



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 City of Burbank Water and Power
FERC Docket No. NP10-_-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides this Notice of Penalty¹ regarding City of Burbank Water and Power (BURB), NERC Registry ID# NCR05072,² in accordance with the Federal Energy Regulatory Commission's (Commission or FERC) rules, regulations and orders, as well as NERC Rules of Procedure including Appendix 4C (NERC Compliance Monitoring and Enforcement Program (CMEP)).³

In preparation for an off-site audit⁴ to be conducted on March 12, 2008, BURB discovered its possible non-compliance with CIP-001-1 Requirement (R) 1 through R4 and submitted a Self-Report to WECC on March 5, 2008. At the off-site audit conducted on March 12, 2008, WECC discovered BURB's possible non-compliance with PRC-005-1 R1 and R2. In preparation for another off-site audit on June 11, 2008, BURB discovered its possible non-compliance with TOP-003-0 R2 and VAR-002-1 R3 and submitted a Self-Report to WECC on May 29, 2008. At

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 (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).

² Western Electricity Coordinating Council confirmed that BURB (listed on the Compliance Registry as "City of Burbank") was included on the NERC Compliance Registry as a Distribution Provider (DP), Generator Operator (GOP), Generator Owner (GO), Load Serving Entity (LSE), Purchasing-Selling Entity (PSE) and Resource Planner (RP) on June 17, 2007. As a Generator Operator and Load Serving Entity, BURB is subject to the requirements of NERC Reliability Standard CIP-001-1. As a Generator Owner, BURB is subject to the requirements of FAC-008-1. As a Distribution Provider and Generator Owner, BURB is subject to the requirements of PRC-005-1. As a Generator Operator, BURB is subject to the requirements of TOP-003-0 and VAR-002-1.

³ See 18 C.F.R. § 39.7(c)(2).

⁴ BURB had two off-site Audits: a March 12, 2008 audit of BURB's DP function and a June 11, 2008 audit of BURB's GO and GOP functions. This was WECC's auditing practice in 2008.

the off-site audit conducted on June 11, 2008, WECC discovered a possible non-compliance with FAC-008-1 R1. The details for these violations⁵ are discussed below.

This Notice of Penalty is being filed with the Commission because WECC and BURB 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 violations of CIP-001-1 R1 through R4, FAC-008-1 R1, PRC-005-1 R1 and R2, TOP-003-0 R2 and VAR-002-1 R3.⁶ According to the Settlement Agreement, BURB neither admits nor denies the violations which are identified in the Settlement Agreement as Confirmed Violations, but has agreed to the proposed penalty of forty-four thousand five hundred dollars (\$44,500) to be assessed to BURB, in addition to other remedies and actions to mitigate the instant violations and facilitate future compliance under the terms and conditions of the Settlement Agreement. Accordingly, the violations identified as NERC Violation Tracking Identification Numbers WECC200800722, WECC200800723, WECC200800724, WECC200800725, WECC200801023, WECC200801300, WECC200801301, WECC200800846 and WECC200800847 are Confirmed Violations, as that term is defined in the NERC Rules of Procedure and the CMEP.

Statement of Findings Underlying the Violations

This Notice of Penalty incorporates the findings and justifications set forth in the Settlement Agreement executed on October 2, 2009, by and between WECC and BURB, 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	City of Burbank Water and Power	NOC-436	WECC200800722	CIP-001-1	1	Medium	\$44,500
			WECC200800723	CIP-001-1	2	Medium	
			WECC200800724	CIP-001-1	3	Medium	
			WECC200800725	CIP-001-1	4	Medium	

⁵ At the time of the Settlement Agreement, these violations were Confirmed Violations. For purposes of this document, the violations at issue are described as "violations," regardless of their procedural posture and whether they were possible, alleged, or confirmed violations.

⁶ WECC issued a Notice of Alleged Violation and Proposed Penalty or Sanction (NAVAPS) for these violations on June 12, 2009.

			WECC200801023	FAC-008-1	1/1.1	Medium ⁷	
			WECC200801300	PRC-005-1	1	High ⁸	
			WECC200801301	PRC-005-1	2	Lower ⁹	
			WECC200800846	TOP-003-0	2	Medium	
			WECC200800847	VAR-002-1 ¹⁰	3	Medium	

CIP-001-1

The purpose of Reliability Standard CIP-001-1 is for disturbances or unusual occurrences, suspected or determined to be caused by sabotage, to be reported to the appropriate systems, governmental agencies and regulatory bodies.

CIP-001-1 R1 requires that: “Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall have procedures for the recognition of and for making their operating personnel aware of sabotage events on its facilities and multi-site sabotage affecting larger portions of the Interconnection.”

CIP-001-1 R2 requires that: “Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall have procedures for the communication of information concerning sabotage events to appropriate parties in the Interconnection.”

CIP-001-1 R3 requires that: “Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall provide its operating personnel with sabotage response guidelines, including personnel to contact, for reporting disturbances due to sabotage events.”

⁷ FAC-008-1 R1, R1.3 and R1.3.5 each have a “Lower” Violation Risk Factor (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. While the source document states that the VRF is “Lower,” the Settlement Agreement states that the VRF for the instant violation is “Medium.”

⁸ When NERC filed VRFs for PRC-005-1, NERC originally assigned a “Medium” VRF to PRC-005-1 R1. In the Commission’s May 18, 2007 Order on Violation Risk Factors, the Commission approved the VRF as filed but directed modifications. On June 1, 2007, NERC filed a modified “High” VRF for PRC-005 R1 for approval. On August 9, 2007, the Commission issued an Order approving the modified VRF. Therefore, the “Medium” VRF was in effect from June 18, 2007 until August 9, 2007 and the “High” VRF has been in effect since August 9, 2007.

⁹ PRC-005-1 R2 has a “Lower” VRF; R2.1 and R2.2 each have a “High” VRF. During a final review of the standards subsequent to the March 23, 2007 filing of the Version 1 VRFs, NERC identified that some standards requirements were missing VRFs; one of these include PRC-005-1 R2.1. On May 4, 2007, NERC assigned PRC-005 R2.1 a “High” VRF. In the Commission’s June 26, 2007 Order on Violation Risk Factors, the Commission approved the PRC-005-1 R2.1 “High” VRF as filed. Therefore, the “High” VRF was in effect from June 26, 2007.

¹⁰ VAR-002-1 was enforceable from June 18, 2007 through August 27, 2008. VAR-002-1a was approved by the Commission and became enforceable on August 28, 2008. VAR-002-1.1a is the current enforceable Standard as of May 13, 2009. The subsequent interpretations provide clarity regarding the responsibilities of a registered entity and do not change the meaning or language of the original NERC Reliability Standard and its requirements. For consistency in this filing, the original NERC Reliability Standard, VAR-002-1, is used throughout.

CIP-001-1 R4 requires that: “Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall establish communications contacts, as applicable, with local Federal Bureau of Investigation (FBI)...and develop reporting procedures as appropriate to their circumstances.”

CIP-001-1 R1 through R4 each have a “Medium” Violation Risk Factor (VRF). The violations apply to BURB’s Generator Operator and Load Serving Entity functions.

In preparation of an upcoming off-site audit, BURB discovered its possible non-compliance with CIP-001-1 R1 through R4 and submitted a Self-Report to WECC on March 5, 2008. At the off-site audit conducted on March 12, 2008, BURB provided documentation indicating that it had a process in place for sabotage event recognition and reporting, and that it had developed a written procedure for recognizing and reporting sabotage events. However, BURB had not created this documentation and corresponding procedures until January 18, 2008. The WECC Audit Team (Audit Team) determined that prior to January 18, 2008, BURB did not have procedures in place for the recognition of and for making its operating personnel aware of sabotage events on its facilities and multi-site sabotage affecting larger portions of the Interconnection, as required by CIP-001-1 R1; BURB did not have a procedure for communicating information concerning sabotage events to appropriate parties, as required by CIP-001-1 R2; and BURB did not have sabotage response guidelines for reporting disturbances due to sabotage events, as required by CIP-001-1 R3. Additionally, the Audit Team determined that, prior to March 12, 2008, BURB did not have an established contact at the FBI nor a reporting procedure, as required by CIP-001-1 R4. Therefore, the Audit Team determined that BURB had a possible non-compliance with CIP-001-1 R1 through R4 and forwarded its findings to WECC for its review and consideration.

WECC reviewed BURB’s Self-Report and the Audit Team’s findings and agreed that there were violations of CIP-001-1 R1 through R3.¹¹

WECC determined the duration of each of the violations of CIP-001-1 R1 through R3 to be from June 18, 2007, the date the Standards became enforceable, through January 18, 2008, when BURB had complete procedures including the required elements of R1 through R3. WECC determined the duration of the violation of CIP-001-1 R4 to be from June 18, 2007, the date the Standard became enforceable, through March 12, 2008, when BURB established communications contacts with the local FBI.

WECC determined that the violations of CIP-001-1 R1 through R4 did not pose a serious or substantial risk to the reliability of the bulk power system (BPS) because BURB had an existing process in place for sabotage event recognition and awareness from June 18, 2007, even though it did not have written procedures in place until January 18, 2008 for R1 through R3; and March 12, 2008 for R4.

¹¹ The Settlement Agreement incorrectly states on page 3 that WECC Enforcement determined that BURB did not establish communications contacts with the local FBI prior to January 18, 2008.

FAC-008-1

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

FAC-008-1 R1 requires that:

The Transmission Owner and Generator Owner shall document its current methodology used for developing Facility Ratings (Facility Ratings Methodology) of its solely and jointly owned Facilities. The methodology shall include...the following:

- 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” VRF and FAC-008-1 R1.1 has a “Medium” VRF. The violation applies to BURB’s Generator Owner function.

During an off-site audit conducted on June 11, 2008, the Audit Team interviewed BURB personnel and reviewed BURB’s documentation. This review demonstrated that BURB had a documented Facility Ratings Methodology for its solely and jointly owned-facilities; however, BURB failed to include a statement that a Facility Rating shall equal the most limiting applicable Equipment Rating of the individual equipment that comprises that Facility as required by FAC-008-1 R 1.1. Therefore, the Audit Team determined that BURB had a possible non-compliance with FAC-008-1 R1 and forwarded its findings to WECC for its review and consideration.

WECC reviewed the Audit Team’s findings and BURB’s documentation and agreed that BURB had a violation of FAC-008-1 R1 because BURB’s methodology lacked the necessary statement required by FAC-008-1 R1.1.

WECC determined the duration of the violation to be from June 18, 2007, the date the Standard became enforceable, through July 26, 2008, when BURB completed its Mitigation Plan.

WECC determined that the violation of FAC-008-1 R1 did not pose a serious or substantial risk to the reliability of the BPS because the statement required by FAC-008-1 R1.1 regarding the most limiting applicable equipment rating was implied in BURB’s documentation, but not stated directly in BURB’s documentation.

PRC-005-1

The purpose of Reliability Standard PRC-005-1 is to ensure all transmission and generation Protection Systems¹² affecting the reliability of the BPS are maintained and tested.

PRC-005-1 R1 requires that:

Each Transmission Owner and any Distribution Provider that owns a transmission Protection System and each Generator Owner that owns a generation Protection System

¹² The NERC Glossary of Terms Used in Reliability Standards, approved by FERC in Order No. 693 at P 1893, defines Protection System as “Protective relays, associated communication systems, voltage and current sensing devices, station batteries and DC control circuitry.”

shall have a Protection System maintenance and testing program for Protection Systems that affect the reliability of the BPS. The program shall include:

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

R1.2. Summary of maintenance and testing procedures.

PRC-005-1 R1 and its sub-requirements each have a “High” VRF. BURB is subject to PRC-005-1 R1 as a Distribution Provider.¹³

PRC-005-1 R2 requires that:

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

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

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

PRC-005-1 R2 has a “Lower” VRF and its sub-requirements each have a “High” VRF. BURB is subject to PRC-005-1 R2 as a Distribution Provider.

During an off-site audit of BURB’s Distribution Provider function conducted on March 12, 2008, BURB was unable to provide evidence of a Protection System maintenance and testing program as required by PRC-005-1 R1. Because BURB could not provide evidence of a Protection System maintenance and testing program, it also could not provide documentation of the implementation of that program, including the date each Protection System device was last tested and maintained as required by PRC-005-1 R2. BURB personnel stated that BURB owns 230 kV facilities and related Protection Systems. Thus, the Audit Team determined that BURB must have a Protection System maintenance and testing program that contains all of the necessary elements under PRC-005-1 R1 and documentation related to that program as required by PRC-005-1 R2.

In an interview, BURB’s Assistant General Manager/Power Supply and a Compliance Manager informed the Audit Team that the Los Angeles Department of Water and Power (LDWP) maintains BURB’s 230-69 kV interconnection facilities and is responsible for maintaining and testing those facilities. However, BURB could not provide the Audit Team with a copy of LDWP’s Protection System maintenance and testing plan or the related documentation because BURB did not believe that its interconnection had any substantial impact on the reliability of the BPS. BURB stated that all of its routine generation and interconnection Protection System tests were current. The Audit Team acknowledged that a Registered Entity can have an agreement with a third party to maintain Protection Systems, but confirmed that BURB must keep records

¹³ WECC determined that BURB’s generating units connect to the 69kV subtransmission system only, and do not affect the reliability of the BPS and therefore, BURB is not subject to PRC-005-1 R1 and R2 as a Generator Owner.

to verify that the third party is maintaining and testing BURB's Protection Systems in accordance with BURB's programs. Without producing the records, BURB could not demonstrate for the Audit Team that it had a Protection System maintenance and testing program as required by PRC-005-1 R1 or any of the documentation related to that program as required by PRC-005-1 R2. As a result, the Audit Team concluded that BURB had a possible non-compliance with PRC-005-1 R1 and R2 as a Distribution Provider and forwarded its findings to WECC for its review and consideration.

WECC reviewed the Audit Team's findings and agreed that BURB had violations of PRC-005-1 R1 and R2 as a Distribution Provider because BURB did not present evidence at the audit of a Protection System maintenance and testing program as required by R1 or the documentation related to that program within 30 days of a request, as required by R2.

WECC determined the duration of each of the violations to be from June 18, 2007, the date the Standards became enforceable, through June 12, 2008, when BURB completed its Mitigation Plan.

WECC determined that the violation of PRC-005-1 R1 did not pose a serious or substantial risk to the BPS because the non-compliance was documentation-related as LDWP was performing the Protection Systems testing and maintenance for BURB's 230-69 kV interconnection facilities on BURB's behalf, and LDWP had a Protection System Maintenance and Testing Program including documentation as required by the Standard.¹⁴

WECC determined that the violation of PRC-005-1 R2 did not pose a serious or substantial risk to the reliability of the BPS because LDWP was performing the maintenance and testing as required by LDWP's Program and BURB provided evidence subsequent to the Audit that it had been in compliance with the Standard since June 18, 2007.¹⁵

TOP-003-0

The purpose of Reliability Standard TOP-003-0 is that scheduled generator and transmission outages that may affect the reliability of interconnected operations must be planned and coordinated among Balancing Authorities, Transmission Operators, and Reliability Coordinators.

