



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 Tenaska Alabama Partners, L.P.
FERC Docket No. NP10-_-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides this Notice of Penalty¹ regarding Tenaska Alabama Partners, L.P. (Tenaska), NERC Registry ID# NCR01335², 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

During an on-site Compliance Audit conducted from September 8, 2008 to September 11, 2008⁴ (Audit), SERC Reliability Corporation (SERC) identified a possible violation of Reliability Standard FAC-008-1 Requirement (R) 1 for Tenaska's failure to include in its Facility Ratings Methodology the statement that its Facility Rating shall equal the most limiting applicable Equipment Rating for the individual equipment that comprises the Facility. This Notice of Penalty is being filed with the Commission because, based on information from SERC, SERC and Tenaska 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 FAC-008-1 R1. According to the Settlement Agreement, Tenaska neither admits nor denies the alleged violation, but has agreed to the proposed penalty of two thousand dollars (\$2,000) to be assessed to Tenaska, in addition to other remedies and

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 SERC Reliability Corporation (SERC) confirmed that Tenaska was included on the NERC Compliance Registry as a Generator Owner and Generator Operator on May 31, 2007. As a Generator Owner, Tenaska is subject to the requirements of NERC Reliability Standard FAC-008-1.

³ *See* 18 C.F.R. § 39.7(c)(2).

⁴ The Audit was originally scheduled from September 8, 2008 to September 10, 2008.

actions to mitigate the instant alleged 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 SERC200800190 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 Tenaska, 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	Tenaska Alabama Partners, L.P.	NOC-408	SERC200800190	FAC-008-1	1	Medium ⁵	2,000

FAC-008-1 R1

The purpose of Reliability Standard FAC-008-1 is to ensure that Facility Ratings used in the reliable planning and operation of the bulk power system (BPS) are determined based on an established methodology or methodologies.

FAC-008-1 R1 requires each Generator Owner, such as Tenaska, to document its current methodology used for developing Facility Ratings (Facility Ratings Methodology) of its solely and jointly owned Facilities. Specifically, the methodology shall include, among other things, (R1.1) a statement that a Facility Rating shall equal the most limiting applicable Equipment Rating of the individual equipment that comprises that Facility. FAC-008-1 R1 has a "Lower" Violation Risk Factor (VRF) and FAC-008-1 R1.1 has a "Medium" VRF.

During the Audit, the Audit Team found that Tenaska's Facility Ratings Methodology did not include a statement that a Facility Rating shall equal the most limiting applicable Equipment Rating of the individual equipment that comprises that Facility. SERC Audit Staff confirmed during the Audit that Tenaska listed the most limiting element of the facility as the output

⁵ FAC-008-1 R1, R1.3 and R1.3.5 each have a "Lower" VRF; R1.1, R1.2, R1.2.1, R1.2.2, R1.3.1-4 each have a "Medium" VRF. When NERC filed VRFs it originally assigned FAC-008-1 R1.1, R1.2, R1.2.1 and R1.2.2 "Lower" VRFs. The Commission approved the VRFs as filed; however, it directed NERC to submit modifications. NERC submitted the modified "Medium" VRFs and on February 6, 2008, the Commission approved the modified "Medium" VRFs. Therefore, the "Lower" VRFs for FAC-008-1 R1.1, R1.2, R1.2.1 and R1.2.2 were in effect from June 18, 2007 until February 6, 2008 when the "Medium" VRFs became effective. According to the Settlement Agreement, SERC assessed a "Medium" VRF to the instant alleged violation.

corresponding to the maximum pressure of the high pressure steam system for each heat recovery steam generator (HRSG) as rated by the manufacturer of the HRSG, and this was consistent with the designated Facility Ratings.

SERC commenced its detailed compliance assessment and reviewed a copy of Tenaska's Facility Ratings Methodology. SERC determined that Tenaska had an alleged violation of FAC-008-1 R1, specifically R1.1, because the evidence reviewed showed that Tenaska's Facility Ratings Methodology did not include the statement required by FAC-008-1 R1.1. SERC determined the duration of the alleged violation to be from June 18, 2007, the date the Standard became enforceable, through February 11, 2009, when Tenaska 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 Tenaska's first violation of NERC Reliability Standards; (2) Tenaska cooperated in a timely and satisfactory manner throughout the enforcement process; (3) there was no evidence of any attempt to conceal a violation or evidence of intent to do so; (4) Tenaska 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 Tenaska's Facility Ratings Methodology was missing the required statement, its actual Facility Rating respected the most limiting element in practice.

