not conduct monthly battery tests until June 2008. CCWE has protective relays, associated communication systems, voltage and current sensing devices, station batteries, and DC control circuitry subject to this Standard. CCWE implemented its maintenance and testing program with regard to each Protection System device except CCWE’s station battery. The Audit Team determined that CCWE has one station battery with monthly and five-year testing intervals. The Audit team found that CCWE did not conduct battery testing from December 2007 through May 2008.

WECC determined that CCWE had a violation of PRC-005-1 R2.1 for failing to maintain and test its battery within its defined intervals.

¹¹ Consistent with applicable FERC precedent, the term ‘Regional Reliability Organization’ in this context refers to WECC.

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WECC determined the duration of the violation to be from November 20, 2007, when CCWE registered on the NERC Compliance Registry as a GO, through June 1, 2008, the first date CCWE demonstrated it documented its monthly battery inspections.¹²

WECC determined that this violation posed a minimal risk to the reliability of the BPS and did not pose a serious or substantial risk to the reliability of the BPS because of the following mitigating factors. CCWE owns a wind generation facility and a 72-mile 230 kV transmission line that connects to a neighboring entity. CCWE does not serve load. CCWE's facility is connected to the neighboring entity through a ring bus, with automatic system protection that can isolate CCWE without impacting the continuity of the neighboring entity's system. CCWE has one station battery. The station battery provides direct current for CCWE's generation and transmission protection systems. If this battery failed, under certain fault conditions, one or more circuit breakers would not operate. The neighboring entity's operators have the capability and authority to take actions on the 72-mile transmission line. The neighboring entity can take action on CCWE's line, thus mitigating a possible CCWE failure. The neighboring entity has a Protection System in place which could isolate the CCWE transmission line. CCWE's station battery is less than four years old and the likelihood of battery failure is minimal. Furthermore, CCWE conducted weekly battery inspections after its commissioning date until (and continuing after) it began its monthly battery tests pursuant to its maintenance and testing program. Also, CCWE has a backup generator system that starts after the initial battery system operates, thus minimizing the drain on the battery.

Regional Entity's Basis for Penalty

According to the Settlement Agreement, WECC has assessed a penalty of sixty thousand dollars (\$60,000) for the referenced violations. In reaching this determination, WECC considered the following factors: (1) CCWE does not have repeat violations of these Standards or any relevant negative compliance history; (2) CCWE was cooperative throughout WECC's evaluation of its compliance with the Reliability Standards and the enforcement process; (3) CCWE did not fail to complete any applicable compliance directives; (4) there is no evidence that CCWE attempted to conceal the violation; (5) the violations posed a minimal risk to the reliability of the BPS and did not pose a serious or substantial risk to the reliability of the BPS; (6) there is no evidence that CCWE's violation was intentional; and (7) there were no other mitigating or aggravating factors or extenuating circumstances that would affect the assessed penalty.

¹² The Settlement Agreement states the violation began on January 21, 2008, when CCWE was registered on the NERC Compliance Registry as a TOP.

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After consideration of the above factors, WECC determined that, in this instance, the penalty amount of sixty thousand dollars (\$60,000) is appropriate and bears a reasonable relation to the seriousness and duration of the violations.

Status of Mitigation Plan¹³

MIT-08-2964 EOP-005-1 R1 and R6

CCWE's Mitigation Plan to address its violations of EOP-005-1 R1 and R6 was submitted to WECC on September 7, 2010 with a proposed completion date of September 30, 2010. The Mitigation Plan was accepted by WECC on September 27, 2010 and approved by NERC on November 8, 2010. The Mitigation Plan for this violation is designated as MIT-08-2964 and was submitted as non-public information to FERC on November 10, 2010 in accordance with FERC orders.

CCWE's Mitigation Plan required CCWE to:

1. Retain personnel training records that document operating personnel have received annual training on the system restoration plan;
2. Revise its system restoration plan to include annual operator training on the CCWE system restoration plan for all operators; and
3. Re-train all operators on the system restoration plan.

CCWE certified on October 8, 2010 that the above Mitigation Plan requirements were completed on September 20, 2010. As evidence of completion of its Mitigation Plan, CCWE submitted the document *Cedar Creek System Restoration Plan Revision No; 3.00* (Revision Date: August 10, 2010), as well as associated training documentation.

On March 21, 2012, after reviewing CCWE's submitted evidence, WECC verified that CCWE's Mitigation Plan was completed on September 20, 2010.

MIT-08-3363 FAC-001-0 R1, R2 and R3

CCWE's Mitigation Plan to address its violations of FAC-001-0 R1, R2 and R3 was submitted to WECC on September 7, 2010 with a proposed completion date of November 1, 2010. The Mitigation Plan was accepted by WECC on January 31, 2011 and approved by NERC on March 7, 2011. The Mitigation Plan for this violation is designated as MIT-08-3363 and was submitted as non-public information to FERC on March 10, 2011 in accordance with FERC orders.

¹³ See 18 C.F.R § 39.7(d)(7).

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CCWE's Mitigation Plan required CCWE to develop and document a Facilities Interconnection Requirements document that satisfies all of the FAC-001 requirements.

CCWE certified on December 3, 2010 that the above Mitigation Plan requirements were completed on November 19, 2010.¹⁴ As evidence of completion of its Mitigation Plan, CCWE submitted the document, *CCR Facilities Connections Requirements R1 20100811.pdf*.

On February 17, 2011, after reviewing CCWE's submitted evidence, WECC verified that CCWE's Mitigation Plan was completed on November 19, 2010.

MIT-08-3217 PER-002-0 R2, R3 and R4¹⁵

CCWE's Mitigation Plan to address its violation of PER-002-0 R2, R3 and R4 was submitted to WECC on December 3, 2010 with a proposed completion date of September 30, 2011. The Mitigation Plan was accepted by WECC on December 16, 2010 and approved by NERC on January 12, 2011. The Mitigation Plan for this violation is designated as MIT-08-3217 and was submitted as non-public information to FERC on January 13, 2011 in accordance with FERC orders. CCWE submitted a request for extension of Mitigation Plan completion date in the form of a revised Mitigation Plan to WECC on September 8, 2011 with a completion date of March 31, 2012. The Mitigation Plan was accepted by WECC on February 29, 2012.

CCWE's Mitigation Plan required CCWE to:

1. Conduct NERC Certification training;
2. Have operating personnel take certification tests;
3. Schedule continuing education hour training to meet requirements;
4. Develop a training program for operating personnel that have primary responsibility for the real-time operation of the BPS and positions directly responsible for complying with NERC standards;
5. Include in the training program, a plan for initial and continuing training; and
6. Require all transmission operator personnel to complete at least five days of training and drills using realistic simulations of system emergencies.

¹⁴ CCWE certified that on October 14, 2010, it tried to request an extension of the final milestone to December 31, 2010; however, since the Mitigation Plan was still under review by WECC, CCWE was unable to enter the extension request.

¹⁵ CCWE's Mitigation Plan and Certification of Mitigation Plan Completion and WECC's Verification of Mitigation Plan Completion all include a reference to PER-002-0 R1.

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CCWE certified on March 27, 2012 that the above Mitigation Plan requirements were completed on March 27, 2012. As evidence of completion of its Mitigation Plan, CCWE submitted *Individual Training Cards and Training Program.zip*.

On April 6, 2012, after reviewing CCWE's submitted evidence, WECC verified that CCWE's Mitigation Plan was completed on March 27, 2012.

MIT-08-2967 PER-003-0 R1

CCWE's Mitigation Plan to address its violation of PER-003-0 R1 was submitted to WECC on September 7, 2010 with a proposed completion date of March 31, 2011. The Mitigation Plan was accepted by WECC on September 27, 2010 and approved by NERC on November 8, 2010. The Mitigation Plan for this violation is designated as MIT-08-2967 and was submitted as non-public information to FERC on November 10, 2010 in accordance with FERC orders. CCWE submitted a request for extension of Mitigation Plan completion date in the form of a revised Mitigation Plan to WECC on September 8, 2011 with a completion date of December 31, 2011. The Mitigation Plan was accepted by WECC on March 1, 2012.

CCWE's Mitigation Plan required CCWE to schedule and have its operators take NERC certification training.

CCWE certified on December 27, 2011 that the above Mitigation Plan requirements were completed on December 27, 2011. As evidence of completion of its Mitigation Plan, CCWE submitted the document, *PER-003 MP 20111227 final milestone completion.pdf*, a table with a list of certified operators

On March 21, 2012, after reviewing CCWE's submitted evidence, WECC verified that CCWE's Mitigation Plan was completed on December 27, 2011.

MIT-08-2861 PRC-005-1 R2

CCWE's Mitigation Plan to address its violation of PRC-005-1 R2 was submitted to WECC on September 7, 2010 as completed on June 25, 2008. The Mitigation Plan was accepted by WECC on September 8, 2010 and approved by NERC on October 7, 2010. The Mitigation Plan for this violation is designated as MIT-08-2861 and was submitted as non-public information to FERC on October 7, 2010 in accordance with FERC orders.

CCWE's Mitigation Plan required CCWE to perform all monthly battery inspections per the Protective System maintenance program, as it has been doing since June 2008.

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CCWE certified October 8, 2010 that the above Mitigation Plan requirements were completed on June 25, 2008. As evidence of completion of its Mitigation Plan, CCWE submitted June 2010, August 2010, July 2010, September 2010, October 2010, Cedar Creek Monthly battery inspection records.

On November 3, 2010, after reviewing CCWE's submitted evidence, WECC verified that CCWE's Mitigation Plan was completed on June 25, 2008.¹⁶

Statement Describing the Assessed Penalty, Sanction or Enforcement Action Imposed¹⁷

Basis for Determination

Taking into consideration the Commission's direction in Order No. 693, the NERC Sanction Guidelines and the Commission's July 3, 2008, October 26, 2009 and August 27, 2010 Guidance Orders,¹⁸ the NERC BOTCC reviewed the Settlement Agreement and supporting documentation on June 11, 2012. The NERC BOTCC approved the Settlement Agreement, including WECC's assessment of a sixty thousand dollar (\$60,000) financial penalty against CCWE and other actions to facilitate future compliance required under the terms and conditions of the Settlement Agreement. In approving the Settlement Agreement, the NERC BOTCC reviewed the applicable requirements of the Commission-approved Reliability Standards and the underlying facts and circumstances of the violations at issue.

In reaching this determination, the NERC BOTCC considered the following factors:¹⁹

1. the violations constituted CCWE's first occurrence of violations of the subject NERC Reliability Standards;
2. WECC reported that CCWE was cooperative throughout the compliance enforcement process;
3. there was no evidence of any attempt to conceal a violation nor evidence of intent to do so;
4. there was no evidence that CCWE's violation was intentional;
5. WECC determined that CCWE did not fail to complete any applicable compliance directives;

¹⁶ The Settlement Agreement states CCWE submitted its Certification of Mitigation Plan Completion on November 3, 2010.

¹⁷ See 18 C.F.R. § 39.7(d)(4).

¹⁸ *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); *North American Electric Reliability Corporation*, "Notice of No Further Review and Guidance Order," 132 FERC ¶ 61,182 (2010).

¹⁹ WECC did not review CCWE's internal compliance program as CCWE did not provide an internal compliance program to WECC.

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6. WECC determined that the violations posed a minimal risk and did not pose a serious or substantial risk to the reliability of the BPS, as discussed above; and
7. WECC 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 approved the Settlement Agreement and believes that the assessed penalty of sixty thousand dollars (\$60,000) 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 Notice of Penalty with FERC, or, if FERC decides to review the penalty, upon final determination by FERC.

Attachments to be Included as Part of this Notice of Penalty

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

- a) Settlement Agreement by and between WECC and CCWE executed March 30, 2012, included as Attachment a;
- b) Record documents for the violation of EOP-005-1 R1 and R6, included as Attachment b:
 1. CCWE's source document for EOP-005-1 R1 dated May 27, 2010;
 2. CCWE's source document for EOP-005-1 R6 dated May 27, 2010;
 3. CCWE's Mitigation Plan designated as MIT-08-2964 submitted September 7, 2010;
 4. CCWE's Certification of Mitigation Plan Completion dated October 8, 2010; and
 5. WECC's Verification of Mitigation Plan Completion dated March 21, 2012
- c) Record documents for the violation of FAC-001-0 R1, R2 and R3, included as Attachment c:
 1. CCWE's source document for FAC-001-0 R1 dated May 27, 2010;
 2. CCWE's source document for FAC-001-0 R2 dated May 27, 2010;
 3. CCWE's source document for FAC-001-0 R3 dated May 27, 2010;
 4. CCWE's Mitigation Plan designated as MIT-08-3363 submitted September 7, 2010;
 5. CCWE's Certification of Mitigation Plan Completion dated December 3, 2010; and
 6. WECC's Verification of Mitigation Plan Completion dated February 17, 2011.

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- d) Record documents for the violation of PER-002-0 R2, R3, and R4 included as Attachment d:
1. CCWE's source document for PER-002-0 R2 dated May 27, 2010;
 2. CCWE's source document for PER-002-0 R3 dated May 27, 2010;
 3. CCWE's source document for PER-002-0 R4 dated May 27, 2010;
 4. CCWE's Mitigation Plan designated as MIT-08-3217 submitted December 3, 2010;
 5. CCWE's Mitigation Plan Extension Request submitted September 8, 2011;
 6. CCWE's Certification of Mitigation Plan Completion dated March 27, 2012; and
 7. WECC's Verification of Mitigation Plan Completion dated April 6, 2012.
- e) Record documents for the violation of PER-003-0 R1 included as Attachment e:
1. CCWE's source document for PER-003-0 R1 dated May 27, 2010;
 2. CCWE's Mitigation Plan designated as MIT-08-2967 submitted September 7, 2010;
 3. CCWE's Mitigation Plan Extension Request submitted September 8, 2011;
 4. CCWE's Certification of Mitigation Plan Completion dated December 28, 2011; and
 5. WECC's Verification of Mitigation Plan Completion dated March 21, 2012.
- f) Record documents for the violation of PRC-005-1 R2.1 included as Attachment f:
1. CCWE's source document for PRC-005-1 R2.1 dated May 27, 2010;
 2. CCWE's Mitigation Plan designated as MIT-08-2861 submitted September 7, 2010;
 3. CCWE's Certification of Mitigation Plan Completion dated October 8, 2010; and²⁰
 4. WECC's Verification of Mitigation Plan Completion dated November 3, 2010.

A Form of Notice Suitable for Publication²¹

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

²⁰ The Settlement Agreement states CCWE submitted its Certification of Mitigation Plan Completion on November 3, 2010.

²¹ See 18 C.F.R § 39.7(d)(6).

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

<p>Gerald W. Cauley President and Chief Executive Officer North American Electric Reliability Corporation 3353 Peachtree Road NE Suite 600, North Tower Atlanta, GA 30326-1001 (404) 446-2560</p> <p>Charles A. Berardesco* Senior Vice President, General Counsel, and Corporate Secretary North American Electric Reliability Corporation 1325 G Street N.W., Suite 600 Washington, D.C. 20005 (202) 400-3000 (202) 644-8099 – facsimile charles.berardesco@nerc.net</p> <p>Mark Maher* Chief Executive Officer Western Electricity Coordinating Council 155 North 400 West, Suite 200 Salt Lake City, UT 84103 (360) 213-2673 (801) 582-3918 – facsimile Mark@wecc.biz</p>	<p>Rebecca J. Michael* Associate General Counsel for Corporate and Regulatory Matters North American Electric Reliability Corporation 1325 G Street, N.W. Suite 600 Washington, DC 20005 (202) 400-3000 (202) 644-8099 – facsimile rebecca.michael@nerc.net</p> <p>Christopher Luras* Manager of Compliance Enforcement Western Electricity Coordinating Council 155 North 400 West, Suite 200 Salt Lake City, UT 84103 (801) 883-6887 (801) 883-6894 – facsimile CLuras@wecc.biz</p> <p>Lane Robinson* Regulatory Manager Cedar Creek Wind Energy, LLC 5307 E. Mockingbird Lane Dallas, TX 75206 (512) 914-6630 lane.robinson@infigen-us.com</p>
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<p>Sandy Mooy* Associate General Counsel Western Electricity Coordinating Council 155 North 400 West, Suite 200 Salt Lake City, UT 84103 (801) 819-7658 (801) 883-6894 – facsimile SMooy@wecc.biz</p> <p>Constance White* Vice President of Compliance Western Electricity Coordinating Council 155 North 400 West, Suite 200 Salt Lake City, UT 84103 (801) 883-6855 (801) 883-6894 – facsimile CWhite@wecc.biz</p> <p>*Persons to be included on the Commission’s service list are indicated with an asterisk. NERC requests waiver of the Commission’s rules and regulations to permit the inclusion of more than two people on the service list.</p>	
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Conclusion

NERC respectfully requests that the Commission accept this Notice of Penalty as compliant with its rules, regulations and orders.

Respectfully submitted,

/s/ Rebecca J. Michael

Rebecca J. Michael
Associate General Counsel for Corporate
and Regulatory Matters
North American Electric Reliability
Corporation
1325 G Street, N.W.
Suite 600
Washington, DC 20005
(202) 400-3000
(202) 644-8099 – facsimile
rebecca.michael@nerc.net

Gerald W. Cauley
President and Chief Executive Officer
North American Electric Reliability Corporation
3353 Peachtree Road NE
Suite 600, North Tower
Atlanta, GA 30326-1001
(404) 446-2560

Charles A. Berardesco
Senior Vice President, General Counsel, and
Corporate Secretary
North American Electric Reliability
Corporation
1325 G Street N.W., Suite 600
Washington, D.C. 20005
(202) 400-3000
(202) 644-8099 – facsimile
charles.berardesco@nerc.net

cc: Cedar Creek Wind Energy, LLC
Western Electricity Coordinating Council

Attachments

Attachment a

Settlement Agreement by and between WECC and CWWE executed March 30, 2012

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SETTLEMENT AGREEMENT OF WESTERN ELECTRICITY COORDINATING COUNCIL AND CEDAR CREEK WIND ENERGY, LLC

Western Electricity Coordinating Council ("WECC") and Cedar Creek Wind Energy, LLC ("CCWE")(collectively the "Parties") hereby enter into this Settlement Agreement ("Agreement") on this 29th day of March, 2012.