TOP-003-0 R2 requires:

Each Transmission Operator, Balancing Authority, and Generator Operator shall plan and coordinate scheduled outages of system voltage regulating equipment, such as automatic voltage regulators (AVRs) on generators, supplementary excitation control, synchronous

¹⁴ At the time the violations were discovered, WECC determined that the violation of PRC-005-1 R1 could pose a severe risk to the BPS, as stated in the Settlement Agreement. However, according to the facts and circumstances, the instant violation was documentation related because maintenance and testing was being performed and, therefore, did not pose a serious or substantial risk to the reliability of the BPS.

¹⁵ At the time the violations were discovered, WECC determined that the violation of PRC-005-1 R2 could pose a severe risk to the BPS, as stated in the Settlement Agreement. However, according to the facts and circumstances, the instant violation was documentation related because maintenance and testing was being performed and, therefore, did not pose a serious or substantial risk to the reliability of the BPS.

condensers, shunt and series capacitors, reactors, etc., among affected Balancing Authorities and Transmission Operators as required.

TOP-003-0 R2 has a “Medium” VRF. BURB is subject to TOP-003-0 R2 as a Generator Operator.

In preparation of an off-site audit, BURB discovered its possible non-compliance with TOP-003-0 R2 and submitted a Self-Reported to WECC on May 29, 2008. BURB discovered that it had not been informing the Balancing Authority and the Transmission Operator of the dates when BURB scheduled AVRs or Power System Stabilizers (PSS) on generating units to be placed out of service.

During the off-site audit conducted on June 11, 2008, the Audit Team reviewed BURB’s Self-Report and determined that BURB had not informed its Transmission Operator when it planned to put AVRs or PSS out of service on its generating units. The Audit Team determined that BURB had a possible non-compliance with TOP-003-0 R2 and forwarded its findings to WECC for its review and consideration.

WECC reviewed BURB’s Self-Report and the Audit Team’s findings and agreed that BURB had a violation of TOP-003-0 R2 because BURB did not plan and coordinate scheduled outages of its system voltage regulating equipment with its Balancing Authority and Transmission Operator.

WECC determined the duration of the violation to be from June 18, 2007, the date the Standard became enforceable, through June 29, 2009, when BURB completed its Mitigation Plan.

WECC determined that the violation of TOP-003-0 R2 did not pose a serious or substantial risk to the reliability of the BPS because BURB is inside its Balancing Authority’s control area and BURB’s generating facilities are relatively small.

VAR-002-1

The purpose of Reliability Standard VAR-002-1 is to ensure generators provide reactive and voltage control necessary to ensure voltage levels, reactive flows and reactive resources are maintained within applicable Facility Ratings to protect equipment and the reliable operation of the Interconnection.

VAR-002-1 R3 requires that:

Each Generator Operator shall notify its associated Transmission Operator as soon as practical, but within 30 minutes of any of the following:

R3.1. A status or capability change on any generator Reactive Power resource, including the status of each AVR and PSS and the expected duration of the change in status or capability.

R3.2. A status or capability change on any other Reactive Power resources under the Generator Operator’s control and the expected duration of the change in status or capability.

VAR-002-1 R3 and its sub-requirements each have a “Medium” VRF. BURB is subject to VAR-002-1 R3 as a Generator Operator.

On May 21, 2008, while preparing for an off-site audit to be conducted on June 11, 2008, BURB discovered its possible non-compliance with VAR-002-1 R3. BURB self-reported its non-compliance with VAR-002-1 R3 to WECC on May 29, 2008.¹⁶ BURB discovered that it had not been informing its Transmission Operator within 30 minutes after an AVR or PSS on its Lake 1 generating unit, a 46 MW CT, went out of service. On January 4, 2007, BURB notified WECC that it discovered that the PSS on Lake 1 had never been installed by the construction contractor since the unit was commissioned in mid-2002. GE made this discovery in late 2006 when it performed WECC Generating Testing. Further it was determined that the original PSS installed in the panel did not meet WECC requirements so a new compliant PSS was ordered and delivered in April 2007. In late February 2007, BURB’s Lake 1 unit was taken out of service and remained out of service until February 2008 due to turbine vibration problems. The turbine vibration problems were fixed during this period but the PSS could not be installed during this period because it could not be tested. On February 22, 2008, Lake 1 was placed back on line for firm operation and then run as needed to meet system requirements. Since Lake 1 was brought back on line, it had been operated without a PSS in service, while BURB searched for a contractor to install the PSS. Therefore, more than 15 months elapsed between the date that BURB notified WECC originally about its Lake 1 46 MW CT PSS being out of service and May 29, 2008, the date that BURB submitted its Self-report for this possible violation. BURB operated its Lake 1 46 MW CT without a PSS from February 22, 2008 to May 5, 2009, and only operated it when it was absolutely necessary for peaking services. WECC subject matter experts (SMEs) reviewed BURB’s Self-Report prior to the June 11, 2008 off-site audit and determined that BURB had a possible non-compliance with this Standard. The SMEs then forwarded the Self-Report and their findings to WECC for its review and consideration.

WECC reviewed BURB’s Self-Report and the WECC SMEs’ findings and agreed that BURB had a violation of VAR-002-1 R3 because BURB had failed to inform its Transmission Operator of the status of its Lake 1 46 MW CT PSS within 30 minutes of an outage as required by VAR-002-1 R3.

WECC determined the duration of the violation to be from June 18, 2007, the date the Standard became enforceable, through May 5, 2009, when BURB completed its Mitigation Plan.

WECC determined that the violation of VAR-002-1 R3 did not pose a serious or substantial risk to the reliability of the BPS because BURB is inside its Transmission Operator’s balancing authority area and BURB’s generating facilities are relatively small. The Lake 1 generating unit is a small peaking unit.

¹⁶ The Settlement Agreement incorrectly states that BURB discovered this possible non-compliance on May 29, 2008 and self-reported it on June 9, 2008.

Regional Entity's Basis for Penalty

According to the Settlement Agreement, WECC has assessed a penalty of forty-four thousand five hundred dollars (\$44,500) for the referenced violations. In reaching this determination, WECC considered the following factors: (1) the violations constituted BURB's first occurrence of non-compliance with the NERC Reliability Standards at issue; (2) BURB self-reported the violations of CIP-001-1 R1 through R4, TOP-003-0 R2 and VAR-002-1 R3 after notification of upcoming off-site compliance audits; (3) WECC reported that BURB was cooperative throughout the compliance enforcement process; (4) there was no evidence of any attempt to conceal a violation nor evidence of intent to do so; and (5) WECC determined that the violations did not pose a serious or substantial risk to the reliability of the BPS, as discussed above.

After consideration of the above factors, WECC determined that, in this instance, the penalty amount of forty-four thousand five hundred dollars (\$44,500) is appropriate and bears a reasonable relation to the seriousness and duration of the violations.

Status of Mitigation Plans¹⁷

CIP-001-1 R1 through R3

BURB's Mitigation Plan to address its violations of CIP-001-1 R1 through R3 was submitted to WECC on March 5, 2008¹⁸ stating it had been completed on February 25, 2008.¹⁹ The Mitigation Plan was accepted by WECC on March 12, 2008 and approved by NERC on December 16, 2008. The Mitigation Plan for these violations is designated as MIT-07-1138 and was submitted as non-public information to FERC on December 16, 2008 in accordance with FERC orders.

BURB's Mitigation Plan stated that BURB had developed and adopted a written procedure effective January 18, 2008 which had been coordinated with its Balancing Authority, LDWP and the City of Glendale.

BURB certified in its Mitigation Plan submitted on March 5, 2008 that the above Mitigation Plan requirements were completed. As evidence of completion of its Mitigation Plan, BURB submitted its *Operating Procedure D-005, Reporting Procedure for Sabotage, Vandalism, and Theft* effective January 18, 2008. The Procedure included processes for (1) the communication of information concerning sabotage events to appropriate parties in the Interconnect; and (2) for providing BURB's operating personnel with sabotage response guidelines, including personnel to contact, for reporting disturbances due to sabotage events.

After WECC's review of BURB's submitted evidence during the audit on March 12, 2008, WECC verified that BURB's Mitigation Plan was completed on January 18, 2008 and notified

¹⁷ See 18 C.F.R. § 39.7(d)(7).

¹⁸ The source documents incorrectly state that the Mitigation Plan was submitted on March 12, 2008.

¹⁹ According to the evidence submitted by BURB, the Mitigation Plan was actually completed on January 18, 2008. This Mitigation Plan initially included the violation of CIP-001-1 R4. During the off-site audit, the Audit Team determined that BURB was not yet compliant with R4, and, therefore, requested that BURB submit another Mitigation Plan to address the violation of R4.

BURB in a letter dated March 11, 2010 that the violations of CIP-001-1 R1 through R3 had been found to be fully mitigated.

CIP-001-1 R4

BURB's revised Mitigation Plan²⁰ to address its violation of CIP-001-1 R4 was submitted to WECC on March 20, 2008 stating it had been completed on March 12, 2008.²¹ The Mitigation Plan was accepted by WECC on June 11, 2008 and approved by NERC on September 18, 2008. The Mitigation Plan for this violation is designated as MIT-07-0827 and was submitted as non-public information to FERC on September 18, 2008 in accordance with FERC orders.

BURB's Mitigation Plan stated that BURB updated its *Operating Procedure D-005, Reporting Procedure for Sabotage, Vandalism, and Theft* to include the name of the individual at the FBI with whom BURB had made contact.

BURB certified on March 20, 2008 that the above Mitigation Plan requirements were completed on March 12, 2008. As evidence of completion of its Mitigation Plan, BURB submitted the following:

1. BURB's *Reporting Procedure For Sabotage, Vandalism and Theft* revised on March 12, 2008; and
2. an e-mail dated March 12, 2008 establishing contact with the local FBI.

After WECC's review of BURB's submitted evidence during the audit on June 11, 2008, WECC verified that BURB's Mitigation Plan was completed on March 12, 2008 and notified BURB in a letter dated July 18, 2008 that it was in compliance with CIP-001-1 R4.

FAC-008-1 R1

BURB's Mitigation Plan to address its violation of FAC-008-1 R1 was submitted to WECC on June 25, 2008²² with a proposed completion date of July 30, 2008. The Mitigation Plan was accepted by WECC on August 21, 2008 and approved by NERC on October 31, 2008. The Mitigation Plan for this violation is designated as MIT-08-1097 and was submitted as non-public information to FERC on October 31, 2008 in accordance with FERC orders.

BURB's Mitigation Plan required BURB to develop an explicit description of its Facility Ratings Methodology, including a clear statement that its Facility Ratings shall equal the most limiting applicable Equipment Rating of any individual equipment that comprises a Facility. While developing its methodology for Facility Ratings, BURB stated it considered the following: (1) ratings provided by equipment manufacturers; (2) design criteria; (3) ambient conditions; (4) operating limitations; and (5) any other assumptions.

²⁰ BURB initially submitted a Mitigation Plan on March 5, 2008 that addressed the violations of CIP-001-1 R1 through R4. During the off-site audit, the Audit Team determined that BURB was not yet compliant with R4 and therefore, requested that BURB submit another Mitigation Plan to address the violation of R4.

²¹ The Settlement Agreement does not discuss the revised Mitigation Plan for CIP-001-1 R4 and only discusses the original Mitigation Plan submitted on March 5, 2008.

²² The initiating document and the Settlement Agreement incorrectly state that the Mitigation Plan was submitted on June 24, 2008.

BURB certified on July 30, 2008 that the above Mitigation Plan requirements were completed on July 26, 2008. As evidence of completion of its Mitigation Plan, BURB submitted the following:

1. BURB's *Generation Facility Ratings Methodology* revised July 26, 2008; and
2. a worksheet that showed how the ratings were determined dated July 2, 2008.

On August 28, 2008, after WECC's review of BURB's submitted evidence, WECC verified that BURB's Mitigation Plan was completed on July 26, 2008 and notified BURB in a letter dated September 29, 2008 that it was in compliance with FAC-008-1 R1.

PRC-005-1 R1 and R2

BURB's Mitigation Plan to address its violations of PRC-005-1 R1 and R2 was submitted to WECC on March 26, 2008²³ with a proposed completion date of September 26, 2008. The Mitigation Plan was accepted by WECC on May 27, 2008 and approved by NERC on March 24, 2009. The Mitigation Plan for these violations is designated as MIT-08-1507 and was submitted as non-public information to FERC on March 27, 2009 in accordance with FERC orders.

BURB's Mitigation Plan required BURB to develop a comprehensive *Generator Protection System Maintenance Program* (GPSMP) by completing the following tasks:

1. review PRC-005-1 to identify specific requirements and any gaps with BURB's Protection System maintenance programs and validate existing relay settings by April 11, 2008;
2. determine industry practice relative to generator Protection System maintenance and testing to serve as a basis for the development of BURB's GPSMP by April 25, 2008;
3. develop a written plan for BURB's GPSMP to establish the policy and interval for testing the elements (protective relays, circuit breakers, current transformers and potential transformers and station battery systems) contained in the Protection Systems and functional test required to ensure the Protection System operates as designed and engineered by July 25, 2008; and
4. implement the GPSMP and complete the required documentation by September 26, 2008.

BURB certified on June 17, 2008²⁴ that the above Mitigation Plan requirements were completed on June 12, 2008. As evidence of completion of its Mitigation Plan, BURB submitted the following:²⁵

1. *LADWP Transmission and Generation Maintenance and Testing Plan* dated November 7, 2007; and
2. actual maintenance and test data received from LDWP on June 12, 2008 for BURB's 230-69 kV Banks E and F for BURB's interconnection at Toluca (Receiving Station-E).

²³ The Mitigation Plan was signed on March 21, 2008.

²⁴ The Certification of Completion was received by WECC on June 23, 2008.

²⁵ Although BURB's Mitigation Plan required BURB to develop its own protection system maintenance and testing plan, BURB returned to compliance by adopting LDWP's plan.

On December 18, 2008, after WECC's review of BURB's submitted evidence, WECC verified that BURB's Mitigation Plan was completed on June 12, 2008 and notified BURB in a letter dated February 26, 2009 that the violations of PRC-005-1 R1 and R2 had been found to be fully mitigated.

TOP-003-0 R2

BURB's Mitigation Plan to address its violation of TOP-003-0 R2 was submitted to WECC on June 9, 2008²⁶ with a proposed completion date of November 30, 2008. The Mitigation Plan was accepted by WECC on September 16, 2008 and approved by NERC on October 27, 2008. The Mitigation Plan for this violation is designated as MIT-08-1025 and was submitted as non-public information to FERC on October 27, 2008 in accordance with FERC orders.