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 Plan⁶

Tenaska's Mitigation Plan to address its alleged violation of FAC-008-1 R1 was submitted as complete to SERC on October 30, 2008, with a completion date of September 10, 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-08-1369 and was submitted as non-public information to FERC on February 24, 2009 in accordance with FERC orders.

Tenaska's Mitigation Plan stated that Tenaska revised its Facility Ratings Methodology to include the specific statement that the Facility Ratings shall equal the most limiting applicable Equipment Rating of the individual equipment that comprises that Facility.

Tenaska certified on February 13, 2009 that its Mitigation Plan was completed as of February 11, 2009.⁷ As evidence of completion of its Mitigation Plan, Tenaska submitted a copy of its

⁶ See 18 C.F.R § 39.7(d)(7).

⁷ According to the Settlement Agreement, Tenaska originally completed its Mitigation Plan on September 10, 2008, prior to its submittal on October 30, 2008. However, upon SERC's review of Tenaska's revised procedure, SERC

Facility Ratings Methodology, *Lindsay Hill RCP-NERC-FAC-008-R3.doc*, with the modified language consistent with FAC-008-1 R1.1.

On February 16, 2009, after reviewing Tenaska's submitted evidence, SERC verified that Tenaska's Mitigation Plan was complete as of February 11, 2009 and that Tenaska was in compliance with FAC-008-1 R1.

Statement Describing the Proposed Penalty, Sanction or Enforcement Action Imposed⁸

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,⁹ 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 Tenaska 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 Tenaska's first violation of NERC Reliability Standards;
- (2) SERC reported that Tenaska 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) Tenaska 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 alleged violation was a documentation issue.

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.

required a minor change to the procedure which resulted in the delayed completion date. On February 11, 2009 SERC notified Tenaska that it needed to make a minor change to the procedure.

⁸ See 18 C.F.R § 39.7(d)(4).

⁹ *North American Electric Reliability Corporation*, "Guidance Order on Reliability Notices of Penalty," 124 FERC ¶ 61,015 (2008).

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) Tenaska's Audit Screening Worksheet for FAC-008-1 R1 dated September 11, 2008, included as Attachment a;
- b) Settlement Agreement by and between SERC and Tenaska executed October 27, 2009, included as Attachment b;
 - i) Tenaska's Mitigation Plan designated as MIT-08-1369 for FAC-008-1 R1 submitted October 30, 2008, included in the Settlement Agreement as Appendix A-1;
 - ii) Tenaska's Certification of Completion of the Mitigation Plan for FAC-008-1 R1 dated February 13, 2009, included in the Settlement Agreement as Appendix A-2; and
 - iii) SERC's Verification of Completion of the Mitigation Plan FAC-008-1 R1 dated February 16, 2009, included in the Settlement Agreement as Appendix A-3.

A Form of Notice Suitable for Publication¹⁰

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

¹⁰ 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>Todd S. Jonas* Vice President, Operations Tenaska Alabama Partners, LP 1044 North 115th Street, Suite 400 Omaha, NE 68154 (402) 691-9548 (402) 691-9700 - facsimile tjonas@tenaska.com</p> <p>Thomas M. Tiehen* Associate General Counsel Tenaska Alabama Partners, LP 1044 North 115th Street, Suite 400 Omaha, NE 68154 (402) 691-9589 (402) 691-9723 - facsimile ttiehen@tenaska.com</p> <p>Robert D. Threlkeld* Plant Manager Tenaska Alabama Partners, LP 3405 County Road 26 PO Box 220 Billingsley, AL 36006 (205) 755-4800 (205) 755-3864 - facsimile rthrelkeld@tenaska.com</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>Thomas J. Galloway Interim President and CEO SERC Reliability Corporation 2815 Coliseum Centre Drive, Suite 500 Charlotte, NC 28217 (704) 940-8205 (704) 357-7914 – facsimile tgalloway@serc1.org</p> <p>Marisa A. Sifontes* Interim Compliance Director and Compliance Legal Counsel 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, Suite 500 Charlotte, NC 28217 (704) 940-8214 (704) 357-7914 – facsimile kkeels@serc1.org</p>
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	<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

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Holly A. Hawkins
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cc: Tenaska Alabama Partners, L.P.
SERC Reliability Corporation

Attachments

Attachment a

Tenaska's Audit Screening Worksheet for FAC- 008-1 R1 dated September 11, 2008

Screening Worksheet

Tracking Number

Entity Name
Tenaska Alabama Partners, LLC

Is Entity Registered?
Yes

Entity Contact
Robert Threlkeld

Entity Telephone Number
205 775-4800

Standard	Requirement
FAC-008-1	R1

Is Issue Still Occurring?
Yes

Remedial Action Directive?
No

Date Issue Occurred
9/10/08

Date Issue/Event Reported
9/11/08

Method of Discovery
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
		Yes	Yes										

Brief Description
Entity's Facility Rating Methodology does not include the required most limiting equipment statement.