RECITALS

A. The Parties desire to enter into this Agreement to resolve all outstanding issues between them arising from a non-public, preliminary assessment of CCWE by WECC that resulted in certain WECC determinations and findings regarding what ten Alleged Violations of the following North American Electric Reliability Corporation ("NERC") Reliability Standards ("Reliability Standards" or "Standards"):

<i>NERC ID:</i>	<i>EOP-005-1 R1,</i>	<i>Emergency Operations Planning</i>
<i>NERC ID:</i>	<i>EOP-005-1 R6,</i>	<i>Emergency Operations Planning</i>
<i>NERC ID:</i>	<i>FAC-001-0 R1,</i>	<i>Emergency Operations Planning</i>
<i>NERC ID:</i>	<i>FAC-001-0 R2,</i>	<i>Emergency Operations Planning</i>
<i>NERC ID:</i>	<i>FAC-001-0 R3,</i>	<i>Emergency Operations Planning</i>
<i>NERC ID:</i>	<i>PER-002-0 R2,</i>	<i>Emergency Operations Planning</i>
<i>NERC ID:</i>	<i>PER-002-0 R3,</i>	<i>Emergency Operations Planning</i>
<i>NERC ID:</i>	<i>PER-002-0 R4,</i>	<i>Emergency Operations Planning</i>
<i>NERC ID:</i>	<i>PER-003-0 R1,</i>	<i>Emergency Operations Planning</i>
<i>NERC ID:</i>	<i>PRC-005-1 R2.1,</i>	<i>Emergency Operations Planning</i>

B. CCWE is a 300.5 MW wind generation facility located on the High Plains of Colorado. CCWE connects to the BES via a 230 kV, 76 mile generation tie-line to PSCo/Xcel's switching station at Keenesburg. Its principal offices are located at 5307 East Mockingbird Lane, 7th Floor, Dallas, TX 75206.. CCWE was registered on the NERC Compliance Registry on January 21, 2008 as a Transmission Owner / Transmission Operator.

C. WECC was formed on April 18, 2002 by the merger of the Western Systems Coordinating Council, Southwest Regional Transmission Association, and Western Regional Transmission Association. WECC is one of eight Regional Entities in the United States responsible for coordinating and promoting electric system reliability and enforcing the mandatory Reliability Standards created by NERC under the authority granted in Section 215 of the Federal Power Act. In addition, WECC supports efficient competitive power markets, assures open and non-discriminatory transmission access among members, provides a forum for resolving transmission access disputes, and

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provides an environment for coordinating the operating and planning activities of its members. WECC's region encompasses a vast area of nearly 1.8 million square miles extending from Canada to Mexico and including 14 western states. It is the largest and most diverse of the eight Regional Entities in the United States.

D. The Parties are entering into this Agreement to settle the disputed matters between them. It is in the Parties' and the public's best interests to resolve this matter efficiently without the delay and burden associated with a contested proceeding. Thus, for the purposes of this agreement, CCWE agrees that the violations addressed herein may be treated as Confirmed Violations as set forth in the NERC Rules of Procedure.

Nothing contained in this Agreement shall be construed as a waiver of either party's rights, except as otherwise contained herein. Except, however, nothing in this Agreement shall limit or prevent WECC from evaluating CCWE for subsequent violations of the same Reliability Standards addressed herein and taking enforcement action, if necessary. Such enforcement action can include assessing penalties against CCWE for subsequent violations of the Reliability Standards addressed herein in accordance with NERC Rules of Procedure, which can include consideration of the violations resolved herein as prior non-compliance with Reliability Standards.

NOW, THEREFORE, in consideration of the terms set forth herein WECC and CCWE hereby agree and stipulate to the following:

I. Stipulated Violation Facts

A. NERC Reliability Standard EOP-005-1, Requirement 1

EOP-005-1 R1: *Each Transmission Operator shall have a restoration plan to reestablish its electric system in a stable and orderly manner in the event of a partial or total shutdown of its system, including necessary operating instructions and procedures to cover emergency conditions, and the loss of vital telecommunications channels. Each Transmission Operator shall include the applicable elements listed in Attachment 1-EOP-005 in developing a restoration plan.*

VIOLATION FACTS

CCWE is subject to this Standard because it was registered on the NERC Compliance Registry on January 21, 2008 as Transmission Operator. From May 17 to May 24, 2010, WECC conducted a Compliance Audit of CCWE. During the Compliance Audit, the Audit Team reviewed CCWE's *Cedar Creek Wind Steps to System Restoration* (11/21/2007 and 5/8/2009) and determined that it failed to include one applicable element listed in Attachment 1-EOP-005. Specifically, *Cedar Creek Wind Steps to System Restoration* did not consider element 7 of Attachment 1-EOP-005. Element 7 states:

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Documentation must be retained in the personnel training records that operating personnel have been trained annually in the implementation of the plan and have participated in restoration exercises.

As a result of this determination, the Audit Team conducted an interview at CCWE's Dallas Operations Control Center with CCWE's Regulatory Compliance Manager and two Operations Supervisors. The Audit Team stated it did not find a reference to element 7 and asked the CCWE personnel if CCWE's restoration plan included element 7. CCWE personnel stated its restoration plan did not include a reference to element 7. Accordingly, the Audit Team determined CCWE had a possible violation of EOP-005-1 R1. The Audit Team forwarded its findings to the WECC Compliance Enforcement Department ("Enforcement").

Enforcement reviewed the audit findings and determined that CCWE failed to include each applicable element listed in Attachment 1-EOP-005 in developing its restoration plan. Specifically, Enforcement determined CCWE's failure to address annual training and participation in its restoration plan is an Alleged Violation of EOP-005-1 R1.

MITIGATION PLAN DETAILS

CCWE submitted a mitigation plan to address this violation. On October 6, 2010, WECC notified CCWE that WECC accepted the mitigation plan. On October 8, 2010, CCWE submitted its Certification of Mitigation Plan Completion. CCWE updated its System Restoration Plan to include the missing component outlined above.

CCWE was alleged to be in violation of this Standard from January 21, 2008, when CCWE entered the NERC Compliance Registry as a Transmission Owner and Transmission Operator, to August 23, 2010, when CCWE updated its System Restoration Plan.

RELIABILITY IMPACT STATEMENT

CCWE started operating in November 2007. CCWE owns a wind generation facility and a 72-mile 230 kV transmission line that connects to a neighboring entity. CCWE does not serve load. CCWE's facility is connected to the neighboring entity through a ring bus, with automatic system protection that can isolate CCWE without impacting the continuity of the neighboring entity's system. The neighboring entity's operators have the capability and authority to take actions on the 72-mile transmission line. The neighboring entity can take action on CCWE's line, thus mitigating a possible CCWE failure. For these reasons, WECC determined this violation posed minimal risk to the reliability of the BPS.

PENALTY CONSIDERATIONS

The Violation Risk Factor ("VRF") is "Medium," the Violation Severity Level ("VSL") is "Lower," and this violation posed minimal risk to the reliability of the BES.

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The violation duration is as described above.

MITGATING OR AGGRAVATING FACTORS

Enforcement determined there were no mitigating or aggravating factors warranting a penalty higher than the proposed penalty.

CCWE did not have repeat violations of this Standard or any relevant negative compliance history.

CCWE was cooperative throughout the process.

CCWE did not fail to complete any applicable compliance directives.

There was no evidence of any attempt by CCWE to conceal the violation.

There was no evidence that CCWE's violation was intentional.

WECC is not aware of any violations of this Reliability Standard by CCWE affiliates or any involvement in CCWE's activities such that this violation by CCWE should be treated as recurring conduct.

B. NERC Reliability Standard EOP-005-1, Requirement 6

EOP-005-1 R6: *Each Transmission Operator and Balancing Authority shall train its operating personnel in the implementation of the restoration plan. Such training shall include simulated exercises, if practicable.*

VIOLATION FACTS

CCWE is subject to this Standard because it was registered on the NERC Compliance Registry on January 21, 2008 as Transmission Operator. From May 17 to May 24, 2010, WECC conducted a Compliance Audit of CCWE. During the Compliance Audit, the Audit Team reviewed CCWE's *Cedar Creek Wind Steps to System Restoration* (11/21/2007 and 5/8/2009). CCWE did not demonstrate to the Audit Team that it trained its operating personnel in the implementation of the restoration plan. As a result, the Audit Team conducted an interview with CCWE's Regulatory Compliance Manager and two Operations Supervisors. The Audit Team asked if CCWE trained its operating personnel, and if CCWE had training records to support training. CCWE stated it trained its operators on the implementation of the plan, but failed to provide evidence of such training. Based on this interview the Audit Team determined CCWE restored its system on two occasions (July 6, 2009 and May 10, 2010) following forced outages. The Audit Team determined the CCWE personnel on shift during the restoration activities (following the forced outages) have experience implementing the restoration plan. However, CCWE has eight operating personnel in its Dallas Control Center and these personnel did not receive training on the implementation of CCWE's restoration plan. As

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a result, the Audit Team determined CCWE had a possible violation of EOP-005-1 R6 and forwarded its findings to Enforcement.

Enforcement reviewed the audit findings and determined that CCWE failed to train the entirety of its operating personnel in the implementation of CCWE's restoration plan. Enforcement determined such a failure is an Alleged Violation of EOP-005-1 R6.

MITIGATION PLAN DETAILS

CCWE submitted a mitigation plan to address this violation. On October 6, 2010, WECC notified CCWE that WECC accepted the mitigation plan. On October 8, 2010, CCWE submitted its Certification of Mitigation Plan Completion. CCWE updated its System Restoration Plan and trained each of its operators on the implementation of the System Restoration Plan.

CCWE was alleged to be in violation of this Standard from January 21, 2008, when CCWE entered the NERC Compliance Registry as a Transmission Owner and Transmission Operator, to September 20, 2010, when CCWE completed the training required by this Standard requirement.

RELIABILITY IMPACT STATEMENT

CCWE started operating in November 2007. CCWE owns a wind generation facility and a 72-mile 230 kV transmission line that connects to a neighboring entity. CCWE does not serve load. CCWE's facility is connected to the neighboring entity through a ring bus, with automatic system protection that can isolate CCWE without impacting the continuity of the neighboring entity's system. The neighboring entity's operators have the capability and authority to take actions on the 72-mile transmission line. Thus, the neighboring entity can take action if CCWE fails to protect the reliability of the interconnection. While inadequate training could lead to delayed CCWE system restoration, the neighboring entity can take action on CCWE's line, thus mitigating a possible CCWE failure. For these reasons, WECC determined this violation posed minimal risk to the reliability of the BPS.

PENALTY CONSIDERATIONS

The Violation Risk Factor ("VRF") is "High," the Violation Severity Level ("VSL") is "High," and this violation posed minimal risk to the reliability of the BES.

The violation duration is as described above.

MITGATING OR AGGRAVATING FACTORS

Enforcement determined there were no mitigating or aggravating factors warranting a penalty higher than the proposed penalty.

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CCWE did not have repeat violations of this Standard or any relevant negative compliance history.

CCWE was cooperative throughout the process.

CCWE did not fail to complete any applicable compliance directives.

There was no evidence of any attempt by CCWE to conceal the violation.

There was no evidence that CCWE's violation was intentional.

WECC is not aware of any violations of this Reliability Standard by CCWE affiliates or any involvement in CCWE's activities such that this violation by CCWE should be treated as recurring conduct.

C. NERC Reliability Standard FAC-001-0, Requirements 1, 2, and 3

FAC-001-0 R1: *The Transmission Owner shall document, maintain, and publish facility connection requirements to ensure compliance with NERC Reliability Standards and applicable Regional Reliability Organization, subregional, Power Pool, and individual Transmission Owner planning criteria and facility connection requirements. The Transmission Owner's facility connection requirements shall address connection requirements for:*

- R1.1:** *Generation Facilities,*
- R1.2:** *Transmission Facilities, and*
- R1.3** *End-user facilities*

FAC-001-0 R2: *The Transmission Owner's facility connection requirements shall address, but are not limited to, the following items:*

- R2.1:** *Provide a written summary of its plans to achieve the required system performance as described above throughout the planning horizon:*
 - R2.1.1** *Procedures for coordinated joint studies of new facilities and their impacts on the interconnected transmission systems.*
 - R2.1.2** *Procedures for notification of new or modified facilities to others (those responsible for the reliability of the interconnected transmission systems) as soon as feasible.*
 - R2.1.3** *Voltage level and MW and MVAR capacity or demand at point of connection.*
 - R2.1.4** *Breaker duty and surge protection.*
 - R2.1.5** *System protection and coordination.*
 - R2.1.6** *Metering and telecommunications.*
 - R2.1.7** *Grounding and safety issues.*
 - R2.1.8** *Insulation and insulation coordination.*
 - R2.1.9** *Voltage, Reactive Power, and power factor control.*
 - R2.1.10** *Power quality impacts.*
 - R2.1.11** *Equipment Ratings.*
 - R2.1.12** *Synchronizing of facilities.*
 - R2.1.13** *Maintenance coordination.*

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R2.1.14 Operational issues (abnormal frequency and voltages).

R2.1.15 Inspection requirements for existing or new facilities.

R2.1.16: Communications and procedures during normal and emergency operating conditions.

FAC-001-0 R3: *The Transmission Owner shall maintain and update its facility connection requirements as required. The Transmission Owner shall make documentation of these requirements available to the users of the transmission system, the Regional Reliability Organization, and NERC on request (five business days).*

VIOLATION FACTS

CCWE is subject to this Standard because it was registered on the NERC Compliance Registry on January 21, 2008 as Transmission Owner and Transmission Operator. From May 17 to May 24, 2010, WECC conducted a Compliance Audit of CCWE. CCWE did not provide any evidence to demonstrate compliance with these requirements. As a result, the Audit Team submitted a data request to CCWE asking CCWE to provide any documentation demonstrating compliance with FAC-001-0 R1, R2, and R3. CCWE stated that its Generation Interconnection Facility is a sole-use facility, connecting CCWE's generation to the Point of Interconnection or the BPS.

CCWE failed to provide evidence that it documented, maintained, and published facility connection requirements addressing generation facilities, transmission facilities, and end-user facilities. Accordingly, the Audit Team determined CCWE had a possible violation of FAC-001-0 R1.

Similarly, CCWE failed to provide facility connection requirements addressing the subrequirements of FAC-001-0 R2. The Audit Team determined CCWE's failure to have a written summary of its plans to achieve the required system performance related to facility connection requirements described in the subrequirements of FAC-001-0 R2 was a possible violation of FAC-001-0 R2.

On March 12, 2010, WECC sent CCWE a Notice of Compliance On-Site Audit, wherein WECC stated "this letter serves as notice to CCWE to provide evidence of compliance with the [NERC] Reliability Standards applicable to CCWE as part of the upcoming audit." As a Transmission Owner, FAC-001-0 applies to CCWE. FAC-001-0 R3 requires CCWE to maintain and update its facility requirements and provide documentation of such requirements upon request. CCWE failed to demonstrate that it maintained and updated its facility connections requirements and failed to provide documentation of these requirements to the Audit Team upon the Audit Team's request. Thus, the Audit Team determined CCWE had a possible violation of FAC-001-0 R3.

The Audit Team forwarded its findings regarding CCWE's possible violation of FAC-001-0 R1, R2, and R3 to Enforcement. Enforcement reviewed the audit findings. After reviewing the audit findings, including CCWE's pre-audit data submissions and audit declarations, Enforcement determined that CCWE's failure to document, maintain, and publish facility connection requirements is an Alleged Violation of FAC-001-0 R1.

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Enforcement determined CCWE's failure to provide a written summary of its plans to achieve the required system performance as described in this Standard (as specifically outlined in R2) is an Alleged Violation of FAC-001-0 R2.

Finally, Enforcement determined CCWE's failure to provide documentation of its facility connection requirements, including CCWE's failure to demonstrate it maintained and updated facility connection requirements, is an Alleged Violation FAC-001-0 R3.

MITIGATION PLAN DETAILS

CCWE submitted a mitigation plan to address these violations. On December 3, 2010, CCWE submitted its Certification of Mitigation Plan Completion. CCWE developed facility connection requirements pursuant to these requirements and made such facility connection requirements available as necessary. On February 17, 2011, WECC notified CCWE that WECC accepted the mitigation plan and the completed mitigation plan.

CCWE was alleged to be in violation of this Standard from January 21, 2008, when CCWE entered the NERC Compliance Registry as a Transmission Owner and Transmission Operator, to November 19, 2010, when CCWE completed its facility connection requirements.

RELIABILITY IMPACT STATEMENT

CCWE started operating in November 2007. CCWE owns a wind generation facility and a 72-mile 230 kV transmission line that connects to a neighboring entity. CCWE's facility is connected to the neighboring entity through a ring bus, with automatic system protection that can isolate CCWE without impacting the continuity of the neighboring entity's system. The neighboring entity's operators have the capability and authority to take actions on the 72-mile transmission line. Thus, the neighboring entity can take action if CCWE fails to protect the reliability of the line. While inadequate or missing facility connection requirements could have an adverse impact on system reliability, presently (and throughout the violation period), CCWE is a sole-use facility with no plans to develop new facility connections. Furthermore, any new facility integration would have to go through CCWE's neighboring facility. CCWE's neighboring entity has facility connection requirements. Any new facility connections would be handled by the neighboring entity. For these reasons, WECC determined this violation posed minimal risk to the reliability of the BPS.

PENALTY CONSIDERATIONS

The Violation Risk Factor ("VRF") for each of these violations is "Medium," each Violation Severity Level ("VSL") is "Severe," and each violation posed minimal risk to the reliability of the BES.

The violation duration is as described above.

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MITGATING OR AGGRAVATING FACTORS

Enforcement determined there were no mitigating or aggravating factors warranting a penalty higher than the proposed penalty.

CCWE did not have repeat violations of this Standard or any relevant negative compliance history.

CCWE was cooperative throughout the process.

CCWE did not fail to complete any applicable compliance directives.

There was no evidence of any attempt by CCWE to conceal the violation.

There was no evidence that CCWE's violation was intentional.

WECC is not aware of any violations of this Reliability Standard by CCWE affiliates or any involvement in CCWE's activities such that this violation by CCWE should be treated as recurring conduct.

D. NERC Reliability Standard PER-002-0, Requirement 2

PER-002-0 R2: *Each Transmission Operator and Balancing Authority shall have a training program for all operating personnel that are in:*

R2.1: *Positions that have the primary responsibility, either directly or through communications with others, for the real-time operation of the interconnected Bulk Electric System.*

R2.1: *Positions directly responsible for complying with NERC standards.*

VIOLATION FACTS

CCWE is subject to this Standard because it was registered on the NERC Compliance Registry on January 21, 2008 as Transmission Owner and Transmission Operator. From May 17 to May 24, 2010, WECC conducted a Compliance Audit of CCWE. During the Compliance Audit, the Audit Team reviewed CCWE's pre-audit data submittals. CCWE did not provide evidence demonstrating compliance with PER-002-0 R2. As a result, the Audit Team submitted a data request to CCWE. The Audit Team asked that CCWE provide documentation to demonstrate compliance with PER-002-0 R2. CCWE did not provide the Audit Team such evidence. CCWE failed to demonstrate that it had a training program for all operating personnel that are in positions that have primary responsibility, either directly or through communications with others, for real-time operation on the interconnected Bulk Electric System or positions directly responsible for complying with NERC standards. Thus, the Audit Team determined CCWE had a possible violation of PER-002-0 R2. The Audit Team forwarded its findings to Enforcement.

