



NORTH AMERICAN ELECTRIC  
RELIABILITY CORPORATION

June 2, 2010

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

**Re: NERC Notice of Penalty regarding Platte River Power Authority  
FERC Docket No. NP10-\_-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides this Notice of Penalty<sup>1</sup> regarding Platte River Power Authority (PRPA), NERC Registry ID# NCR05321,<sup>2</sup> in accordance with the Federal Energy Regulatory Commission's (Commission or FERC) rules, regulations and orders, as well as NERC Rules of Procedure including Appendix 4C (NERC Compliance Monitoring and Enforcement Program (CMEP)).<sup>3</sup>

On January 9, 2009, PRPA self-reported its possible non-compliance with TOP-006-1 Requirement (R) 6 to Western Electricity Coordinating Council (WECC) because its scaling ranges might not have been suitable due to an out of range alarm set point that was established below the Emergency Supervisory Control and Data Acquisition (SCADA) alarm point for some facilities. This Notice of Penalty is being filed with the Commission because WECC and PRPA have entered into a Settlement Agreement to resolve all outstanding issues arising from a preliminary and non-public assessment resulting in WECC's determination and findings of the enforceable violation<sup>4</sup> of TOP-006-1 R6.<sup>5</sup> According to the Settlement Agreement, this is a

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<sup>1</sup> *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards* (Order No. 672), III FERC Stats. & Regs. ¶ 31,204 (2006); *Notice of New Docket Prefix "NP" for Notices of Penalty Filed by the North American Electric Reliability Corporation*, Docket No. RM05-30-000 (February 7, 2008). See also 18 C.F.R. Part 39 (2010). *Mandatory Reliability Standards for the Bulk-Power System*, FERC Stats. & Regs. ¶ 31,242 (2007) (Order No. 693), *reh'g denied*, 120 FERC ¶ 61,053 (2007) (Order No. 693-A). See 18 C.F.R. § 39.7(c)(2).

<sup>2</sup> Western Electricity Coordinating Council confirmed that PRPA was included on the NERC Compliance Registry as a Generator Operator (GOP), Generator Owner (GO), Load Serving Entity (LSE), Planning Authority (PA), Purchasing-Selling Entity (PSE), Resource Planner (RP), Transmission Operator (TOP), Transmission Owner (TO), Transmission Planner (TP), and Transmission Service Provider (TSP) on June 17, 2007. As a TOP, PRPA is subject to the requirements of NERC Reliability Standard TOP-006-1.

<sup>3</sup> See 18 C.F.R. § 39.7(c)(2).

<sup>4</sup> At the time of the Settlement Agreement, this violation was a confirmed violation. For purposes of this document, the violation at issue is described as a "violation," regardless of their procedural posture and whether it was a possible, alleged or confirmed violation.

Confirmed Violation and PRPA has agreed to the proposed penalty of zero dollars (\$0) to be assessed to PRPA, 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 violation identified as NERC Violation Tracking Identification Number WECC200901272 is a Confirmed Violation, as that term is defined in the NERC Rules of Procedure and the CMEP, and is being filed in accordance with the NERC Rules of Procedure and the CMEP.

### Statement of Findings Underlying the Violation

This Notice of Penalty incorporates the findings and justifications set forth in the Settlement Agreement executed on November 17, 2009, by and between WECC and PRPA, which is included as Attachment a. The details of the findings and basis for the penalty are set forth in the Settlement Agreement and herein. This Notice of Penalty filing contains the basis for approval of the Settlement Agreement by the NERC Board of Trustees Compliance Committee (NERC BOTCC). In accordance with Section 39.7 of the Commission's regulations, 18 C.F.R. § 39.7, NERC provides the following summary table identifying each violation of a Reliability Standard resolved by the Settlement Agreement, as discussed in greater detail below.

Region	Registered Entity	NOC ID	NERC Violation ID	Reliability Std.	Req. (R)	VRF	Total Penalty (\$)
WECC	Platte River Power Authority	NOC-424	WECC200901272	TOP-006-1	6	High	\$0

#### TOP-006-1

The purpose of Reliability Standard TOP-006-1 is to ensure critical reliability parameters are monitored in real-time.

TOP-006-1 R6 requires that:

Each Balancing Authority and Transmission Operator shall use sufficient metering of suitable range, accuracy and sampling rate (if applicable) to ensure accurate and timely monitoring of operating conditions under both normal and emergency situations.

TOP-006-1 R6 has a "High" Violation Risk Factor (VRF). The violation applies to PRPA's Transmission Operator function.

