



NORTH AMERICAN ELECTRIC
RELIABILITY CORPORATION

March 31, 2010

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

**Re: NERC Notice of Penalty regarding Alcoa Power Generating, Inc. – Tapoco Division
FERC Docket No. NP10-_-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides this Notice of Penalty¹ regarding Alcoa Power Generating, Inc. – Tapoco Division (APGI-Tapoco),² NERC Registry ID# NCR01168,³ in accordance with the Federal Energy Regulatory Commission's (Commission or FERC) rules, regulations and orders, as well as NERC Rules of Procedure including Appendix 4C (NERC Compliance Monitoring and Enforcement Program (CMEP)).⁴

During an on-site Compliance Audit conducted from September 8, 2008 to September 10, 2008⁵ (Audit), SERC identified a possible violation of Reliability Standards PRC-005-1 Requirement (R) 1 for APGI-Tapoco's failure to specifically identify DC Control Circuitry as a component of its Protection System⁶ in its Protection System Maintenance and Testing program. This Notice of Penalty is being filed with the Commission because, based on information from SERC, SERC

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 (2008). *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 Also concurrently being filed is a Notice of Penalty designated as NOC-407 regarding a separate Settlement Agreement between SERC Reliability Corporation (SERC) and APGI-Yadkin for an alleged violation of the same Reliability Standard PRC-005-1 R1.

³ SERC confirmed that APGI-Tapoco was included on the NERC Compliance Registry as a Generator Operator, Generator Owner, Transmission Operator and Transmission Owner on May 31, 2007. As a Generator Owner and a Transmission Owner, APGI-Tapoco is subject to the requirements of NERC Reliability Standard PRC-005-1. The alleged violation herein pertains to APGI-Tapoco's registration as a Generation Owner.

⁴ See 18 C.F.R. § 39.7(c)(2).

⁵ APGI-Tapoco was scheduled to be audited at the same time as APGI-Yadkin. The Audit was originally scheduled to be conducted from September 8, 2008 to September 11, 2008.

⁶ *The NERC Glossary of Terms Used in Reliability Standards*, updated April 20, 2009, defines Protection System as "Protective relays, associated communication systems, voltage and current sensing devices, station batteries and DC control circuitry."

and APCI-Tapoco have entered into a Settlement Agreement to resolve all outstanding issues arising from a preliminary and non-public assessment resulting in SERC's determination and findings of the enforceable alleged violation of PRC-005-1 R1. According to the Settlement Agreement, APCI-Tapoco neither admits nor denies the alleged violation, but has agreed to the proposed penalty of two thousand dollars (\$2,000) to be assessed to APCI-Tapoco, in addition to other remedies and actions to mitigate the instant violation and facilitate future compliance under the terms and conditions of the Settlement Agreement. Accordingly, the alleged violation identified as NERC Violation Tracking Identification Number SERC200800188 is being filed in accordance with the NERC Rules of Procedure and the CMEP.

Statement of Findings Underlying the Alleged Violation

This Notice of Penalty incorporates the findings and justifications set forth in the Settlement Agreement executed on October 27, 2009, by and between SERC and APCI-Tapoco, which is included as Attachment b. 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 (2007), NERC provides the following summary table identifying each alleged 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 (\$)
SERC	Alcoa Power Generating, Inc – Tapoco Division	NOC-406	SERC200800188	PRC-005-1	1	High ⁷	2,000

PRC-005-1 R1

The purpose of Reliability Standard PRC-005-1 is to ensure all transmission and generation Protection Systems affecting the reliability of the bulk power system (BPS) are maintained and tested.

PRC-005-1 R1 requires each Generator Owner that owns a generation Protection System, such as APCI-Tapoco, to have a Protection System maintenance and testing program for generation Protection Systems that affect the reliability of the BPS. The program shall include: (R1.1) maintenance and testing intervals and their basis and (R1.2) a summary of maintenance and testing procedures. PRC-005-1 R1, R1.1 and R1.2 each have a "High" Violation Risk Factor (VRF).

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

During the Audit, the Audit Team found that the documentation of APCI-Tapoco's generation maintenance and testing program was deficient because it did not include a discussion of DC Control Circuitry. The Audit Team did conclude, however, that APCI-Tapoco was performing functional testing on its DC Control Circuitry as part of its maintenance and testing program.

On September 12, 2008, SERC commenced its detailed compliance assessment and reviewed a copy of APCI-Tapoco's maintenance and testing program. SERC confirmed the documents did not specifically mention the testing of DC Control Circuitry, although the documents did include a requirement for functional testing that effectively tested the DC Control Circuitry. SERC determined that APCI-Tapoco had an alleged violation of PRC-005-1 R1 because the evidence reviewed showed that APCI-Tapoco did not identify DC Control Circuitry as a component of its Protection System. SERC determined the duration of the alleged violation to be from June 18, 2007, the date the Standard became enforceable, through September 17, 2008, when APCI-Tapoco completed its Mitigation Plan.