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Enforcement reviewed the audit findings. CCWE did not provide the Audit Team with a CCWE operating training program. CCWE did not provide the Audit Team evidence related to this Standard. Enforcement determined CCWE's failure to demonstrate it had a training program for all operating personnel that are in positions that have primary responsibility, either directly or through communications with others, for real-time operation on the interconnected Bulk Electric System or positions directly responsible for complying with NERC standards is an Alleged Violation of PER-002-0 R2.

MITIGATION PLAN DETAILS

On September 7, 2010, CCWE submitted a mitigation plan to address this violation, however WECC rejected this plan and CCWE submitted a revised mitigation plan to address this violation on December 3, 2010. On September 8, 2010, CCWE requested a three month extension to its proposed completion date. On December 21, 2010, WECC notified CCWE that WECC accepted the revised mitigation plan. CCWE expects to complete its mitigation plan by March 31, 2012.

RELIABILITY IMPACT STATEMENT

CCWE started operating in November 2007. CCWE owns a wind generation facility and a 72-mile 230 kV transmission line that connects to a neighboring entity. CCWE does not serve load. CCWE's facility is connected to the neighboring entity through a ring bus, with automatic system protection that can isolate CCWE without impacting the continuity of the neighboring entity's system. The neighboring entity's operators have the capability and authority to take actions on the 72-mile transmission line. The neighboring entity can take action on CCWE's line, thus mitigating a possible CCWE failure. For these reasons, WECC determined this violation posed minimal risk to the reliability of the BPS.

PENALTY CONSIDERATIONS

The Violation Risk Factor ("VRF") is "High," the Violation Severity Level ("VSL") is "Severe," and this violation posed minimal risk to the reliability of the BES.

The violation duration is as described above.

MITGATING OR AGGRAVATING FACTORS

Enforcement determined there were no mitigating or aggravating factors warranting a penalty higher than the proposed penalty.

CCWE did not have repeat violations of this Standard or any relevant negative compliance history.

CCWE was cooperative throughout the process.

CCWE did not fail to complete any applicable compliance directives.

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There was no evidence of any attempt by CCWE to conceal the violation.

There was no evidence that CCWE's violation was intentional.

WECC is not aware of any violations of this Reliability Standard by CCWE affiliates or any involvement in CCWE's activities such that this violation by CCWE should be treated as recurring conduct.

E. NERC Reliability Standard PER-002-0, Requirement 3

PER-002-0 R3: *For personnel identified in Requirement R2, the Transmission Operator and Balancing Authority shall provide a training program meeting the following criteria:*

R3.1: *A set of training program objectives must be defined, based on NERC and Regional Reliability Organization standards, entity operating procedures, and applicable regulatory requirements. These objectives shall reference the knowledge and competencies needed to apply those standards, procedures, and requirements to normal, emergency, and restoration conditions for the Transmission Operator and Balancing Authority operating positions.*

R3.2: *The training program must include a plan for the initial and continuing training of Transmission Operator and Balancing Authority operating personnel. That plan shall address knowledge and competencies required for reliable system operations.*

R3.3: *The training program must include training time for all Transmission Operator and Balancing Authority operating personnel to ensure their operating proficiency.*

R3.4: *Training staff must be identified, and the staff must be competent in both knowledge of system operations and instructional capabilities.*

VIOLATION FACTS

CCWE is subject to this Standard because it was registered on the NERC Compliance Registry on January 21, 2008 as Transmission Owner and Transmission Operator. From May 17 to May 24, 2010, WECC conducted a Compliance Audit of CCWE. During the Compliance Audit, the Audit Team reviewed CCWE's pre-audit data submittals. CCWE did not provide evidence demonstrating compliance with PER-002-0 R3. As a result, the Audit Team submitted a data request to CCWE. The Audit Team asked that CCWE provide documentation to demonstrate compliance with PER-002-0 R3. CCWE did not provide the Audit Team such evidence. CCWE failed to demonstrate that it had a training program that met all subrequirements of PER-002-0 R3 for personnel identified in PER-002-0 R2. Thus, the Audit Team determined CCWE had a possible violation of PER-002-0 R3. The Audit Team forwarded its findings to Enforcement.

Enforcement reviewed the audit findings. CCWE did not provide the Audit Team with a CCWE operating training program. CCWE did not provide the Audit Team evidence related to this Standard. Enforcement determined CCWE failed to demonstrate that it had defined a set of training program objectives, based on NERC and Regional

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Reliability Organization standards, entity operating procedures, and applicable regulatory requirements. Enforcement determined CCWE failed to include a plan for the initial and continuing training of Transmission Operator operating personnel. Enforcement determined CCWE failed to include training time for all Transmission Operator operating personnel to ensure their operating proficiency and CCWE failed to identify training staff. Enforcement determined these failures resulted in an Alleged Violation of PER-002-0 R3.

MITIGATION PLAN DETAILS

On September 7, 2010, CCWE submitted a mitigation plan to address this violation, however WECC rejected this plan and CCWE submitted a revised mitigation plan to address this violation on December 3, 2010. On September 8, 2010, CCWE requested a three month extension to its proposed completion date. On December 21, 2010, WECC notified CCWE that WECC accepted the revised mitigation plan. CCWE expects to complete its mitigation plan by March 31, 2012.

RELIABILITY IMPACT STATEMENT

CCWE started operating in November 2007. CCWE owns a wind generation facility and a 72-mile 230 kV transmission line that connects to a neighboring entity. CCWE does not serve load. CCWE's facility is connected to the neighboring entity through a ring bus, with automatic system protection that can isolate CCWE without impacting the continuity of the neighboring entity's system. The neighboring entity's operators have the capability and authority to take actions on the 72-mile transmission line. The neighboring entity can take action on CCWE's line, thus mitigating a possible CCWE failure. For these reasons, WECC determined this violation posed minimal risk to the reliability of the BPS.

PENALTY CONSIDERATIONS

The Violation Risk Factor ("VRF") is "High," the Violation Severity Level ("VSL") is "Severe," and this violation posed minimal risk to the reliability of the BES.

The violation duration is as described above.

MITGATING OR AGGRAVATING FACTORS

Enforcement determined there were no mitigating or aggravating factors warranting a penalty higher than the proposed penalty.

CCWE did not have repeat violations of this Standard or any relevant negative compliance history.

CCWE was cooperative throughout the process.

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CCWE did not fail to complete any applicable compliance directives.

There was no evidence of any attempt by CCWE to conceal the violation.

There was no evidence that CCWE's violation was intentional.

WECC is not aware of any violations of this Reliability Standard by CCWE affiliates or any involvement in CCWE's activities such that this violation by CCWE should be treated as recurring conduct.

F. NERC Reliability Standard PER-002-0, Requirement 4

PER-002-0 R4: *For personnel identified in Requirement R2, each Transmission Operator and Balancing Authority shall provide its operating personnel at least five days per year of training and drills using realistic simulations of system emergencies, in addition to other training required to maintain qualified operating personnel.*

VIOLATION FACTS

CCWE is subject to this Standard because it was registered on the NERC Compliance Registry on January 21, 2008 as Transmission Owner and Transmission Operator. From May 17 to May 24, 2010, WECC conducted a Compliance Audit of CCWE. During the Compliance Audit, the Audit Team reviewed CCWE's pre-audit data submittals. CCWE did not provide evidence demonstrating compliance with PER-002-0 R4. As a result, the Audit Team submitted a data request to CCWE. The Audit Team asked that CCWE provide documentation to demonstrate compliance with PER-002-0 R4. CCWE did not provide the Audit Team such evidence. CCWE failed to demonstrate that it provides its operating personnel at least five days per year of training and drills using realistic simulations of system emergencies, thus, the Audit Team determined CCWE had a possible violation of PER-002-0 R4. The Audit Team forwarded its findings to Enforcement.

Enforcement reviewed the audit findings. CCWE did not provide the Audit Team with a CCWE operating training program. Enforcement determined CCWE's failure to demonstrate that it provides its operating personnel at least five days per year of training and drills using realistic simulations of system emergencies is an Alleged Violation of PER-002-0 R4.

MITIGATION PLAN DETAILS

On September 7, 2010, CCWE submitted a mitigation plan to address this violation, however WECC rejected this plan and CCWE submitted a revised mitigation plan to address this violation on December 3, 2010. On September 8, 2010, CCWE requested a three month extension to its proposed completion date. On December 21, 2010, WECC notified CCWE that WECC accepted the revised mitigation plan. CCWE expects to complete its mitigation plan by March 31, 2012.

RELIABILITY IMPACT STATEMENT

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CCWE started operating in November 2007. CCWE owns a wind generation facility and a 72-mile 230 kV transmission line that connects to a neighboring entity. CCWE does not serve load. CCWE's facility is connected to the neighboring entity through a ring bus, with automatic system protection that can isolate CCWE without impacting the continuity of the neighboring entity's system. The neighboring entity's operators have the capability and authority to take actions on the 72-mile transmission line. The neighboring entity can take action on CCWE's line, thus mitigating a possible CCWE failure. For these reasons, WECC determined this violation posed minimal risk to the reliability of the BPS.

PENALTY CONSIDERATIONS

The Violation Risk Factor ("VRF") is "High," the Violation Severity Level ("VSL") is "Severe," and this violation posed minimal risk to the reliability of the BES.

The violation duration is as described above.

MITGATING OR AGGRAVATING FACTORS

Enforcement determined there were no mitigating or aggravating factors warranting a penalty higher than the proposed penalty.

CCWE did not have repeat violations of this Standard or any relevant negative compliance history.

CCWE was cooperative throughout the process.

CCWE did not fail to complete any applicable compliance directives.

There was no evidence of any attempt by CCWE to conceal the violation.

There was no evidence that CCWE's violation was intentional.

WECC is not aware of any violations of this Reliability Standard by CCWE affiliates or any involvement in CCWE's activities such that this violation by CCWE should be treated as recurring conduct.

G. NERC Reliability Standard PER-003-0, Requirement 1

PER-003-0 R1: *Each Transmission Operator, Balancing Authority, and Reliability Coordinator shall staff all operating positions that meet both of the following criteria with personnel that are NERC-certified for the applicable functions:*

R1.1: *Positions that have the primary responsibility, either directly or through communications with others, for the real-time operation of the interconnected Bulk Electric System.*

R1.2: *Positions directly responsible for complying with NERC standards.*

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VIOLATION FACTS

CCWE is subject to this Standard because it was registered on the NERC Compliance Registry on January 21, 2008 as Transmission Owner and Transmission Operator. From May 17 to May 24, 2010, WECC conducted a Compliance Audit of CCWE. During the Compliance Audit, the Audit Team reviewed CCWE's pre-audit data submittals. CCWE did not provide evidence demonstrating compliance with PER-003-0 R1. As a result, the Audit Team submitted a data request to CCWE. The Audit Team asked that CCWE provide documentation to demonstrate compliance with PER-003-0 R1. CCWE did not provide the Audit Team such evidence. CCWE failed to demonstrate that it staffs the applicable positions with NERC-certified personnel, thus, the Audit Team determined CCWE had a possible violation of PER-003-0 R1. The Audit Team forwarded its findings to Enforcement.

Enforcement reviewed the audit findings. CCWE failed to demonstrate that it had NERC-certified personnel related to its Transmission Operator function. Enforcement determined CCWE's failure to staff applicable positions with NERC-certified personnel is an Alleged Violation of PER-003-0 R1.

MITIGATION PLAN DETAILS

CCWE submitted a mitigation plan to address this violation. On March 29, 2010, WECC notified CCWE that WECC accepted the mitigation plan. On December 27, 2011, CCWE submitted its Certification of Mitigation Plan Completion. WECC is reviewing the completed mitigation plan and associated evidence.

RELIABILITY IMPACT STATEMENT

CCWE started operating in November 2007. CCWE owns a wind generation facility and a 72-mile 230 kV transmission line that connects to a neighboring entity. CCWE does not serve load. CCWE's facility is connected to the neighboring entity through a ring bus, with automatic system protection that can isolate CCWE without impacting the continuity of the neighboring entity's system. The neighboring entity's operators have the capability and authority to take actions on the 72-mile transmission line. The neighboring entity can take action on CCWE's line, thus mitigating a possible CCWE failure. For these reasons, WECC determined this violation posed minimal risk to the reliability of the BPS.

PENALTY CONSIDERATIONS

The Violation Risk Factor ("VRF") is "High," the Violation Severity Level ("VSL") is "Severe," and this violation posed minimal risk to the reliability of the BES.

The violation duration is as described above.

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MITGATING OR AGGRAVATING FACTORS

Enforcement determined there were no mitigating or aggravating factors warranting a penalty higher than the proposed penalty.

CCWE did not have repeat violations of this Standard or any relevant negative compliance history.

CCWE was cooperative throughout the process.

CCWE did not fail to complete any applicable compliance directives.

There was no evidence of any attempt by CCWE to conceal the violation.

There was no evidence that CCWE's violation was intentional.

WECC is not aware of any violations of this Reliability Standard by CCWE affiliates or any involvement in CCWE's activities such that this violation by CCWE should be treated as recurring conduct.

H. NERC Reliability Standard PRC-005-1, Requirement 2.1

PRC-005-1 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 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 FACTS

CCWE is subject to this Standard because it was registered on the NERC Compliance Registry on November 20, 2007 as Generator Owner and on January 21, 2008 as Transmission Owner and Transmission Operator. From May 17 to May 24, 2010, WECC conducted a Compliance Audit of CCWE. During the Compliance Audit, the Audit Team reviewed CCWE's *Protective System Maintenance Program* (updated 4/28/2008) and CCWE's *Protective Relay Maintenance History* (created May 5, 2010). The Audit Team verified the 4/28/2008 *Program* represented CCWE's original program (from the date the CCWE plant went commercial) in a new format. The Audit Team determined CCWE has protective relays, associated communication systems, voltage and current sensing devices, station batteries, and DC control circuitry subject to this Standard. The Audit team determined CCWE implemented its maintenance and testing program with regard to each Protection System device except CCWE's station battery.

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The Audit Team determined that CCWE has one station battery with monthly and five-year testing intervals. The Audit Team submitted a data request to verify that CCWE conducted its monthly and yearly testing as required by CCWE's *Protective System Maintenance Program*. The Audit Team asked for three monthly test records (January 2008, May 2009, and April 2010) and the yearly test for 2009. CCWE provided testing records for May 2009, April 2010, and the yearly test for 2009. The audit team conducted an interview with CCWE's Regulatory Manager. In the interview, the regulatory manager stated CCWE could not provide the January 2008 testing record because CCWE did not start its monthly inspections until June 2008. Following the interview, CCWE submitted an email to the Audit Team stating CCWE has "no battery testing information for January 2008 because [CCWE] did not begin this until June of 2008."

To confirm that CCWE initiated monthly battery testing in June of 2008, the Audit Team asked CCWE to submit its battery test record for June 2008. The Audit Team determined CCWE initiated its first monthly battery test in June 2008. Thus, the Audit Team determined that CCWE did not conduct its monthly battery tests from December 2007 through May 2008 as required by CCWE's Protection System maintenance and testing program. Accordingly, the Audit team determined CCWE had a possible violation of PRC-005-1 R2, specifically R2.1. The Audit Team forwarded its findings to Enforcement.

Enforcement reviewed the Audit Findings. On April 28, 2008, CCWE put its existing *Protective System Maintenance Program* into a new template format. CCWE's Protection System maintenance and testing program requires CCWE to conduct monthly battery tests. CCWE's facility started commercial operation in November 2007. CCWE did not conduct monthly battery tests until June 2008. Accordingly, Enforcement determined CCWE's failure to maintain and test its battery within CCWE's defined intervals is an Alleged Violation of PRC-005-1 R2, specifically R2.1.

MITIGATION PLAN DETAILS

CCWE submitted a mitigation plan to address this violation. On October 6, 2010, WECC notified CCWE that WECC accepted the mitigation plan. On November 3, 2010, CCWE submitted its Certification of Mitigation Plan Completion. CCWE demonstrated it conducted its monthly battery tests and provided test logs for beginning June 2010.

CCWE was alleged to be in violation of this Standard from January 21, 2008, when CCWE entered the NERC Compliance Registry as a Transmission Owner and Transmission Operator, to June 1, 2008, the first date CCWE demonstrated it documented its monthly battery inspections.

RELIABILITY IMPACT STATEMENT

CCWE started operating in November 2007. CCWE owns a wind generation facility and a 72-mile 230 kV transmission line that connects to a neighboring entity. CCWE does

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not serve load. CCWE's facility is connected to the neighboring entity through a ring bus, with automatic system protection that can isolate CCWE without impacting the continuity of the neighboring entity's system. CCWE has one station battery. The station battery provides direct current for CCWE's generation and transmission protection systems. If this battery failed, under certain fault conditions, one or more circuit breakers would not operate. The neighboring entity's operators have the capability and authority to take actions on the 72-mile transmission line. The neighboring entity can take action on CCWE's line, thus mitigating a possible CCWE failure. The neighboring entity has a Protection System in place which could isolate the CCWE transmission line. CCWE's station battery is less than four years old and the likelihood of battery failure is minimal. Furthermore, CCWE conducted weekly battery inspections after its commissioning date until (and continuing after) it began its monthly battery tests pursuant to its maintenance and testing program. For these reasons, WECC determined this violation posed minimal risk to the reliability of the BPS.

PENALTY CONSIDERATIONS

The Violation Risk Factor ("VRF") is "High," the Violation Severity Level ("VSL") is "Severe," and this violation posed minimal risk to the reliability of the BES.

The violation duration is as described above.

MITGATING OR AGGRAVATING FACTORS

Enforcement determined there were no mitigating or aggravating factors warranting a penalty higher than the proposed penalty.

CCWE did not have repeat violations of this Standard or any relevant negative compliance history.

CCWE was cooperative throughout the process.

CCWE did not fail to complete any applicable compliance directives.

There was no evidence of any attempt by CCWE to conceal the violation.

There was no evidence that CCWE's violation was intentional.

WECC is not aware of any violations of this Reliability Standard by CCWE affiliates or any involvement in CCWE's activities such that this violation by CCWE should be treated as recurring conduct.

II. Settlement Terms

A. Payment. To settle this matter, CCWE hereby agrees to pay \$60,000 to WECC via wire transfer or cashier's check. CCWE shall make the funds payable to a

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WECC account identified in a Notice of Payment Due that WECC will send to CCWE upon approval of this Agreement by NERC and the Federal Energy Regulatory Commission ("FERC"). CCWE shall issue the payment to WECC no later than thirty days after receipt of the Notice of Payment Due. If this payment is not timely received, WECC shall assess, and CCWE agrees to pay, an interest charge calculated according to the method set forth at 18 CFR §35.19(a)(2)(iii) beginning on the 31st day following issuance of the Notice of Payment Due.