Detailed Description
Entity's Facility Rating Methodology does not include the required most limiting equipment statement.

Prepared By	Date
James Harrell	9/11/08

Attachment b

**Settlement Agreement by and between SERC and
Tenaska executed October 27, 2009**

SETTLEMENT AGREEMENT

OF

SERC RELIABILITY CORPORATION

AND

TENASKA ALABAMA PARTNERS, L.P.

I. INTRODUCTION

1. SERC Reliability Corporation (“SERC”) and Tenaska Alabama Partners, L.P. (“Tenaska”) 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 Tenaska of NERC Reliability Standard FAC-008-1, Requirement 1 (SERC Tracking No. 08-106, NERC Violation ID No. SERC200800190).

II. STIPULATION

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

Background

3. Tenaska Alabama Partners, L.P. is the owner of the Tenaska Lindsay Hill Generating Station, a modern combined-cycle, natural gas-fueled facility located in Autauga County, Alabama. The Lindsay Hill Generating Station produces up to 845 MW of electricity.
4. Tenaska is included on the NERC Compliance Registry as a Generator Owner and Generator Operator (NCR01335). This violation involves its registration as a Generator Owner.

Alleged Violation

Alleged Violation of NERC Reliability Standard FAC-008-1, Requirement 1

5. The purpose of NERC Reliability Standard FAC-008-1 is to ensure that Facility Ratings used in the reliable planning and operation of the Bulk Electric System are determined based on an established methodology or methodologies.
6. NERC Reliability Standard FAC-008-1, Requirement 1 requires that a Generator Owner document its current methodology used for developing Facility Ratings.”¹ NERC Reliability Standard FAC-008-1, Requirement R1.1 requires the Generator Owner to include in its methodology “[a] statement that a Facility Rating shall equal the most limiting applicable Equipment Rating of the individual equipment that comprises that Facility.”
7. On March 26, 2008, SERC notified Tenaska that a compliance audit to determine its compliance with the NERC Reliability Standards had been scheduled to take place on September 8-10, 2008.
8. On June 12, 2008, SERC Audit Staff sent a letter to Tenaska 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 FAC-008-1 (Facility Ratings Methodology).
9. On September 11, 2008, SERC Audit Staff concluded its audit of Tenaska and found that Tenaska’s Facility Rating Methodology did not include a statement that a Facility Rating shall equal the most limiting applicable Equipment Rating of the individual equipment that comprises that Facility. SERC Audit Staff confirmed during the audit the entity listed the most limiting element of the facility as the output corresponding to the maximum pressure of the high pressure steam system for each heat recovery steam generator (“HRSG”) as rated by the manufacturer of the HRSG and this was consistent with the designated facility ratings.
10. After confirming Tenaska’s NERC registration status, SERC Compliance Enforcement Staff commenced its detailed compliance assessment. On September 17, 2008, SERC Compliance Enforcement Staff issued to Tenaska a Compliance Assessment Notice advising Tenaska of the initiation of a formal assessment to determine, in part, its compliance relative to NERC Reliability Standard FAC-008-1 and directing Tenaska to preserve all relevant records and information.

¹ NERC Reliability Standard FAC-008-1 – Facility Ratings Methodology, approved by NERC Board of Trustees on February 7, 2006, approved by FERC effective June 18, 2007.