Regional Entity's Basis for Penalty

According to the Settlement Agreement, SERC has assessed a penalty of two thousand dollars (\$2,000) for the referenced alleged violation. In reaching this determination, SERC considered the following factors: (1) The alleged violation constituted APCI-Tapoco's first violation of NERC Reliability Standards; (2) APCI-Tapoco cooperated in a timely and satisfactory manner throughout the enforcement process; (3) there was no evidence of any attempt to conceal a violation nor evidence of intent to do so; (4) APCI-Tapoco agreed to resolve this issue via settlement before receiving a Notice of Alleged Violation and Proposed Penalty or Sanction; and (5) SERC determined that the alleged violation did not pose a serious or substantial risk to the BPS because, although APCI-Tapoco's maintenance and testing program did not specifically mention DC Control Circuitry, APCI-Tapoco did perform functional testing on its relays during the course of relay maintenance by confirming breaker operation in response to appropriate input parameters and was therefore effectively testing its relay DC Control Circuitry.

After consideration of the above factors, SERC determined that, in this instance, the penalty amount of two thousand dollars (\$2,000) is appropriate and bears a reasonable relation to the seriousness and duration of the alleged violation.

Status of Mitigation Plan⁸

APCI-Tapoco's completed Mitigation Plan to address its alleged violation of PRC-005-1 R1 was submitted to SERC on September 29, 2008, with a completion date of September 17, 2008. The Mitigation Plan was accepted by SERC on January 15, 2009 and approved by NERC on February 17, 2009. The Mitigation Plan for this alleged violation is designated as MIT-07-1367 and was submitted as non-public information to FERC on February 24, 2009 in accordance with FERC orders.

⁸ See 18 C.F.R § 39.7(d)(7).

APGI-Tapoco's Mitigation Plan states that APGI-Tapoco revised its maintenance and testing program to specifically identify DC Control Circuitry as a component in its documentation and to specify that functional testing was used to test its DC Control Circuitry.

APGI-Tapoco certified on February 23, 2009 that its Mitigation Plan was completed as of September 17, 2008.⁹ As evidence of completion of its Mitigation Plan, APGI-Tapoco submitted a copy of its *Transmission and Generation Protection Systems Maintenance & Testing Program* showing the inclusion of DC Control Circuitry in the list of equipment to be tested pursuant to the procedure.

On February 25, 2009, after reviewing APGI-Tapoco's submitted evidence, SERC verified that APGI-Tapoco's Mitigation Plan was completed as of September 17, 2008 with respect to the alleged violation of PRC-005-1 R1.

Statement Describing the Proposed Penalty, Sanction or Enforcement Action Imposed¹⁰

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 Guidance Order,¹¹ the NERC BOTCC reviewed the Settlement Agreement and supporting documentation on February 10, 2010. The NERC BOTCC approved the Settlement Agreement, including SERC's imposition of a financial penalty, assessing a penalty of two thousand dollars (\$2,000) against APGI-Tapoco 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 alleged violation at issue.

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

- (1) The alleged violation constituted APGI-Tapoco's first violation of NERC Reliability Standards;
- (2) SERC reported that APGI-Tapoco cooperated in a timely and satisfactory manner throughout the enforcement process;
- (3) there was no evidence of any attempt to conceal a violation nor evidence of intent to do so;
- (4) APGI-Tapoco agreed to resolve the matter through settlement;
- (5) SERC determined that the alleged violation did not pose a serious or substantial risk to the BPS, as discussed above; and
- (6) the violation was a documentation issue.

⁹ The Certification of Completion incorrectly states that the Mitigation Plan was completed on September 17, 2009. Although the Certification of Completion states it was signed on February 12, 2009, SERC states it received the Certification of Completion on February 23, 2009, the date of Certification.

¹⁰ See 18 C.F.R. § 39.7(d)(4).

¹¹ *North American Electric Reliability Corporation*, "Guidance Order on Reliability Notices of Penalty," 124 FERC ¶ 61,015 (2008).

For the foregoing reasons, the NERC BOTCC approves the Settlement Agreement and believes that the proposed penalty of two thousand dollars (\$2,000) is appropriate for the violation and circumstances in question, and is consistent with NERC's goal to promote and ensure reliability of the bulk power system.

Pursuant to Order No. 693, 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 and material:

- a) SERC's Audit Screening Worksheet for PRC-005-1 R1 showing a deemed date of September 10, 2009, included as Attachment a;
- b) Settlement Agreement by and between SERC and APGI-Tapoco executed October 27, 2009, included as Attachment b;
 - i) APGI-Tapoco's Mitigation Plan designated as MIT-07-1367 for PRC-005-1 R1 submitted September 29, 2008, included in the Settlement Agreement as Appendix A-1;
 - ii) APGI-Tapoco's Certification of Completion of the Mitigation Plan for PRC-005-1 R1, submitted February 23, 2009, included in the Settlement Agreement as Appendix A-2; and
 - iii) SERC's Verification of Completion of the Mitigation Plan for PRC-005-1 R1 dated February 25, 2009, included in the Settlement Agreement as Appendix A-3.

A Form of Notice Suitable for Publication¹²

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

¹² See 18 C.F.R § 39.7(d)(6).