On January 9, 2009, PRPA self-reported its possible non-compliance with TOP-006-1 R6 because, after conducting an internal audit, PRPA determined that some of its scaling ranges may not be suitable to ensure accurate and timely monitoring of operating conditions on its system. PRPA stated that its scaling ranges at the Remote Terminal Unit (RTU) needed to be adjusted and functional tests should have been conducted from the meter through the SCADA to verify the proper range.

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<sup>5</sup> WECC issued a Notice of Alleged Violation and Proposed Penalty or Sanction on June 16, 2009.

WECC reviewed the Self-Report and the finding of its subject matter experts and determined that PRPA had a violation of TOP-006-1 R6 because PRPA's scaling ranges were not technically accurate regarding the monitoring of operating conditions under both normal and emergency situations.

WECC determined the duration of the violation to be from June 18, 2007, the date the Standard became enforceable, through February 26, 2009, when PRPA completed its Mitigation Plan.

WECC determined that the violation of TOP-006-1 R6 did not pose a serious or substantial risk to the reliability of the bulk power system (BPS) because PRPA's programming limits were actually more restrictive than the ones set for the Emergency SCADA alarms, and PRPA's Self-Report was primarily based on PRPA's interpretation of the Standard requiring 'accurate' monitoring of operating conditions. PRPA was aware that some of its metering points were programmed with scaling ranges that were actually *lower* than the limits set by the Emergency SCADA alarms. As a result, the range on those metering points would initiate a lock and the Out of Range alarm would activate *before* the Emergency SCADA alarms. Additionally, PRPA stated that it had multiple sources of information that could be used for monitoring the system and for out of the range alarms that notify operators of potential situations.

#### Regional Entity's Basis for Penalty

According to the Settlement Agreement, WECC has assessed a penalty of zero dollars (\$0) for the referenced violation. In reaching this determination, WECC considered the following factors: (1) the violation constituted PRPA's first occurrence of violation of NERC Reliability Standards; (2) PRPA self-reported the violation; (3) PRPA was cooperative throughout the compliance enforcement process; (4) the quality of the PRPA compliance program;<sup>6</sup> (5) there was no evidence of any attempt to conceal a violation nor evidence of intent to do so; and (6) the violation did not pose a serious or substantial risk to the BPS, as stated above.

After consideration of the above factors, WECC determined that, in this instance, the penalty amount of zero dollars (\$0) is appropriate and bears a reasonable relation to the seriousness and duration of the violation.

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<sup>6</sup> During PRPA's Compliance Audit [not annual] conducted in March 2009, the audit team evaluated PRPA's Internal Compliance Program (ICP). The documentation showed PRPA's implementation of the ICP, wide dissemination of the ICP contents to PRPA personnel, and active involvement and participation in the ICP by senior management. In addition, PRPA has organized its ICP staff to be independent of personnel directly responsible for compliance with Reliability Standards. PRPA has staffed its ICP adequately and funded the ICP so that it can fulfill its purpose. PRPA's ICP provides training for all PRPA personnel regarding compliance with Reliability Standards. The ICP also includes formal self assessments, internal auditing and investigation and possible disciplinary actions for personnel involved in Reliability Standards violations. A PRPA ICP Committee reviews the ICP on a quarterly basis and is staffed by PRPA senior managers. The PRPA General Manager approves the ICP and based on these findings, WECC concluded that PRPA has an effective compliance culture.

### **Status of Mitigation Plan<sup>7</sup>**

PRPA's Mitigation Plan to address its violation of TOP-006-1 R6 was submitted to WECC on January 9, 2009 with a proposed completion date of February 28, 2009. The Mitigation Plan was accepted by WECC on January 22, 2009 and approved by NERC on March 2, 2009. The Mitigation Plan for this violation is designated as MIT-09-1431 and was submitted as non-public information to FERC on March 6, 2009 in accordance with FERC orders.

PRPA's Mitigation Plan required PRPA to:

1. review and revise its methodology for scaling to ensure accuracy and consistency;
2. adjust the scaling ranges at its RTU to ensure suitability; and
3. conduct functional tests from the meter through SCADA to verify the new ranges.

PRPA certified on February 26, 2009 that the above Mitigation Plan requirements were completed on February 26, 2009. As evidence of completion of its Mitigation Plan, PRPA submitted (1) a spreadsheet that contained actual line and transformer ratings and SCADA ranges for all of the applicable elements of its system; and (2) the methodology to ensure sufficient metering of suitable range.