BURB's Mitigation Plan required BURB's system operators to inform BURB's Transmission Operator by telephone of any change in AVR or PSS status on its generating units immediately and to carefully log any AVR or PSS scheduled or unscheduled outage. BURB's Mitigation Plan also required BURB to include AVR and PSS status in its Supervisory Control and Data Acquisition (SCADA)/Energy Management System (EMS) real-time database and include real-time status as part of its Intercontrol Center Communications Protocol (ICCP) data transmittal to its Balancing Authority and Transmission Operator, LDWP. BURB planned to achieve this by completing the following tasks:

1. determine its Disturbance Control Standard (DCS) to SCADA integration requirements by July 31, 2008;
2. include AVR and PSS DCS data in its SCADA real-time database by September 30, 2008; and
3. implement AVR and PSS status in its ICCP transmittal to LDWP.

On November 26, 2008, BURB submitted a request to extend its Mitigation Plan completion date to March 30, 2009²⁷ because BURB experienced problems linking the power plant DCS for all its units to its SCADA database.²⁸ This extension was approved by WECC on December 19, 2008. On March 25, 2009, BURB submitted a revised Mitigation Plan²⁹ as another request to extend its Mitigation Plan completion date to June 30, 2009 because BURB could not complete the necessary ICCP coordination with LDWP in time. This revised Mitigation Plan was accepted by WECC on March 28, 2009 and approved by NERC on August 20, 2009. The revised Mitigation Plan for this violation is designated as MIT-08-1025 and was submitted as non-public information to FERC on August 20, 2009 in accordance with FERC orders.

BURB certified on July 2, 2009 that the above Mitigation Plan requirements were completed on June 29, 2009. As evidence of completion of its Mitigation Plan, BURB submitted the following:

²⁶ The Settlement Agreement incorrectly states that the Mitigation Plan was submitted on June 10, 2008.

²⁷ The Settlement Agreement incorrectly states that BURB submitted the request to extend its Mitigation Plan completion date to March 31, 2009.

²⁸ The extension request incorrectly states that the original Mitigation Plan was accepted by WECC on July 7, 2008.

²⁹ The revised Mitigation Plan incorrectly states that BURB violated the Standard as a Generator Owner (GO).

1. SCADA/EMS screen showing real-time AVR & PSS status;
2. SCADA Event Summary;
3. SCADA/DCS database points listing; and
4. ICCP output listing showing data sent to BURB's Balancing Authority, LDWP.

On August 6, 2009, after WECC's review of BURB's submitted evidence, WECC verified that BURB's Mitigation Plan was completed on June 29, 2009 and notified BURB in a letter dated August 28, 2009 that the violation of TOP-003-0 R2 had been found to be fully mitigated.³⁰

VAR-002-1 R3

BURB's Mitigation Plan³¹ to address its violation of VAR-002-1 R3 was submitted to WECC on June 9, 2008³² with a proposed completion date of November 30, 2008. The Mitigation Plan was accepted by WECC on July 17, 2008 and approved by NERC on October 27, 2008. The Mitigation Plan for this violation is designated as MIT-08-1026 and was submitted as non-public information to FERC on October 27, 2008 in accordance with FERC orders.

BURB's Mitigation Plan required BURB's system operators to inform BURB's Transmission Operator by telephone of any change in AVR or PSS status on its generating units immediately and to carefully log any AVR or PSS scheduled or unscheduled outage. BURB's Mitigation Plan also required BURB to include AVR and PSS status in its SCADA/EMS real-time database and include real-time status as part of its ICCP data transmittal to its Balancing Authority and Transmission Operator, LDWP. BURB planned to achieve this by completing the following tasks:

1. determine DCS to SCADA integration requirements by July 31, 2008;
2. include AVR and PSS DCS data in its SCADA real-time database by September 30, 2008; and
3. implement AVR and PSS status in its ICCP transmittal to LDWP.

On November 26, 2008, BURB submitted a request to extend its Mitigation Plan completion date to March 30, 2009 due to workload issues related to compliance priorities for addressing problems on BURB's Lake and Magnolia generating units.³³ This extension was approved by WECC on February 19, 2009. On March 25, 2009, BURB submitted another request to extend its Mitigation Plan completion date to June 30, 2009 because BURB could not complete all the necessary SCADA database and screen development and ICCP coordination with LDWP in time.³⁴ This Mitigation Plan extension request was approved by WECC on March 28, 2009.

³⁰ The Verification document incorrectly states that the Certification of Completion was submitted on July 7, 2009.

³¹ The Mitigation Plan incorrectly states that BURB violated the Standard as a Generator Owner (GO).

³² The Settlement Agreement incorrectly states that the Mitigation Plan was submitted on June 10, 2008.

³³ The extension request incorrectly states that the original Mitigation Plan was accepted by WECC on July 31, 2008.

³⁴ The extension request incorrectly states that the original Mitigation Plan was accepted by WECC on July 31, 2008.

BURB certified on May 13, 2009, in a revised Mitigation Plan³⁵ signed on May 11, 2009, that the above Mitigation Plan requirements were completed on May 5, 2009. As evidence of completion of its Mitigation Plan, BURB submitted the following:

1. BURB's *Operating Procedure, Voltage Control, Procedure #D-002*, effective January 15, 2009 to require that system operators inform its Balancing Authority, LDWP, within 30 minutes if AVR or PSS on any generating unit goes out of service as well as an Estimated Time of Return (ETR);
2. sign-off sheets for the new AVR and PSS Notification Procedure; and
3. Voltage Control Procedure #D-002 acknowledgement forms.

On May 14, 2009, after WECC's review of BURB's submitted evidence, WECC verified that BURB's Mitigation Plan was completed on May 5, 2009 and notified BURB in a letter dated June 2, 2009 that the violation of VAR-002-1 R3 had been found to be fully mitigated.

Statement Describing the Proposed Penalty, Sanction or Enforcement Action Imposed³⁶

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,³⁷ 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 forty-four thousand five hundred dollars (\$44,500) against BURB and other actions to facilitate future compliance required under the terms and conditions of the Settlement Agreement. In approving the Settlement Agreement, the NERC BOTCC reviewed the applicable requirements of the Commission-approved Reliability Standards and the underlying facts and circumstances of the violations at issue.

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

- (1) the violations constituted BURB's first occurrence of non-compliance with the NERC Reliability Standards at issue;
- (2) BURB self-reported the violations of CIP-001-1 R1 through R4, TOP-003-0 R2 and VAR-002-1 R3 after notification of upcoming off-site compliance audits;
- (3) WECC reported that BURB was cooperative throughout the compliance enforcement process;
- (4) there was no evidence of any attempt to conceal a violation nor evidence of intent to do so; and
- (5) WECC determined that the violations did not pose a serious or substantial risk to the reliability of the BPS, as discussed above.

³⁵ The revised Mitigation Plan incorrectly states that BURB violated the Standard as a Generator Owner (GO).

³⁶ See 18 C.F.R. § 39.7(d)(4).

³⁷ *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).

For the foregoing reasons, the NERC BOTCC approves the Settlement Agreement and believes that the proposed penalty of forty-four thousand five hundred dollars (\$44,500) is appropriate for the violations 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 BURB executed on October 2, 2009, included as Attachment a;
- b) Record documents for the violations of CIP-001-1 R1 through R3, included as Attachment b:
 - 1. WECC's Audit Determination of Alleged Violation Summary documents each dated March 12, 2008;
 - 2. BURB's Mitigation Plan designated as MIT-07-1138 and its Certification of Completion therein submitted March 5, 2008;
 - 3. WECC's Verification of Completion of the Mitigation Plan dated March 11, 2010;
- c) Record documents for the violation of CIP-001-1 R4, included as Attachment c:
 - 1. WECC's Audit Determination of Alleged Violation Summary document dated March 12, 2008;
 - 2. BURB's Mitigation Plan designated as MIT-07-0827 submitted March 20, 2008;
 - 3. BURB's Certification of Completion of the Mitigation Plan dated March 20, 2008;
 - 4. WECC's Verification of Completion of the Mitigation Plan dated July 18, 2008;
- d) Record documents for the violation of FAC-008-1 R1, included as Attachment d:
 - 1. WECC's Audit Determination of Alleged Violation Summary document dated June 11, 2008;
 - 2. BURB's Mitigation Plan designated as MIT-08-1097 submitted June 25, 2008;
 - 3. BURB's Certification of Completion of the Mitigation Plan dated July 30, 2008;
 - 4. WECC's Verification of Completion of the Mitigation Plan dated September 29, 2008;
- e) Record documents for the violations of PRC-005-1 R1 and R2, included as Attachment e:
 - 1. WECC's Audit Determination of Alleged Violation Summary documents each dated March 12, 2008;
 - 2. BURB's Mitigation Plan designated as MIT-08-1507 submitted March 26, 2008;

3. BURB's Certification of Completion of the Mitigation Plan dated June 17, 2008;
 4. WECC's Verification of Completion of the Mitigation Plan dated February 26, 2009;
- f) Record documents for the violation of TOP-003-0 R2, included as Attachment f:
1. BURB's Self-Report dated May 29, 2008;
 2. BURB's Mitigation Plan designated as MIT-08-1025 submitted June 9, 2008;
 3. BURB's Mitigation Plan Completion Extension Request dated November 26, 2008;
 4. BURB's Revised Mitigation Plan and Mitigation Plan Completion Extension Request therein dated March 25, 2009;
 5. BURB's Certification of Completion of the Mitigation Plan dated July 2, 2009;
 6. WECC's Verification of Completion of the Mitigation Plan dated August 28, 2009;
- g) Record documents for the violation of VAR-002-1 R3, included as Attachment g:
1. BURB's Self-Report dated May 29, 2008;
 2. BURB's Mitigation Plan designated as MIT-08-1026 submitted June 9, 2008;
 3. BURB's Mitigation Plan Completion Extension Request dated November 26, 2008;
 4. BURB's Mitigation Plan Completion Extension Request dated March 25, 2009;
 5. BURB's Certification of Completion of the Mitigation Plan dated May 13, 2009; and
 6. WECC's Verification of Completion of the Mitigation Plan dated June 2, 2009.

A Form of Notice Suitable for Publication³⁸

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

³⁸ 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>Frederic C. Fletcher* Assistant General Manager City of Burbank 164 West Magnolia Boulevard Burbank, CA 91503 (818) 238-3557 (818) 238-3560 – facsimile ffletcher@ci.burbank.ca.us</p> <p>Christopher Luras* Manager of Compliance Enforcement Western Electricity Coordinating Council 155 North 400 West, Suite 200 Salt Lake City, UT 84103 (801) 883-6887 (801) 883-6894 – facsimile CLuras@wecc.biz</p> <p>*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, UT 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, UT 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, UT 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
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David N. Cook
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cc: City of Burbank Water and Power
Western Electricity Coordinating Council

Attachments

Attachment a

**Settlement Agreement by and between WECC and
BURB executed on October 2, 2009**

SETTLEMENT AGREEMENT
OF
WESTERN ELECTRICITY COORDINATING COUNCIL
AND
CITY OF BURBANK WATER AND POWER

Western Electricity Coordinating Council ("WECC") and City of Burbank Water and Power ("BURB")(collectively the "Parties") hereby enter into this Settlement Agreement ("Agreement") on this 1 day of Oct, 2009.

RECITALS

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

NERC ID#	WECC200800722:	CIP-001-1 R1	<i>Sabotage Reporting</i>
NERC ID#	WECC200800723:	CIP-001-1 R2	<i>Sabotage Reporting</i>
NERC ID#	WECC200800724:	CIP-001-1 R3	<i>Sabotage Reporting</i>
NERC ID#	WECC200800725:	CIP-001-1 R4	<i>Sabotage Reporting</i>
NERC ID#	WECC200801023:	FAC-008-1 R1	<i>Facility Ratings Methodology</i>
NERC ID#	WECC200801300:	PRC-005-1 R1	<i>Transmission and Generation Protection System Maintenance and Testing</i>
NERC ID#	WECC200801301:	PRC-005-1 R2	<i>Transmission and Generation Protection System Maintenance and Testing</i>
NERC ID#	WECC200800846:	TOP-003-0 R2	<i>Planned Outage Coordination</i>
NERC ID#	WECC200800847:	VAR-002-1 R3	<i>Voltage and Reactive Control</i>

B. BURB is a community-owned utility that serves the residents and businesses of the City of Burbank with water and power, organized under the laws of the State of California. Its principal offices are located in Burbank, California.

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.

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 BURB for subsequent violations of the same Reliability Standards addressed herein and taking enforcement action, if necessary. Such enforcement action can include assessing penalties against BURB 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 BURB hereby agree and stipulate to the following:

I. Representations of the Parties

For purposes of this Agreement, BURB does not contest and stipulates to the facts contained herein. The facts stipulated herein are stipulated solely for the purpose of resolving the matters discussed herein, and do not constitute stipulations or admissions for any other purpose by either Party. WECC has established sufficient facts, as set forth herein, to support its determination that BURB has Confirmed Violations as this term is defined in the WECC Compliance and Monitoring Enforcement Program ("CMEP"), of the Reliability Standards described below in detail. BURB does not admit to, nor does it deny, these Confirmed Violations.

II. Confirmed Violations

NERC Reliability Standard CIP-001-1, Requirements 1-4

R1: *Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load-Serving Entity shall have procedures for the recognition of and for making their operating personnel aware of sabotage events on its facilities and multi site sabotage affecting larger portions of the Interconnection.*

R2: *Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall have procedures for the communication of information concerning sabotage events to appropriate parties in the Interconnection.*

R3: *Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity, shall provide its operating personnel with sabotage response guidelines, including personnel to contact for reporting disturbances due to sabotage events.*

R4: *Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall establish communications contacts, as applicable, with local Federal Bureau of Investigations (FBI) or Royal Canadian*

Mounted Police (RCMP) officials and develop reporting procedures as appropriate to their circumstances.

BURB is subject to this Standard because it was registered on the NERC Compliance Registry on June 17, 2007 as a Generator Operator and Load-Serving Entity. On March 5, 2008, BURB self-reported violations of Requirements 1-4 of this Standard. On March 12, 2008, WECC conducted an off-site Compliance Audit ("Audit") of BURB. During the Audit, BURB provided documentation indicating that it had a process in place for sabotage event recognition and reporting, and that it had developed a written procedure for recognizing and reporting sabotage events. However, BURB had not created this documentation and corresponding procedures until January 18, 2008. WECC determined that prior to January 18, 2008, BURB did not have procedures in place for the recognition of and for making its operating personnel aware of sabotage events on its facilities and multi-site sabotage affecting larger portions of the Interconnection, as required by CIP-001-1 R1; BURB did not have a procedure for communicating information concerning sabotage events to appropriate parties, as required by CIP-001-1 R2; BURB did not have sabotage response guidelines for reporting disturbances due to sabotage events, as required by CIP-001-1 R3; and, prior to March 12, 2008, BURB did not have an established contact at the FBI nor a reporting procedure, as required by CIP-001-1 R4. Thus, the WECC Audit Team ("Audit Team") determined that BURB had possible violations of this Standard from June 18, 2007 through January 18, 2008. The Audit Team forwarded its findings to the WECC Enforcement Department ("Enforcement") for its review and approval.