The terms of this Agreement, including the agreed upon payment, are subject to review and possible revision by NERC and FERC. Upon NERC approval of the Agreement, NERC will file a Notice of Penalty with FERC and will post the Agreement publicly. If either NERC or FERC rejects the Agreement, then WECC will attempt to negotiate a revised settlement agreement with CCWE that includes any changes to the Agreement specified by NERC or FERC. If the Parties cannot reach a settlement agreement, the CMEP governs the enforcement process.

B. **Settlement Rationale.** WECC's determination of any penalty and sanction included in this settlement agreement is guided by the statutory requirement codified at 16 U.S.C. § 824o(e)(6) that any penalty imposed "shall bear a reasonable relation to the seriousness of the violation and shall take into consideration the efforts of [the Registered Entity] to remedy the violation in a timely manner." In addition, WECC considers the direction of the Commission provided in Order No. 693, the NERC Sanction Guidelines, the Commission's Policy Statement on Enforcement, the Commission's July 3, 2008 Guidance Order, the Commission's August 27, 2010 Guidance Order, and all other applicable guidance from NERC and FERC.

To determine a penalty or sanction, WECC considers various factors including, but not limited to: (1) Violation Risk Factor; (2) Violation Severity Level, (3) risk to the reliability of the Bulk Power System ("BPS"), including the seriousness of the violation; (4) Violation Time Horizon (5) the violation's duration; (6) the Registered Entity's compliance history; (7) the Registered Entity's self-reports and voluntary corrective action; (8) the degree and quality of cooperation by the Registered Entity in the audit or investigation process, and in any remedial action; (9) the quality of the Registered Entity's compliance program; (10) any attempt by the Registered Entity to conceal the violation or any related information; (11) whether the violation was intentional; (12) any other relevant information or extenuating circumstances; and (13) the Registered Entity's ability to pay a penalty, as applicable.

WECC determined the penalty is appropriate in light of the specific violation facts and penalty considerations described above.

III. Additional Terms

A. **Authority.** The undersigned representative of each party warrants that he or she is authorized to represent and bind the designated party.

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B. Representations. The undersigned representative of each party affirms that he or she has read the Agreement, that all matters set forth in the Agreement are true and correct to the best of his or her knowledge, information, or belief, and that he or she understands that the Agreement is entered into by each party in express reliance on the representations set forth herein.

C. Review. Each party agrees that it has had the opportunity to consult with legal counsel regarding the Agreement and to review it carefully. Each party enters the Agreement voluntarily. No presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

D. Entire Agreement. The Agreement represents the entire agreement between the Parties. No tender, offer, or promise of any kind outside the terms of the Agreement by any member, employee, officer, director, agent, or representative of CCWE or WECC has been made to induce the signatories or the Parties to enter into the Agreement. No oral representations shall be considered a part of the Agreement.

E. Effective Date. The Agreement shall become effective upon FERC's approval of the Agreement by order or operation of law.

F. Waiver of Right to Further Proceedings. CCWE agrees that the Agreement, upon approval by NERC and FERC, is a final settlement of all matters set forth herein. CCWE waives its right to further hearings and appeal, unless and only to the extent that CCWE contends that any NERC or FERC action concerning the Agreement contains one or more material modifications to the Agreement.

G. Reservation of Rights. WECC reserves all of its rights to initiate enforcement, penalty or sanction actions against CCWE in accordance with the Agreement, the CMEP and the NERC Rules of Procedure. In the event that CCWE fails to comply with any of the terms of this Agreement, WECC shall have the right to pursue enforcement, penalty or sanction actions against CCWE up to the maximum penalty allowed by the NERC Rules of Procedure. CCWE shall retain all of its rights to defend against such enforcement actions in accordance with the CMEP and the NERC Rules of Procedure. Failure by WECC to enforce any provision hereof on occasion shall not constitute a waiver by WECC of its enforcement rights or be binding on WECC on any other occasion.

H. Consent. CCWE consents to the use of WECC's determinations, findings, and conclusions set forth in this Agreement for the purpose of assessing the factors, including the factor of determining the company's history of violations, in accordance with the NERC Sanction Guidelines and applicable Commission orders and policy statements. Such use may be in any enforcement action or compliance proceeding undertaken by NERC and/or any Regional Entity; provided, however, that Registered Entity does not consent to the use of the specific acts set forth in this Agreement as the sole basis for any other action or proceeding brought by NERC and/or WECC, nor does

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CCWE consent to the use of this Agreement by any other party in any other action or proceeding.

I. Amendments. Any amendments to the Agreement shall be in writing. No amendment to the Agreement shall be effective unless it is in writing and executed by the Parties.

J. Successors and Assigns. The Agreement shall be binding on successors or assigns of the Parties.

K. Governing Law. The Agreement shall be governed by and construed under the laws of the State of Utah.

L. Captions. The Agreement's titles, headings and captions are for the purpose of convenience only and in no way define, describe or limit the scope or intent of the Agreement.

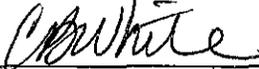
M. Counterparts and Facsimiles. The Agreement may be executed in counterparts, in which case each of the counterparts shall be deemed to be an original. Also, the Agreement may be executed via facsimile, in which case a facsimile shall be deemed to be an original.

***[Remainder of page intentionally left blank -
signatures affixed to following page]***

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Agreed to and accepted:

WESTERN ELECTRICITY COORDINATING COUNCIL

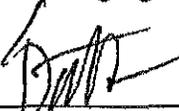


Constance B. White
Vice President of Compliance

8/30/12

Date

CCWE Holdings LLC
the Managing Member of CEDAR CREEK WIND ENERGY, LLC



By: Kathleen Esposito
Vice President

3/29/12

Date

Attachment b

Record documents for the violation of EOP-005-1 R1 and R6:

- 1. CCWE's source document for EOP-005-1 R1 dated May 27, 2010**
 - 2. CCWE's source document for EOP-005-1 R6 dated May 27, 2010**
 - 3. CCWE's Mitigation Plan designated as MIT-08-2964 submitted September 7, 2010**
 - 4. CCWE's Certification of Mitigation Plan Completion dated October 8, 2010**
 - 5. WECC's Verification of Mitigation Plan Completion dated March 21, 2012**
-

Violation - Discovery Record

Registered Entity: Cedar Creek Wind Energy, LLC
NERC Registry ID: NCR10165

NERC Violation ID: WECC201001950

Discovery Method: Audit

Date Submitted: May 27, 2010

Region Contact:

Phone: N/A Email: N/A

Standard: EOP-005-1 - System Restoration Plans

Purpose:

Requirement: R1

Each Transmission Operator shall have a restoration plan to reestablish its electric system in a stable and orderly manner in the event of a partial or total shutdown of its system, including necessary operating instructions and procedures to cover emergency conditions, and the loss of vital telecommunications channels. Each Transmission Operator shall include the applicable elements listed in Attachment 1-EOP-005 in developing a restoration plan.

Violated Sub-Req(s):

Violated Function(s): TOP

Init Determ a Vln: May 27, 2010

Begin Date of Vln: January 01, 2008

End Date:

Notified of Vln on: May 27, 2010

Potential Impact to Minimal Impact -

BES: The entity owns and operates a transmission facility for the purpose of connecting the generating unit(s) to the Point of Interconnection or transmission grid. The transmission facility transmits power associated with the interconnecting generator, whether it is power delivered to the grid by the generator or power taken from the grid by the generator for the station service.

The entity owns a wind generation facility that connects via a 230 kV line into the Xcel Energy System. The entity is registered as a TOP and TO on the basis of owning a 72-mile 230 kV line that interconnects the entity's wind generation facility with another entity's transmission system at the other entity's Keenesburg Switching station.

The other entity's system operators have the capability and authority to take actions to protect the BES upon a failure of the entity's personnel to take appropriate actions to protect the reliability of the interconnection. Since the entity's facility is connected to the other entity's system through a ring bus, automatic system protection can isolate the other entity's system from the entity's without impacting the continuity of the other entity's system.

All power generated by the entity is purchased by the other entity per a Renewable Energy Purchase Agreement.

Brief Vln Descr. & Cause: The audit team concluded that the entity has a New Possible Violation of Requirement 1 of EOP-005-1 Cause: R1, System Restoration Plans.

Alleged Violation: null

Registered Entity null
Report/Response:

Risk Factor: Medium

Severity Level: VSL - Lower

Factual Basis: null

Violation - Discovery Record

Registered Entity: Cedar Creek Wind Energy, LLC
NERC Registry ID: NCR10165

NERC Violation ID: WECC201001951

Discovery Method: Audit

Date Submitted: May 27, 2010

Region Contact:

Phone: N/A Email: N/A

Standard: EOP-005-1 - System Restoration Plans

Purpose:

Requirement: R6

Each Transmission Operator and Balancing Authority shall train its operating personnel in the implementation of the restoration plan. Such training shall include simulated exercises, if practicable.

Violated Sub-Req(s):

Violated Function(s): TOP

Init Determ a Vltn: May 27, 2010

Begin Date of Vltn: January 21, 2008

End Date:

Notified of Vltn on: May 27, 2010

Potential Impact to Minimal Impact -

BES: The entity owns and operates a transmission facility for the purpose of connecting the generating unit(s) to the Point of Interconnection or transmission grid. The transmission facility transmits power associated with the interconnecting generator, whether it is power delivered to the grid by the generator or power taken from the grid by the generator for the station service.

The entity owns a wind generation facility that connects via a 230 kV line into the Xcel Energy System. The entity is registered as a TOP and TO on the basis of owning a 72-mile 230 kV line that interconnects the entity's wind generation facility with another entity's transmission system at the other entity's Keenesburg Switching station.

The other entity's system operators have the capability and authority to take actions to protect the BES upon a failure of the entity's personnel to take appropriate actions to protect the reliability of the interconnection. Since the entity's facility is connected to the other entity's system through a ring bus, automatic system protection can isolate the other entity's system from the entity's without impacting the continuity of the other entity's system.

All power generated by the entity is purchased by the other entity per a Renewable Energy Purchase Agreement.

Brief Vltn Descr. & Cause: The audit team concluded that, based on a review of the documentation and personnel interviews that the entity is in violation of Requirement 6 of EOP-005-1, System Restoration Plans, because it did not demonstrate that training had been conducted in the implementation of the restoration plan.

Alleged Violation: null

Registered Entity null
Report/Response:

Risk Factor: High

Severity Level: VSL - High

Factual Basis: null

Logged in as:
Kim Israelsson

Log Out

- ▶ System Administration
- ▶ Compliance
- ▶ Self Reports
- ▶ Complaints
- ▶ TFE Request
- ▶ Mitigation Plans
- ▶ Violation Retractions
- ▶ File Upload

Edit - Mitigation Plan

Save PDF | Return To Search Results | Mitigation Plan Closure

* Required Fields

Status: Saved

Mitigation Plan Summary

Mitigation Plan Status:	Region reviewing Mitigation Plan
NERC Mitigation Plan #:	
Associated Violations:	ID Not Assigned
Mitigation Plan Due Date:	
Expected Completion Date:	9/30/2010

Section A: Compliance Notices & Mitigation Plan Requirements

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

Section B: Registered Entity Information

- B.1 Identify your organization
- | | |
|------------------------------|--|
| Company Name: | Cedar Creek Wind Energy, LLC |
| Company Address: | 5307 E. Mockingbird Lane
Dallas, Texas
75206 |
| NERC Compliance Registry ID: | NCR10165 |
- B.2 Identify the individual in your organization who will be the Entity Contact regarding this Mitigation Plan.
- Name: *

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

- C.1 This Mitigation Plan is associated with the following Alleged or Confirmed violation(s) of the reliability standard listed below.
- Applicable Standard, Requirement(s) and Violation Date:
- | | |
|-----------|---|
| Standard: | EOP-005-1 |
| | <input type="checkbox"/> EOP-005-1 R1. (05/27/2010) |
| | <input type="checkbox"/> EOP-005-1 R6. (05/27/2010) |
- C.2 Identify the cause of the Alleged or Confirmed violation(s) identified above. Additional detailed information may be provided as an attachment:
- Cedar Creek Wind Energy, LLC was directed by WECC to register as a TO/TOP on the basis of a 72 mile generator radial tie line. Cedar Creek has unsuccessfully attempted to work with WECC over an extended period of time to resolve this issue without satisfactory results. Cedar Creek is in the process of appealing WECC's decision. During the audit, Cedar Creek was found deficient in providing annual training in system restoration for all operators and for not adequately documenting the training in their personnel training records.

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:

Public Service of Colorado (PSCo) / Xcel Energy owns and maintains 4 miles of Cedar Creek's generator tie line and controls the breakers in their Keenesburg Switching Station. Cedar Creek cannot operate without backfeed power from Xcel and therefore has no capability to connect their generation to the transmission system until permitted to do so by Xcel. As stated in the System Restoration Plan CCWE must wait for Xcel to allow CCWE to re-connect..

Section D: Details of Proposed Mitigation Plan

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:

(R1) Cedar Creek has revised it's System Restoration Plan to include annual operator training on the Cedar Creek System Restoration Plan for all operators. All operators will be re-trained on the System Restoration Plan.
 (R6) Cedar Creek operating personnel traing records will be retained in the personnel training records that document operating personnel have received annual trainig on the system restoration plan for Cedar Creek.

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:

9/30/2010

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

Milestone	Status	Due Date	Completed Date	
System Restoration Plan expanded to include annual training	Milestone Completed	8/23/2010	8/23/2010	Detail
Re-train operators on revised System Restoraton Plan	Milestone Completed	9/30/2010	9/20/2010	Detail

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:

Operators are familiar with the CCWE System Restoration Plan. This mitigation plan corrects a documentation deficiency for the annual training requirement and re-trains all operators on the plan.

Prevention of Future BPS Reliability Risk

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

All operators are familiar with the steps of the System Restoration Plan for CCWE. CCWE cannot produce power without backfeed power from Xcel. There is no risk to the BPS. To satisfy R1 & R6 this mitigation plan requires re-training of all operators and a signed statement of proof of training that will be retained in their training folders.

Section G: Regional Entity Contact

Please direct any questions regarding completion of this form to:

Duane Cook
 Compliance Process Analyst
 WECC
 801-819-7639

Compliance

Member Portal

Cedar Creek Wind Energy, LLC

Logged in as:

Lane Robinson

Log Out

- ▶ System Administration
- ▶ Compliance
- ▶ Self Reports
- ▶ Complaints
- ▼ Mitigation Plans
 - Add Mitigation Plan
 - Search Mitigation Plans
- ▶ Violation Retractions
- ▶ File Upload

Edit

|
 |
 Cancel Changes |
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 Return to Mitigation Plan

* Required Fields

Status: Saved

All Mitigation Plan Completion Certification submittals shall include data or information sufficient for WECC to verify completion of the Mitigation Plan. WECC may request such additional data or information and conduct follow-up assessments, on-site or other Spot Checking, or Compliance Audits as it deems necessary to verify that all required actions in the Mitigation Plan have been completed and the Registered Entity is in compliance with the subject Reliability Standard. (CMEP Section 6.6) Data or information submitted may become part of a public record upon final disposition of the possible violation, therefore any confidential information contained therein should be marked as such in accordance with the provisions of Section 1500 of the NERC Rules of Procedure.

Name of Registered Entity submitting certification: **Cedar Creek Wind Energy, LLC**

Name of Standard of mitigation violation(s): EOP-005-1EOP-005-1

Mitigated information:

Requirement	Tracking Number	Violation ID
R1.	WECC2010-610338	ID Not Assigned
R6.	WECC2010-610339	ID Not Assigned

Date of completion of the Mitigation Plan:

9/20/2010

Summary of all actions described in Part D of the relevant mitigation plan:

All operators have been trained on the Cedar Creek System Restoration Plan. Retraining of all operators has been completed and a signed statement of proof of annual training will be retained in their training folders.

Description of the information provided to WECC for their evaluation:

Please provide the specific location (i.e. paragraph numbers, page numbers) in the documentation/evidence submitted to verify compliance.

Additional Notes or Comments pertaining to this violation:

I certify that the mitigation plan for the above-named violation has been completed on the date shown above. In doing so, I certify that all required mitigation plan actions described in Part D of the relevant mitigation plan have been completed, compliance has been restored, the above-named entity is currently compliant with all of the requirements of the referenced standard, and that all information submitted is complete and correct to the best of my knowledge. Submit all supporting documentation.

Authorized Individual Signature [Sign](#)

Name: Lane Robinson
Title: Regulatory Manager
Entity: Cedar Creek Wind Energy, LLC
Email: lane.robinson@bluarcgroup.com
Phone: 512-914-6630

CONFIDENTIAL



Chris Luras
Manager of Compliance Enforcement

(801) 883-6887
cluras@wecc.biz

VIA WECC ENHANCED FILE TRANSFER SERVER

March 21, 2012

Kim Takayesu
Operations Analyst
Cedar Creek Wind Energy, LLC
5307 E. Mockingbird Lane; Suite 710
Dallas, Texas 75206

NERC Registration ID: NCR10165
NERC Violation ID: WECC201001950 and WECC201001951

Subject: Notice of Completed Mitigation Plan Acceptance
Reliability Standard EOP-005-1 Requirements 1 and 6

Kim,

The Western Electricity Coordinating Council (WECC) received the Certification of Mitigation Plan Completion submitted by Cedar Creek Wind Energy, LLC (CCWE) on October 8, 2010 for the violation of Reliability Standard EOP-005-1 Requirements 1 and 6. After a thorough review, WECC has accepted the Certification of Mitigation Plan Completion.

If you have any questions or concerns, please contact Mike Wells at mwells@wecc.biz.

Sincerely,



Chris Luras
Manager of Compliance Enforcement

CL:rph

cc: Lane Robinson, CCWE Regulatory Manager
John McGhee, WECC Director of Audits and Investigations
Mike Wells, WECC Senior Compliance Engineer

Attachment c

Record documents for the violation of FAC-001-0 R1, R2 and R3:

1. **CCWE's source document for FAC-001-0 R1 dated May 27, 2010**
 2. **CCWE's source document for FAC-001-0 R2 dated May 27, 2010**
 3. **CCWE's source document for FAC-001-0 R3 dated May 27, 2010**
 4. **CCWE's Mitigation Plan designated as MIT-08-3363 submitted September 7, 2010**
 5. **CCWE's Certification of Mitigation Plan Completion dated December 3, 2010**
 6. **WECC's Verification of Mitigation Plan Completion dated February 17, 2011**
-

Violation - Discovery Record

Registered Entity: Cedar Creek Wind Energy, LLC
NERC Registry ID: NCR10165

NERC Violation ID: WECC201001953

Discovery Method: Audit

Date Submitted: May 27, 2010

Region Contact:

Phone: N/A Email: N/A

Standard: FAC-001-0 - Facility Connection Requirements

Purpose:

Requirement: R1

The Transmission Owner shall document, maintain, and publish facility connection requirements to ensure compliance with NERC Reliability Standards and applicable Regional Reliability Organization, subregional, Power Pool, and individual Transmission Owner planning criteria and facility connection requirements. The Transmission Owner's facility connection requirements shall address connection requirements for:

Violated Sub-Req(s):

Violated Function(s): TO

Init Determ a Vln: May 27, 2010

Begin Date of Vln: January 21, 2008

End Date:

Notified of Vln on: May 27, 2010

Potential Impact to Minimal Impact -

BES: The entity owns and operates a transmission facility for the purpose of connecting the generating unit(s) to the Point of Interconnection or transmission grid. The transmission facility transmits power associated with the interconnecting generator, whether it is power delivered to the grid by the generator or power taken from the grid by the generator for the station service.