On March 10, 2009, after WECC's review of PRPA's submitted evidence, WECC verified that PRPA's Mitigation Plan was completed on February 26, 2009 and notified PRPA in a letter dated March 11, 2009 that was in compliance with TOP-006-1 R6.<sup>8</sup>

### **Statement Describing the Proposed Penalty, Sanction or Enforcement Action Imposed<sup>9</sup>**

#### **Basis for Determination**

Taking into consideration the Commission's direction in Order No. 693, the NERC Sanction Guidelines and the Commission's July 3, 2008 and October 26, 2009 Guidance Orders,<sup>10</sup> the NERC BOTCC reviewed the Settlement Agreement and supporting documentation on April 12, 2010. The NERC BOTCC approved the Settlement Agreement, including WECC's imposition of a financial penalty, assessing a penalty of zero dollars (\$0) against PRPA 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 violation at issue.

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

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<sup>7</sup> See 18 C.F.R. § 39.7(d)(7).

<sup>8</sup> The Verification document incorrectly states that PRPA submitted evidence of its completion on February 27, 2009.

<sup>9</sup> See 18 C.F.R. § 39.7(d)(4).

<sup>10</sup> *North American Electric Reliability Corporation*, "Guidance Order on Reliability Notices of Penalty," 124 FERC ¶ 61,015 (2008); *North American Electric Reliability Corporation*, "Guidance Order on Reliability Notices of Penalty," 129 FERC ¶ 61,069 (2009).

1. the violation constituted PRPA's first occurrence of violation of NERC Reliability Standards;
2. PRPA self-reported the violation;
3. WECC reported that PRPA was cooperative throughout the compliance enforcement process;
4. the quality of the PRPA compliance program, as discussed above;
5. there was no evidence of any attempt to conceal a violation nor evidence of intent to do so; and
6. the violation did not pose a serious or substantial risk to the BPS, as discussed above.

For the foregoing reasons, the NERC BOTCC approves the Settlement Agreement and believes that the proposed penalty of zero dollars (\$0) is appropriate for the violation and circumstances in question, and is consistent with NERC's goal to promote and ensure reliability of the BPS.

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) Settlement Agreement by and between WECC and PRPA executed on November 17, 2009, included as Attachment a;
- b) PRPA's Self-Certification for TOP-006-1 R6 dated January 9, 2009, included as Attachment b;
- c) PRPA's Mitigation Plan designated as MIT-09-1431 for TOP-006-1 R6 submitted January 9, 2009, included as Attachment c;
- d) PRPA's Certification of Completion of the Mitigation Plan for TOP-006-1 R6 dated February 26, 2009, included as Attachment d; and
- e) WECC's Verification of Completion of the Mitigation Plan for TOP-006-1 R6 dated March 11, 2009, included as Attachment e.

#### **A Form of Notice Suitable for Publication<sup>11</sup>**

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

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<sup>11</sup> See 18 C.F.R. § 39.7(d)(6).

## Notices and Communications

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

<p>Gerald W. Cauley* President and Chief Executive Officer David N. Cook* 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>Brian Moeck* General Manager Platte River Power Authority 2000 East Horsetooth Road Fort Collins, C.O. 80525 (970) 229-5200 (970) 229-5301 (facsimile) moeckb@prpa.org</p> <p>Christopher Luras* Manager of Compliance Enforcement Western Electricity Coordinating Council 155 North 400 West, Suite 200 Salt Lake City, U.T. 84103 (801) 883-6887 (801) 883-6894 – facsimile CLuras@wecc.biz</p> <p>*Persons to be included on the Commission's service list are indicated with an asterisk. NERC requests waiver of the Commission's rules and regulations to permit the inclusion of more than two people on the service list.</p>	<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>Louise McCarren* Chief Executive Officer Western Electricity Coordinating Council 155 North 400 West, Suite 200 Salt Lake City, U.T. 84103 (801) 883-6868 (801) 582-3918 – facsimile Louise@wecc.biz</p> <p>Constance White* Vice President of Compliance Western Electricity Coordinating Council 155 North 400 West, Suite 200 Salt Lake City, U.T. 84103 (801) 883-6885 (801) 883-6894 – facsimile CWhite@wecc.biz</p> <p>Steven Goodwill* General Counsel Western Electricity Coordinating Council 155 North 400 West, Suite 200 Salt Lake City, U.T. 84103 (801) 883-6857 (801) 883-6894 – facsimile SGoodwill@wecc.biz</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,

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

/s/ Rebecca J. Michael  
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

cc: Platte River Power Authority  
Western Electricity Coordinating Council

Attachments

**Attachment a**

**Settlement Agreement by and between WECC and  
PRPA executed on November 17, 2009**



**SETTLEMENT AGREEMENT**  
**OF**  
**WESTERN ELECTRICITY COORDINATING COUNCIL**  
**AND**  
**PLATTE RIVER POWER AUTHORITY**

WESTERN ELECTRICITY COORDINATING COUNCIL ("WECC") and PLATTE RIVER POWER AUTHORITY ("PRPA") (collectively the "Parties") hereby enter into this Settlement Agreement ("Agreement") on this 9 day of November, 2009.