Enforcement reviewed BURB's Self-Report, the Audit findings, BURB's mitigation plan, and BURB's Sabotage Reporting Procedure. Enforcement determined that, prior to January 18, 2008, BURB did not have complete procedures for the recognition of and for making its operating personnel aware of sabotage events on its facilities and multi-site sabotage affecting larger portions of the Interconnection; BURB did not have procedures for the communication of information concerning sabotage events to appropriate parties in the Interconnection; BURB did not provide its operating personnel with response guidelines for reporting disturbances due to sabotage events; and BURB did not establish communications contacts with the local FBI. Thus, Enforcement concluded BURB had Alleged Violations of CIP-001-1 R1-R4.

BURB submitted a mitigation plan to WECC on March 5, 2008 in conjunction with its Audit materials. WECC reviewed BURB's mitigation plan during the Audit on March 12, 2008 and approved it on March 12, 2008. To comply with this Standard, BURB created an *Operating Procedure D-005, Reporting Procedure for Sabotage, Vandalism, and Theft* as required by CIP-001-1 R1; the *Operating Procedure* document included a procedure for the communication of information concerning sabotage events to appropriate parties in the Interconnection, as required by CIP-001-1 R2; and a procedure to provide BURB's operating personnel with sabotage response guidelines, including personnel to contact, for reporting disturbances due to sabotage events, as required by CIP-001-1 R3. BURB certified on March 5, 2008 that it had completed its sabotage recognition and reporting procedure on January 18, 2008. WECC reviewed BURB's completion documentation and confirmed that BURB had completed its mitigation plan on January 18, 2008.

To comply with CIP-001-1 R4, BURB's *Operating Procedure* document included a procedure for the communication of information concerning sabotage events to the appropriate local FBI. BURB certified on March 20, 2008 that it had established communication contacts with the FBI, effective March 12, 2008. On June 11, 2008, WECC reviewed BURB's completed mitigation plan and completion certification specific to CIP-001-1 R4, and determined that BURB had provided sufficient evidence to show compliance with this Standard on March 12, 2008.

Thus, BURB was in violation of CIP-001-1 R1-R3 from June 18, 2007 through January 18, 2008, and in violation of CIP-001-1 R4 from June 18, 2007 through March 12, 2008.

NERC Reliability Standard FAC-008-1 Requirement 1

The Transmission Owner and Generator Owner shall each document its current methodology used for developing Facility Ratings (Facility Ratings Methodology) of its solely and jointly owned Facilities. The methodology shall include all of the following:

R1.1: *A statement that a Facility Rating shall equal the most limiting applicable Equipment Rating of the individual equipment that comprises that Facility.*

R1.2: *The method by which the Rating (of major BES equipment that comprises a Facility) is determined.*

R1.2.1: *The scope of equipment addressed shall include, but not be limited to, generators, transmission conductors, transformers, relay protective devices, terminal equipment, and series and shunt compensation devices.*

R1.2.2: *The scope of Ratings addressed shall include, as a minimum, both Normal and Emergency Ratings.*

R1.3: *Consideration of the following:*

R1.3.1: *Ratings provided by equipment manufacturers.*

R1.3.2: *Design criteria (e.g., including applicable references to industry Rating practices such as manufacturer's warranty, IEEE, ANSI or other standards).*

R1.3.3: *Ambient conditions.*

R1.3.4: *Operating limitations.*

R1.3.5: *Other assumptions.*

BURB is subject to this Standard because it was registered on the NERC Compliance Registry on June 17, 2007 as a Generation Owner ("GO"). On June 11, 2008, WECC conducted an off-site Audit. At the Audit, the Audit Team interviewed BURB personnel and reviewed BURB's documentation. This review demonstrated that BURB had a documented facility ratings methodology for its solely and jointly owned-facilities. However, BURB failed to include a statement that a Facility Rating shall equal the most limiting applicable Equipment Rating of the individual equipment that comprises that Facility as required by FAC-008-1 R1.1.. Thus, the Audit Team determined that BURB was in possible violation of this Standard. The Audit Team forwarded its findings to Enforcement for its review and consideration.

Enforcement reviewed the Audit findings, BURB's documentation, and the mitigation plan submitted by BURB related to its Facility Ratings. Enforcement determined that BURB's original documentation did not describe the methodology BURB used to develop its overall Facility Ratings in a sufficient manner. Specifically, BURB's methodology lacked the necessary element listed in Requirement 1.1 of this Standard. Thus, Enforcement concluded that BURB had an Alleged Violation of FAC-008-1 R1.1.

BURB submitted a mitigation plan to WECC on June 24, 2008. On July 30, 2008, BURB certified that it had completed its mitigation plan on July 26, 2008. To comply with this Standard, BURB developed an explicit description of its facility ratings methodology, including a clear statement that its facility ratings shall equal the most limiting applicable equipment rating of any individual equipment that comprises a facility. On August 28, 2008, WECC reviewed BURB's completed mitigation plan and documentation, and determined that BURB had provided sufficient evidence to find it in compliance with this Standard.

Thus, BURB was in violation of FAC-008-1 R1.1 from June 18, 2007 through July 26, 2008.

NERC Reliability Standard PRC-005-1 Requirement 1

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

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

R1.2: *Summary of maintenance and testing procedures.*

BURB is subject to this Standard because it was registered on the NERC Compliance Registry on June 17, 2007 as a Distribution Provider ("DP") and Generation Owner. On March 12, 2008, WECC conducted an off-site Audit of BURB's DP function. During the Audit, BURB was unable to produce evidence of a protection system maintenance and testing program. BURB personnel stated that BURB owns 230 kV facilities and related protection systems. Thus, the Audit Team determined that BURB must have a protection system maintenance and testing program and ensure that it contains all of the necessary elements under the Standard.

In an interview, BURB's Assistant General Manager/Power Supply and a Compliance Manager informed the Audit Team that the Los Angeles Department of Water and Power ("LDWP") maintains BURB's 230-69 kV interconnection facilities and is responsible for maintaining and testing those facilities. However, BURB could not provide the Audit Team with a copy of LDWP's protection system maintenance and testing plan because BURB did not believe that its interconnection had any substantial impact on the reliability of the BES. BURB stated that all of its routine generation and interconnection protection system tests are current. The Audit Team acknowledged that a Registered Entity can have an agreement with a third party to maintain protection systems, but confirmed that BURB must keep records to verify that the

third party is maintaining BURB's protection systems in accordance with BURB's programs. Without producing the records, BURB could not demonstrate for the Audit Team that it had a protection system maintenance and testing program. As a result, the Audit Team concluded that BURB was in possible violation of this Standard. The Audit Team forwarded its findings to Enforcement for its review and consideration.

Enforcement reviewed the Audit findings and BURB's documentation. Enforcement determined that BURB did not present evidence at the Audit of a protection system maintenance and testing program as required by this Standard. Thus, Enforcement concluded that BURB had an Alleged Violation of PRC-005-1 R1.

BURB submitted a mitigation plan to WECC on March 26, 2008, with a proposed completion date of September 26, 2008. WECC accepted BURB's mitigation plan on May 27, 2008. On June 23, 2008, BURB submitted a completed mitigation plan certifying completion on June 12, 2008. To complete this mitigation plan, BURB submitted the Maintenance and Testing Program and actual maintenance and test data received from LDWP for BURB's 230-69 kV Banks E and F for BURB's interconnection at Toluca (Receiving Station-E). On December 18, 2008, WECC reviewed BURB's completed mitigation plan and documentation, and determined that BURB had provided sufficient evidence to show compliance with this Standard.

Thus, BURB was in violation of PRC-005-1 R1 from June 18, 2007 through June 12, 2008.

NERC Reliability Standard PRC-005-1 Requirement 2

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

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

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

BURB is subject to this Standard because it was registered on the NERC Compliance Registry on June 17, 2007 as a Distribution Provider and Generation Owner. On March 12, 2008, WECC conducted an off-site Compliance Audit ("Audit") of BURB's DP function. During the Audit, BURB was unable to produce evidence of a protection system maintenance and testing program or documentation of the implementation of that program, including the date each Protection System device was last tested and maintained. BURB personnel stated that BURB owns 230 kV facilities and related protection systems. Thus, the WECC Audit Team ("Audit Team") determined that BURB must have a protection system maintenance and testing program and documentation related to that program.

In an interview, BURB's Assistant General Manager/Power Supply and a Compliance Manager informed the Audit Team that the LDWP maintains BURB's facilities and is responsible for maintaining and testing those facilities. However, BURB could not provide the Audit Team with a copy of LDWP's documentation. The Audit Team acknowledged that a Registered Entity can have an agreement with a third party to maintain protection systems, but confirmed that BURB must keep records to verify that the third party is maintaining and testing BURB's protection systems in accordance with BURB's programs. Without producing the records, BURB could not demonstrate for the Audit Team that it has a protection system maintenance and testing program or any of the required documentation related to that program. As a result, the Audit team concluded that BURB was in possible violation of this Standard. The Audit Team forwarded its findings to Enforcement for its review and consideration.

Enforcement reviewed the Audit findings and BURB's documentation. Enforcement determined that BURB did not have evidence of a protection system maintenance and testing program or the required documentation related to that program as required by this Standard. Thus, Enforcement concluded that BURB had an Alleged Violation of PRC-005-1 R2.

BURB submitted a mitigation plan to WECC on March 26, 2008, with a proposed completion date of September 26, 2008. WECC accepted BURB's mitigation plan on May 27, 2008. On June 23, 2008, BURB submitted a completed mitigation plan certifying completion on June 12, 2008. To complete this mitigation plan, BURB submitted the Maintenance and Testing Program and actual maintenance and test data received from LDWP for BURB's 230-69 kV Banks E and F for BURB's interconnection at Toluca (Receiving Station-E). On December 18, 2008, WECC reviewed BURB's completed mitigation plan and documentation, and determined that BURB had provided sufficient evidence to show compliance with this Standard.

Thus, BURB was in violation of PRC-005-1 R2 from June 18, 2007 through June 12, 2008.

NERC Reliability Standard TOP-003-0 Requirement 2

R2. Each Transmission Operator, Balancing Authority, and Generator Operator shall plan and coordinate scheduled outages of system voltage regulating equipment, such as automatic voltage regulators on generators, supplementary excitation control, synchronous condensers, shunt and series capacitors, reactors, etc., among affected Balancing Authorities and Transmission Operators as required.

BURB is subject to this Standard because it was registered on the NERC Compliance Registry on June 17, 2007 as a Generator Operator. On May 29, 2008, BURB submitted a Self-Report explaining that it had a possible violation of this Standard. BURB discovered its non-compliance with this Standard as a result of preparing for an off-site Audit. BURB discovered that it had not been informing the Balancing Authority ("BA") and the Transmission Operator ("TOP") of the dates when BURB scheduled Automatic Voltage Regulators ("AVRs") or Power System Stabilizers ("PSS") on generating units to be placed out of service.

At the off-site Audit conducted on June 11, 2008, the Audit Team reviewed BURB's Self-Report and determined that BURB had not informed its TOP when it planned to put AVR or PSS out of service on its generating units. The Audit Team determined that BURB had a possible violation of this Standard and forwarded BURB's Self-Report and the Audit Team's findings to Enforcement for its review and consideration.

Enforcement reviewed BURB's Self-Report and the Audit findings. Enforcement determined that BURB did not plan and coordinate scheduled outages of its system voltage regulating equipment with its BA and TOP as required by the Standard. Thus, Enforcement concluded that BURB had an Alleged Violation of TOP-003-0 R2.

BURB submitted a mitigation plan to WECC on June 10, 2008. WECC accepted BURB's mitigation plan on September 16, 2008. To comply with this Standard, BURB planned to start requiring its system operators to inform its TOP by telephone of any change in AVR or PSS status on its generating units immediately, and to carefully log any AVR or PSS scheduled or unscheduled outage. BURB planned to determine its Disturbance Control Standard ("DCS") to Supervisory Control and Data Acquisition ("SCADA") integration requirements by July 31, 2008. BURB also planned to include AVR and PSS DCS data in its SCADA real-time database by September 30, 2008. Finally, BURB planned to record AVR and PSS status in Inter-Control Center Communications Protocol ("ICCP") transmittal to its TOP by November 30, 2008. BURB proposed to complete its mitigation plan by November 30, 2008.

On November 26, 2008, BURB submitted a request to extend its mitigation plan completion date to March 31, 2009. BURB experienced problems linking the power plant DCS for all its units to its SCADA database. This extension was approved by a WECC subject matter expert ("SME") on December 19, 2008. On March 25, 2009, BURB submitted another request to extend its mitigation plan completion date to June 30, 2009 because BURB could not complete the necessary ICCP coordination with LDWP in time. On March 28, 2009 WECC approved BURB's request. On July 2, 2009, BURB submitted a Certification of Mitigation Plan Completion Form certifying completion on June 29, 2009. To complete this mitigation plan, BURB submitted the following documents: SCADA/EMS Screen Showing Real-Time AVR & PSS Status; SCADA Event Summary; SCADA/DCS database points listing; and ICP output listing showing data sent to BA (LDWP). On August 6, 2009 WECC accepted BURB's completed mitigation plan and verified that BURB was in compliance as of June 29, 2009.

Thus, BURB was in violation of TOP-003-0 R2 from June 18, 2007 through June 29, 2009.

NERC Reliability Standard VAR-002-1 Requirement 3

R3. Each Generator Operator shall notify its associated Transmission Operator as soon as practical, but within 30 minutes of any of the following: A status or capability change on any generator Reactive Power resource, including the status of each automatic voltage regulator and power system stabilizer and the expected duration of the change in status or capability. A status or capability change on any other Reactive Power resources under the Generator Operator's control and the expected duration of the change in status or capability.

BURB is subject to this Standard because it was registered on the NERC Compliance Registry on June 17, 2007 as a Generator Operator. On June 9, 2008, BURB submitted a Self-Report explaining that it had a possible violation of this Standard. BURB discovered its non-compliance with this Standard on May 29, 2008, as a result of preparing for an off-site Audit. BURB learned that it had not been informing the TOP within 30 minutes after an AVR or PSS on a generating unit went out of service. More than 15 months elapsed between the date that BURB notified WECC originally about its Lake 1 46 MW CT PSS being out of service and the date that BURB searched for a contractor to install the PSS. BURB operated its Lake 1 46 MW CT without a PSS during March 2008. BURB operated its Lake 1 46 MW CT only when it was absolutely necessary for reliability purposes. WECC SMEs reviewed BURB's Self-Report and determined that BURB was in possible violation of this Standard. The SMEs then forwarded the Self-Report and their findings to Enforcement for its review and approval.

Enforcement reviewed BURB's Self-Report and the findings of the SMEs and determined that BURB had failed to inform its TOP of the status of its Lake 1 46 MW CT PSS within 30 minutes of an outage as required by the Standard. Thus, Enforcement concluded that BURB had an Alleged Violation of VAR-002-1 R3.