Notices and Communications

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

<p>Gerald W. Cauley* President and Chief Executive Officer David N. Cook* Vice President and General Counsel North American Electric Reliability Corporation 116-390 Village Boulevard Princeton, N.J. 08540-5721 (609) 452-8060 (609) 452-9550 – facsimile gerry.cauley@nerc.net david.cook@nerc.net</p> <p>For APGI:</p> <p>Walt Brockway* Chief Compliance Officer Alcoa Power Generating, Inc. Tapoco Division 900 S. Gay St, 1200 Riverview Tower Knoxville, TN 37902 (865) 594-4624 (865) 594-4754 - facsimile Walt.Brockway@alcoa.com</p> <p>William Bunker* VP-Hydro Operations Alcoa Power Generating, Inc. – Tapoco Division 300 North Hall Road, Bldg 75-Tapoco Alcoa, TN 37701 (865)977-3334 (865) 977-3843 - facsimile Bill.Bunker@aloca.com</p> <p>*Persons to be included on the Commission’s service list are indicated with an asterisk. NERC requests waiver of the Commission’s rules and regulations to permit the inclusion of more than two people on the service list.</p>	<p>Rebecca J. Michael* Assistant General Counsel Holly A. Hawkins* Attorney North American Electric Reliability Corporation 1120 G Street, N.W. Suite 990 Washington, D.C. 20005-3801 (202) 393-3998 (202) 393-3955 – facsimile rebecca.michael@nerc.net holly.hawkins@nerc.net</p> <p>For SERC:</p> <p>Thomas J. Galloway Interim President and Chief Executive Officer SERC Reliability Corporation 2815 Coliseum Centre Drive Charlotte, NC 28217 (704) 940-8205 (704) 357-7914 – facsimile tgalloway@serc1.org</p> <p>Marisa A. Sifontes* Compliance Legal Counsel and Acting Director of Compliance SERC Reliability Corporation 2815 Coliseum Centre Drive, Suite 500 Charlotte, NC 28217 (704) 494-7775 (704) 357-7914 – facsimile msifontes@serc1.org</p> <p>Kenneth B. Keels, Jr.* Manager of Compliance Enforcement SERC Reliability Corporation 2815 Coliseum Centre Drive Charlotte, NC 28217 (704) 940-8214 (704) 357-7914 – facsimile kkeels@serc1.org</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

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cc: Alcoa Power Generating, Inc. – Tapoco Division
SERC Reliability Corporation

Attachments

Attachment a

**SERC's Audit Screening Worksheet for
PRC-005-1 R1 showing a deemed date of
September 10, 2009**

Screening Worksheet

Tracking Number

Entity Name
Alcoa Power Generating, Inc. - Tapoco Division

Is Entity Registered?
Yes

Entity Contact
Jennifer Connors

Entity Telephone Number
865-977-2565

Standard	Requirement
PRC-005-1	R1

Is Issue Still Occurring?
Yes

Remedial Action Directive?

Date Issue Occurred

Date Issue/Event Reported

Method of Discovery
Planning Audit

NERC 48-Hour Reportable?
No

Threat to BES?
No

Alleged Violation Applies to:													
BA	DP	GO	GOP	LSE	PA	PSE	RC	RP	RSG	TO	TOP	TP	TSP
		X	X							X	X		

Brief Description
APGI-Tapoco Division – Transmission and Generation Protection Systems Maintenance & Testing Program does not adequately address DC Control Circuitry.

Detailed Description
DC Control Circuitry was not identified or included in the Transmission or Generation Protection System Maintenance and Testing Program.

Prepared By	Date
Steve Gibe	9/10/2008

Attachment b

**Settlement Agreement by and between SERC and
APGI-Tapoco executed October 27, 2009**

SETTLEMENT AGREEMENT

OF

SERC RELIABILITY CORPORATION

AND

ALCOA POWER GENERATING, INC.

I. INTRODUCTION

1. SERC Reliability Corporation (“SERC”) and Alcoa Power Generating, Inc. (“APGI”) enter into this Settlement Agreement (“Settlement Agreement”) to resolve all outstanding issues arising from a preliminary and non-public assessment resulting in SERC’s determination and findings, pursuant to the North American Electric Reliability Corporation (“NERC”) Rules of Procedure, of an alleged violation by APGI’s Tapoco Division of NERC Reliability Standard PRC-005-1, Requirement 1 (SERC Tracking No. 08-104, NERC Violation ID No. SERC200800188).

II. STIPULATION

2. The facts stipulated herein are stipulated solely for the purpose of resolving, between APGI and SERC, the matters discussed herein and do not constitute stipulations or admissions for any other purpose. APGI and SERC hereby stipulate and agree to the following:

Background

3. APGI, a wholly owned subsidiary of Alcoa, Inc., owns and operates two hydroelectric projects, Tapoco and Yadkin, within the SERC footprint. The Tapoco Project is a four-development hydroelectric project located in the western portion of the Little Tennessee Watershed on the Little Tennessee and Cheoah Rivers in Graham, Swain, Blount, and Monroe Counties in North Carolina and Tennessee. The four developments have a combined licensed capacity of 380 megawatts.
4. APGI-Tapoco Division owns a generation Protection System, as that term is defined in the *NERC Glossary of Terms used in Reliability Standards* and are therefore subject to the requirements of PRC-005-1.