11. SERC Compliance Enforcement Staff promptly established direct contact with representatives of Tenaska to begin the process of gathering information and documentation for the detailed compliance assessment. SERC Compliance Enforcement 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.
12. SERC Compliance Enforcement Staff obtained a copy of Tenaska’s Facility Rating Methodology document.
13. SERC Compliance Enforcement Staff concluded that the facts and evidence supported a finding that Tenaska violated NERC Reliability Standard FAC-008-1, Requirement 1, because the evidence reviewed showed that Tenaska’s Facility Ratings Methodology did not include the statement required by R1.1 of the Standard. Requirement 1.1 of NERC Reliability Standard FAC-008-1 is assigned a “Medium” Violation Risk Factor (“VRF”). SERC Compliance Enforcement Staff deems the alleged violation of NERC Reliability Standard FAC-008-1 to not be a violation that put bulk power system reliability at serious or substantial risk. While Tenaska’s Facility Ratings Methodology was missing the required statement, its actual facility rating respected the most limiting element in practice.

III. PARTIES’ SEPARATE REPRESENTATIONS

Statement of SERC and Summary of Findings

14. SERC finds that beginning on June 18, 2007 and continuing until February 11, 2009, the date its mitigation plan was completed, Tenaska, as a Generator Owner, failed to include in its Facility Rating Methodology the statement that its facility rating shall equal the most limiting applicable Equipment Rating for the individual equipment that comprises the Facility.
15. SERC Compliance Enforcement 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.
16. 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 Tenaska

17. Tenaska 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 FAC-008-1.

18. Although Tenaska does not admit to, nor does it deny, the alleged violation of NERC Reliability Standard FAC-008-1, Requirement 1, Tenaska 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. Tenaska agrees that this agreement is in the best interest of the parties and in the best interest of maintaining a reliable electric infrastructure.

IV. MITIGATING ACTIONS, REMEDIES AND SANCTIONS

19. Tenaska's Mitigation Plan, MIT-08-1369, to address the alleged violation of NERC Reliability Standard FAC-008-1 was submitted as complete to SERC on October 30, 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 13, 2009, Tenaska certified that its Mitigation Plan had been completed on February 11, 2009.² SERC verified Tenaska's completion of the Mitigation Plan on February 16, 2009. Tenaska's Mitigation Plan MIT-08-1369 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 Tenaska's Mitigation Plan MIT-08-1369 is attached hereto as Appendix A-3.
20. In its Mitigation Plan, Tenaska committed to revise its Facility Ratings Methodology to include the specific statement that the Facility Ratings shall equal the most limiting applicable Equipment Rating of the individual equipment that comprises that Facility.
21. SERC has reviewed the preventative measures described in the Mitigation Plan and has determined that these measures will assist Tenaska in improving prospective compliance with the requirements of NERC Reliability Standard FAC-008-1 and will enhance the reliability of the bulk power system within an appropriate time-frame.
22. To verify Tenaska's satisfactory completion of Mitigation Plan MIT-08-1369, SERC reviewed a copy of Tenaska's Facility Ratings Methodology showing the modified language consistent with Requirement 1.1 of NERC Reliability Standard FAC-008-1.
23. SERC Compliance Enforcement Staff also considered the specific facts and circumstances of the violation and Tenaska'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

² Tenaska originally completed its mitigation plan on September 10, 2008, prior to submittal, but upon SERC's review of the revised Tenaska's procedure, SERC Staff required a minor change to the procedure which resulted in the delayed completion date.

bear a reasonable relation to the seriousness of the violation and shall take into consideration the efforts of [Tenaska] to remedy the violation in a timely manner.”³ The factors considered by SERC Compliance Enforcement Staff in the determination of the appropriate penalty for Tenaska’s alleged violations of NERC Reliability Standard FAC-008-1 pursuant to this Settlement Agreement included the following:

- a. Tenaska has no prior violation history for any reliability standard during the mandatory reliability period.
 - b. Tenaska cooperated in a timely and satisfactory manner with SERC Compliance Enforcement Staff during the investigation.⁴ Tenaska provided prompt responses to all of SERC Compliance Enforcement Staff’s data requests and cooperated with SERC Compliance Enforcement Staff during meetings between the parties to discuss this issue. Tenaska proactively initiated efforts to mitigate the issue within a short period after the end of the audit. Tenaska voluntarily provided supporting information to SERC Compliance Enforcement Staff to assist in SERC Compliance Enforcement Staff’s review of the facts and circumstances. This included the submission of detailed mitigation plans, and copies of procedures for review. Tenaska’s response to SERC Compliance Enforcement Staff’s questions enabled SERC Staff to conduct a thorough investigation in an efficient manner.
 - c. There is no evidence that Tenaska intended to conceal this information.
 - d. Tenaska 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. Tenaska implemented appropriate measures in its mitigation plan, as set forth in Paragraph 20 to protect against future violations of the same or similar requirement.⁵
24. Based on the above factors, as well as the mitigation actions and preventative measures taken, Tenaska shall pay \$2000 to SERC as set forth in this Settlement Agreement. Tenaska 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 Tenaska 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 Tenaska does not remit the payment by the required date, interest payable to SERC will begin to accrue

³ 16 U.S.C. § 824o(e)(6).