BURB submitted its mitigation plan on June 10, 2008. WECC accepted the mitigation plan on July 17, 2008. To comply with this Standard, BURB planned to include its AVR and PSS status in its SCADA/EMS real-time data base. Also, BURB has included real-time status as part of its ICCP data transmittal to its TOP. By July 31, 2008, BURB planned to determine the DCS to SCADA integration requirements. By September 30, 2008, BURB planned to include AVR and PSS DCS data in its SCADA real-time database. By November 30, 2008, BURB planned to implement AVR and PSS status in its ICCP transmittal to its TOP. BURB proposed an estimated completion date of November 30, 2008 for its mitigation plan.

On November 26, 2008, BURB submitted a request to WECC to extend its mitigation plan completion date to March 30, 2009. This request was due to workload issues related to compliance priorities for addressing problems on BURB's Lake and Magnolia generating units. WECC approved BURB's request for an extension on February 19, 2009. On March 25, 2009, BURB submitted another request to extend its mitigation plan completion date to June 30, 2009 because it could not complete all the necessary SCADA database and screen development and ICCP coordination with LDWP in time. On March 28, 2009 WECC approved BURB's request. On May 13, 2009 BURB submitted a completed mitigation plan certifying its compliance with this Standard on May 5, 2009. A WECC SME reviewed BURB's documentation, including (1) BURB Operating Procedure, Voltage Control, Procedure #D-002, Effective Date 01/15/2009; (2) Sign-off Sheets for New AVR and PSS Notification Procedure (training); and (3) Voltage Control Procedure (D-002) Acknowledgement Forms; and confirmed that BURB has modified its Voltage Control Procedure to include the requirements of VAR-002-1 R3. On May 14, 2009 WECC accepted BURB's completed mitigation plan and verified that BURB was in compliance as of May 5, 2009.

Thus, BURB was in violation of VAR-002-1 R3 from June 18, 2007 through May 5, 2009.

III. Settlement Terms

A. **Payment.** To settle this matter, BURB hereby agrees to pay \$44,500.00 to WECC via wire transfer or cashier's check. BURB shall make the funds payable to a WECC account identified in a Notice of Payment Due that WECC will send to BURB upon approval of this Agreement by NERC and the Federal Energy Regulatory Commission ("FERC"). BURB shall issue the payment to WECC no later than thirty days after receipt of the Notice of Payment Due.

The terms of this Agreement, including the agreed upon payment, are subject to review and possible revision by NERC and FERC. Upon NERC approval of the Agreement, NERC will file a Notice of Penalty with FERC. If FERC approves the Agreement or does not review the Notice of Penalty within a 30 day period from the filing of the Notice of Penalty, 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 BURB 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 and Violation Severity Level, and the risk to the reliability of the BPS; (2) the violation's duration and whether the violation was a first time violation; (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) the failure of the Registered Entity to comply with compliance directives (8) any attempt by the Registered Entity to conceal the violation or any related information; (9) whether the violation was intentional; (10) any other relevant information or extenuating circumstances; (11) any aggravating factors, and (12) the Registered Entity's ability to pay a penalty.

The following VRFs apply to BURB's Alleged Violations in accordance with NERC's VRF Matrix dated February 3, 2009:

The violations of CIP-001-1 R1-4 have "Medium" VRFs. BURB had a process in place for sabotage event recognition and awareness, but did not have written procedures in plan to address sabotage events until January 18, 2008. Because BURB had a process in place, WECC determined that this violation posed a minimal risk to the reliability of the BPS.

The violation of FAC-008-1 R1.1 has a "Medium" VRF. BURB had a written facility ratings methodology, but failed to include one of the required elements under FAC-008-1 R1.1 in that methodology. Because the statement required under R1.1 regarding the most limiting applicable equipment rating was implied in BURB's documentation, but not stated directly, WECC determined that this violation posed a minimal risk to the reliability of the BPS.

The violation of PRC-005-1 R1 has a "High" VRF. BURB's failure to possess LDWP's maintenance and testing records to ascertain that LDWP had tested and maintained BURB's 230-69 kV interconnection facilities in conformity with BURB's Protection System maintenance and testing program could lead to misoperation or a failure to operate, having a direct impact on the reliability of the BPS. WECC determined that this violation posed a severe risk to the reliability of the BPS because of the important role of protection systems.

The violation of PRC-005-1 R2 has a "Lower" VRF. Although BURB could not produce the documentation of its Protection System maintenance and testing program at Audit, three months after the Audit BURB provided evidence showing that it was in fact compliant at the time of the Audit. WECC determined that this violation posed a minimal risk to the reliability of the BPS.

The violation of TOP-003-0 R2 has a "Medium" VRF. BURB is inside its TOP's control area, and BURB's generating facilities are relatively small. Based upon these facts, WECC determined that this violation posed a minimal risk to the reliability of the BPS.

The violation of VAR-002-1 R3 has a "Medium" VRF. BURB is inside its TOP's control area, and BURB's generating facilities are relatively small. Based upon these facts, WECC determined that this violation posed a minimal risk to the reliability of the BPS.

In addition to the factors listed above, WECC considered several mitigating factors to reach an agreement with BURB regarding the payment amount. First, the Alleged Violations addressed by this Agreement are BURB's first assessed noncompliance with the applicable Reliability Standards. Second, BURB mitigated all of the violations. Third, the violations of CIP-001-1 R1-4, TOP-003-0 R2 and VAR-002-1 R 3 were self-reported. Fourth, BURB was cooperative throughout WECC's evaluation of its compliance with the Reliability Standards and the enforcement process. Finally, WECC reviewed and determined that BURB had a good internal compliance program.

In reaching this Agreement, WECC considered that there were no aggravating factors warranting a higher payment amount. Specifically, BURB did not have any negative compliance history. There was no failure by BURB to comply with applicable compliance directives, nor any evidence of an attempt by BURB to conceal a violation. Finally, there was no evidence that BURB'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 BURB 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. BURB agrees that the Agreement, upon approval by NERC and FERC, is a final settlement of all matters set forth herein. BURB waives its right to further hearings and appeal, unless and only to the extent that BURB 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 BURB in accordance with the Agreement, the CMEP and the NERC Rules of Procedure. In the event that BURB fails to comply with any of the terms of this Agreement, WECC shall have the right to pursue enforcement, penalty or sanction actions against BURB up to the maximum penalty allowed by the NERC Rules of Procedure. BURB 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. Registered Entity consents to the use of Regional Entity's determinations, findings, and conclusions set forth in this Agreement for the purpose of assessing the factors, including the factor of determining the company's history of violations, in accordance with the NERC Sanction Guidelines and applicable Commission orders and policy statements. Such use may be in any enforcement action or compliance proceeding undertaken by NERC and/or any Regional Entity; provided, however, that Registered Entity does not consent to the use of the specific acts set forth in this Agreement as the sole basis for any other action or proceeding brought by NERC and/or Regional Entity, nor does Registered Entity consent to the use of this Agreement by any other party in any other action or proceeding.

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

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

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

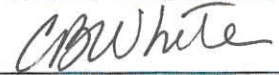
L. Captions. The Agreement's titles, headings and captions are for the purpose of convenience only and in no way define, describe or limit the scope or intent of the Agreement.

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

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

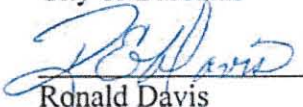
Agreed to and accepted:

WESTERN ELECTRICITY COORDINATING COUNCIL


[Name/insert] Constance white
Title V.P. Compliance

10/2/09
Date

City of Burbank


Ronald Davis
General Manager, Burbank Water & Power

10/1/09
Date

Attachment b

Record documents for the violations of CIP-001-1 R1 through R3

- 1. WECC's Audit Determination of Alleged Violation
Summary documents each dated March 12, 2008**
- 2. BURB's Mitigation Plan designated as MIT-07-
1138 and its Certification of Completion therein
submitted March 5, 2008**
- 3. WECC's Verification of Completion of the
Mitigation Plan dated March 11, 2010**

Regional Determination of Alleged Violation Summary

Region: WECC

Registered Entity: City of Burbank

NERC Registry ID: NCR05072

NERC Violation ID: WECC200800722

Date Alleged Violation reported to or discovered by WECC: 03/12/2008

Method of Discovery: Compliance Audit

Standard: CIP-001-1

Requirement: 1

Regional description of Alleged Violation:

City of Burbank has no procedure in place for recognition of sabotage events.

Repeat Alleged Violation: ☐ Yes ☒ No

If Yes, NERC Violation ID:

NAVAPS Issue Date: 06/12/2009

Violation Risk Factor: MEDIUM

Violation Severity Level (VSL): LNC - Level 1

Regional Determination of VSL:

Regional Determination of Impact to BPS:

Regional Detailed Description of Impact to BPS:

*DIMI Minimal Impact

Begin Date of Alleged Violation: 06/18/2007

Time of Alleged Violation:

End Date of Alleged Violation:

Mitigation Plan Submittal Date: 03/12/2008

Mitigation Plan Target Completion Date: 03/12/2008

Registered Entity Certification of Closure Date: 03/12/2008

Mitigation Plan Actual Completion Date: 01/18/2008

Additional Comments:

WECC Contact:

Name: Chris Luras

Title: Manager of Enforcement

Phone Number: 801-582-0353

Email: cluras@wecc.biz

Regional Determination of Alleged Violation Summary

Region: WECC

Registered Entity: City of Burbank

NERC Registry ID: NCR05072

NERC Violation ID: WECC200800723

Date Alleged Violation reported to or discovered by WECC: 03/12/2008

Method of Discovery: Compliance Audit

Standard: CIP-001-1

Requirement: 2

Regional description of Alleged Violation:

City of Burbank is missing a procedure for the communication of information concerning sabotage events to the appropriate authorities.

Repeat Alleged Violation: ☐ Yes ☒ No

If Yes, NERC Violation ID:

NAVAPS Issue Date: 06/12/2009

Violation Risk Factor: MEDIUM

Violation Severity Level (VSL): LNC - Level 1

Regional Determination of VSL:

Regional Determination of Impact to BPS:

Regional Detailed Description of Impact to BPS:

Moderate Impact - Documentation related issue

Begin Date of Alleged Violation: 06/18/2007

Time of Alleged Violation:

End Date of Alleged Violation:

Mitigation Plan Submittal Date: 03/12/2008

Mitigation Plan Target Completion Date: 03/12/2008

Registered Entity Certification of Closure Date: 03/12/2008

Mitigation Plan Actual Completion Date: 01/18/2008

Additional Comments:

WECC Contact:

Name: Chris Luras

Title: Manager of Enforcement

Phone Number: 801-582-0353

Email: cluras@wecc.biz

Regional Determination of Alleged Violation Summary

Region: WECC

Registered Entity: City of Burbank

NERC Registry ID: NCR05072

NERC Violation ID: WECC200800724

Date Alleged Violation reported to or discovered by WECC: 03/12/2008

Method of Discovery: Compliance Audit

Standard: CIP-001-1

Requirement: 3

Regional description of Alleged Violation:

City of Burbank did not train their operating personnel on reporting disturbances due to sabotage events

Repeat Alleged Violation: ☐ Yes ☒ No

If Yes, NERC Violation ID:

NAVAPS Issue Date: 06/12/2009

Violation Risk Factor: MEDIUM

Violation Severity Level (VSL): LNC - Level 3

Regional Determination of VSL:

Regional Determination of Impact to BPS:

Regional Detailed Description of Impact to BPS:

Moderate Impact

Begin Date of Alleged Violation: 06/18/2007

Time of Alleged Violation:

End Date of Alleged Violation:

Mitigation Plan Submittal Date: 03/12/2008

Mitigation Plan Target Completion Date: 03/12/2008

Registered Entity Certification of Closure Date: 03/12/2008

Mitigation Plan Actual Completion Date: 01/18/2008

Additional Comments:

WECC Contact:

Name: Chris Luras

Title: Manager of Enforcement

Phone Number: 801-582-0353

Email: cluras@wecc.biz



Mitigation Plan Submittal Form

New ☒ or Revised ☐

Date this Mitigation Plan is being submitted: 3-5-08

If this Mitigation Plan has already been completed:

- Check this box ☒ and
- Provide the Date of Completion of the Mitigation Plan: 2-25-08

Section A: Compliance Notices & Mitigation Plan Requirements

- A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Appendix A - Compliance Notices & Mitigation Plan Requirements" to this form. **Review the notices 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:

Company Name: City of Burbank Water & Power (BURB)
Company Address: 164 W. Magnolia Blvd, Burbank, CA 91502
NERC Compliance Registry ID *[if known]*: NCR05072

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

Name: Xavier G. Baldwin
Title: Principal E. E., Nerc Compliance Officer
Email: xbaldwin@ci.burbank.ca.us
Phone: 818.238.3753



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: CIP-001-1
[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 Date ^(*) (MM/DD/YY)
		R1	03/05/08
		R2	03/05/08
		R3	03/05/08
		R4	03/05/08

(*) Note: The Violation Date shall be: (i) 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 WECC. Questions regarding the date to use should be directed to the WECC.

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

Burbank Water & Power, did not have a specific written procedure for its operating personnel for reporting sabotage events.
[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:

No known reportable sabotage incidents to our power system have occurred. We do believe that we had FEMA training in place to adequately respond to such incidents.
[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:

We have already fully addressed the requirements of this standard by developing and adopting a written procedure effective 1-18-08 which has also been coordinated with our BA (LDWP) and the City of Glendale (GLEN). (Attached is our latest version of our Sabotage Reporting Procedure which we believe meets the requirements of CIP-001-1).
[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: N/A
- 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)
N/A	N/A

(*) 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:

N/A

[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:

N/A

[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:

Adoption of a formal written Sabotage Reporting Procedure should prevent any future violations of this standard.

[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:



Western Electricity Coordinating Council

NERC
NORTH AMERICAN ELECTRIC
RELIABILITY CORPORATION

N/A

[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 Ronald E Davis, General Manager of Burbank Water & Power.
 2. I am qualified to sign this Mitigation Plan on behalf of [Burbank Water & Power.
 3. I have read and understand Burbank Water & Power's obligations to comply with Mitigation Plan requirements and ERO remedial action directives as well as ERO documents, including, but not limited to, the NERC Rules of Procedure, including Appendix 4(C) (Compliance Monitoring and Enforcement Program of the North American Electric Reliability Corporation" (NERC CMEP)).
 4. I have read and am familiar with the contents of the foregoing Mitigation Plan.
 5. [Burbank Water & Power 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 Entity Officer Signature: 

(Electronic signatures are acceptable; see CMEP)

Name (Print): Ronald E. Davis

Title: General Manager

Date: 3-5-08



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.

See attached Sabotage Reporting Procedure which we believe to be fully compliant.
[Provide your response here; additional detailed information may be provided as an attachment as necessary]

Please direct any questions regarding completion of this form to:

Jim Stuart, Sr. Compliance Engineer
Email: jstuart@wecc.biz
Phone: (801) 883-6887



Attachment A – Compliance Notices & Mitigation Plan Requirements

- I. 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.
- II. This submittal form may be used to provide a required Mitigation Plan for review and approval by WECC and NERC.