The entity owns a wind generation facility that connects via a 230 kV line into the Xcel Energy System. The entity is registered as a TOP and TO on the basis of owning a 72-mile 230 kV line that interconnects the entity's wind generation facility with another entity's transmission system at the other entity's Keenesburg Switching station.

The other entity's system operators have the capability and authority to take actions to protect the BES upon a failure of the entity's personnel to take appropriate actions to protect the reliability of the interconnection. Since the entity's facility is connected to the other entity's system through a ring bus, automatic system protection can isolate the other entity's system from the entity's without impacting the continuity of the other entity's system.

Power generated by the entity is purchased by the other entity per a Renewable Energy Purchase Agreement.

Brief Vln Descr. & Cause: The audit team concluded that based on absence of documentation that the entity was in violation of Requirement 1 of FAC-001.

Alleged Violation: null

Registered Entity null
Report/Response:

Risk Factor: Medium

Severity Level: VSL - Severe

Factual Basis: null

Violation - Discovery Record

Registered Entity: Cedar Creek Wind Energy, LLC
NERC Registry ID: NCR10165

NERC Violation ID: WECC201001954

Discovery Method: Audit

Date Submitted: May 27, 2010

Region Contact:

Phone: N/A Email: N/A

Standard: FAC-001-0 - Facility Connection Requirements

Purpose:

Requirement: R2

The Transmission Owner's facility connection requirements shall address, but are not limited to, the following items:

Violated Sub-Req(s):

Violated Function(s): TO

Init Determ a Vltn: May 27, 2010

Begin Date of Vltn: January 21, 2008

End Date:

Notified of Vltn on: May 27, 2010

Potential Impact to Minimal Impact -

BES: The entity owns and operates a transmission facility for the purpose of connecting the generating unit(s) to the Point of Interconnection or transmission grid. The transmission facility transmits power associated with the interconnecting generator, whether it is power delivered to the grid by the generator or power taken from the grid by the generator for the station service.

The entity owns a wind generation facility that connects via a 230 kV line into the Xcel Energy System. The entity is registered as a TOP and TO on the basis of owning a 72-mile 230 kV line that interconnects the entity's wind generation facility with another entity's transmission system at the other entity's Keenesburg Switching station.

The other entity's system operators have the capability and authority to take actions to protect the BES upon a failure of the entity's personnel to take appropriate actions to protect the reliability of the interconnection. Since the entity's facility is connected to the other entity's system through a ring bus, automatic system protection can isolate the other entity's system from the entity's without impacting the continuity of the other entity's system.

Power generated by the entity is purchased by the other entity per a Renewable Energy Purchase Agreement.

Brief Vltn Descr. & Cause: The audit team concluded that based on absence documentation that the entity was in violation of Requirement 2 of FAC-001.

Alleged Violation: null

Registered Entity null
Report/Response:

Risk Factor: Medium

Severity Level: VSL - Severe

Factual Basis: null

Violation - Discovery Record

Registered Entity: Cedar Creek Wind Energy, LLC
NERC Registry ID: NCR10165

NERC Violation ID: WECC201001955

Discovery Method: Audit

Date Submitted: May 27, 2010

Region Contact:

Phone: N/A Email: N/A

Standard: FAC-001-0 - Facility Connection Requirements

Purpose:

Requirement: R3

The Transmission Owner shall maintain and update its facility connection requirements as required. The Transmission Owner shall make documentation of these requirements available to the users of the transmission system, the Regional Reliability Organization, and NERC on request (five business days).

Violated Sub-Req(s):

Violated Function(s): TO

Init Determ a Vltn: May 27, 2010

Begin Date of Vltn: January 21, 2008

End Date:

Notified of Vltn on: May 27, 2010

Potential Impact to Minimal Impact -

BES: The entity owns and operates a transmission facility for the purpose of connecting the generating unit(s) to the Point of Interconnection or transmission grid. The transmission facility transmits power associated with the interconnecting generator, whether it is power delivered to the grid by the generator or power taken from the grid by the generator for the station service.

The entity owns a wind generation facility that connects via a 230 kV line into the Xcel Energy System. The entity is registered as a TOP and TO on the basis of owning a 72-mile 230 kV line that interconnects the entity's wind generation facility with another entity's transmission system at the other entity's Keenesburg Switching station.

The other entity's system operators have the capability and authority to take actions to protect the BES upon a failure of the entity's personnel to take appropriate actions to protect the reliability of the interconnection. Since the entity's facility is connected to the other entity's system through a ring bus, automatic system protection can isolate the other entity's system from the entity's without impacting the continuity of the other entity's system.

Power generated by the entity is purchased by the other entity per a Renewable Energy Purchase Agreement.

Brief Vltn Descr. & Cause: The audit team concluded that based on absence documentation that the entity was in violation of Requirement 3 of FAC-001.

Alleged Violation: null

Registered Entity null
Report/Response:

Risk Factor: Medium

Severity Level: VSL - Severe

Factual Basis: null

Logged in as:

Lane Robinson

Log Out

- ▶ System Administration
- ▶ Compliance
- ▶ Self Reports
- ▶ Complaints
- ▶ Mitigation Plans
- ▶ Violation Retractions
- ▶ File Upload

Edit - Mitigation Plan

Save Item | Delete Item | Cancel Changes | Save PDF | Return To Search Results

* Required Fields

Status: Saved

All Milestones have been Completed

Section A: Compliance Notices & Mitigation Plan Requirements

A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Attachment A - Compliance Notices & Mitigation Plan Requirements" to this form.

A.2 I have reviewed Attachment A and understand that this Mitigation Plan Submittal Form will not be accepted unless this box is checked.

Section B: Registered Entity Information

B.1 Identify your organization

Company Name: Cedar Creek Wind Energy, LLC
 Company Address: 5307 E. Mockingbird Lane
 Dallas, Texas
 75206

NERC Compliance Registry ID: NCR10165

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

Name: * Lane Robinson Find | Clear

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

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

Applicable Standard, Requirement(s) and Violation Date:

Standard: FAC-001-0

- FAC-001-0 R3. (05/27/2010)
- FAC-001-0 R1. (05/27/2010)
- FAC-001-0 R2. (05/27/2010)

C.2 Identify the cause of the Alleged or Confirmed violation(s) identified above. Additional detailed information may be provided as an attachment:

Cedar Creek Wind Energy, LLC was directed by WECC to register as a TO/TOP on the basis of a 72 mile generator radial tie line. Cedar Creek has unsuccessfully attempted to work with WECC over an extended period of time to resolve this issue without satisfactory results. Cedar Creek is in the process of appealing WECC's decision requiring Cedar Creek to register as a TO/TOP. Cedar Creek has generated a procedure that addresses the alleged deficiencies in FAC-001.

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:

Public Service of Colorado (PSCO) owns and maintains 4 miles of Cedar Creek's generator tie line and controls the breakers in their Keenesburg Switching Station.

Section D: Details of Proposed Mitigation Plan

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:

CCWE has developed and documented a Facilities Interconnection Requirements document that satisfies all of the FAC-001 requirements.

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:

11/1/2010

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

Milestone	Status	Due Date	Completed Date	
Develop Facilities Interconnection Requirements Document	Milestone Completed	8/23/2010	8/23/2010	Detail
Review and Obtain Owner's approval	Milestone Pending	11/1/2010		Detail

[Add New Mitigation Plan Milestone](#)

Section E: Interim and Future Reliability Risk

Abatement of Interim BPS Reliability Risk

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

There is no risk to the BPS. CCWE does not operated a transmission system. CCWE's radial tie-line was significantly overbuilt to accommodate expansion of CCWE in the future. Any access to the transmission system via CCWE's radial tie-line must meet Xcel's requirements.

Prevention of Future BPS Reliability Risk

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

The document satisfies the requirements of FAC-001.

Section F: Authorization

An authorized individual must sign and date this Mitigation Plan Submittal Form. By doing so, this individual, on behalf of your organization:

- a) Submits this Mitigation Plan for acceptance by **WECC** 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 **Lane Robinson of Cedar Creek Wind Energy, LLC**
 2. I am qualified to sign this Mitigation Plan on behalf of **Cedar Creek Wind Energy, LLC**
 3. I understand **Cedar Creek Wind Energy, LLC's** obligations to comply with Mitigation Plan requirements and ERO remedial action directives as well as ERO documents, including, but not limited to, the NERC Rules of Procedure, including Appendix 4(C) (Compliance Monitoring and Enforcement Program of the North American Electric Reliability Corporation (NERC CMEP))
 4. I have read and am familiar with the contents of this Mitigation Plan
 5. **Cedar Creek Wind Energy, LLC** agrees to comply with, this Mitigation Plan, including the timetable completion date, as accepted by **WECC** and approved by NERC

Section G: Regional Entity Contact

Please direct any questions regarding completion of this form to:

Duane Cook

Compliance Process Analyst

WECC

801-819-7639

dcooke@wecc.biz

 Save Item |  Delete Item | Cancel Changes |  Save PDF | [Return To Search Results](#)



Non-Public and CONFIDENTIAL

Certification of Mitigation Plan Completion Form

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

Registered Entity: Cedar Creek Wind Energy, LLC

NERC Registry ID: NCR1100116655

Date of Submittal of Certification: December 3, 2010

NERC Violation ID No(s) (if known):

Standard: FAC-001-0

Requirement(s): R1, R2, R3

Date Mitigation Plan was scheduled to be completed per accepted Mitigation Plan: 11/1/2010

Date Mitigation Plan was actually completed: 11/19/2010

Additional Comments (or List of Documents Attached): On 10/14/2010, we tried to request an extension of the final milestone to 12/31/2010; however, since the MP is still under review by WECC, we were unable to enter the extension request. The document "CCR Facilities Connections Requirements R1 20100811.pdf" was emailed to portalstatus@wecc.biz on 11/19/2010, and uploaded onto the WECC portal on 12/2/2010, as evidence of completion of the final milestone.

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: Lane Robinson

Title: Authorized Signatory

Email: lane.robinson@bluarcgroup.com

Phone: (512) 914-6630

Authorized Signature: 

Date: 12/3/2010

CONFIDENTIAL



Chris Luras
Manager of Compliance Enforcement

(801) 883-6887
cluras@wecc.biz

VIA WECC COMPLIANCE PORTAL

February 17, 2011

Kim Takayesu
Operations Analyst
Cedar Creek Wind Energy, LLC
5307 E. Mockingbird Lane, Suite 710
Dallas, Texas 75206

NERC Registration ID: NCR10165
NERC Violation ID: WECC201001953, WECC201001954 and WECC201001955

Subject: Notice of Mitigation Plan and Completed Mitigation Plan Acceptance
Reliability Standard FAC-001-0 Requirements 1, 2 and 3

Dear Kim,

The Western Electricity Coordinating Council (WECC) received the Mitigation Plan and the Certification of Mitigation Plan Completion and evidence submitted by Cedar Creek Wind Energy, LLC (CCWE) on September 7, 2010 and December 3, 2010 respectively for the alleged violation of Reliability Standard FAC-001-0 Requirements 1, 2 and 3. After a thorough review, WECC has accepted the Mitigation Plan and the Certification of Mitigation Plan Completion.

In the event the scope of the violation expands prior to completion of the mitigation plan, WECC reserves its right to exercise Section 6.4 of the CMEP. If you have any questions or concerns, please contact Jay Look at jay@wecc.biz.

Sincerely,



Chris Luras
Manager of Compliance Enforcement

CL:rph

cc: Lane Robinson, CCWE Regulatory Manager
John McGhee, WECC Director of Audits and Investigations
Jay Look, WECC Compliance Engineer

Attachment d

Record documents for the violation of PER-002-0 R2, R3, and R4:

- 1. CCWE's source document for PER-002-0 R2 dated May 27, 2010**
 - 2. CCWE's source document for PER-002-0 R3 dated May 27, 2010**
 - 3. CCWE's source document for PER-002-0 R4 dated May 27, 2010**
 - 4. CCWE's Mitigation Plan designated as MIT-08-3217 submitted December 3, 2010**
 - 5. CCWE's Mitigation Plan Extension Request submitted September 8, 2011**
 - 6. CCWE's Certification of Mitigation Plan Completion dated March 27, 2012**
 - 7. WECC's Verification of Mitigation Plan Completion dated April 6, 2012**
-

Violation - Discovery Record

Registered Entity: Cedar Creek Wind Energy, LLC
NERC Registry ID: NCR10165

NERC Violation ID: WECC201001958

Discovery Method: Audit

Date Submitted: May 27, 2010

Region Contact:

Phone: N/A Email: N/A

Standard: PER-002-0 - Operating Personnel Training

Purpose:

Requirement: R2

Each Transmission Operator and Balancing Authority shall have a training program for all operating personnel that are in:

Violated Sub-Req(s):

Violated Function(s): TOP

Init Determ a Vltn: May 27, 2010

Begin Date of Vltn: January 21, 2008

End Date:

Notified of Vltn on: May 27, 2010

Potential Impact to Minimal Impact -

BES: The entity owns and operates a transmission facility for the purpose of connecting the generating unit(s) to the Point of Interconnection or transmission grid. The transmission facility transmits power associated with the interconnecting generator, whether it is power delivered to the grid by the generator or power taken from the grid by the generator for the station service.

The entity owns a wind generation facility that connects via a 230 kV line into the Xcel Energy System. The entity is registered as a TOP and TO on the basis of owning a 72-mile 230 kV line that interconnects the entity's wind generation facility with another entity's transmission system at the other entity's Keenesburg Switching station.

The other entity's system operators have the capability and authority to take actions to protect the BES upon a failure of the entity's personnel to take appropriate actions to protect the reliability of the interconnection. Since the entity's facility is connected to the other entity's system through a ring bus, automatic system protection can isolate the other entity's system from the entity's without impacting the continuity of the other entity's system.

Power generated by the entity is purchased by the other entity per a Renewable Energy Purchase Agreement.

Brief Vltn Descr. & Cause: The audit team concluded that based on absence of documentation that the entity was in violation of Requirement 2 of PER-002.

Alleged Violation: null

Registered Entity null
Report/Response:

Risk Factor: High

Severity Level: VSL - Severe

Factual Basis: null

Violation - Discovery Record

Registered Entity: Cedar Creek Wind Energy, LLC
NERC Registry ID: NCR10165

NERC Violation ID: WECC201001959

Discovery Method: Audit

Date Submitted: May 27, 2010

Region Contact:

Phone: N/A Email: N/A

Standard: PER-002-0 - Operating Personnel Training

Purpose:

Requirement: R3

For personnel identified in Requirement R2, the Transmission Operator and Balancing Authority shall provide a training program meeting the following criteria:

Violated Sub-Req(s):

Violated Function(s): TOP

Init Determ a Vltn: May 27, 2010

Begin Date of Vltn: January 21, 2008

End Date:

Notified of Vltn on: May 27, 2010

Potential Impact to Minimal Impact -

BES: The entity owns and operates a transmission facility for the purpose of connecting the generating unit(s) to the Point of Interconnection or transmission grid. The transmission facility transmits power associated with the interconnecting generator, whether it is power delivered to the grid by the generator or power taken from the grid by the generator for the station service.

The entity owns a wind generation facility that connects via a 230 kV line into the Xcel Energy System. The entity is registered as a TOP and TO on the basis of owning a 72-mile 230 kV line that interconnects the entity's wind generation facility with another entity's transmission system at the other entity's Keenesburg Switching station.

The other entity's system operators have the capability and authority to take actions to protect the BES upon a failure of the entity's personnel to take appropriate actions to protect the reliability of the interconnection. Since the entity's facility is connected to the other entity's system through a ring bus, automatic system protection can isolate the other entity's system from the entity's without impacting the continuity of the other entity's system.

Power generated by the entity is purchased by the other entity per a Renewable Energy Purchase Agreement.

Brief Vltn Descr. & Cause: The audit team concluded that based on absence of documentation that the entity was in violation of Requirement 3 of PER-002.

Alleged Violation: null

Registered Entity null
Report/Response:

Risk Factor: High

Severity Level: VSL - Severe

Factual Basis: null

Violation - Discovery Record

Registered Entity: Cedar Creek Wind Energy, LLC
NERC Registry ID: NCR10165

NERC Violation ID: WECC201001960

Discovery Method: Audit

Date Submitted: May 27, 2010

Region Contact:

Phone: N/A Email: N/A

Standard: PER-002-0 - Operating Personnel Training

Purpose:

Requirement: R4

For personnel identified in Requirement R2, each Transmission Operator and Balancing Authority shall provide its operating personnel at least five days per year of training and drills using realistic simulations of system emergencies, in addition to other training required to maintain qualified operating personnel.

Violated Sub-Req(s):

Violated Function(s): TOP

Init Determ a Vltn: May 27, 2010

Begin Date of Vltn: January 21, 2008

End Date:

Notified of Vltn on: May 27, 2010

Potential Impact to Minimal Impact -

BES: The entity owns and operates a transmission facility for the purpose of connecting the generating unit(s) to the Point of Interconnection or transmission grid. The transmission facility transmits power associated with the interconnecting generator, whether it is power delivered to the grid by the generator or power taken from the grid by the generator for the station service.

The entity owns a wind generation facility that connects via a 230 kV line into the Xcel Energy System. The entity is registered as a TOP and TO on the basis of owning a 72-mile 230 kV line that interconnects the entity's wind generation facility with another entity's transmission system at the other entity's Keenesburg Switching station.

The other entity's system operators have the capability and authority to take actions to protect the BES upon a failure of the entity's personnel to take appropriate actions to protect the reliability of the interconnection. Since the entity's facility is connected to the other entity's system through a ring bus, automatic system protection can isolate the other entity's system from the entity's without impacting the continuity of the other entity's system.

Power generated by the entity is purchased by the other entity per a Renewable Energy Purchase Agreement.

Brief Vltn Descr. & Cause: The audit team concluded that based on absence of documentation that the entity was in violation of Requirement 4 of PER-002.