5. APCI – Tapoco Division is included on the NERC Compliance Registry as a Transmission Owner, Transmission Operator, Generator Owner and Generator Operator (NCR01168). This violation involves its registration as a Generator Owner.

Alleged Violation

Alleged Violation of NERC Reliability Standard PRC-005-1, Requirement 1

6. The purpose of NERC Reliability Standard PRC-005-1 is to ensure that all transmission and generation Protection Systems that affect the reliability of the Bulk Electric System are maintained and tested.
7. NERC Reliability Standard PRC-005-1, Requirement 1 requires that a Generator Owner that owns a Protection System “shall have a Protection System maintenance and testing program for Protection Systems that affect the reliability of the Bulk Electric System.”¹
8. On March 26, 2008, SERC notified APCI that a compliance audit to determine its compliance with the NERC Reliability Standards had been scheduled to take place on September 8-11, 2008.²
9. On June 12, 2008, SERC Staff sent a letter to APCI detailing, among other things, the Reliability Standards that would be the focus of the upcoming compliance audit. Among the standards to be audited was NERC Reliability Standard PRC-005-1 (Transmission and Generation Protection System Maintenance and Testing).
10. On September 10, 2008, SERC audit staff concluded its audit of APCI – Tapoco Division and found that the documentation of APCI’s maintenance and testing program was deficient because it did not include a discussion of DC control circuitry. SERC audit staff did conclude, however, that APCI was performing functional testing on its DC Control Circuitry as part of its maintenance and testing program.
11. After confirming APCI’s NERC registration status, SERC Staff commenced its detailed compliance assessment. On September 12, 2008, SERC Staff issued to APCI a Compliance Assessment Notice advising APCI of the initiation of a formal assessment to determine, in part, its compliance relative to Reliability Standard PRC-005-1 and directing APCI to preserve all relevant records and information.

¹ NERC Reliability Standard PRC-005-1 – Transmission and Generation Protection System Maintenance and Testing, approved by NERC Board of Trustees on May 2, 2006, approved by FERC effective June 18, 2007.

² The two SERC-registered divisions of APCI were scheduled to be audited at the same time.

12. SERC Staff promptly established direct contact with representatives of APCI to begin the process of gathering information and documentation for the detailed compliance assessment. SERC Staff also reported the possible violation to NERC, which, in turn, reported the possible violation to the Federal Energy Regulatory Commission (“Commission”) in accordance with the Compliance Monitoring Enforcement Program (“CMEP”) of the NERC Rules of Procedure.
13. SERC Staff obtained a copy of APCI’s maintenance and testing program documentation and confirmed the documents did not specifically mention the testing of DC control circuitry, although the documents did include a requirement for functional testing that effectively tested the DC control circuitry.
14. SERC Staff concluded that the facts and evidence supported a finding that APCI violated NERC Reliability Standard PRC-005-1, Requirement 1, because the evidence reviewed showed that APCI did not identify DC Control Circuitry as a component of its Protection System. Requirement 1 of NERC Reliability Standard PRC-005-1 is assigned a “High” Violation Risk Factor (“VRF”).³ SERC Staff deems the alleged violation of NERC Reliability Standard PRC-005-1 to not be a violation that put bulk power system reliability at serious or substantial risk. While APCI’s maintenance and testing program did not specifically mention DC Control Circuitry, it did perform functional testing on its relays during the course of relay maintenance by confirming breaker operation in response to appropriate input parameters and was therefore effectively testing its relay DC Control Circuitry.

III. PARTIES’ SEPARATE REPRESENTATIONS

Statement of SERC and Summary of Findings

15. SERC finds that beginning on June 18, 2007 and continuing until September 17, 2008, APCI, as a Generator Owner, failed to specifically identify DC Control Circuitry as a component of its Protection System in its Protection System Maintenance and Testing program.
16. SERC Staff concluded that the actual or foreseeable impact of the alleged violation on the reliability of the bulk power system was minimal, as discussed above.

³ When NERC filed VRFs for PRC-005, NERC originally assigned a “Medium” VRF to PRC-005-1, Requirement 1. In the Commission’s May 18, 2007 Order on Violation Risk Factors, the Commission approved the VRF as filed but directed modifications. On June 1, 2007, NERC filed the modified “High” VRF for PRC-005-1, Requirement 1 for approval. On August 6, 2007, the Commission issued an Order approving the modified VRF. Therefore, the “Medium” VRF was in effect from June 18, 2007 until August 6, 2007 and the “High” VRF has been in effect since August 6, 2007.

17. SERC agrees that this Settlement Agreement is in the best interest of the parties and in the best interest of bulk power system reliability.