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.



- III. The Mitigation Plan shall be submitted to the WECC and NERC as confidential information in accordance with Section 1500 of the NERC Rules of Procedure.
- IV. 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.
- V. If the Mitigation Plan is approved by WECC 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.
- VI. WECC or NERC may reject Mitigation Plans that they determine to be incomplete or inadequate.
- VII. Remedial action directives also may be issued as necessary to ensure reliability of the bulk power system.

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Western Electricity Coordinating Council

Laura Scholl
Managing Director of Compliance

801-819-7619
lscholl@wecc.biz

VIA COMPLIANCE WEB PORTAL

March 11, 2010

Fredric C. Fletcher
Assistant General Manager
City of Burbank
164 West Magnolia Boulevard
Burbank, California 91503

NERC Registration ID: NCR05072
NERC Violation ID: WECC200800722, WECC200800723 and WECC200800724

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

Dear Fredric,

The Western Electricity Coordinating Council (WECC) has received the Mitigation Plan and Certification of Completion and supporting evidence submitted by City of Burbank (BURB) on 3/12/2008 for the alleged violation of Reliability Standard CIP-001-1 Requirements 1, 2 and 3.

WECC has accepted the Mitigation Plan and Certification of Completion for Requirement(s) 1, 2, 3 of the Reliability Standard CIP-001-1 and has 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 Josh Axelrod at jaxelrod@wecc.biz.
Thank you for your assistance in this effort.

Sincerely,

Laura Scholl
Managing Director of Compliance

LS:rh

cc: Xavier G. Baldwin, BURB Principal Electrical Engineer
John McGhee, WECC Director of Audits and Investigations
Lisa Milanes, WECC Manager of Compliance Program Administration
Josh Axelrod, WECC Compliance Engineer

Attachment c

Record documents for the violation of CIP-001-1 R4

- 1. WECC's Audit Determination of Alleged Violation
Summary document dated March 12, 2008**
- 2. BURB's Mitigation Plan designated as MIT-07-
0827 submitted March 20, 2008**
- 3. BURB's Certification of Completion of the
Mitigation Plan dated March 20, 2008**
- 4. WECC's Verification of Completion of the
Mitigation Plan dated July 18, 2008;**

Regional Determination of Alleged Violation Summary

Region: WECC

Registered Entity: City of Burbank

NERC Registry ID: NCR05072

NERC Violation ID: WECC200800725

Date Alleged Violation reported to or discovered by WECC: 03/12/2008

Method of Discovery: Compliance Audit

Standard: CIP-001-1

Requirement: 4

Regional description of Alleged Violation:

City of Burbank has not established an actual communication contact within the FBI.

Repeat Alleged Violation: ☐ Yes ☒ No

If Yes, NERC Violation ID:

NAVAPS Issue Date: 06/12/2009

Violation Risk Factor: MEDIUM

Violation Severity Level (VSL): LNC - Level 1

Regional Determination of VSL:

Regional Determination of Impact to BPS:

Regional Detailed Description of Impact to BPS:

Medium Impact

Begin Date of Alleged Violation: 06/18/2007

Time of Alleged Violation:

End Date of Alleged Violation:

Mitigation Plan Submittal Date: 03/12/2008

Mitigation Plan Target Completion Date: 03/12/2008

Registered Entity Certification of Closure Date: 03/26/2008

Mitigation Plan Actual Completion Date: 03/12/2008

Additional Comments:

WECC Contact:

Name: Chris Luras

Title: Manager of Enforcement

Phone Number: 801-582-0353

Email: cluras@wecc.biz



Mitigation Plan Submittal Form

New ☒ or Revised ☐

Date this Mitigation Plan is being submitted:

If this Mitigation Plan has already been completed:

- Check this box ☒ and submit a Mitigation Plan Completion Form in conjunction with this Mitigation Plan Submittal Form
- Provide the Date of Completion of the Mitigation Plan: 3/12/2008

Section A: Compliance Notices & Mitigation Plan Requirements

- A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Appendix A - Compliance Notices & Mitigation Plan Requirements" to this form. **Review the notices 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:

Company Name: Burbank Water and Power (BURB)
Company Address: P.O. Box 631, Burbank, CA, 91503-0631
NERC Compliance Registry ID *[if known]*: BURB

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

Name: Mr. Xavier Baldwin
Title: Compliance Officer
Email: XBaldwin@ci.burbank.ca.us
Phone: (818) 238-3753



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: CIP-001-1
[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 Date ^(*) (MM/DD/YY)
		R4	June 18, 2007

(*) Note: The Violation Date shall be: (i) 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 WECC. Questions regarding the date to use should be directed to the WECC.

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

Burbank Water and Power (BURB) did not have operating procedures for the recognition of and reporting of sabotage events.

[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:

BURB personnel have undergone extensive training regarding terrorism and terrorist response including sabotage to City of Burbank facilities since 9-11. This training was initially thought to be sufficient to meet the requirements of CIP-001-1 but subsequent review raised some doubt. In response, BURB began the development of a written procedure D-005 Reporting Procedure for Sabotage, Vandalism, and Theft in January 2008.



BURB prepared a self reported violation for the requirements contained in CIP-001-1. However this self report was erroneously included in the Table-Top-Audit materials and not submitted under separate cover. BURB believes this was a self-reported violation and should be treated as such for Requirements 1, 2, and 3. R1, 2, and 3 were found by the audit team to be fully compliant as of 1/18/2008. R4 was found by the audit team to remain non-compliant.

This mitigation plan corrects the R4 non-compliance.

[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:

BURB's action plan consists of updating its Operating Procedure D-005, Reporting Procedure for Sabotage, Vandalism, and Theft. Specifically the procedure will be updated to include the name of the individual at the FBI with whom we have made contact. We will also include an e-mail communication from the FBI confirming that this contact has been made.

Task 1—Review NERC CIP-001-1 to identify specific requirements and any gaps with BURB's Operating Procedure D-005. R4 Identified as noncompliant.

Task 2—Contact FBI and Document contact

Task 3—Revise D-005 to come into full conformance.

Task 4—Compliant WECC documents and submit to WECC by electronic means and hard copy.

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



Western Electricity Coordinating Council



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:

We have established contact with the FBI's Los Angeles Operations and Command Center Watch Commander [REDACTED] [REDACTED]. We have both a telephone number and e-mail address for the LA OCC. This verified information provides assurance that the FBI will receive notifications as required.

[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



Western Electricity Coordinating Council



standards. If so, identify and describe any such action, including milestones and completion dates:

We will regularly verify this contact information as being current and correct as part of our annual self-certification process.

[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 the General Manager of Burbank Water and Power.
 2. I am qualified to sign this Mitigation Plan on behalf of Burbank Water and Power.
 3. I have read and understand Burbank Water and Power's obligations to comply with Mitigation Plan requirements and ERO remedial action directives as well as ERO documents, including, but not limited to, the NERC Rules of Procedure, including Appendix 4(C) (Compliance Monitoring and Enforcement Program of the North American Electric Reliability Corporation" (NERC CMEP)).
 4. I have read and am familiar with the contents of the foregoing Mitigation Plan.
 5. Burbank Water and Power 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 Entity Officer Signature: 

(Electronic signatures are acceptable; see CMEP)



Name (Print): Ronald E. Davis

Title: General Manager, Burbank Water & Power

Date: March 20, 2008



Section G: Comments and Additional Information

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

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

Please direct any questions regarding completion of this form to:

Jim Stuart, Sr. Compliance Engineer
Email: Jstuart@wecc.biz
Phone: (801) 883-6887



Attachment A – Compliance Notices & Mitigation Plan Requirements

- I. 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.
- II. This submittal form may be used to provide a required Mitigation Plan for review and approval by WECC and NERC.

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.



- III. The Mitigation Plan shall be submitted to the WECC and NERC as confidential information in accordance with Section 1500 of the NERC Rules of Procedure.
- IV. 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.
- V. If the Mitigation Plan is approved by WECC 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.
- VI. WECC or NERC may reject Mitigation Plans that they determine to be incomplete or inadequate.
- VII. Remedial action directives also may be issued as necessary to ensure reliability of the bulk power system.



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Mitigation Plan Completion Form

Please complete a Mitigation Plan Completion form for each fully mitigated violation and return to Compliance@WECC.biz along with the supporting evidence that confirms full compliance and Authorized Officer's signature.

Registered Entity Name: Burbank Water and Power (BURB)

Standard Title: CIP-001-1

Standard Number: CIP-001-1

Requirement Number(s): R4

Actual completion date of Mitigation Plan: 3/12/2008

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.

1. BURB Operating Procedure D-005, Page 4 of 5 FBI Watch Commander Operations Center
2. E-mail from FBI LA OCC to Jose Hurtado dated March 12, 2008

Additional Notes or Comments pertaining to this violation:

There have been no sabotage incidents on our power system subsequent to June 18, 2007.

By endorsement of this document I attest that [insert company name] 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: 

Authorized Officer's Name: Ronald E. Davis

Authorized Officer's Title: General Manager, Burbank Water & Power

Date: March 20, 2008

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STEVEN W. McCOY
Vice President and Director of Compliance

801.582.0353 ext. 6889
smccoy@wecc.biz

July 18, 2008

Fredric C. Fletcher
Assistant General Manager
City of Burbank
164 West Magnolia Boulevard
Burbank, CA 91503

Subject: Mitigation Plan Completion Review(s)

Dear Fredric,

The Western Electricity Coordinating Council (WECC) received Mitigation Plan Completion Form(s) and supporting evidence for each violation listed in Table 1 of Attachment A. The table indicates which plans have been completed and which remain incomplete. Attachment A also includes audit notes that detail the findings supporting this conclusion.

Each compliance violation associated with the incomplete Mitigation Plan(s) is now subject to sanctions and penalties under the Energy Policy Act of 2005. You will be receiving a letter from the WECC Compliance Department outlining the next steps in the penalty and sanction process regarding such violation(s).

Please submit a revised Mitigation Plan by August 4, 2008, including new proposed completion dates, for each unmitigated violation identified in Attachment A. The Mitigation Plan template form can be found on the WECC Compliance Manuals webpage, as Manual 03.03:

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

Upon review, the WECC Compliance Department will provide written notice of its acceptance or rejection of the newly submitted Mitigation Plan.

If you have any questions or concerns, please contact Mike Wells at (801) 883.6884 or mike@wecc.biz. Thanks for your assistance in this effort.

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Sincerely,

Steve McCoy

STEVEN W. McCOY
WECC Vice President and
Director of Compliance

SM:ar

Attachment

Cc: Xavier G. Baldwin, BURB Principal Electrical Engineer
Lisa Milanes, WECC Manager of Compliance Administration
Tim Kucey, NERC Manager of Enforcement and Mitigation
Ed Ruck, NERC Regional Compliance Program Coordinator



Registered Entity: City of Burbank

Date: July 18, 2008

	Standard Number	Requirement	Sufficient Evidence	Review Status
1	CIP-001-1	R4	Yes	Compliant

Attachment d

Record documents for the violation of FAC-008-1 R1

- 1. WECC's Audit Determination of Alleged Violation
Summary document dated June 11, 2008**
- 2. BURB's Mitigation Plan designated as MIT-08-
1097 submitted June 25, 2008**
- 3. BURB's Certification of Completion of the
Mitigation Plan dated July 30, 2008**
- 4. WECC's Verification of Completion of the
Mitigation Plan dated September 29, 2008**

Regional Determination of Alleged Violation Summary

Region: WECC

Registered Entity: City of Burbank

NERC Registry ID: NCR05072

NERC Violation ID: WECC200801023

Date Alleged Violation reported to or discovered by WECC: 06/11/2008

Method of Discovery: Compliance Audit

Standard: FAC-008-1

Requirement: 1

Regional description of Alleged Violation:

BURB has a documented Facility Ratings Methodology but it does not include all the elements contained in R1

Repeat Alleged Violation: ☐ Yes ☒ No

If Yes, NERC Violation ID:

NAVAPS Issue Date: 06/12/2009

Violation Risk Factor: LOWER

Violation Severity Level (VSL): LNC - Level 1

Regional Determination of VSL:

Regional Determination of Impact to BPS:

Regional Detailed Description of Impact to BPS:

*DIMI, Minimal Impact - Documentation Related Issue

Begin Date of Alleged Violation: 06/11/2008

Time of Alleged Violation:

End Date of Alleged Violation:

Mitigation Plan Submittal Date: 06/24/2008

Mitigation Plan Target Completion Date: 07/30/2008

Registered Entity Certification of Closure Date: 07/30/2008

Mitigation Plan Actual Completion Date: 07/26/2008

Additional Comments:

WECC Contact:

Name: Chris Luras

Title: Manager of Enforcement

Phone Number: 801-582-0353

Email: cluras@wecc.biz



Mitigation Plan Submittal Form

New ☒ or Revised ☐

Date this Mitigation Plan is being submitted: 6-25-08

If this Mitigation Plan has already been completed:

- Check this box ☐ and
- Provide the Date of Completion of the Mitigation Plan: 7-30-08

Section A: Compliance Notices & Mitigation Plan Requirements

- A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Appendix A - Compliance Notices & Mitigation Plan Requirements" to this form. **Review Appendix 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: Burbank Water & Power (BURB)
Registered Entity Address: 164 W. Magnolia Blvd Burbank, CA 91502
NERC Compliance Registry ID: NCR05072

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

Name: Xavier G. Baldwin
Title: Principal E. E., NERC Compliance Officer
Email: xbaldwin@ci.burbank.ca.us
Phone: (818) 238-3753

¹ 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.



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: 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]	WECC Violation ID # [if known]	Requirement Violated (e.g. R3)	Violation Risk Factor	Alleged or confirmed Violation Date ^(*) (MM/DD/YY)	Method of Detection (e.g. audit, self-report, investigation)
		R1		6-11-08	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:

Burbank as a GO did not provide a sufficiently detailed description of the methodology used to develop its overall facility ratings.

[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:

Burbank utilizes sound engineering principles and prudent utility practice in determining its facility ratings for both normal and emergency conditions. Manufacturer's equipment ratings, tests, industry-wide engineering standards (i.e. ANSI, IEEE, NEMA, etc), consideration of the operating environment,



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among other factors are used to determine overall facility ratings. Implicit in its methodology is that an overall facility rating is limited by its weakest link.

[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:

Burbank will develop an explicit description of its facility ratings methodology including a clear statement that its facility ratings shall equal the most limiting applicable equipment rating of any individual equipment that comprises a facility. The ratings will include, as a minimum, both Normal and Emergency Ratings and the equipment concerned will include, but not be limited to, generators, transmission conductors, transformers, relay protective devices, terminal equipment, and series and shunt compensation devices.

In developing its current methodology for Facility Ratings, Burbank will include consideration of the following: (1) ratings provided by equipment manufacturers, (2) design criteria, (3) ambient conditions, (4) operating limitations and (5) any other assumptions. It will also include a sample worksheet of such a facility ratings methodology for its generating facilities.