Alleged Violation: null

Registered Entity null
Report/Response:

Risk Factor: High

Severity Level: VSL - Severe

Factual Basis: null

Logged in as:

Lane Robinson

Log Out

- ▶ System Administration
- ▶ Compliance
- ▶ Self Reports
- ▶ Complaints
- ▶ Mitigation Plans
- ▶ Violation Retractions
- ▶ File Upload

Edit - Mitigation Plan

 Save Item |
  Delete Item |
 Cancel Changes |
  Save PDF |
 Return To Search Results

* Required Fields

Status: Saved

 All Milestones have been Completed

Section A: Compliance Notices & Mitigation Plan Requirements

A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Attachment A - Compliance Notices & Mitigation Plan Requirements" to this form.

A.2 I have reviewed [Attachment A](#) and understand that this Mitigation Plan Submittal Form will not be accepted unless this box is checked.

Section B: Registered Entity Information

B.1 Identify your organization

Company Name: Cedar Creek Wind Energy, LLC
Company Address: 5307 E. Mockingbird Lane
 Dallas, Texas
 75206

NERC Compliance Registry ID: NCR10165

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

Name: *  Find | Clear

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

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

Applicable Standard, Requirement(s) and Violation Date:

Standard:

- PER-002-0 R1. (05/27/2010)
- PER-002-0 R2. (05/27/2010)
- PER-002-0 R3. (05/27/2010)
- PER-002-0 R4. (05/27/2010)

C.2 Identify the cause of the Alleged or Confirmed violation(s) identified above. 
Additional detailed information may be provided as an attachment:

Cedar Creek Wind Energy, LLC was directed by WECC to register as a TO/TOP on the basis of a 72 mile generator radial tie line. Cedar Creek has unsuccessfully attempted to work with WECC over an extended period of time to resolve this issue without satisfactory results. Cedar Creek is in the process of appealing WECC's decision requiring Cedar Creek to register as a TO/TOP.

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:

Public Service of Colorado (PSCo) owns and maintains 4 miles of Cedar Creek's generator tie line and controls the breakers in their Keenesburg Switching Station.

Section D: Details of Proposed Mitigation Plan

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:

NERC Certification Training began in September 2010. Operators will begin taking the Certification tests by March 2011. Since the operators do not actually operate a transmission system it is anticipated that it may require several training and testing cycles before all operators are certified. Individual training plans will be developed as each operator completes NERC Certification. The NERC Appendix 6 System Operator Certification Manual will be used as a guide to schedule Continuing Education hour training in order to meet the 140 hour requirements over a three year period.

CCWE has developed a training program for operating personnel that have the primary responsibility for the real-time operation of the BES and positions directly responsible for complying with NERC standards. CCWE will identify the operating personnel positions/job titles/etc that perform these real-time operating functions and the training program will specifically apply to these operating positions. The training program includes a set of training program objectives, based on NERC and WECC, CCWE operating procedures, and any applicable regulatory requirements. These objectives will reference the knowledge and competencies needed to apply those standards, procedures, and requirements to normal, emergency, and restoration conditions for the Transmission Operator operating positions. The program will also include a plan for initial and for continuing training that will address the knowledge and competencies required for reliability system operations, training time for the operating personnel to ensure training is delivered, and the training staff will be identified and have competencies in both knowledge of system operations and instructional capabilities.

All Transmission Operator personnel will have completed at least five days of training and drills using realistic simulations of system emergencies by the completion date of the mitigation plan.

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:

9/30/2011

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

Milestone	Status	Due Date	Completed Date	
Begin SOS International Training	Milestone Completed	9/30/2010	9/13/2010	Detail
Develop Training Program for Operating Personnel	Milestone Completed	12/31/2010	12/2/2010	Detail
Operators begin taking NERC Certification Tests	Milestone Pending	3/31/2011		Detail
One operator per shift NERC Certified	Milestone Pending	6/30/2011		Detail
All TOP personnel complete 5 days of training/drills	Milestone Pending	9/30/2011		Detail
Add New Mitigation Plan Milestone				

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:

CCWE follows directives from XCEL's operators for any switching, voltage or reactive over the generator tie-line. Risk to the BPS is minimal during the training period.

Prevention of Future BPS Reliability Risk

E.2 Describe how successful completion of this Mitigation Plan will prevent or minimize the

probability that your organization incurs further risk of Alleged violations of the same or similar reliability standards requirements in the future.

Additional detailed information may be provided as an attachment:

R1: Upon the completion of this mitigation plan, CCWE will be compliant with R1 with adequately trained operating personnel.

R2: CCWE has developed a training program for operating personnel that have the primary responsibility for the real-time operation of the BES and positions directly responsible for complying with NERC standards. CCWE will identify the operating personnel positions/job titles/etc that perform these real-time operating functions and the training program will specifically apply to these operating positions.

R3: The CCWE training program will include a set of training program objectives, based on NERC and WECC, CCWE operating procedures, and any applicable regulatory requirements. These objectives will reference the knowledge and competencies needed to apply those standards, procedures, and requirements to normal, emergency, and restoration conditions for the Transmission Operator operating positions. The program will also include a plan for initial and for continuing training that will address the knowledge and competencies required for reliability system operations, training time for the operating personnel to ensure training is delivered, and the training staff will be identified and have competencies in both knowledge of system operations and instructional capabilities.

R4: All Transmission Operator personnel will have completed at least five days of training and drills using realistic simulations of system emergencies by the completion date of the mitigation plan.

Section F: Authorization

An authorized individual must sign and date this Mitigation Plan Submittal Form. By doing so, this individual, on behalf of your organization:

- a) Submits this Mitigation Plan for acceptance by **WECC** 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 **Lane Robinson** of **Cedar Creek Wind Energy, LLC**
 2. I am qualified to sign this Mitigation Plan on behalf of **Cedar Creek Wind Energy, LLC**
 3. I understand **Cedar Creek Wind Energy, LLC's** obligations to comply with Mitigation Plan requirements and ERO remedial action directives as well as ERO documents, including, but not limited to, the NERC Rules of Procedure, including Appendix 4(C) (Compliance Monitoring and Enforcement Program of the North American Electric Reliability Corporation (NERC CMEP))
 4. I have read and am familiar with the contents of this Mitigation Plan
 5. **Cedar Creek Wind Energy, LLC** agrees to comply with, this Mitigation Plan, including the timetable completion date, as accepted by **WECC** and approved by NERC

Authorized Individual Signature [Sign](#)

Section G: Regional Entity Contact

Please direct any questions regarding completion of this form to:

Duane Cook
Compliance Process Analyst
WECC
801-819-7639
dcooke@wecc.biz

 Save Item |  Delete Item | Cancel Changes |  Save PDF | [Return To Search Results](#)



Mitigation Plan Submittal Form

New or Revised

Date this Mitigation Plan is being submitted: September 8, 2011

If this Mitigation Plan has already been completed:

- Check this box and
- Provide the Date of Completion of the Mitigation Plan:
- Submit Certification of Mitigation Plan Completion Form
- Submit evidence supporting Mitigation Plan completion

Section A: Compliance Notices & Mitigation Plan Requirements

A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in “Attachment A - Compliance Notices & Mitigation Plan Requirements” to this form. **Review Attachment A and check this box to indicate that you have reviewed and understand the information provided therein.** This Submittal Form and the Mitigation Plan submitted herein are incomplete and cannot be accepted unless the box is checked.

Section B: Registered Entity Information

B.1 Identify your organization:

Registered Entity Name: Cedar Creek Wind Energy, LLC
Registered Entity Address: Grover, CO
NERC Compliance Registry ID: NCR10165

B.2 Identify the individual in your organization who will be the Entity Contact regarding this Mitigation Plan. Please see Section 6.2 of the WECC Compliance Monitoring and Enforcement Program (CMEP) for a description of the qualifications required of the Entity Contact.¹

Name: Lane Robinson
Title: Regulatory Manager, Bluarc Management Group LLC
Email: lane.robinson@infigen-us.com

¹ A copy of the WECC CMEP is posted on WECC’s website at:
<http://compliance.wecc.biz/Application/Documents/Home/20090101%20-%20CMEP.pdf>.
Registered Entities are responsible for following all applicable WECC CMEP procedures. WECC strongly recommends that registered entities become familiar with the WECC CMEP and its requirements, as they may be amended from time to time.



Western Electricity Coordinating Council

Phone: 512-914-6630



Section C: Identity of Alleged or Confirmed Reliability Standard Violations Associated with this Mitigation Plan

This Mitigation Plan is associated with the alleged or confirmed violation(s) of the reliability standard/requirements listed below:

C.1 Standard: PER-002-0
[Identify by Standard Acronym (e.g. FAC-001-1)]

C.2 Requirement(s) violated and violation dates:
[Enter information in the following Table]

NERC Violation ID # [if known]	WECC Violation ID # [if known]	Requirement Violated (e.g. R3)	Violation Risk Factor	Alleged or confirmed Violation Date ^(*) (MM/DD/YY)	Method of Detection (e.g. audit, self-report, investigation)
WECC201001957	WECC2010-610345	R1	High	05/24/10	Audit
WECC201001958	WECC2010-610346	R2	High	05/24/10	Audit
WECC201001959	WECC2010-610347	R3	High	05/24/10	Audit
WECC201001960	WECC2010-610348	R4	High	05/24/10	Audit

(*) Note: The Alleged or Confirmed Violation Date shall be: (i) the date the violation occurred; (ii) the date that the violation was self-reported; or (iii) the date upon which WECC has deemed the violation to have occurred. Please contact WECC if you have questions regarding which date to use .

C.3 Identify the cause of the alleged or confirmed violation(s) identified above:

Cedar Creek Wind Energy, LLC was directed by WECC to register as a TO/TOP on the basis of a 72 mile generator radial tie line. Cedar Creek has unsuccessfully attempted to work with WECC over an extended period of time to resolve this issue without satisfactory results. Cedar Creek is in the process of appealing WECC's decision requiring Cedar Creek to register as a TO/TOP. [Provide your response here; additional detailed information may be provided as an attachment as necessary]



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C.4 **[Optional]** Provide any relevant additional information regarding the alleged or confirmed violations associated with this Mitigation Plan:

Public Service of Colorado (PSCo) owns and maintains 4 miles of Cedar Creek's generator tie line and controls the breakers in their Keenesburg Switching Station.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

Section D: Details of Proposed Mitigation Plan

Mitigation Plan Contents

D.1 Identify and describe the action plan, including specific tasks and actions that your organization is proposing to undertake, or which it undertook if this Mitigation Plan has been completed, to correct the violations identified above in Part C.2 of this form:

NERC Certification Training began in September 2010. Operators will begin taking the Certification tests by March 2011. Since the operators do not actually operate a transmission system it is anticipated that it may require several training and testing cycles before all operators are certified. Individual training plans will be developed as each operator completes NERC Certification. The NERC Appendix 6 System Operator Certification Manual will be used as a guide to schedule Continuing Education hour training in order to meet the 140 hour requirements over a three year period.

CCWE has developed a training program for operating personnel that have the primary responsibility for the real-time operation of the BES and positions directly responsible for complying with NERC standards. CCWE will identify the operating personnel positions/job titles/etc that perform these real-time operating functions and the training program will specifically apply to these operating positions. The training program includes a set of training program objectives, based on NERC and WECC, CCWE operating procedures, and any applicable regulatory requirements. These objectives will reference the knowledge and competencies needed to apply those standards, procedures, and requirements to normal, emergency, and restoration conditions for the Transmission Operator operating positions. The program will also include a plan for initial and for continuing training that will address the knowledge and competencies required for reliability system operations, training time for the operating personnel to ensure training is delivered, and the training staff will be



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identified and have competencies in both knowledge of system operations and instructional capabilities.

All Transmission Operator personnel will have completed at least five days of training and drills using realistic simulations of system emergencies by the completion date of the mitigation plan.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

Check this box and proceed to Section E of this form if this Mitigation Plan, as set forth in Part D.1, has already been completed; otherwise respond to Part D.2, D.3 and, optionally, Part D.4, below.

Mitigation Plan Timeline and Milestones

D.2 Provide the 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 violations associated with this Mitigation Plan corrected: Cedar Creek has operated successfully for the past three years without NERC Certified Operators. One operator per shift will be NERC Certified by 9/30/2011. Cedar Creek will follow directives from Xcel as they have in the past for any switching, voltage or reactive orders.

D.3 Enter Milestone Activities, with completion dates, that your organization is proposing for this Mitigation Plan:

Milestone Activity	Proposed Completion Date* (milestones cannot be more than 3 months apart)
Begin SOS International Training	9/30/2010
Develop Training Program	12/31/2010
Operators begin taking Certification Tests	3/31/2011
Re-testing and add'l training	6/30/2011
Add'l retesting and training	9/30/2011
One operator per shift NERC certified	12/31/2011
All TOP personnel complete 5 days of training/drills	3/31/2012

(*) Note: Implementation milestones should be no more than three (3) months apart for Mitigation Plans with expected completion dates more than three (3) months from the date of submission. As set forth in CMEP section 6.6, adverse consequences could result from failure to complete, on a timely basis, all required actions in this Mitigation Plan, including implementation of milestones. A request for an extension of the completion date of any milestone or of the



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Mitigation Plan must be received by WECC at least five (5) business days before the relevant milestone or completion date.

[Note: Provide your response here; additional detailed information may be provided as an attachment as necessary]



Additional Relevant Information (Optional)

D.4 If you have any relevant additional information that you wish to include regarding the Mitigation Plan, milestones, milestones dates and completion date proposed above you may include it here:

If CCWE is successful in challenging WECC's directive to register as a TO/TOP due to the generation radial-tie line, this standard will no longer apply.
[Provide your response here; additional detailed information may be provided as an attachment as necessary]



Section E: Interim and Future Reliability Risk

Check this box and proceed and respond to Part E.2, below, if this Mitigation Plan, as set forth in Part D.1, has already been completed.

Abatement of Interim BPS Reliability Risk

E.1 While your organization is implementing the Mitigation Plan proposed in Part D of this form, the reliability of the Bulk Power System may remain at higher risk or be otherwise negatively impacted until the plan is successfully completed. To the extent they are known, reasonably suspected or anticipated: (i) identify any such risks or impacts; and (ii) discuss any actions that your organization is planning to take or is proposing as part of the Mitigation Plan to mitigate any increased risk to the reliability of the bulk power system while the Mitigation Plan is being implemented:

CCWE follows directives from XCEL's operators for any switching, voltage or reactive over the generator tie-line. Risk to the BPS is minimal during the training period.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

Prevention of Future BPS Reliability Risk

E.2 Describe how successful completion of the Mitigation Plan as laid out in Part D of this form will prevent or minimize the probability that your organization will incur further violations of the same or similar reliability standards requirements in the future:

R1: Upon the completion of this mitigation plan, CCWE will be compliant with R1 with adequately trained operating personnel.

R2: CCWE has developed a training program for operating personnel that have the primary responsibility for the real-time operation of the BES and positions directly responsible for complying with NERC standards. CCWE will identify the operating personnel positions/job titles/etc that perform these real-time operating functions and the training program will specifically apply to these operating positions.



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R3: The CCWE training program will include a set of training program objectives, based on NERC and WECC, CCWE operating procedures, and any applicable regulatory requirements. These objectives will reference the knowledge and competencies needed to apply those standards, procedures, and requirements to normal, emergency, and restoration conditions for the Transmission Operator operating positions. The program will also include a plan for initial and for continuing training that will address the knowledge and competencies required for reliability system operations, training time for the operating personnel to ensure training is delivered, and the training staff will be identified and have competencies in both knowledge of system operations and instructional capabilities.

R4: All Transmission Operator personnel will have completed at least five days of training and drills using realistic simulations of system emergencies by the completion date of the mitigation plan.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

E.3 Your organization may be taking or planning other action, beyond that listed in the Mitigation Plan, as proposed in Part D.1, to prevent or minimize the probability of incurring further violations of the same or similar standards requirements listed in Part C.2, or of other reliability standards. If so, identify and describe any such action, including milestones and completion dates:

If operators are unable to pass the NERC Certification testing by the timeframe outlined in this mitigation plan, a third party may be contracted to provide TOP services.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]



Section F: Authorization

An authorized individual must sign and date this Mitigation Plan Submittal Form. By doing so, this individual, on behalf of your organization:

- a) Submits the Mitigation Plan, as laid out in Section D of this form, to WECC for acceptance by WECC and approval by NERC, and
- b) If applicable, certifies that the Mitigation Plan, as laid out in Section D of this form, was completed (i) as laid out in Section D of this form and (ii) on or before the date provided as the 'Date of Completion of the Mitigation Plan' on this form, and
- c) Acknowledges:
 1. I am Lane Robinson, Regulatory Manager of Infigen Asset Management LLC.
 2. I am an officer, employee, attorney or other person authorized to sign this Mitigation Plan on behalf of Cedar Creek Wind Energy, LLC].
 3. I understand Cedar Creek Wind Energy, LLC's obligations to comply with Mitigation Plan requirements and WECC or ERO remedial action directives and I have reviewed the WECC and ERO documents related to these obligations, including, but not limited to, the WECC CMEP and the NERC Rules of Procedure.
 4. I have read and am familiar with the contents of the foregoing Mitigation Plan.
 5. Cedar Creek Wind Energy, LLC agrees to be bound by, and comply with, the Mitigation Plan, including the timetable completion date, as approved by WECC and approved by NERC.

Authorized Signature: _____/Lane Robinson/
(Electronic signatures are acceptable; see CMEP Section 3.0)

Name (Print): Lane Robinson
Title: Regulatory Manager
Date: 9/8/2011



Section G: Comments and Additional Information

You may use this area to provide comments or any additional relevant information not previously addressed in this form.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

Section H: WECC Contact and Instructions for Submission

Please direct any questions regarding completion of this form to:
Duane Cooke, Compliance Process Analyst
Email: dcooke@wecc.biz
Phone: (801) 819-7639

For guidance on submitting this form, please refer to the “*WECC Compliance Data Submittal Policy*”. This policy can be found on the WECC Compliance Website at:

<http://compliance.wecc.biz/Documents/2%20-%20WECC%20-%20Reporting%20Forms/00.00%20-%20WECC%20Compliance%20Data%20Submittal%20Policy.pdf>



Attachment A – Compliance Notices & Mitigation Plan Requirements

- I. Section 6.2 of the WECC CMEP sets forth the information that must be included in a Mitigation Plan. The Mitigation Plan must include:
 - (1) The Registered Entity's point of contact for the Mitigation Plan, who shall be a person (i) responsible for filing the Mitigation Plan, (ii) technically knowledgeable regarding the Mitigation Plan, and (iii) authorized and competent to respond to questions regarding the status of the Mitigation Plan. This person may be the Registered Entity's point of contact described in Section 2.0.
 - (2) The Alleged or Confirmed Violation(s) of Reliability Standard(s) the Mitigation Plan will correct.
 - (3) The cause of the Alleged or Confirmed Violation(s).
 - (4) The Registered Entity's action plan to correct the Alleged or Confirmed Violation(s).
 - (5) The Registered Entity's action plan to prevent recurrence of the Alleged or Confirmed violation(s).
 - (6) The anticipated impact of the Mitigation Plan on the bulk power system reliability and an action plan to mitigate any increased risk to the reliability of the bulk power-system while the Mitigation Plan is being implemented.
 - (7) A timetable for completion of the Mitigation Plan including the completion date by which the Mitigation Plan will be fully implemented and the Alleged or Confirmed Violation(s) corrected.
 - (8) Implementation milestones no more than three (3) months apart for Mitigation Plans with expected completion dates more than three (3) months from the date of submission.
 - (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 may be used to provide a required Mitigation Plan for review and approval by WECC and NERC.
- III. The Mitigation Plan shall be submitted to the WECC and NERC as confidential information in accordance with Section 9.3 of the WECC CMEP and Section 1500 of the NERC Rules of Procedure.