**RECITALS**

A. The Parties desire to enter into this Agreement to resolve all outstanding issues between them arising from a non-public assessment of PRPA by WECC that resulted in certain WECC determinations and findings regarding one alleged PRPA violation of the following North American Electric Reliability Corporation ("NERC") Reliability Standard ("Reliability Standard"):

NERC ID: WECC200901272: TOP-006-1 R.6 *Monitoring System Conditions*

B. PRPA is a Colorado political subdivision and non-profit wholesale electric utility. Its principal offices are located in Fort Collins, Colorado. PRPA owns and operates 68 miles of 115 kV transmission lines and 159 miles of 230 kV transmission lines with a summer system peak load of 650 MW.

C. WECC was formed on April 18, 2002 by the merger of the Western Systems Coordinating Council, Southwest Regional Transmission Association and Western Regional Transmission Association. WECC is one of eight Regional Entities in the United States responsible for coordinating and promoting electric system reliability and enforcing the mandatory Reliability Standards created by NERC under the authority granted in Section 215 of the Federal Power Act. In addition, WECC supports efficient competitive power markets, assures open and non-discriminatory transmission access among members, provides a forum for resolving transmission access disputes, and provides an environment for coordinating the operating and planning activities of its members. WECC's region encompasses a vast area of nearly 1.8 million square miles extending from Canada to Mexico and including 14 western states. It is the largest and most diverse of the eight Regional Entities in the United States.

D. The Parties are entering into this Agreement to settle the disputed matters between them. It is in the Parties' and the public's best interests to resolve this matter efficiently without the delay and burden associated with a contested proceeding. Nothing contained in this Agreement shall be construed as an admission or waiver of either party's rights. Except, however, nothing in this Agreement shall limit or prevent WECC from evaluating PRPA for subsequent violations of the same Reliability Standards addressed herein and taking enforcement

action, if necessary. Such enforcement action can include assessing penalties against PRPA for subsequent violations of the Reliability Standards addressed herein in accordance with NERC Rules of Procedure.

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

## **I. Representations of the Parties**

For purposes of this Agreement, PRPA stipulates to the facts contained herein. WECC has established sufficient facts, as set forth herein, to support its determination that PRPA has a Confirmed Violation as this term is defined in the WECC Compliance and Monitoring Enforcement Program ("CMEP"), of the Reliability Standard described below in detail.

## **II. Confirmed Violation**

### **NERC Reliability Standard TOP-006-1 Requirement 6**

*R.6: Each Balancing Authority and Transmission Operator shall use sufficient metering of suitable range, accuracy and sampling rate (if applicable) to ensure accurate and timely monitoring of operating conditions under both normal and emergency situations.*

PRPA is subject to this Standard because it was registered on the NERC Compliance Registry on June 17, 2007 as a Generator Owner, Generator Operator, Load-Serving Entity, Planning Authority, Purchasing Selling Entity, Resource Planner, Transmission Operator, Transmission Owner, Transmission Planner, and Transmission Service Planner. During an internal audit, PRPA determined that some of its scaling ranges might not have been "suitable" because an "out of range" alarm set point was established below the Emergency SCADA alarm point for some facilities. As a result, on January 9, 2009, PRPA submitted a Self-Report, Self-Certification, and mitigation plan to address a possible violation. WECC determined that the appropriate reporting method for this possible violation was a Self-Certification.

In its Self-Report and Self-Certification, PRPA explained that the impact of these "out of range" settings on the "BPS is minimal due to the fact that [PRPA has] multiple sources of information that can be used for monitoring the system." Moreover, the out of range settings were always set below the Emergency SCADA alarm point. PRPA stated that its scaling ranges at the Remote Terminal Unit ("RTU") needed to be adjusted and functional tests conducted from the meter through the Supervisory Control and Data Acquisition (SCADA) to verify the new range.

WECC subject matter experts ("SMEs") reviewed PRPA's Self-Report, Self-Certification, and mitigation plan and affirmed that PRPA had a possible violation of TOP-006-1 R.6. The SMEs forwarded PRPA's documents and their findings to the WECC Enforcement Department ("Enforcement") for its review and consideration. Enforcement reviewed the Self-Report, Self-Certification, mitigation plan, and the SME's findings, and determined that PRPA had an Alleged Violation of TOP-006-1 R6.

On January 9, 2009, PRPA submitted a mitigation plan to address this violation. In its mitigation plan, PRPA stated that it would review and revise its methodology for scaling to assure consistent, suitable scaling. Moreover, it stated that scaling ranges at the RTU would be adjusted and functional tests would be conducted from the meter through SCADA to verify the new range. WECC accepted PRPA's mitigation plan on January 22, 2009.