[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



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and the alleged or confirmed violations associated with this Mitigation Plan corrected: 7-30-08

- 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)
Task 1 Review current facility ratings and how they were determined.	June 30, 2008
Task 2 Write a facility ratings methodology description that meets the requirements of FAC-008-1 R1 and sub-requirements R1.1, R1.2, R1.2.1, R1.2.2, R1.3, R1.3.1, R1.3.2, R1.3.3, R1.3.4, and R1.3.5.	July 15, 2008
Task 3 Develop a suitable facility ratings worksheet for its generating facilities.	July 30, 2008

(*) 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:

None

[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:

There is no impact to the BPS because of this violation which is merely procedural in nature. Burbank already utilizes all the requirements of this standard in determining its overall generation facility ratings. It just needs to more clearly document and describe its methodology in doing so. [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:

Completion of this Mitigation Plan will eliminate this violation. [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:



None

[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 Burbank Water & Power.
 2. I am an officer, employee, attorney or other person authorized to sign this Mitigation Plan on behalf of Burbank Water & Power.
 3. I understand Burbank Water & Power's obligations to comply with Mitigation Plan requirements and WECC or ERO remedial action directives and I have reviewed the WECC and ERO documents related to these obligations, including, but not limited to, the WECC CMEP and the NERC Rules of Procedure.
 4. I have read and am familiar with the contents of the foregoing Mitigation Plan.
 5. Burbank Water & Power 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): Ronald E. Davis
Title: General Manager
Date: 6-25-08



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]

Section H: WECC Contact and Instructions for Submission

Please direct any questions regarding completion of this form to:

Jim Stuart, Sr. Compliance Engineer

Email: JStuart@wecc.biz

Phone: (801) 883-6887

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.



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- 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.



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Mitigation Plan Completion Form

Please complete a Mitigation Plan Completion form for each fully mitigated violation and return to Compliance@WECC.biz along with the supporting evidence that confirms full compliance and Authorized Officer's signature.

Registered Entity Name: BURB

Standard Title: Facility Ratings Methodology

Standard Number: FAC-008-1

Requirement Number(s): R1

Actual completion date of Mitigation Plan: 7-26-08

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.

See attached description of Burbank Water and Power's generation facility ratings methodology and a worksheet that shows how the ratings were determined.

Additional Notes or Comments pertaining to this violation:

We believe that with this submittal Burbank Water & Power as a GO now complies with Requirement R1 of FAC-008-1.

By endorsement of this document I attest that [insert company name] 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: 

Authorized Officer's Name: Ronald E. Davis

Authorized Officer's Title: General Manager

Date: 7-30-08

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Bob Kiser
Manager of Audits and Investigations

360.980.2799
bkiser@wecc.biz

September 29, 2008

Fredric C. Fletcher
Assistant General Manager
City of Burbank
164 West Magnolia Boulevard
Burbank, CA 91503

Subject: Mitigation Plan Completion Review(s)

Dear Fredric,

The Western Electricity Coordinating Council (WECC) received Mitigation Plan Completion Form(s) and supporting evidence for each violation listed in Table 1 of Attachment A. The table indicates which plans have been completed and which remain incomplete. Attachment A also includes audit notes that detail the findings supporting this conclusion.

Each compliance violation associated with the incomplete Mitigation Plan(s) is now subject to sanctions and penalties under the Energy Policy Act of 2005. You will be receiving a letter from the WECC Compliance Department outlining the next steps in the penalty and sanction process regarding such violation(s).

Please submit a revised Mitigation Plan by October 13, 2008, including new proposed completion dates, for each unmitigated violation identified in Attachment A. The Mitigation Plan template form can be found on the WECC Compliance Manuals webpage, as Manual 03.03:

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

Upon review, the WECC Compliance Department will provide written notice of its acceptance or rejection of the newly submitted Mitigation Plan.

If you have any questions or concerns, please contact Mike Wells at (801) 883.6884 or mike@wecc.biz. Thanks for your assistance in this effort.

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Sincerely,

Bob Kiser

Bob Kiser
Manager of Audits and
Investigations

BK:gc

Attachment

Cc: Xavier G. Baldwin, BURB Principal Electrical Engineer
Lisa Milanes, WECC Manager of Compliance Administration
Ed Ruck, NERC Regional Compliance Program Coordinator



Registered Entity: City of Burbank

Date: September 29, 2008

	Standard Number	Requirement	Sufficient Evidence	Review Status
1	FAC-008-1	R1	Yes	Compliant

Attachment e

Record documents for the violations of PRC-005-1 R1 and R2

- 1. WECC's Audit Determination of Alleged Violation
Summary documents each dated March 12, 2008**
- 2. BURB's Mitigation Plan designated as MIT-08-
1507 submitted March 26, 2008**
- 3. BURB's Certification of Completion of the
Mitigation Plan dated June 17, 2008**
- 4. WECC's Verification of Completion of the
Mitigation Plan dated February 26, 2009**

Regional Determination of Alleged Violation Summary

Region: WECC

Registered Entity: City of Burbank

NERC Registry ID: NCR05072

NERC Violation ID: WECC200801300

Date Alleged Violation reported to or discovered by WECC: 03/12/2008

Method of Discovery: Compliance Audit

Standard: PRC-005-1

Requirement: 1

Regional description of Alleged Violation:

No documentation of Protection System maintenance and testing program for Protection Systems

Repeat Alleged Violation: ☐ Yes ☒ No

If Yes, NERC Violation ID:

NAVAPS Issue Date: 06/12/2009

Violation Risk Factor: HIGH

Violation Severity Level (VSL): LNC - Level 4

Regional Determination of VSL:

Regional Determination of Impact to BPS:

Regional Detailed Description of Impact to BPS:

Severe

Begin Date of Alleged Violation: 03/12/2008

Time of Alleged Violation:

End Date of Alleged Violation:

Mitigation Plan Submittal Date: 03/26/2008

Mitigation Plan Target Completion Date: 09/26/2008

Registered Entity Certification of Closure Date: 06/23/2008

Mitigation Plan Actual Completion Date: 06/12/2008

Additional Comments:

WECC Contact:

Name: Chris Luras

Title: Manager of Enforcement

Phone Number: 801-582-0353

Email: cluras@wecc.biz

Regional Determination of Alleged Violation Summary

Region: WECC

Registered Entity: City of Burbank

NERC Registry ID: NCR05072

NERC Violation ID: WECC200801301

Date Alleged Violation reported to or discovered by WECC: 03/12/2008

Method of Discovery: Compliance Audit

Standard: PRC-005-1

Requirement: 2

Regional description of Alleged Violation:

No evidence Protection System devices were maintained and tested within the defined intervals.

Repeat Alleged Violation: ☐ Yes ☒ No

If Yes, NERC Violation ID:

NAVAPS Issue Date: 06/12/2009

Violation Risk Factor: LOWER

Violation Severity Level (VSL): LNC - Level 4

Regional Determination of VSL:

Regional Determination of Impact to BPS:

Regional Detailed Description of Impact to BPS:

Severe

Begin Date of Alleged Violation: 03/12/2008

Time of Alleged Violation:

End Date of Alleged Violation:

Mitigation Plan Submittal Date: 03/26/2008

Mitigation Plan Target Completion Date: 09/26/2008

Registered Entity Certification of Closure Date: 06/23/2008

Mitigation Plan Actual Completion Date: 06/12/2008

Additional Comments:

WECC Contact:

Name: Chris Luras

Title: Manager of Enforcement

Phone Number: 801-582-0353

Email: cluras@wecc.biz



Mitigation Plan Submittal Form

New ☒ or Revised ☐

Date this Mitigation Plan is being submitted: 3-26-08

If this Mitigation Plan has already been completed:

- Check this box ☒ and submit a Mitigation Plan Completion Form in conjunction with this Mitigation Plan Submittal Form
- Provide the Date of Completion of the Mitigation Plan: 9/26/2008

Section A: Compliance Notices & Mitigation Plan Requirements

- A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Appendix A - Compliance Notices & Mitigation Plan Requirements" to this form. **Review the notices 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:

Company Name: Burbank Water and Power (BURB)
Company Address: P.O. Box 631, Burbank, CA, 91503-0631
NERC Compliance Registry ID *[if known]*:

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

Name: Mr. Xavier Baldwin
Title: Compliance Officer
Email: XBaldwin@ci.burbank.ca.us
Phone: (818) 238-3753



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

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

C.1 Standard: PRC-005-1
[Identify by Standard Acronym (e.g. FAC-001-1)]

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

NERC Violation ID # [if known]	WECC Violation ID # [if known]	Requirement Violated (e.g. R3)	Violation Date ^(*) (MM/DD/YY)
		R1	June 18, 2007
		R2	June 18, 2007

(*) Note: The Violation Date shall be: (i) 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 WECC. Questions regarding the date to use should be directed to the WECC.

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

Burbank Water and Power (BURB) is a generator owner and generator operator and did not have a documented Protection System maintenance and testing program for generator protection Systems.

[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:

BURB's Generators do not affect the reliability of the BES. BURB will include its Generators in a comprehensive Protective System Maintenance program as a "Best Practice."

[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:

BURB's action plan consists of developing a comprehensive Generator Protection System Maintenance Program.

Task 1—Review NERC PRC-005-1 to identify specific requirements and any gaps with BURB's protection maintenance programs. R1 Identified as possibly noncompliant. Validate existing relay settings. Document the review and any gaps determined.

Task 2—Determine industry practice relative to generator protection system maintenance and testing. Document the findings of the review, with the findings to serve as a basis for the development of BURB's Generator Protection System Maintenance Program (GPSMP).

Task 3—Develop a written plan for BURB's GPSMP. The written plan will establish the policy and interval for testing the elements contained in the protection systems and functional tests required to establish the protection system operates as designed and engineered. These elements will include:

- a. Protective Relays
- b. Circuit Breakers
- c. Current Transformers and Potential Transformers
- d. Station battery systems

Task 4—BURB implements the GPSMP and comes into full compliance. Completes required documentation and submits to WECC.

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



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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: BURB's mitigation plan for PRC-005-1 will begin activities March 17, 2008 and will be completed September 26, 2008. The milestones will reflect the tasks specified in Section D1 of this mitigation plan.
- 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)
Task 1	April 11, 2008
Task 2	April 25, 2008
Task 3	July 25, 2008
Task 4	September 26, 2008

(*) 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:

No additional information.



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:

There is little risk to the BPS pending the completion and full implementation of this plan. BURB's violation in this area is limited to having a written GPSMP. All routine generator protection system tests are current.
[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:

Through the establishment of BURB's documented GPSMP there will be clearly identified a policy regarding the maintenance of generator protection systems. The policy will establish the maintenance intervals and the necessary tests to validate correct operation of the protection systems. The GPSMP will provide the schedule against which the completed maintenance activities can be measured.

[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



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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:

We will verify the GPSMP is current and up-to-date no less frequently than once every three years.

[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 the General Manager of Burbank Water and Power.
 2. I am qualified to sign this Mitigation Plan on behalf of Burbank Water and Power.
 3. I have read and understand Burbank Water and Power's obligations to comply with Mitigation Plan requirements and ERO remedial action directives as well as ERO documents, including, but not limited to, the NERC Rules of Procedure, including Appendix 4(C) (Compliance Monitoring and Enforcement Program of the North American Electric Reliability Corporation" (NERC CMEP)).
 4. I have read and am familiar with the contents of the foregoing Mitigation Plan.
 5. Burbank Water and Power 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 Entity Officer Signature:

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

(Electronic signatures are acceptable; see CMEP)

Name (Print): Ronald E. Davis

Title: General Manager, Burbank Water & Power

Date: 3-21-08

Handwritten initials in black ink, possibly 'RD' or 'RDV', are written below the signature line.



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]

Please direct any questions regarding completion of this form to:

Jim Stuart, Sr. Compliance Engineer
Email: Jstuart@wecc.biz
Phone: (801) 883-6887



Attachment A – Compliance Notices & Mitigation Plan Requirements

- I. 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.
- II. This submittal form may be used to provide a required Mitigation Plan for review and approval by WECC and NERC.

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.



- III. The Mitigation Plan shall be submitted to the WECC and NERC as confidential information in accordance with Section 1500 of the NERC Rules of Procedure.
- IV. 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.
- V. If the Mitigation Plan is approved by WECC 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.
- VI. WECC or NERC may reject Mitigation Plans that they determine to be incomplete or inadequate.
- VII. Remedial action directives also may be issued as necessary to ensure reliability of the bulk power system.



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Mitigation Plan Completion Form

Please complete a Mitigation Plan Completion form for each fully mitigated violation and return to Compliance@WECC.biz along with the supporting evidence that confirms full compliance and Authorized Officer's signature.

Registered Entity Name: BURB

Standard Title: Transmission & Generation Protection System Maintenance & Testing

Standard Number: PRC-005-1

Requirement Number(s): R1 & R2

Actual completion date of Mitigation Plan: 6-12-08

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.

See attached Maintenance & Testing Program and actual maintenance & test data received from LADWP for our 230-69 kV Banks E & F at our interconnection at Toluca (Receiving Station-E).

Additional Notes or Comments pertaining to this violation:

We believe that with this material received from LADWP, Burbank Water & Power now fully meets the Requirements R1 & R2 of PRC-005-1.

By endorsement of this document I attest that [insert company name] 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: *Ron Davis by Paul Chisholm*

Authorized Officer's Name: Ronald E. Davis

Authorized Officer's Title: General Manager

Date: 6-17-08

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Bob Kiser
Manager of Compliance Audits and Investigations

360.567.4058
bkiser@wecc.biz

February 26, 2009

Fredric C. Fletcher
Assistant General Manager
City of Burbank
NCR05072
164 West Magnolia Boulevard
Burbank, California 91503

Subject: Certification of Completion Response Letter

Dear Fredric C. Fletcher,

The Western Electricity Coordinating Council (WECC) has received City of Burbank BURB's Certification of Completion and supporting evidence on 6/23/2008 for BURB's alleged violation of Reliability Standard PRC-005-1 and Requirement(s) 1, 2. Listed below is the outcome of WECC's official review.

WECC has accepted the Certification of Completion for Requirement(s) 1, 2 of the Reliability Standard PRC-005-1 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. Thanks for your assistance in this effort.