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- IV. This Mitigation Plan form may be used to address one or more related Alleged or Confirmed Violations of one Reliability Standard. A separate Mitigation Plan is required to address violations with respect to each additional Reliability Standard, as applicable.
- V. If the Mitigation Plan is approved by WECC and NERC, a copy of the Mitigation Plan will be provided to the Federal Energy Regulatory Commission in accordance with applicable Commission rules, regulations and orders.
- VI. Either WECC or NERC may reject a Mitigation Plan that it determines to be incomplete or inadequate. If the Mitigation Plan is rejected by either WECC or NERC, the Registered Entity will be notified and required to submit a revised Mitigation Plan.
- VII. In accordance with Section 7.0 of the WECC CMEP, remedial action directives also may be issued as necessary to ensure reliability of the bulk power system.

Certification of Mitigation Plan Completion

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

Registered Entity Name: Cedar Creek Wind Energy, LLC

NERC Registry ID: NCR10165

NERC Violation ID(s): WECC201001957,WECC201001958,WECC201001959,WECC201001960

Mitigated Standard Requirement(s): PER-002-0 R1,PER-002-0 R2,PER-002-0 R3,PER-002-0 R4,

Scheduled Completion as per Accepted Mitigation Plan: March 31, 2012

Date Mitigation Plan completed: March 27, 2012

Submission Date of Completion Certification: March 27, 2012

Entity Comment:

Additional Documents			
From	Document Name	Description	Size in Bytes
Entity	Individual Training Cards and Training Program.zip		512,073

I certify that the Mitigation Plan for the above named violation(s) has been completed on the date shown above and that all submitted information is complete and correct to the best of my knowledge.

Name: Kim Takayesu

Title: Regulatory Analyst

Email: kim.takayesu@infigen-us.com

Phone:

Authorized Signature _____ Date _____

(Electronic signature was received by the Regional Office via CDMS. For Electronic Signature Policy see CMEP.)

CONFIDENTIAL



Chris Luras
Manager of Compliance Enforcement

(801) 883-6887
cluras@wecc.biz

VIA WECC ENHANCED FILE TRANSFER SERVER

April 6, 2012

Kim Takayesu
Operations Analyst
Cedar Creek Wind Energy, LLC
5307 E. Mockingbird Lane
Suite 710
Dallas, Texas 75206

NERC Registration ID: NCR10165
NERC Violation ID: WECC201001957, WECC201001958, WECC201001959, and
WECC201001960

Subject: Notice of Completed Mitigation Plan Acceptance
Reliability Standard PER-002-0 Requirements 1, 2, 3, and 4

Kim,

The Western Electricity Coordinating Council (WECC) received the Certification of Mitigation Plan Completion submitted by Cedar Creek Wind Energy, LLC (CCWE) on March 27, 2012 for the violation of Reliability Standard PER-002-0 Requirements 1, 2, 3, and 4. After a thorough review, WECC has accepted the Certification of Mitigation Plan Completion.

If you have any questions or concerns, please contact Mike Wells at mike@wecc.biz.

Sincerely,



Chris Luras
Manager of Compliance Enforcement

CL:rph

cc: Lane Robinson, CCWE Regulatory Manager
John McGhee, WECC Director of Audits and Investigations
Mike Wells, WECC Senior Compliance Engineer

Attachment e

Record documents for the violation of PER-003-0 R1:

1. **CCWE's source document for PER-003-0 R1 dated May 27, 2010**
 2. **CCWE's Mitigation Plan designated as MIT-08-2967 submitted September 7, 2010**
 3. **CCWE's Mitigation Plan Extension Request submitted September 8, 2011**
 4. **CCWE's Certification of Mitigation Plan Completion dated December 28, 2011**
 5. **WECC's Verification of Mitigation Plan Completion dated March 21, 2012**
-

Violation - Discovery Record

Registered Entity: Cedar Creek Wind Energy, LLC
NERC Registry ID: NCR10165

NERC Violation ID: WECC201001961

Discovery Method: Audit

Date Submitted: May 27, 2010

Region Contact:

Phone: N/A Email: N/A

Standard: PER-003-0 - Operating Personnel Credentials

Purpose:

Requirement: R1

Each Transmission Operator, Balancing Authority, and Reliability Coordinator shall staff all operating positions that meet both of the following criteria with personnel that are NERC-certified for the applicable functions:

Violated Sub-Req(s):

Violated Function(s): TOP

Init Determ a Vltn: May 27, 2010

Begin Date of Vltn: January 21, 2008

End Date:

Notified of Vltn on: May 27, 2010

Potential Impact to Minimal Impact -

BES: The entity owns and operates a transmission facility for the purpose of connecting the generating unit(s) to the Point of Interconnection or transmission grid. The transmission facility transmits power associated with the interconnecting generator, whether it is power delivered to the grid by the generator or power taken from the grid by the generator for the station service.

The entity owns a wind generation facility that connects via a 230 kV line into the Xcel Energy System. The entity is registered as a TOP and TO on the basis of owning a 72-mile 230 kV line that interconnects the entity's wind generation facility with another entity's transmission system at the other entity's Keenesburg Switching station.

The other entity's system operators have the capability and authority to take actions to protect the BES upon a failure of the entity's personnel to take appropriate actions to protect the reliability of the interconnection. Since the entity's facility is connected to the other entity's system through a ring bus, automatic system protection can isolate the other entity's system from the entity's without impacting the continuity of the other entity's system.

Power generated by the entity is purchased by the other entity per a Renewable Energy Purchase Agreement.

Minimal Impact on the BES.

Brief Vltn Descr. & Cause: The audit team concluded that based on absence documentation that the entity was in violation of Requirement 1 of PER-003.

Alleged Violation: null

Registered Entity null
Report/Response:

Risk Factor: High

Severity Level: VSL - Severe

Factual Basis: null

Logged in as:
Kim Israelsson

Log Out

- ▶ System Administration
- ▶ Compliance
- ▶ Self Reports
- ▶ Complaints
- ▶ TFE Request
- ▶ Mitigation Plans
- ▶ Violation Retractions
- ▶ File Upload

Edit - Mitigation Plan

Save PDF | Return To Search Results

* Required Fields

Status: Saved

Mitigation Plan Summary

Mitigation Plan Status:	Region reviewing Mitigation Plan
NERC Mitigation Plan #:	
Associated Violations:	ID Not Assigned
Mitigation Plan Due Date:	
Expected Completion Date:	3/31/2011

Section A: Compliance Notices & Mitigation Plan Requirements

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

Section B: Registered Entity Information

- B.1 Identify your organization
- | | |
|------------------------------|--|
| Company Name: | Cedar Creek Wind Energy, LLC |
| Company Address: | 5307 E. Mockingbird Lane
Dallas, Texas
75206 |
| NERC Compliance Registry ID: | NCR10165 |
- B.2 Identify the individual in your organization who will be the Entity Contact regarding this Mitigation Plan.
- Name: *

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

- C.1 This Mitigation Plan is associated with the following Alleged or Confirmed violation(s) of the reliability standard listed below.
- Applicable Standard, Requirement(s) and Violation Date:
- Standard:
- PER-003-0 R1. (05/27/2010)
- C.2 Identify the cause of the Alleged or Confirmed violation(s) identified above. Additional detailed information may be provided as an attachment:
-

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:

Public Service of Colorado (PSCo) / Xcel Energy (Xcel) owns and maintains 4 miles of Cedar Creek's generator tie line and controls the breakers in their Keenesburg Switching Station Cedar Creek does not operate a transmission sytem. If CCWE's registration appeal is upheld, this standard will no longer apply. As a precaution, CCWE is in the process of scheduling training training with a recognized provider of NERC Certification Training. CCWE intends to have their operators take and pass the NERC Transmission Operator Certification.

If CCWE is successful in challenging WECC's directive to register as a TO/TOP due to the generation radial-tie line, this standard will no longer apply.

Section D: Details of Proposed Mitigation Plan

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:

NERC Certification Training has been scheduled for September. Operators will begin taking the Certification tests beginning in October. Since the operators do not actually operate a transmission system it is anticipated that it may required several training and testing cycles before all operators are certified.

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:

3/31/2011

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

Milestone	Status	Due Date	Completed Date
SOS International NERC Certification Training	Milestone Pending	9/30/2010	Detail
Testing and Additional Training	Milestone Pending	12/31/2010	Detail
One operator per shift NERC Certified	Milestone Pending	3/31/2011	Detail

Milestone Comment: Milestone Completed Date:

[Close Current Milestone](#)

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:

CCWE follows directives from XCEL's operators for any switching, voltage or reactive over the generator tie-line. Risk to the BPS is minimal during the training period.

Prevention of Future BPS Reliability Risk

E.2 Describe how successful completion of this Mitigation Plan will prevent or minimize the probability that your organization incurs further risk of Alleged violations of the same or similar reliability standards requirements in the future.

Additional detailed information may be provided as an attachment:

NERC Certificaton will satisfy the requirements of PER-003.

Section G: Regional Entity Contact

Please direct any questions regarding completion of this form to:

Duane Cook
Compliance Process Analyst
WECC
801-819-7639
dcooke@wecc.biz



Mitigation Plan Submittal Form

New or **Revised**

Date this Mitigation Plan is being submitted: September 8, 2011

If this Mitigation Plan has already been completed:

- Check this box and
- Provide the Date of Completion of the Mitigation Plan:
- Submit Certification of Mitigation Plan Completion Form
- Submit evidence supporting Mitigation Plan completion

Section A: Compliance Notices & Mitigation Plan Requirements

A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in “Attachment A - Compliance Notices & Mitigation Plan Requirements” to this form. **Review Attachment A and check this box to indicate that you have reviewed and understand the information provided therein.** This Submittal Form and the Mitigation Plan submitted herein are incomplete and cannot be accepted unless the box is checked.

Section B: Registered Entity Information

B.1 Identify your organization:

Registered Entity Name: Cedar Creek Wind Energy, LLC
Registered Entity Address: Grover, CO
NERC Compliance Registry ID: NCR10165

B.2 Identify the individual in your organization who will be the Entity Contact regarding this Mitigation Plan. Please see Section 6.2 of the WECC Compliance Monitoring and Enforcement Program (CMEP) for a description of the qualifications required of the Entity Contact.¹

Name: Lane Robinson
Title: Regulatory Manager, Bluarc Management Group LLC
Email: lane.robinson@infigen-us.com

¹ A copy of the WECC CMEP is posted on WECC’s website at:
<http://compliance.wecc.biz/Application/Documents/Home/20090101%20-%20CMEP.pdf>.
Registered Entities are responsible for following all applicable WECC CMEP procedures. WECC strongly recommends that registered entities become familiar with the WECC CMEP and its requirements, as they may be amended from time to time.



Western Electricity Coordinating Council

Phone: 512-914-6630



Section C: Identity of Alleged or Confirmed Reliability Standard Violations Associated with this Mitigation Plan

This Mitigation Plan is associated with the alleged or confirmed violation(s) of the reliability standard/requirements listed below:

C.1 Standard: PER-003-0
[Identify by Standard Acronym (e.g. FAC-001-1)]

C.2 Requirement(s) violated and violation dates:
[Enter information in the following Table]

NERC Violation ID # [if known]	WECC Violation ID # [if known]	Requirement Violated (e.g. R3)	Violation Risk Factor	Alleged or confirmed Violation Date ^(*) (MM/DD/YY)	Method of Detection (e.g. audit, self-report, investigation)
WECC201001961	WECC2010-610349	R1	High	05/24/10	Audit

(*) Note: The Alleged or Confirmed Violation Date shall be: (i) the date the violation occurred; (ii) the date that the violation was self-reported; or (iii) the date upon which WECC has deemed the violation to have occurred. Please contact WECC if you have questions regarding which date to use .

C.3 Identify the cause of the alleged or confirmed violation(s) identified above:

Cedar Creek Wind Energy, LLC was directed by WECC to register as a TO/TOP on the basis of a 72 mile generator radial tie line. Cedar Creek has unsuccessfully attempted to work with WECC over an extended period of time to resolve this issue without satisfactory results. Cedar Creek is in the process of appealing WECC's decision requiring Cedar Creek to register as a TO/TOP. [Provide your response here; additional detailed information may be provided as an attachment as necessary]

C.4 **[Optional]** Provide any relevant additional information regarding the alleged or confirmed violations associated with this Mitigation Plan:



Public Service of Colorado (PSCo) owns and maintains 4 miles of Cedar Creek's generator tie line and controls the breakers in their Keenesburg Switching Station.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

Section D: Details of Proposed Mitigation Plan

Mitigation Plan Contents

- D.1 Identify and describe the action plan, including specific tasks and actions that your organization is proposing to undertake, or which it undertook if this Mitigation Plan has been completed, to correct the violations identified above in Part C.2 of this form:

NERC Certification Training began in September 2010. Operators will begin taking the Certification tests by March 2011. Since the operators do not actually operate a transmission system it is anticipated that it may require several training and testing cycles before all operators are certified. Individual training plans will be developed as each operator completes NERC Certification. The NERC Appendix 6 System Operator Certification Manual will be used as a guide to schedule Continuing Education hour training in order to meet the 140 hour requirements over a three year period.

CCWE has developed a training program for operating personnel that have the primary responsibility for the real-time operation of the BES and positions directly responsible for complying with NERC standards. CCWE will identify the operating personnel positions/job titles/etc that perform these real-time operating functions and the training program will specifically apply to these operating positions. The training program includes a set of training program objectives, based on NERC and WECC, CCWE operating procedures, and any applicable regulatory requirements. These objectives will reference the knowledge and competencies needed to apply those standards, procedures, and requirements to normal, emergency, and restoration conditions for the Transmission Operator operating positions. The program will also include a plan for initial and for continuing training that will address the knowledge and competencies required for reliability system operations, training time for the operating personnel to ensure training is delivered, and the training staff will be identified and have competencies in both knowledge of system operations and instructional capabilities.



All Transmission Operator personnel will have completed at least five days of training and drills using realistic simulations of system emergencies by the completion date of the mitigation plan.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

Check this box and proceed to Section E of this form if this Mitigation Plan, as set forth in Part D.1, has already been completed; otherwise respond to Part D.2, D.3 and, optionally, Part D.4, below.

Mitigation Plan Timeline and Milestones

D.2 Provide the 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 violations associated with this Mitigation Plan corrected: Cedar Creek has operated successfully for the past three years without NERC Certified Operators. One operator per shift will be NERC Certified by 9/30/2011. Cedar Creek will follow directives from Xcel as they have in the past for any switching, voltage or reactive orders.

D.3 Enter Milestone Activities, with completion dates, that your organization is proposing for this Mitigation Plan:

Milestone Activity	Proposed Completion Date* (milestones cannot be more than 3 months apart)
SOS International NERC Certification Training	9/30/2010
begin testing	12/29/2010
Testing and Additional Training	3/28/2011
re-testing & add'l training	6/29/2011
Add'l retesting and training	9/30/2011
One operator per shift NERC certified	12/31/2011

(*) Note: Implementation milestones should be no more than three (3) months apart for Mitigation Plans with expected completion dates more than three (3) months from the date of submission. As set forth in CMEP section 6.6, adverse consequences could result from failure to complete, on a timely basis, all required actions in this Mitigation Plan, including implementation of milestones. A request for an extension of the completion date of any milestone or of the Mitigation Plan must be received by WECC at least five (5) business days before the relevant milestone or completion date.



Western Electricity Coordinating Council

[Note: Provide your response here; additional detailed information may be provided as an attachment as necessary]



Additional Relevant Information (Optional)

D.4 If you have any relevant additional information that you wish to include regarding the Mitigation Plan, milestones, milestones dates and completion date proposed above you may include it here:

If CCWE is successful in challenging WECC's directive to register as a TO/TOP due to the generation radial-tie line, this standard will no longer apply.
[Provide your response here; additional detailed information may be provided as an attachment as necessary]



Section E: Interim and Future Reliability Risk

Check this box and proceed and respond to Part E.2, below, if this Mitigation Plan, as set forth in Part D.1, has already been completed.

Abatement of Interim BPS Reliability Risk

E.1 While your organization is implementing the Mitigation Plan proposed in Part D of this form, the reliability of the Bulk Power System may remain at higher risk or be otherwise negatively impacted until the plan is successfully completed. To the extent they are known, reasonably suspected or anticipated: (i) identify any such risks or impacts; and (ii) discuss any actions that your organization is planning to take or is proposing as part of the Mitigation Plan to mitigate any increased risk to the reliability of the bulk power system while the Mitigation Plan is being implemented:

CCWE follows directives from XCEL's operators for any switching, voltage or reactive over the generator tie-line. Risk to the BPS is minimal during the training period.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

Prevention of Future BPS Reliability Risk

E.2 Describe how successful completion of the Mitigation Plan as laid out in Part D of this form will prevent or minimize the probability that your organization will incur further violations of the same or similar reliability standards requirements in the future:

R1: Upon the completion of this mitigation plan, CCWE will be compliant with R1 with adequately trained operating personnel.

R2: CCWE has developed a training program for operating personnel that have the primary responsibility for the real-time operation of the BES and positions directly responsible for complying with NERC standards. CCWE will identify the operating personnel positions/job titles/etc that perform these real-time operating functions and the training program will specifically apply to these operating positions.



Western Electricity Coordinating Council



R3: The CCWE training program will include a set of training program objectives, based on NERC and WECC, CCWE operating procedures, and any applicable regulatory requirements. These objectives will reference the knowledge and competencies needed to apply those standards, procedures, and requirements to normal, emergency, and restoration conditions for the Transmission Operator operating positions. The program will also include a plan for initial and for continuing training that will address the knowledge and competencies required for reliability system operations, training time for the operating personnel to ensure training is delivered, and the training staff will be identified and have competencies in both knowledge of system operations and instructional capabilities.