⁴ Revised Policy Statement on Enforcement, 123 FERC ¶ 61,156, P 65 (May 15, 2008).

⁵ Policy Statement on Compliance, 125 FERC ¶ 61,058 (October 16, 2008).

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.

25. 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 Tenaska to new or additional enforcement, penalty or sanction actions in accordance with the NERC Rules of Procedure. Tenaska will retain all rights to defend against such enforcement actions in accordance with the NERC Rules of Procedure.


V. ADDITIONAL TERMS

26. 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 Tenaska 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.
27. 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 Tenaska of changes to the settlement that would result in approval. If NERC rejects the settlement, NERC will provide specific written reasons for such rejection and SERC will attempt to negotiate a revised settlement agreement with Tenaska 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.
28. 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.
29. Tenaska agrees that this Settlement Agreement, when approved by NERC and the Commission, shall represent a final settlement of all matters set forth herein and Tenaska waives its right to further hearings and appeal, unless and only to the extent that Tenaska 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 Tenaska in accordance with the NERC Rules of Procedure in the event that Tenaska fails to comply with the mitigation plan agreed to in this Settlement Agreement. In

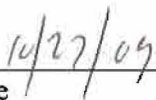
- the event Tenaska fails to comply with any of the stipulations, remedies, sanctions or additional terms, as set forth in this Settlement Agreement, SERC will initiate enforcement, penalty, or sanction actions against Tenaska to the maximum extent allowed by the NERC Rules of Procedure, up to the maximum statutorily allowed penalty. Except as otherwise specified in this Settlement Agreement, Tenaska shall retain all rights to defend against such enforcement actions, also according to the NERC Rules of Procedure.
30. Tenaska 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 Tenaska 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 Tenaska consent to the use of this Agreement by any other party in any other action or proceeding.
31. 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.
32. 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.
33. The Settlement Agreement may be signed in counterparts.
34. 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:



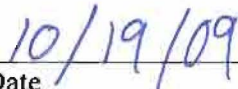
Thomas J. Galloway
Vice President and Director of Compliance
SERC RELIABILITY CORPORATION



Date



Todd S. Jonas
Vice President, Operations
Tenaska Alabama, Inc., Managing General Partner of
TENASKA ALABAMA PARTNERS, L.P.



Date

**APPENDIX A
TO
SETTLEMENT AGREEMENT
OF
SERC RELIABILITY CORPORATION
AND
TENASKA ALABAMA PARTNERS, L.P.**

- (1) Tenaska's Mitigation Plan for FAC-008-1, R1**
- (2) Tenaska's Certification of Mitigation Plan Completion for FAC-008-1, R1**
- (3) Statement of SERC Reliability Corporation Compliance Staff Regarding
Completion of Tenaska's Mitigation Plan for FAC-008-1, R1**



Mitigation Plan Submittal Form

Date this Mitigation Plan is being submitted: 10/30/08

If this Mitigation Plan has already been completed:

- Check this box ☒ and
- Provide the Date of Completion of the Mitigation Plan: 9/10/2008

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: Tenaska Alabama Partners, LP
 Company Address: 3405 County Road 26, Billingsley, AL 36006
 NERC Compliance Registry ID **[if known]**: NCR01335

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: Bill Buster
 Title: Plant Engineer
 Email: wbuster@tenaska.com
 Phone: 205-755-4800 ext.103



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: FAC-008-1
[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	2008-106	R1.1	9/9/2008

(*) 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:

During a SERC Audit of the facility on 9/9/08, it was determined by the audit team that the Facility Ratings Methodology did not include a statement that the Facility Rating shall equal the most limiting applicable Equipment Rating of the individual equipment that comprises the Facility.

[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:

The facility FAC-008-1 compliance document included the name of the equipment that has been determined to limit the output of the facility, but did not include the required most limiting equipment statement.



[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:

In response to the audit findings, the facility has updated the FAC-008-1 compliance document to include the required most limiting equipment statement.

[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:

The required most limiting equipment statement has been added to the facility FAC-008-1 compliance document. This statement will remain in the compliance document during any future revisions of the document unless subsequent revisions to NERC Standard No. FAC-008-1 require the removal of



this statement.