Statement of APCI

18. APCI neither admits nor denies that the facts set forth and agreed to by the parties for purposes of this Agreement constitute a violation of NERC Reliability Standard PRC-005-1.
19. Although APCI does not admit to, nor does it deny, the alleged violation of NERC Reliability Standard PRC-005-1, Requirement 1, APCI has agreed to enter into this Settlement Agreement with SERC to avoid extended litigation with respect to the matters described or referred to herein, to avoid uncertainty, and to effectuate a complete and final resolution of the issues set forth herein. APCI agrees that this agreement is in the best interest of the parties and in the best interest of maintaining a reliable electric infrastructure.
20. While APCI does acknowledge the specific term “DC Control Circuitry” was not used in its System Protection Maintenance and Testing Program, authors and approvers of the document and procedures felt the industry accepted term “functional testing” was synonymous with “DC Control Circuitry”. The System Protection Maintenance and Testing Program has been updated to specifically include the “DC Control Circuitry” terminology. Alcoa’s strong compliance culture has been, and will continue to be, demonstrated by the intent and actions to adhere to all requirements to protect the reliability of the Bulk Electric System.

IV. MITIGATING ACTIONS, REMEDIES AND SANCTIONS

21. APCI’s Mitigation Plan for the Tapoco Division, MIT-07-1367, to address the alleged violation of NERC Reliability Standard PRC-005-1 was submitted to SERC on September 29, 2008. The Mitigation Plan was accepted by SERC on January 15, 2009, approved by NERC on February 17, 2009, and submitted as non-public information to the Commission on February 24, 2009. On February 23, 2009, APCI certified that its Mitigation Plan had been completed on September 17, 2008. SERC verified that completion of the Mitigation Plan on February 25, 2009. APCI’s Mitigation Plan MIT-07-1367 is attached as Appendix A-1. Its Certification of Mitigation Plan Completion is attached hereto as Appendix A-2, and the Statement of SERC Compliance Staff Regarding Completion of APCI’s Mitigation Plan MIT-07-1367 is attached hereto as Appendix A-3.
22. In its Mitigation Plan, APCI committed to revise its maintenance and testing program to specifically identify DC Control Circuitry as a component in its

documentation and to specify that functional testing was used to test its DC Control Circuitry.

23. SERC has reviewed the preventative measures described in the Mitigation Plan and has determined that these measures will assist APGI in improving prospective compliance with the requirements of NERC Reliability Standard PRC-005-1 and will enhance the reliability of the bulk power system within an appropriate time-frame.
24. To verify APGI's satisfactory completion of Mitigation Plan MIT-07-1367 SERC reviewed a copy of APGI's Transmission and Generation Protection Systems Maintenance & Testing Program document showing the inclusion of DC Control Circuitry in the list of equipment to be tested pursuant to the procedure.
25. SERC Staff also considered the specific facts and circumstances of the violation and APGI's actions in response to the alleged violation in determining a proposed penalty that meets the requirement in Section 215 of the Federal Power Act that "[a]ny penalty imposed under this section shall bear a reasonable relation to the seriousness of the violation and shall take into consideration the efforts of [APGI] to remedy the violation in a timely manner."⁴ The factors considered by SERC Staff in the determination of the appropriate penalty for APGI's alleged violation of NERC Reliability Standard PRC-005-1 pursuant to this Settlement Agreement included the following:
 - a. APGI has no prior violation history for this reliability standard during the mandatory reliability period.
 - b. APGI cooperated in a timely and satisfactory manner with SERC Staff during the investigation.⁵ APGI provided prompt responses to all of SERC Staff's data requests and cooperated with SERC Staff during meetings between the parties to discuss this issue. APGI proactively initiated efforts to mitigate the issue within a week of the end of the audit. APGI voluntarily provided supporting information to SERC Staff to assist in SERC Staff's review of the facts and circumstances. This included the submission of detailed mitigation plans, and copies of procedures for review. APGI's response to SERC Staff's questions enabled SERC Staff to conduct a thorough investigation in an efficient manner.
 - c. There is no evidence that APGI intended to conceal this information.

⁴ 16 U.S.C. § 824o(e)(6).

⁵ Revised Policy Statement on Enforcement, 123 FERC ¶ 61,156, P 65 (May 15, 2008).

- d. APGI agreed to resolve this issue via settlement and promptly initiated various mitigation actions and preventative measures before receiving a Notice of Alleged Violation from SERC.
 - e. APGI implemented appropriate measures in its mitigation plan, as set forth in Paragraph 21, to protect against future violations of the same or similar requirement.⁶
26. Based on the above factors, as well as the mitigation actions and preventative measures taken, APGI shall pay \$2000 to SERC as set forth in this Settlement Agreement. APGI shall remit the payment to SERC via check, or by wire transfer to an account to be identified by SERC ("SERC Account"), within twenty days after SERC provides APGI with a notice of penalty payment due and invoice, to be issued by SERC after this Settlement Agreement is either approved by the Commission or by operation of law. SERC shall notify NERC, and NERC shall notify the Commission, if the payment is not timely received. If APGI does not remit the payment by the required date, interest payable to SERC will begin to accrue pursuant to the Commission's regulations at 18 C.F.R. §35.19a(a)(2)(iii) from the date that payment is due, and shall be payable in addition to the payment.
27. Failure to make a timely penalty payment or to comply with any of the terms and conditions agreed to herein, or any other conditions of this Settlement Agreement, may subject APGI to new or additional enforcement, penalty or sanction actions in accordance with the NERC Rules of Procedure. APGI will retain all rights to defend against such enforcement actions in accordance with the NERC Rules of Procedure.