On February 26, 2009, PRPA submitted its completed mitigation plan. On March 10, 2009, WECC reviewed PRPA's completed mitigation plan and documentation. In its completed mitigation plan, PRPA submitted a System SCADA Ranges spreadsheet that illustrated sufficient metering of suitable range. Based on this information, WECC accepted PRPA's completed mitigation plan on March 10, 2009.

### **III. Settlement Terms**

A. Payment. To settle this matter, PRPA hereby agrees to a penalty of \$0. The terms of this Agreement, including the agreed upon penalty, are subject to review and possible revision by NERC and FERC. Upon NERC approval of the Agreement, NERC will file a Notice of Penalty with FERC. If FERC approves the Agreement, NERC will post the Agreement publicly. If either NERC or FERC rejects the Agreement, then WECC will attempt to negotiate a revised settlement agreement with PRPA that includes any changes to the Agreement specified by NERC or FERC. If the Parties cannot reach a settlement agreement, the CMEP governs the enforcement process.

B. Settlement Rationale. WECC's determination of penalties in an enforcement action is guided by the statutory requirement codified at 16 U.S.C. § 824o(e)(6) that any penalty imposed "shall bear a reasonable relation to the seriousness of the violation and shall take into consideration the efforts of such user, owner, or operator to remedy the violation in a timely manner". Additionally, WECC considers the guidance provided by the NERC Sanction Guidelines and by the FERC in Order No. 693 and in its July 3, 2008 Guidance Order on Reliability Notices of Penalty.

Specifically, to determine penalty assessment, WECC considers the following factors: (1) the seriousness of the violation, including the applicable Violation Risk Factor ("VRF") and Violation Severity Level, and the risk to the reliability of the BPS; (2) the violation's duration; (3) the Registered Entity's compliance history; (4) the Registered Entity's self-reports and voluntary corrective action; (5) the degree and quality of cooperation by the Registered Entity in the audit or investigation process, and in any remedial action; (6) the quality of the Registered Entity's compliance program; (7) any attempt by the Registered Entity to conceal the violation or any related information; (8) whether the violation was intentional; (9) any other relevant information or extenuating circumstances; and (10) the Registered Entity's ability to pay a penalty.

The violation of TOP-006-1 R.6 has a High VRF. However, in this case, PRPA was aware that some of its metering points were programmed with scaling ranges that were actually *lower* than the limits set by the Emergency SCADA alarms. As a result, the range on those

metering points would initiate a lock and the Out of Range alarm would activate *before* the Emergency SCADA alarms. WECC determined that this violation posed an inconsequential risk to the reliability of the BPS because PRPA's programming limits were actually more restrictive than the ones set for the Emergency SCADA alarms.

In addition to the factors listed above, WECC considered several mitigating factors to reach an agreement with PRPA regarding the payment amount. First, the Alleged Violation addressed by this Agreement is PRPA's first assessed noncompliance with the applicable Reliability Standard. Second, PRPA mitigated the violation. Third, PRPA was cooperative throughout WECC's evaluation of its compliance with the Reliability Standards and the enforcement process. Fourth, Section 4.2.2 of the NERC Sanction Guidelines states, "If the actual or foreseen impact of the violation is judged to be inconsequential by NERC or the regional entity and the violation is the first incidence of violation of the requirement in question by the violator, NERC or the regional entity may at its discretion; ... (ii) excuse the penalty for the violation (i.e. set the Base Penalty Amount to 0\$)."

Finally, during the on-site Compliance Audit, the Audit Team evaluated PRPA's Internal Compliance Program ("ICP"). The documentation showed PRPA's implementation of the ICP, wide dissemination of the ICP contents to PRPA personnel, and active involvement and participation in the ICP by senior management. In addition, PRPA has organized its ICP staff to be independent of personnel directly responsible for compliance with reliability standards. PRPA has staffed its ICP adequately and funded the ICP so that it can fulfill its purpose.

PRPA's ICP provides training for all PRPA personnel regarding compliance with reliability standards. The ICP also includes formal self assessments, internal auditing and investigation and possible disciplinary actions for personnel involved in reliability standard violations. A PRPA ICP Committee reviews the ICP on a quarterly basis. The Committee is staffed by PRPA Senior Managers. The PRPA General Manager approves the ICP. Based on these findings, WECC concluded that PRPA has an effective compliance culture.

In reaching this Agreement, WECC considered that there were no aggravating factors warranting a higher payment amount. Specifically, PRPA did not have any negative compliance history. There was no failure by PRPA to comply with applicable compliance directives, nor any evidence of an attempt by PRPA to conceal a violation. Finally, there was no evidence that PRPA's violations were intentional.