[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:

No further action is planned by Tenaska Alabama Partners, LP

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

Continued on Next Page

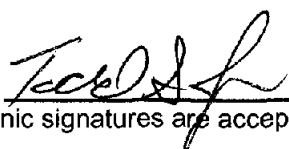


Section F: Authorization

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 Todd Jonas of Tenaska Operations, Inc.
 2. I am qualified to sign this Mitigation Plan on behalf of Tenaska Alabama Partners, LP.
 3. I have read and understand Tenaska Alabama Partners, LP 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. Tenaska Alabama Partners, LP 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


 (Electronic signatures are acceptable; see CMEP)

Name (Print): Todd Jonas

Title: Vice President, Operations

Date: 10/30/08



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

Appendix A-2

Print on Registered Entity's Corporate Letterhead

To Close Out a Completed Mitigation Plan, fill out this form, save it as a text searchable pdf file or MS Word file, and email it to serccomply@serc1.org. Note that electronic signatures are acceptable.

All Mitigation Plan Completion Certification submittals shall include data or information sufficient for SERC to verify completion of the Mitigation Plan. SERC 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.

Certification of a Completed Mitigation Plan

SERC Reliability Corporation Violation Mitigation Plan Closure Form

Name of Registered Entity submitting certification: Tenaska Alabama Partners, LP

Date of Certification: 02/13/2009

Name of Standard and the Requirement(s) of mitigated violation(s): FAC-008-1 R1.1

SERC Tracking Number (contact SERC if not known): 2008-106

NERC Violation ID Number (if assigned): NRC01335

Date of completion of the Mitigation Plan: 2/11/2009

Summary of all actions described in Part D of the relevant mitigation plan: In response to the audit findings, the facility has updated the Facility Ratings Methodology in the FAC-008-1 compliance document to include the required most limiting equipment statement.

Description of the information provided to SERC for their evaluation: The plant FAC-008 compliance document, Lindsay Hill RCP-NERC-FAC-008-R3.doc, is provided with this completion form.

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

Appendix A-2

Print on Registered Entity's Corporate Letterhead

requirements of the referenced standard, and that all information submitted information is complete and correct to the best of my knowledge.

Name: Todd S. Jonas

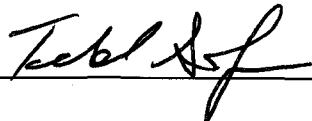
Title: Vice President, Operations

Entity: Tenaska Alabama Partners, L.P.

Email: tjonas@tenaska.com

Phone: (402)691-9548

Designated Signature



Date

2/13/09

[NOTE – Closure Form should be signed by same individual that signed Mitigation Plan]

(Form Revised August 13, 2008)

APPENDIX A-3



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: Tenaska Alabama Partners, L.P. ("Tenaska AL")
SERC Tracking ID: 08-106
NERC Violation No: SERC200800190
NERC Mitigation Plan ID: MIT-08-1369
Standard: FAC-008-1
Requirement: R1

Violation Summary:

Tenaska AL's is in violation of FAC-008-1 R1.1 for failing to include a statement in its methodology that the facility rating would be limited by the most limiting element comprising the facility.

Mitigation Plan Summary:

Tenaska AL's Mitigation Plan to address the referenced violation was submitted on October 30, 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-08-1369 and was submitted as non-public information to FERC on February 24, 2009 in accordance with FERC orders.

Tenaska AL's Mitigation Plan required it to modify its methodology to include a statement that the facility rating would be limited by the most limiting element comprising the facility.

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.

Mitigation Plan Completion Review Process:

Tenaska AL certified on February 13, 2009 that the subject Mitigation Plan was completed on February 11, 2009. 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:

Tenaska AL submitted and SERC Staff reviewed the following evidence in support of its certification that its Mitigation Plan was completed in accordance with its terms: Tenaska AL Reliability Compliance Manual "Facility Ratings Methodology" that documents and describes Tenaska's methodology for rating its facility.

Conclusion:

On February 16, 2009 SERC Reliability Corporation Compliance Staff ("SERC Staff") completed its review of the evidence submitted by Tenaska Alabama Partners 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 Tenaska AL 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
James Harrell, SERC Senior Auditor

Attachment c

Notice of Filing

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Tenaska Alabama Partners, L.P.

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 Tenaska Alabama Partners, L.P. 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