V. ADDITIONAL TERMS

28. The signatories to the Settlement Agreement agree that they enter into the Settlement Agreement voluntarily and that, other than the recitations set forth herein, no tender, offer or promise of any kind by any member, employee, officer, director, agent or representative of SERC or APGI has been made to induce the signatories or any other party to enter into the Settlement Agreement. The signatories agree that the terms and conditions of this Settlement Agreement are consistent with the Commission's regulations and orders, and NERC's Rules of Procedure.
29. SERC shall report the terms of all settlements of compliance matters to NERC. NERC will review the settlement for the purpose of evaluating its consistency with other settlements entered into for similar violations or under other, similar circumstances. Based on this review, NERC will either approve the settlement or reject the settlement and notify SERC and APGI of changes to the settlement that

⁶ Policy Statement on Compliance, 125 FERC ¶ 61,058 (October 16, 2008).

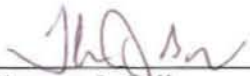
would result in approval. If NERC rejects the settlement, NERC will provide specific written reasons for such rejection and SERC will attempt to negotiate a revised settlement agreement with APGI including any changes to the settlement specified by NERC. If a settlement cannot be reached, the enforcement process shall continue to conclusion. If NERC approves the settlement, NERC will (i) report the approved settlement to the Commission for the Commission's review and approval by order or operation of law and (ii) publicly post this Settlement Agreement.

30. This Settlement Agreement shall become effective upon the Commission's approval of the Settlement Agreement by order or operation of law as submitted to it or as modified in a manner acceptable to the parties.
31. APGI agrees that this Settlement Agreement, when approved by NERC and the Commission, shall represent a final settlement of all matters set forth herein and APGI waives its right to further hearings and appeal, unless and only to the extent that APGI contends that any NERC or Commission action on the Settlement Agreement contains one or more material modifications to the Settlement Agreement. SERC reserves all rights to initiate enforcement, penalty or sanction actions against APGI in accordance with the NERC Rules of Procedure in the event that APGI fails to comply with the mitigation plan agreed to in this Settlement Agreement. In the event APGI fails to comply with any of the stipulations, remedies, sanctions or additional terms, as set forth in this Settlement Agreement, SERC will initiate enforcement, penalty, or sanction actions against APGI to the maximum extent allowed by the NERC Rules of Procedure, up to the maximum statutorily allowed penalty. Except as otherwise specified in this Settlement Agreement, APGI shall retain all rights to defend against such enforcement actions, also according to the NERC Rules of Procedure.
32. APGI consents to the use of SERC'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 APGI 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 SERC, nor does APGI consent to the use of this Agreement by any other party in any other action or proceeding.
33. Each of the undersigned warrants that he or she is an authorized representative of the entity designated, is authorized to bind such entity and accepts the Settlement Agreement on the entity's behalf.

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

*Remainder of page intentionally blank.
Signatures to be affixed to the following page.*


Agreed to and accepted:



Thomas J. Galloway
Vice President and Director of Compliance
SERC RELIABILITY CORPORATION

10/27/09

Date



William M. Bunker
Vice President, Hydropower Operations
ALCOA POWER GENERATING, INC.

2 05 09

Date

**APPENDIX A
TO
SETTLEMENT AGREEMENT
OF
SERC RELIABILITY CORPORATION
AND
ALCOA POWER GENERATING, INC.**

- (1) APCI's Mitigation Plan for PRC-005-1, R1**
- (2) APCI's Certification of Mitigation Plan Completion for PRC-005-1, R1**
- (3) Statement of SERC Reliability Corporation Compliance Staff Regarding
Completion of APCI's Mitigation Plan for PRC-005-1, R1**



Mitigation Plan Submittal Form

Date this Mitigation Plan is being submitted: 09/29/08

If this Mitigation Plan has already been completed:

- Check this box ☒ and
- Provide the Date of Completion of the Mitigation Plan: 09/17/08

Section A: Compliance Notices

- Section 6.2 of the CMEP¹ sets forth the information that must be included in a Mitigation Plan. The Mitigation Plan must include:
 - (1) The Registered Entity's point of contact for the Mitigation Plan, who shall be a person (i) responsible for filing the Mitigation Plan, (ii) technically knowledgeable regarding the Mitigation Plan, and (iii) authorized and competent to respond to questions regarding the status of the Mitigation Plan. This person may be the Registered Entity's point of contact described in Section 2.0.
 - (2) The Alleged or Confirmed Violation(s) of Reliability Standard(s) the Mitigation Plan will correct.
 - (3) The cause of the Alleged or Confirmed Violation(s).
 - (4) The Registered Entity's action plan to correct the Alleged or Confirmed Violation(s).
 - (5) The Registered Entity's action plan to prevent recurrence of the Alleged or Confirmed violation(s).
 - (6) The anticipated impact of the Mitigation Plan on the bulk power system reliability and an action plan to mitigate any increased risk to the reliability of the bulk power-system while the Mitigation Plan is being implemented.
 - (7) A timetable for completion of the Mitigation Plan including the completion date by which the Mitigation Plan will be fully implemented and the Alleged or Confirmed Violation(s) corrected.
 - (8) Implementation milestones no more than three (3) months apart for Mitigation Plans with expected completion dates more than three (3) months from the date of submission. Additional violations could be determined for not completing work associated with accepted milestones.
 - (9) Any other information deemed necessary or appropriate.
 - (10) The Mitigation Plan shall be signed by an officer, employee, attorney or other authorized representative of the Registered Entity, which if applicable, shall be the person that signed the Self-Certification or Self Reporting submittals.