#### **IV. Additional Terms**

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

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

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

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

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

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

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

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

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

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

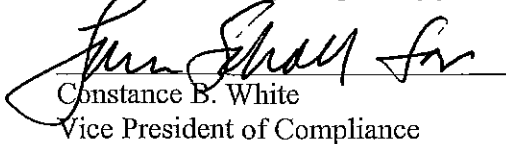
K. Governing Law. The Agreement shall be governed by and construed under the laws of the State of Utah.

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

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

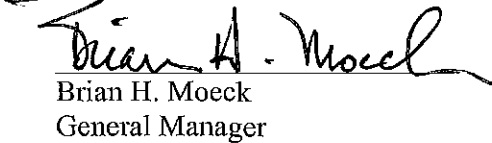
Agreed to and accepted:

WESTERN ELECTRICITY COORDINATING COUNCIL

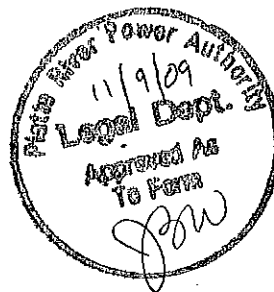
  
Constance B. White  
Vice President of Compliance

11/17/09  
Date

PLATTE RIVER POWER AUTHORITY

  
Brian H. Moeck  
General Manager

11/9/09  
Date



**Attachment b**

**PRPA's Self-Certification for TOP-006-1 R6  
dated January 9, 2009**





Western Electricity Coordinating Council

Public Homepage Portal Homepage

# Compliance

## Member Portal

Platte River Power Authority

Logged in as:

PDF Conversion Service

Log Out

TOP-006-1 Self Certification - Monitoring System Conditions - January 1, 2008 - December 31, 2008 2009

Save PDF Return To Search Results

System Administration

Compliance

All Forms

Self-Certification Forms

Submittal Forms

Historical Forms

Certification Statements

Reports

File Upload

Attachments (0)

This form was marked as ready for authorized signatory approval on 1/9/2009.

\* Required Fields

Status: Read Only

### Technical Contact

\* Deb Schaneman (schanemand@prpa.org)

WECC will disclose this information to NERC and other third parties, only as required, and in accordance with established procedures pursuant to section 1500 of the NERC rules of procedure.

### Applicable Function(s): TOP,GOP

As an authorized representative of Platte River Power Authority, I certify the following:

C NC N/A R1. Each Transmission Operator and Balancing Authority shall know the status of all generation and transmission resources available for use.

☐ R1.1. Each Generator Operator shall inform its Host Balancing Authority and the Transmission Operator of all generation resources available for use.

☐ R1.2. Each Transmission Operator and Balancing Authority shall inform the Reliability Coordinator and other affected Balancing Authorities and Transmission Operators of all generation and transmission resources available for use.

Additional Comments

C NC N/A R2. Each Reliability Coordinator, Transmission Operator, and Balancing Authority shall monitor applicable transmission line status, real and reactive power flows, voltage, load-tap-changer settings, and status of rotating and static reactive resources.

Additional Comments

C NC N/A R3. Each Reliability Coordinator, Transmission Operator, and Balancing Authority shall provide appropriate technical information concerning protective relays to their operating personnel.

Additional Comments

C NC N/A R4. Each Reliability Coordinator, Transmission Operator, and Balancing Authority shall have



- ☐ ☐ ☐ information, including weather forecasts and past load patterns, available to predict the system's near-term load pattern.

Additional Comments

- C NC N/A **R5.** Each Reliability Coordinator, Transmission Operator, and Balancing Authority shall use monitoring equipment to bring to the attention of operating personnel important deviations in operating conditions and to indicate, if appropriate, the need for corrective action.

Additional Comments

- C NC N/A **R6.** Each Balancing Authority and Transmission Operator shall use sufficient metering of suitable range, accuracy and sampling rate (if applicable) to ensure accurate and timely monitoring of operating conditions under both normal and emergency situations.

Violation was previously self-reported or identified by Platte River Power Authority

☒ Yes ☐ No

Date of Violation

1/9/2009



Additional Comments (Violation)

During a scheduled internal audit a stricter interpretation was mad of this standard that caused PRPA to conclude that some of our scaling ranges may not be suitable for normal and emergency ratings of this requirement.

Violation Severity Level (Levels of Non-Compliance)

LNC - Level 4



Provide a detailed explanation of non-compliance

Scaling ranges at the RTU need to be adjusted and funtional tests conducted from the meter through SCADA to verify new range.