R4: All Transmission Operator personnel will have completed at least five days of training and drills using realistic simulations of system emergencies by the completion date of the mitigation plan.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

E.3 Your organization may be taking or planning other action, beyond that listed in the Mitigation Plan, as proposed in Part D.1, to prevent or minimize the probability of incurring further violations of the same or similar standards requirements listed in Part C.2, or of other reliability standards. If so, identify and describe any such action, including milestones and completion dates:

If operators are unable to pass the NERC Certification testing by the timeframe outlined in this mitigation plan, a third party may be contracted to provide TOP services.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]



Section F: Authorization

An authorized individual must sign and date this Mitigation Plan Submittal Form. By doing so, this individual, on behalf of your organization:

- a) Submits the Mitigation Plan, as laid out in Section D of this form, to WECC for acceptance by WECC and approval by NERC, and
- b) If applicable, certifies that the Mitigation Plan, as laid out in Section D of this form, was completed (i) as laid out in Section D of this form and (ii) on or before the date provided as the 'Date of Completion of the Mitigation Plan' on this form, and
- c) Acknowledges:
 1. I am Lane Robinson, Regulatory Manager of Infigen Asset Management LLC.
 2. I am an officer, employee, attorney or other person authorized to sign this Mitigation Plan on behalf of Cedar Creek Wind Energy, LLC].
 3. I understand Cedar Creek Wind Energy, LLC's obligations to comply with Mitigation Plan requirements and WECC or ERO remedial action directives and I have reviewed the WECC and ERO documents related to these obligations, including, but not limited to, the WECC CMEP and the NERC Rules of Procedure.
 4. I have read and am familiar with the contents of the foregoing Mitigation Plan.
 5. Cedar Creek Wind Energy, LLC agrees to be bound by, and comply with, the Mitigation Plan, including the timetable completion date, as approved by WECC and approved by NERC.

Authorized Signature: _____/Lane Robinson/
(Electronic signatures are acceptable; see CMEP Section 3.0)

Name (Print): Lane Robinson
Title: Regulatory Manager
Date: 9/8/2011



Section G: Comments and Additional Information

You may use this area to provide comments or any additional relevant information not previously addressed in this form.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

Section H: WECC Contact and Instructions for Submission

Please direct any questions regarding completion of this form to:
Duane Cooke, Compliance Process Analyst
Email: dcooke@wecc.biz
Phone: (801) 819-7639

For guidance on submitting this form, please refer to the “*WECC Compliance Data Submittal Policy*”. This policy can be found on the WECC Compliance Website at:

<http://compliance.wecc.biz/Documents/2%20-%20WECC%20-%20Reporting%20Forms/00.00%20-%20WECC%20Compliance%20Data%20Submittal%20Policy.pdf>



Attachment A – Compliance Notices & Mitigation Plan Requirements

- I. Section 6.2 of the WECC CMEP sets forth the information that must be included in a Mitigation Plan. The Mitigation Plan must include:
 - (1) The Registered Entity's point of contact for the Mitigation Plan, who shall be a person (i) responsible for filing the Mitigation Plan, (ii) technically knowledgeable regarding the Mitigation Plan, and (iii) authorized and competent to respond to questions regarding the status of the Mitigation Plan. This person may be the Registered Entity's point of contact described in Section 2.0.
 - (2) The Alleged or Confirmed Violation(s) of Reliability Standard(s) the Mitigation Plan will correct.
 - (3) The cause of the Alleged or Confirmed Violation(s).
 - (4) The Registered Entity's action plan to correct the Alleged or Confirmed Violation(s).
 - (5) The Registered Entity's action plan to prevent recurrence of the Alleged or Confirmed violation(s).
 - (6) The anticipated impact of the Mitigation Plan on the bulk power system reliability and an action plan to mitigate any increased risk to the reliability of the bulk power-system while the Mitigation Plan is being implemented.
 - (7) A timetable for completion of the Mitigation Plan including the completion date by which the Mitigation Plan will be fully implemented and the Alleged or Confirmed Violation(s) corrected.
 - (8) Implementation milestones no more than three (3) months apart for Mitigation Plans with expected completion dates more than three (3) months from the date of submission.
 - (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 may be used to provide a required Mitigation Plan for review and approval by WECC and NERC.
- III. The Mitigation Plan shall be submitted to the WECC and NERC as confidential information in accordance with Section 9.3 of the WECC CMEP and Section 1500 of the NERC Rules of Procedure.



Western Electricity Coordinating Council



- IV. This Mitigation Plan form may be used to address one or more related Alleged or Confirmed Violations of one Reliability Standard. A separate Mitigation Plan is required to address violations with respect to each additional Reliability Standard, as applicable.
- V. If the Mitigation Plan is approved by WECC and NERC, a copy of the Mitigation Plan will be provided to the Federal Energy Regulatory Commission in accordance with applicable Commission rules, regulations and orders.
- VI. Either WECC or NERC may reject a Mitigation Plan that it determines to be incomplete or inadequate. If the Mitigation Plan is rejected by either WECC or NERC, the Registered Entity will be notified and required to submit a revised Mitigation Plan.
- VII. In accordance with Section 7.0 of the WECC CMEP, remedial action directives also may be issued as necessary to ensure reliability of the bulk power system.

Certification of Mitigation Plan Completion

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

Registered Entity Name: Cedar Creek Wind Energy, LLC

NERC Registry ID: NCR10165

NERC Violation ID(s): WECC201001961

Mitigated Standard Requirement(s): PER-003-0 R1,

Scheduled Completion as per Accepted Mitigation Plan: December 31, 2011

Date Mitigation Plan completed: December 27, 2011

Submission Date of Completion Certification: December 27, 2011

Entity Comment:

Additional Documents			
From	Document Name	Description	Size in Bytes
Entity	PER-003 MP 20111227 final milestone completion.pdf		93,995

I certify that the Mitigation Plan for the above named violation(s) has been completed on the date shown above and that all submitted information is complete and correct to the best of my knowledge.

Name: Lane Robinson

Title: Regulatory Manager

Email: lane.robinson@infigen-us.com

Phone:

Authorized Signature _____ Date _____

(Electronic signature was received by the Regional Office via CDMS. For Electronic Signature Policy see CMEP.)

CONFIDENTIAL



Chris Luras
Manager of Compliance Enforcement

(801) 883-6887
cluras@wecc.biz

VIA WECC ENHANCED FILE TRANSFER SERVER

March 21, 2012

Kim Takayesu
Operations Analyst
Cedar Creek Wind Energy, LLC
5307 E. Mockingbird Lane; Suite 710
Dallas, Texas 75206

NERC Registration ID: NCR10165
NERC Violation ID: WECC201001961

Subject: Notice of Revised Mitigation Plan and Completed Mitigation Plan Acceptance
Reliability Standard PER-003-0 Requirement 1

Kim,

The Western Electricity Coordinating Council (WECC) received the revised Mitigation Plan and the Certification of Mitigation Plan Completion submitted by Cedar Creek Wind Energy, LLC (CCWE) on September 8, 2011 and December 27, 2011 respectively for the violation of Reliability Standard PER-003-0 Requirement 1. After a thorough review, WECC has accepted the revised Mitigation Plan and the Certification of Mitigation Plan Completion.

If you have any questions or concerns, please contact Mike Wells at mwells@wecc.biz.

Sincerely,



Chris Luras
Manager of Compliance Enforcement

CL:rph

cc: Lane Robinson, CCWE Regulatory Manager
John McGhee, WECC Director of Audits and Investigations
Mike Wells, WECC Senior Compliance Engineer

Attachment f

Record documents for the violation of PRC-005-1 R2.1:

- 1. CCWE's source document for PRC-005-1 R2.1 dated May 27, 2010**
 - 2. CCWE's Mitigation Plan designated as MIT-08-2861 submitted September 7, 2010**
 - 3. CCWE's Certification of Mitigation Plan Completion dated October 8, 2010**
 - 4. WECC's Verification of Mitigation Plan Completion dated November 3, 2011**
-

Violation - Discovery Record

Registered Entity: Cedar Creek Wind Energy, LLC
NERC Registry ID: NCR10165

NERC Violation ID: WECC201001962
Discovery Method: Audit

Date Submitted: May 27, 2010
Region Contact:

Phone: N/A Email: N/A

Standard: PRC-005-1 - Transmission And Generation Protection System Maintenance And Testing

Purpose:

Requirement: 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 on request (within 30 calendar days). The documentation of the program implementation shall include:

Violated Sub-Req(s): R2.1

Violated Function(s): GO, TO

Init Determ a Vltm: May 27, 2010

Begin Date of Vltm: January 21, 2008

End Date:

Notified of Vltm on: May 27, 2010

Potential Impact to Minimal Impact –

BES:

The entity owns a wind generation facility that connects via a 230 kV line to an adjoining TOP. The entity is registered as a TOP and TO on the basis of owning a 72-mile 230 kV line and a 34.5 kV to 230 kV substation. These facilities interconnect to an adjoining TOP Switching station.

The transmission facility transmits power associated with the interconnecting generator, whether it is power delivered to the grid by the generator or power taken from the grid by the generator for the station service.

Power generated by the entity is scheduled and purchased by an adjoining TOP per a Renewable Energy Purchase Agreement.

The entity has one station battery that provides DC current for its Generation and Transmission protection systems. If the battery were to fail, there is a remote chance that under fault conditions one or more circuit breaker would not operate and the station could become disconnected from the interconnection. The maintenance and testing program states that the station battery is inspected once a month. The facility is less than five years old and a chance of a battery failure is minimal. Even if it were to fail and the facility became disconnected from the interconnection a maximum of 300 MW of generation would be lost. If the transmission protection system failed to operate as designed, the other TOP has a protection system that would isolate the transmission line without impacting the reliability of the BES.

Brief Vltm Descr. & Cause: The audit team concluded that based on [documentation & interviews] that the entity was in violation of Requirement 2 of Standard PRC-005-1.

Alleged Violation: null

Registered Entity null
Report/Response:

Risk Factor: High

Severity Level: VSL - Lower

Factual Basis: null

Logged in as:

Lane Robinson

Log Out

- ▶ System Administration
- ▶ Compliance
- ▶ Self Reports
- ▶ Complaints
- ▶ Mitigation Plans
- ▶ Violation Retractions
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Edit - Mitigation Plan

 Save Item |
  Delete Item |
 Cancel Changes |
  Save PDF |
 Return To Search Results

* Required Fields

Status: Saved

Section A: Compliance Notices & Mitigation Plan Requirements

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

Section B: Registered Entity Information

B.1 Identify your organization

Company Name: Cedar Creek Wind Energy, LLC
 Company Address: 5307 E. Mockingbird Lane
 Dallas, Texas
 75206

NERC Compliance Registry ID: NCR10165

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

Name: *  Find | Clear

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

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

Applicable Standard, Requirement(s) and Violation Date:

Standard: ▼

PRC-005-1 R2.[PRC-005-1 R2.1.][PRC-005-1 R2.2.] (05/27/2010)

C.2 Identify the cause of the Alleged or Confirmed violation(s) identified above.

Additional detailed information may be provided as an attachment:

Cedar Creek Wind Energy, LLC started operating November 2007, but did not begin it's monthly battery inspections until June 2008. All monthly battery inspections have been performed per Cedar Creek's Protection System Maintenance Program beginning in June 2008.

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:

Cedar Creek has operated without any relay misoperations since November 2007. In addition to the battery system being new at the time of installation, Cedar Creek has a backup generator system that starts after the initial battery system operates, thus minimizing the drain on the battery.

Section D: Details of Proposed Mitigation Plan

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:

Cedar Creek has performed all monthly battery inspections per the Protective System Maintenance Program since June 2008.

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:

6/25/2008

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

[No Mitigation Milestones Defined for Mitigation Plan](#)
[Add New Mitigation Plan Milestone](#)

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:

Prevention of Future BPS Reliability Risk

E.2 Describe how successful completion of this Mitigation Plan will prevent or minimize the probability that your organization incurs further risk of Alleged violations of the same or similar reliability standards requirements in the future.

Additional detailed information may be provided as an attachment:

Section F: Authorization

An authorized individual must sign and date this Mitigation Plan Submittal Form. By doing so, this individual, on behalf of your organization:

- a) Submits this Mitigation Plan for acceptance by **WECC** 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 **Lane Robinson** of **Cedar Creek Wind Energy, LLC**
 2. I am qualified to sign this Mitigation Plan on behalf of **Cedar Creek Wind Energy, LLC**
 3. I understand **Cedar Creek Wind Energy, LLC's** obligations to comply with Mitigation Plan requirements and ERO remedial action directives as well as ERO documents, including, but not limited to, the NERC Rules of Procedure, including Appendix 4(C) (Compliance Monitoring and Enforcement Program of the North American Electric Reliability Corporation (NERC CMEP))
 4. I have read and am familiar with the contents of this Mitigation Plan
 5. **Cedar Creek Wind Energy, LLC** agrees to comply with, this Mitigation Plan, including the timetable completion date, as accepted by **WECC** and approved by NERC

Authorized Individual Signature [Sign](#)

Section G: Regional Entity Contact

Please direct any questions regarding completion of this form to:

Duane Cook

Compliance Process Analyst

WECC

801-819-7639

dcooke@wecc.biz

Compliance

Member Portal

Cedar Creek Wind Energy, LLC

Logged in as:

Lane Robinson

Log Out

- ▶ System Administration
- ▶ Compliance
- ▶ Self Reports
- ▶ Complaints
- ▼ Mitigation Plans
 - Add Mitigation Plan
 - Search Mitigation Plans
- ▶ Violation Retractions
- ▶ File Upload

Edit

|
 |
 Cancel Changes |
 |
 Return to Mitigation Plan

* Required Fields

Status: Saved

All Mitigation Plan Completion Certification submittals shall include data or information sufficient for WECC to verify completion of the Mitigation Plan. WECC may request such additional data or information and conduct follow-up assessments, on-site or other Spot Checking, or Compliance Audits as it deems necessary to verify that all required actions in the Mitigation Plan have been completed and the Registered Entity is in compliance with the subject Reliability Standard. (CMEP Section 6.6) Data or information submitted may become part of a public record upon final disposition of the possible violation, therefore any confidential information contained therein should be marked as such in accordance with the provisions of Section 1500 of the NERC Rules of Procedure.

Name of Registered Entity submitting certification: **Cedar Creek Wind Energy, LLC**

Name of Standard of mitigation violation(s): PRC-005-1

Mitigated information:

Requirement	Tracking Number	Violation ID
R2.	WECC2010-610350	ID Not Assigned

Date of completion of the Mitigation Plan:

6/25/2008

Summary of all actions described in Part D of the relevant mitigation plan:

Description of the information provided to WECC for their evaluation:

Please provide the specific location (i.e. paragraph numbers, page numbers) in the documentation/evidence submitted to verify compliance.

Additional Notes or Comments pertaining to this violation:

I certify that the mitigation plan for the above-named violation has been completed on the date shown above. In doing so, I certify that all required mitigation plan actions described in Part D of the relevant mitigation plan have been completed, compliance has been restored, the above-named entity is currently compliant with all of the requirements of the referenced standard, and that all information submitted is complete and correct to the best of my knowledge. Submit all supporting documentation.

Authorized Individual Signature [Sign](#)

Name: Lane Robinson

Title: Regulatory Manager

Entity: Cedar Creek Wind Energy, LLC

Email: lane.robinson@bluarcgroup.com

Phone: 512-914-6630

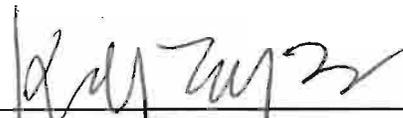
Supplemental Record Information

CERTIFYING COMPLETION OF MITIGATING ACTIVITIES

I, Kim Takayesu, of Cedar Creek Wind Energy, LLC certify that the following is true and correct to the best of my knowledge, information, and belief:

1. I am the Primary Compliance Contact for Cedar Creek Wind Energy, LLC with knowledge of the matters set out herein.
2. On March 29, 2012, the Western Electricity Coordinating Council and Cedar Creek Wind Energy, LLC entered into and executed a settlement agreement resolving certain NERC Reliability Standard violations, including an Alleged Violation of PRC-005-1 R2.
3. On September 7, 2010, Cedar Creek Wind Energy, LLC submitted a mitigation plan to address a possible violation of PRC-005-1 R2.
4. On October 6, 2010, the Western Electricity Coordinating Council approved the above mentioned mitigation plan in a Notice of Mitigation Plan Acceptance.
5. On October 8, 2010, Cedar Creek Wind Energy, LLC submitted a Certification of Mitigation Plan, wherein an authorized delegate of Cedar Creek Wind Energy, LLC certified Cedar Creek Wind Energy, LLC completed all actions outlined in the mitigation plan described above.
6. On or before June 25, 2008, Cedar Creek Wind Energy, LLC completed the following mitigating activities to remediate the PRC-005-1 R2 violation resolved in the settlement agreement. Cedar Creek Wind Energy, LLC performed all monthly battery inspections as described in the associated mitigation plan.
7. This certification is made in good faith, at the request of the Western Electricity Coordinating Council, to supplement the record documents associated with the March 29, 2012 settlement agreement.

Name:
Title:
Date:



Kim Takayesu
Regulatory Analyst
8/22/12

CONFIDENTIAL



Chris Luras
Manager of Compliance Enforcement

(801) 883-6887
cluras@wecc.biz

VIA COMPLIANCE WEB PORTAL

November 3, 2010

Kim Takayesu
Operations Analyst
Cedar Creek Wind Energy, LLC
5307 E. Mockingbird Lane, Suite 710
Dallas, Texas 75206

NERC Registration ID: NCR10165
NERC Violation ID: WECC201001962

Subject: Notice of Completed Mitigation Plan Acceptance
Reliability Standard PRC-005-1 Requirement 2.1

Dear Kim,

The Western Electricity Coordinating Council (WECC) received the Certification of Mitigation Plan Completion and evidence submitted by Cedar Creek Wind Energy, LLC (CCWE) on October 8, 2010 for the alleged violation of Reliability Standard PRC-005-1 Requirement 2.1. After a thorough review, WECC accepted the Certification of Mitigation Plan Completion.

If you have any questions or concerns, please contact Mary Rieger at mrieger@wecc.biz.

Sincerely,



Chris Luras
Manager of Compliance Enforcement

CL:rph

cc: Lane Robinson, CCWE Regulatory Manager
John McGhee, WECC Director of Audits and Investigations
Mary Rieger, WECC Compliance Engineer

Attachment g
Notice of Filing

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Cedar Creek Wind Energy, LLC

Docket No. NP12-____-000

NOTICE OF FILING
August 31, 2012

Take notice that on August 31, 2012, the North American Electric Reliability Corporation (NERC) filed a Notice of Penalty regarding Cedar Creek Wind Energy, LLC in the Western Electricity Coordinating Council 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