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



- This submittal form shall be used to provide a required Mitigation Plan for review and approval by SERC and NERC.
- The Mitigation Plan shall be submitted to SERC and NERC as confidential information in accordance with Section 1500 of the NERC Rules of Procedure.
- This Mitigation Plan form may be used to address one or more related violations of one Reliability Standard. A separate mitigation plan is required to address violations with respect to each additional Reliability Standard, as applicable.
- If the Mitigation Plan is approved by SERC and NERC, a copy of this Mitigation Plan will be provided to the Federal Energy Regulatory Commission in accordance with applicable Commission rules, regulations and orders.
- SERC or NERC may reject Mitigation Plans that they determine to be incomplete or inadequate.
- Remedial action directives also may be issued as necessary to ensure reliability of the bulk power system.

Section B: Registered Entity Information

B.1 Identify your organization:

Company Name: Alcoa Power Generating, Inc. - Tapoco Division
Company Address: 300 N. Hall Road, Alcoa, TN 37701
NERC Compliance Registry ID **[if known]**: NCR01168

B.2 Identify the individual in your organization who will serve as the Contact to SERC regarding this Mitigation Plan. This person shall be technically knowledgeable regarding this Mitigation Plan and authorized to respond to SERC regarding this Mitigation Plan.

Name: Jennifer Connors
Title: Compliance Manager
Email: jennifer.connors@alcoa.com
Phone: 865-977-2565



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

This Mitigation Plan is associated with the following violation(s) of the reliability standard listed below:

C.1 Standard: PRC-005-1
[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]	SERC Violation ID # [if known]	Requirement Violated (e.g. R3.2)	Violation Date ^(*)
SERCYYYYnnnnn	2008-104	R1	MM/DD/YYYY

(*) Note: The Violation Date shall be: (i) the date that the violation occurred; (ii) the date that the violation was self-reported; or (iii) the date that the violation has been deemed to have occurred on by SERC. Questions regarding the date to use should be directed to SERC.

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

DC Control Circuitry is not adequately addressed in the Maintenance and Testing Program. The APCI-Tapoco Division Transmission and Generation Protective System Maintenance and Testing Document did not include the specific words "DC Control Circuitry". Testing of the DC control circuitry is completed as part of the device functional test. This document addresses functional testing which APCI believed was sufficient wording to address DC control circuitry testing.

[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 violations associated with this Mitigation Plan:



[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:

The documentation has been revised to specifically reference DC Control Circuitry and a section was added to detail functional testing as a test of DC Control Circuitry.

[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 violations associated with this Mitigation Plan are corrected:
- D.3 Enter Milestone Activities, with completion dates, that your organization is proposing for this Mitigation Plan:

Milestone Activity	Proposed Completion Date* (shall not be more than 3 months apart)

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

[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:

[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 and E.3, 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, 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 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:

[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 incurs further violations of the same or similar reliability standards requirements in the future:

[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:

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

Continued on Next Page



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 SERC for acceptance by SERC 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 Vice President Operations of APCI-Tapoco Division.
 - 2. I am qualified to sign this Mitigation Plan on behalf of APCI-Tapoco Division.
 - 3. I have read and understand APCI-Tapoco Division 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 the foregoing Mitigation Plan.
 - 5. APCI-Tapoco Division agrees to be bound by, and comply with, the Mitigation Plan, including the timetable completion date, as approved by SERC and approved by NERC.

Authorized Individual Signature _____

A handwritten signature in black ink, appearing to read 'E. Ray Barham', is written over a horizontal line.

(Electronic signatures are acceptable; see CMEP)

Name (Print): E. Ray Barham

Title: Vice President Operations - Tapoco Division

Date: 09/29/2008



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]

Submittal Instructions:

Please convert the completed and signed document to a text-searchable Adobe .pdf document using the following naming convention:

[(MP Entity Name (STD-XXX) MM-DD-YY.pdf)]

Email the pdf file to serccomply@serc1.org.