Reliability Impact to the Bulk Power System

Minimal



Describe the Reliability Impact of this Non-Compliance

PRPA's impact is minimal.

- C NC N/A **R7.** Each Reliability Coordinator, Transmission Operator, and Balancing Authority shall monitor system frequency.

Additional Comments

Summary of Self Certification Submittal [Auto Populated from responses]:

Platte River Power Authority is in Compliance with NERC Reliability Standard TOP-006-1 Requirement(s): R1,R2,R3,R4,R5,R7

Platte River Power Authority is Non-Compliant with NERC Reliability Standard TOP-006-1 Requirement(s): R6



**Attachment c**

**PRPA's Mitigation Plan designated as MIT-09-1431 for  
TOP-006-1 R6 submitted January 9, 2009**





## Mitigation Plan Submittal Form

New ☒ or Revised ☐

Date this Mitigation Plan is being submitted: January 9, 2009

If this Mitigation Plan has already been completed:

- Check this box ☐
- Provide the Date of Completion of the Mitigation Plan:
- Evidence supporting full compliance must be submitted along with this Mitigation Plan Submittal Form

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

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

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

- B.1 Identify your organization:

Registered Entity Name: Platte River Power Authority  
Registered Entity Address: 2000 E. Horsetooth Road, Fort Collins,  
Colorado 80525  
NERC Compliance Registry ID: NCR05321

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

Name: Deborah Schaneman

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



Western Electricity Coordinating Council



Title: Reliability Compliance Officer  
 Email: schanemand@prpa.org  
 Phone: 970-229-5318

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

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

- C.1 Standard: TOP-006-1  
*[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]	WECC Violation ID # [if known]	Requirement Violated (e.g. R3)	Violation Risk Factor	Alleged or confirmed Violation Date <sup>(*)</sup> (MM/DD/YY)	Method of Detection (e.g. audit, self-report, investigation)
		R6.	High	01/09/09	Internal Audit

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

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

During the internal audit a stricter interpretation was made of this standard that caused Platte River Power Authority to conclude that some of our scaling ranges may not be suitable for normal and emergency ratings of this requirement.

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

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





[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:

A review and revision of our methodology for scaling will be completed to assure consistent suitable scaling in the future. The scaling ranges identified in Section C3 will be adjusted to ensure suitability. Scaling ranges at the RTU will be adjusted and functional tests will be conducted from the the meter through SCADA to verify the new range.  
[Provide your response here; additional detailed information may be provided as an attachment as necessary]

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

### **Mitigation Plan Timeline and Milestones**

- D.2 Provide the timetable for completion of the Mitigation Plan, including the completion date by which the Mitigation Plan will be fully implemented and the alleged or confirmed violations associated with this Mitigation Plan corrected: Review of methodology for scaling was started on January 8, 2009 and corrective action began immediately. Completion of the Mitigation Plan will be completed by February 28, 2009.
- D.3 Enter Milestone Activities, with completion dates, that your organization is proposing for this Mitigation Plan:

Milestone Activity	Proposed Completion Date* (milestones cannot be more than 3 months apart)
--------------------	--



Completion of the mitigation plan	February 28, 2009

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

[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, below, if this Mitigation Plan, as set forth in Part D.1, has already been completed.

### Abatement of Interim BPS Reliability Risk

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

While Platte River Power Authority is implementing the Mitigation Plan we feel the impact to the BPS is minimal due to the fact that we have multiple sources of information that can be used for monitoring the system and out of range alarms that notify operators of potential situations.  
[Provide your response here; additional detailed information may be provided as an attachment as necessary]

### Prevention of Future BPS Reliability Risk

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

The review and update of the methodology for scaling will be reviewed and modified to ensure a similar situation will not occur in the future and the adjustment to scaling will provide a suitable range 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:

No other actions are being taken.  
[Provide your response here; additional detailed information may be provided as an attachment as necessary]



## Section F: Authorization

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

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

Authorized Signature: \_\_\_\_\_

(Electronic signatures are acceptable; see CMEP Section 3.0)

Name (Print): Brian H. Moeck

Title: General Manager

Date: January 9, 2009



### **Section G: Comments and Additional Information**

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

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

### **Section H: WECC Contact and Instructions for Submission**

Please direct any questions regarding completion of this form to:

Mike Wells, Sr. Compliance Engineer

Email: [mike@wecc.biz](mailto:mike@wecc.biz)

Phone: (801) 883-6884

For guidance on submitting this form, please refer to the "*WECC Compliance Data Submittal Policy*". This policy can be found on the Compliance Manuals website as Manual 2.12:

<http://www.wecc.biz/wrap.php?file=/wrap/Compliance/manuals.html>





## **Attachment A – Compliance Notices & Mitigation Plan Requirements**

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



*Western Electricity Coordinating Council*



- III. The Mitigation Plan shall be submitted to the WECC and NERC as confidential information in accordance with Section 9.3 of the WECC CMEP and Section 1500 of the NERC Rules of Procedure.
- IV. This Mitigation Plan form may be used to address one or more related Alleged or Confirmed Violations of one Reliability Standard. A separate Mitigation Plan is required to address violations with respect to each additional Reliability Standard, as applicable.
- V. If the Mitigation Plan is approved by WECC and NERC, a copy of the Mitigation Plan will be provided to the Federal Energy Regulatory Commission in accordance with applicable Commission rules, regulations and orders.
- VI. Either WECC or NERC may reject a Mitigation Plan that it determines to be incomplete or inadequate. If the Mitigation Plan is rejected by either WECC or NERC, the Registered Entity will be notified and required to submit a revised Mitigation Plan.
- VII. In accordance with Section 7.0 of the WECC CMEP, remedial action directives also may be issued as necessary to ensure reliability of the bulk power system.

**Attachment d**

**PRPA's Certification of Completion of the Mitigation  
Plan for TOP-006-1 R6 dated February 26, 2009**



**CONFIDENTIAL**

**Mitigation Plan Completion Form**

Please complete a Mitigation Plan Completion form for each fully mitigated violation and submit to the WECC Compliance Web Portal File Upload along with the supporting evidence that confirms full compliance and Authorized Officer's signature.

Registered Entity Name: Platte River Power Authority

Standard Title: Monitoring System Conditions

Standard Number: TOP-006-1

Requirement Number(s): R6

Actual completion date of Mitigation Plan: February 26, 2009

Check this box ☒ to indicate that you understand that the submittal of this Completion form is incomplete and cannot be reviewed for approval unless supporting documentation/evidence that confirms full compliance is attached.

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

The following documents are being provided to demonstrate completion of this mitigation plan:

Excel Spreadsheet, System SCADA Ranges: Spreadsheet shows sufficient metering of suitable range has been completed as stated in mitigation plan.

Methodology to Ensure Sufficient Metering of Suitable Range: Methodology document has been completed as proposed in mitigation plan.

Additional Notes or Comments pertaining to this violation:

By endorsement of this document I attest that Platte River Power Authority is now in full compliance with the standard / requirements addressed in this Mitigation Plan and documentation / evidence supporting full compliance is attached for review and audit by the WECC Compliance Staff.

Authorized Officer's Signature: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'Brian H. Moock', is written over a horizontal line.

Authorized Officer's Name: Brian H. Moeck

Authorized Officer's Title: General Manager

Date: February 26, 2009



**Attachment e**

**WECC's Verification of Completion of the Mitigation  
Plan for TOP-006-1 R6 dated March 13, 2009**

**CONFIDENTIAL**



**Bob Kiser**  
Manager of Compliance Audits and Investigations

360.567.4058  
[bkiser@wecc.biz](mailto:bkiser@wecc.biz)

March 11, 2009

Deb Schaneman  
Reliability Compliance Officer  
Platte River Power Authority  
NCR05321  
2000 East Horsetooth Road  
Fort Collins, Colorado 80525

Subject: Certification of Completion Response Letter

Dear Deb Schaneman,

The Western Electricity Coordinating Council (WECC) has received Platte River Power Authority PRPA's Certification of Completion and supporting evidence on 2/27/2009 for PRPA's alleged violation of Reliability Standard TOP-006-1 and Requirement(s) 6. Listed below is the outcome of WECC's official review.

WECC has accepted the Certification of Completion for Requirement(s) 6 of the Reliability Standard TOP-006-1 and have found these requirements to be fully mitigated. No further mitigation of these requirements will be required at this time.

If you have any questions or concerns, please contact Ed Riley at [eriley@wecc.biz](mailto:eriley@wecc.biz). Thanks for your assistance in this effort.

Sincerely,

*Bob Kiser*

Bob Kiser  
Manager of Compliance Audits and  
Investigations

BK:cm

cc: Terry Baker, PRPA Chief Power System Operator  
Lisa Milanes, WECC Manager of Compliance Administration  
Ed Riley, WECC Senior Compliance Engineer

**Attachment f**

**Notice of Filing**

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Platte River Power Authority     Docket

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

NOTICE OF FILING

June 2, 2010

Take notice that on June 2, 2010, the North American Electric Reliability Corporation (NERC) filed a Notice of Penalty regarding Platte River Power Authority in the Western Electricity Coordinating Council region.

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

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

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

Comment Date: [BLANK]

Kimberly D. Bose,  
Secretary