Please direct any questions regarding completion of this form to:

Ken Keels
Manager, Compliance Enforcement
SERC Reliability Corporation
704-357-7372
kkeels@serc1.org



Alcoa Power Generating, Inc.
300 N. Hall Road, Alcoa, TN 37701

Certification of a Completed Mitigation Plan

SERC Reliability Corporation Violation Mitigation Plan Closure Form

Name of Registered Entity submitting certification: [Alcoa Power Generating, Inc. – Tapoco Divisions](#)

Date of Certification: [01/28/2009](#)

Name of Standard and the Requirement(s) of mitigated violation(s): [PRC-005-1R1](#)

SERC Tracking Number (contact SERC if not known): 2008-104

NERC Violation ID Number (if assigned):

Date of completion of the Mitigation Plan: 9/17/2009

Summary of all actions described in Part D of the relevant mitigation plan: The documentation has been revised to specifically reference DC Control Circuitry and a section was added to detail functional testing as a test of DC Control Circuitry.

Description of the information provided to SERC for their evaluation: A copy of the updated APGI-Tapoco Transmission and Generation Protection Systems Procedure is included as an attachment to the correspondence accompanying this document.

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 information is complete and correct to the best of my knowledge.

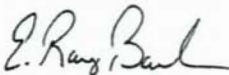
Name: [E. Ray Barham](#)

Title: [Vice President Operation – Tapoco Division](#)

Entity: [Alcoa Power Generating, Inc – Tapoco Division](#)

Email: ray.barham@alcoa.com

Phone: [865-977-2218](tel:865-977-2218)

Designated Signature  Date 02/12/2009



SERC Reliability Corporation
2815 Coliseum Centre Drive | Suite 500
Charlotte, NC 28217
704.357.7372 | Fax 704.357.7914 | www.serc1.org

**Statement of SERC Reliability Corporation Compliance Staff Regarding
Completion of Mitigation Plan**

Registered Entity: APGI- Tapoco Division
SERC Tracking ID: 08-104
NERC Violation No: SERC200800188
NERC Mitigation Plan ID: MIT-07-1367
Standard: PRC-005-1
Requirements: R1

Violation Summary:

APGI- Tapoco Division is in violation of PRC-005 R1 for failing to address DC control circuitry in its maintenance and testing program.

Mitigation Plan Summary:

APGI- Tapoco Division's Mitigation Plan to address the referenced violation was submitted on September 29, 2008 and was accepted by SERC on January 15, 2009 and approved by NERC on February 17, 2009. The Mitigation Plan is identified as MIT-07-1367 and was submitted as non-public information to FERC on February 24, 2009 in accordance with FERC orders.

APGI- Tapoco Division's documentation has been revised to specifically reference DC Control Circuitry and a section was added to detail functional testing as a test of DC Control Circuitry.

SERC's Monitoring of Registered Entity's Mitigation Plan Progress:

SERC Reliability Corporation Compliance Staff ("SERC Staff") monitors the Registered Entity's progress towards completion of its Mitigation Plans in accordance with Section 6.0 of the uniform Compliance Monitoring and Enforcement Program, ("CMEP"). Pursuant to the CMEP, Registered Entities are required to establish implementation milestones no more than three (3) months apart. SERC Staff solicits quarterly reports from all Registered Entities with open mitigation plans to monitor the progress on completion of milestones. SERC Staff also produces and reviews daily Mitigation Plan status reports highlighting Mitigation Plans that are nearing the scheduled completion date. If the Registered Entity fails to complete its Mitigation Plan according to schedule, appropriate additional enforcement action is initiated to assure compliance is attained.

In this case, APCI- Tapoco Division's submitted the Mitigation Plan as complete and no additional monitoring of progress was necessary.

Mitigation Plan Completion Review Process:

APCI- Tapoco Division certified on February 23, 2009 that the subject Mitigation Plan was completed on September 17, 2008. A SERC compliance staff member reviewed the evidence submitted in a manner similar to a compliance audit. That action was followed by another compliance staff member's peer review of the initial conclusion.

Evidence Reviewed:

APCI- Tapoco Division submitted and SERC Staff reviewed 08-104 APCI-Tapoco T&G Protection System_Rev1 .doc – a copy of APCI's Transmission and Generation Protection Systems Maintenance & Testing Program document in support of its certification that its Mitigation Plan was completed in accordance with its terms. This document is APCI- Tapoco Division's maintenance and testing procedures for its generation and protective system components.

Conclusion:

On February 25, 2009 SERC Reliability Corporation Compliance Staff ("SERC Staff") completed its review of the evidence submitted by APCI- Tapoco Division in support of its Certification of Completion of the subject Mitigation Plan. Based on its review of the evidence submitted, SERC Staff verifies that, in its professional judgment, all required actions in the Mitigation Plan have been completed and APCI- Tapoco Division is in compliance with the subject Reliability Standard Requirements.

This Statement, along with the subject Mitigation Plan, may become part of a public record upon final disposition of the possible violation.

Respectfully Submitted,

Mark Ladrow, SERC Senior Compliance Engineer
Sam Stryker, SERC Senior Auditor

Attachment c

Notice of Filing

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Alcoa Power Generating, Inc. – Tapoco Division

Docket No. NP10-____-000

NOTICE OF FILING
March 31, 2010

Take notice that on March 31, 2010, the North American Electric Reliability Corporation (NERC) filed a Notice of Penalty regarding Alcoa Power Generating, Inc. – Tapoco Division in the SERC Reliability Corporation region.

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

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

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

Comment Date: [BLANK]

Kimberly D. Bose,
Secretary