Sincerely,

Bob Kiser

Bob Kiser
Manager of Compliance Audits and
Investigations

BK:cm

cc: Xavier G. Baldwin, BURB Principal Electrical Engineer
Lisa Milanese, WECC Manager of Compliance Administration
Ed Riley, WECC Senior Compliance Engineer

Attachment f

Record documents for the violation of TOP-003-0 R2

- 1. BURB's Self-Report dated May 29, 2008**
- 2. BURB's Mitigation Plan designated as MIT-08-1025 submitted June 9, 2008**
- 3. BURB's Mitigation Plan Completion Extension Request dated November 26, 2008**
- 4. BURB's Revised Mitigation Plan and Mitigation Plan Completion Extension Request therein dated March 25, 2009**
- 5. BURB's Certification of Completion of the Mitigation Plan dated July 2, 2009**
- 6. WECC's Verification of Completion of the Mitigation Plan dated August 28, 2009**



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Compliance Violation Self-Reporting Form

Please complete an individual Self-Reporting Form for each NERC Reliability Standard that indicates any level(s) of non-compliance and return to Compliance@WECC.biz

Registered Entity Name: BURB

Contact Name: Xavier Baldwin, Compliance Officer

Contact Phone: (818) 238-3753

Contact email: XBaldwin@ci.burbank.ca.us

Date noncompliance was discovered: May 21, 2008

Date noncompliance was reported: May 29, 2008

Standard Title: Planned Outage Coordination

Standard Number: TOP-003-0

Requirement Number(s)¹: R2

How was the noncompliance found? (e.g. Routine Readiness Evaluation, Self-evaluation, Internal Audit, etc.)

The potential violation was discovered in preparation for a table-top-audit

***Submit a Mitigation Plan in conjunction with this form to show that corrective steps are being taken within ten (10) business days. If a mitigation plan is not being submitted with this form please complete the following:**

Describe the cause of non-compliance:

Burbank Water and Power (BURB) is a generator operator and has in the past not informed its BA, and Transmission Operator, LADWP when its AVR or PSS on any generating unit is planned to be out of service.

Describe the reliability impact of this non-compliance:

¹ Violations are on a per requirement basis.

Minimal to no impact on the BES as BURB's policy is to always operate its generating units with AVR and PSS in service. Our AVR on gen units is rarely out of service and presently PSS is out of service only on our 46 MW Lake 1 CT unit. This PSS will be returned to service in July.

Expected date of Mitigation Plan submittal: June 6, 2008



Mitigation Plan Submittal Form

New ☒ or Revised ☐

Date this Mitigation Plan is being submitted: 6-9-08

If this Mitigation Plan has already been completed:

- Check this box ☐ and
- Provide the Date of Completion of the Mitigation Plan: 11-30-08

Section A: Compliance Notices & Mitigation Plan Requirements

- A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Appendix A - Compliance Notices & Mitigation Plan Requirements" to this form. **Review Appendix 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: Burbank Water & Power (BURB)
Registered Entity Address: 164 W. Magnolia Blvd Burbank, CA 91502
NERC Compliance Registry ID: NCR05072

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

Name: Xavier G. Baldwin
Title: Principal E. E., NERC Compliance Officer
Email: xbaldwin@ci.burbank.ca.us
Phone: (818) 238-3753

¹ 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.



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-003-0
[Identify by Standard Acronym (e.g. FAC-001-1)]
- C.2 Requirement(s) violated and violation dates:
[Enter information in the following Table]

NERC Violation ID # [if known]	WECC Violation ID # [if known]	Requirement Violated (e.g. R3)	Violation Risk Factor	Alleged or confirmed Violation Date ^(*) (MM/DD/YY)	Method of Detection (e.g. audit, self-report, investigation)
		R2		May 29, 2008	self-report

(*) 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:

Burbank as a GO has not in the past informed its BA and TOP, LADWP when its AVR or PSS on any generating unit is planned to be out of service.
[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:

Burbank's operating policy has always been to operate all generating units with AVR and PSS in service. See attached Voltage Control Procedure. Rarely if ever has AVR been out of service on any of our units. We presently have PSS



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 RELIABILITY CORPORATION

on our Lake 1 46 MW CT out of service, but expect to have a new PSS installed and commissioned by July 31st [see detailed discussion below].

[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:

Burbank will include AVR and PSS status in its SCADA/EMS real-time data base and include real-time status as part of its ICCP data transmittal to our BA and TOP, LADWP.

[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: 11-30-08
- 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)
Task 1 Determine DCS to SCADA integration requirements	July 31, 2008
Task 2 Include AVR & PSS DCS data in SCADA real-time data base	September 30, 2008



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Task 3 Implement AVR & PSS status in ICCP transmittal to LADWPI	November 30, 2008

(*) 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:

Effective immediately our system operators will inform LADWP by phone of any change in AVR or PSS status on Burbank generating units. In addition any AVR or PSS outage will be carefully logged.
[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:

There is little if any impact on the BPS of a Burbank AVR or PSS outage. From a practical standpoint, we are not aware of an AVR outage that we have had on any of our units. We currently have a PSS outage on our 46 MW Lake 1 CT that has been reported to both WECC and our BA.

Burbank reported on January 4, 2007 that the PSS on Lake 1, a 46 MW CT, had never been installed by the construction contractor since the unit was commissioned in mid-2002. This was discovered by GE in late 2006 when it performed WECC Generator Testing. Further it was determined that the original PSS installed in the panel did not meet WECC requirements so a new compliant PSS was ordered and delivered in April 2007. In late February 2007, the Lake 1 unit was taken out of service and remained out of service until February 2008 due to turbine vibration problems. The turbine vibration problems were fixed during this period but the PSS could not be installed during this period because it could not be tested. On February 22, 2008, Lake 1 was placed back on line for firm operation and then run as needed to meet system requirements. Since Lake 1 was brought back on line, it has been operated without a PSS in-service, while BWP searched for a contractor to install the PSS. Thus more than 15 months have elapsed since Burbank originally notified WECC about the Lake 1 PSS. However, during that 15 month period, Lake 1 has been operated without a PSS mostly for only the months of March 2008 to present. Burbank has only operated Lake 1 over these past few months, when it was absolutely necessary for reliability purposes. Burbank has made every effort to get the PSS installed as soon as possible and expects to have it



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installed and commissioned by July 31, 2008.
[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:

Completion of our Mitigation Plan will prevent future violations.
[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:

See response to D4 above.
[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 Burbank Water & Power.
 2. I am an officer, employee, attorney or other person authorized to sign this Mitigation Plan on behalf of Burbank Water & Power.
 3. I understand Burbank Water & Power's obligations to comply with Mitigation Plan requirements and WECC or ERO remedial action directives and I have reviewed the WECC and ERO documents related to these obligations, including, but not limited to, the WECC CMEP and the NERC Rules of Procedure.
 4. I have read and am familiar with the contents of the foregoing Mitigation Plan.
 5. Burbank Water & Power 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): Ronald E. Davis

Title: General Manager

Date: 6-9-08



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]

Section H: WECC Contact and Instructions for Submission

Please direct any questions regarding completion of this form to:

Jim Stuart, Sr. Compliance Engineer

Email: JStuart@wecc.biz

Phone: (801) 883-6887

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.



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- 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.



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Mitigation Plan Extension Request Form

Section A: Registered Entity Information

Company Name: Burbank Water & Power

Standard: TOP-003-0

[Identify by Standard Acronym (e.g. FAC-001-1)]

Requirement Number(s): R2

[Identify by Sub-Requirements (e.g. R1.1, R1.2)]

Date original Mitigation Plan was accepted: 7-7-08

Date original Mitigation Plan was scheduled to be complete: 11-30-08

Date this request is being submitted: 11-26-08

Section B: Extension Request Requirements

Check this box ☒ to indicate that you understand that this Extension Request is incomplete and cannot be reviewed for approval unless a Revised Mitigation Plan is attached.

Identify the reason an extension is being requested:

Workload has delayed completion of final milestone completion: Task 3, Inclusion of AVR and PSS Status in our ICCP link with LADWP, our BA, requires coordination with LADWP staff. This still needs to be done. Estimated completion date is by March 30, 2009.

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

Provide detailed information as to why the original completion date will not be met:

Other compliance priorities and staff workload on addressing problems with our Lake and Magnolia generating units have delayed completion of this Mitigation Plan.

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

For Public Release - May 26, 2010



Mitigation Plan Submittal Form

New ☐ or Revised ☒

Date this Mitigation Plan is being submitted: 3-25-09

If this Mitigation Plan has already been completed:

- Check this box ☐ and
- Provide the Date of Completion of the Mitigation Plan: 6-30-09

Section A: Compliance Notices & Mitigation Plan Requirements

- A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Appendix A - Compliance Notices & Mitigation Plan Requirements" to this form. **Review Appendix 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: Burbank Water & Power (BURB)
 Registered Entity Address: 164 W. Magnolia Blvd Burbank, CA 91502
 NERC Compliance Registry ID: NCR05072

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

Name: Xavier G. Baldwin
 Title: Principal E. E., Nerc Compliance Officer
 Email: xbaldwin@ci.burbank.ca.us
 Phone: (818) 238-3753

¹ 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.



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

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

NERC Violation ID # [if known]	WECC Violation ID # [if known]	Requirement Violated (e.g. R3)	Violation Risk Factor	Alleged or confirmed Violation Date ^(*) (MM/DD/YY)	Method of Detection (e.g. audit, self-report, investigation)
		R2		May 29, 2008	self-report

(*) 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:

Burbank as a GO has not in the past informed its BA and TOP, LADWP when its AVR or PSS on any generating unit is planned to be out of service.
[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:

Burbank's operating policy has always been to operate all generating units with AVR and PSS in service. See Voltage Control Procedure submitted with prior Mitigation Plan. Rarely if ever has AVR been out of service on any of our units. We presently have PSS on our Lake 1 46 MW CT out of service, but



expect to have a new PSS installed and commissioned by June 30, 2009. Our efforts have been delayed due to further unforeseen outages of the Lake 1 CT.[see detailed discussion below].

[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:

Burbank will include AVR and PSS status in its SCADA/EMS real-time data base and include real-time status as part of its ICCP data transmittal to our BA and TOP, LADWP.

[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: 6-30-09
- 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)
Task 1 Implement AVR & PSS status in ICCP transmittal to LADWP.	June 30, 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:

Burbank reported on January 4, 2007 that the PSS on Lake 1, a 46 MW CT, had never been installed by the construction contractor since the unit was commissioned in mid-2002. This was discovered by GE in late 2006 when it performed WECC Generator Testing. Further it was determined that the original PSS installed in the panel did not meet WECC requirements so a new compliant PSS was ordered and delivered in April 2007. In late February 2007, the Lake 1 unit was taken out of service and remained out of service until February 2008 due to turbine vibration problems. The turbine vibration problems were fixed during this period but the PSS could not be installed during this period because it could not be tested. On February 22, 2008, Lake 1 was placed back on line for firm operation and then run as needed to meet system requirements. Since Lake 1 was brought back on line, it has been operated without a PSS in-service, while BWP searched for a contractor to install the PSS. Thus more than 15 months have elapsed since Burbank originally notified WECC about the Lake 1 PSS. However, during that 15 month period, Lake 1 has been operated without a PSS mostly for only the months of March 2008 to present. Burbank has only operated Lake 1 over these past few months, when it was absolutely necessary for reliability purposes. Burbank has made every effort to get the PSS installed as soon as possible and expected to have it installed and commissioned by July 31, 2008. However Burbank was not able to hire Goldfinch Engineering as testing consultant due to legal issue with their contract. General Electric was then hired to do the work and was originally scheduled to complete it by September 30. On



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September 16, 2008, the Lake unit suffered a failure in its SCR system that resulted in excessive Ammonia Slip. Consequently the Lake unit has since been unavailable for PSS testing. The problem is bad catalyst in the SCR and new catalyst has been ordered and must be installed. After the new catalyst has been installed and ammonia slip is within regulatory limits, Lake must still undergo SCAQMD RATA testing before it will be approved for regular operation. Once SCAQMD approves Lake for normal operation, GE can then complete commissioning and testing of the PSS. The best estimate for completion of this mitigation plan at this time is that it will occur no later than June 30, 2009. Continuing operating problems with the Lake CT involving the SCR catalyst have made it impossible to meet two subsequent milestone completion dates for this PSS installation and testing of 11-30-08, and 3-30-09. The best estimate for completion is now 6-30-09. Efforts to include AVR and PSS status in our ICCP data transmitted to LADWP have also been delayed due to some data conversion issues and staff priorities in getting Lake back on line and also to complete scheduled maintenance for the Magnolia Power Project units. [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:

There is little if any impact on the BPS of a Burbank AVR or PSS outage. From a practical standpoint, we are not aware of an AVR outage that we have had on any of our units. We currently have a PSS outage on our 46 MW Lake 1 CT that has been reported to both WECC and our BA.

[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:

Completion of our Mitigation Plan will prevent future violations.
[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



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standards. If so, identify and describe any such action, including milestones and completion dates:

Our system operators will inform LADWP by phone of any change in AVR or PSS status on Burbank generating units. In addition any AVR or PSS outage will be carefully logged. This has now been included in a revised Voltage Control Operating Procedure.

[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 Burbank Water & Power.
 2. I am an officer, employee, attorney or other person authorized to sign this Mitigation Plan on behalf of Burbank Water & Power.
 3. I understand Burbank Water & Power's obligations to comply with Mitigation Plan requirements and WECC or ERO remedial action directives and I have reviewed the WECC and ERO documents related to these obligations, including, but not limited to, the WECC CMEP and the NERC Rules of Procedure.
 4. I have read and am familiar with the contents of the foregoing Mitigation Plan.
 5. Burbank Water & Power 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): Ronald E. Davis

Title: General Manager

Date: 3-25-09



Non-Public and CONFIDENTIAL

Certification of Mitigation Plan Completion Form

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

Registered Entity: Burbank Water and Power (BURB)

NERC Registry ID: NCR050702

Date of Submittal of Certification: 7-2-09

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

Standard: TOP-003-0

Requirement(s): R2

Date Mitigation Plan was scheduled to be completed per accepted Mitigation Plan: 6-30-09

Date Mitigation Plan was actually completed: 6-29-09

Additional Comments (or List of Documents Attached): SCADA/EMS Screen Showing Real-Time AVR & PSS Status, SCADA Event Summary, SCADA/DCS database points listing, ICCP output listing showing data sent to BA(LADWP)

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

Name: Ronald E. Davis

Title: General Manager

Email: rdavis@ci.burbank.ca.us

Phone: (818) 238-3550

Authorized Signature: 

Date: 7-2-09

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Laura Scholl
Managing Director of Compliance

801.819.7619
lscholl@wecc.biz

August 28, 2009

Fredric C. Fletcher
Assistant General Manager
City of Burbank
164 West Magnolia Boulevard
Burbank, California 91503

NERC Registration ID: NCR05072

Subject: Certification of Completion Response Letter

Dear Fredric C. Fletcher,

The Western Electricity Coordinating Council (WECC) received the Certification of Completion and supporting evidence of City of Burbank (BURB) on 7/7/2009 for the alleged violation of Reliability Standard TOP-003-0 Requirement 2. .

WECC accepted the Certification of Completion for Requirement 2 of the Reliability Standard TOP-003-0 and found this requirement to be fully mitigated. No further mitigation of this requirement will be required at this time.

If you have any questions or concerns, please contact Mike Wells at mike@wecc.biz. Thank you for your assistance in this effort.

Sincerely,

Laura Scholl

Laura Scholl
Managing Director of Compliance

LS:ki

cc: Xavier G. Baldwin, BURB Principal Electrical Engineer
Lisa Milanes, WECC Manager of Compliance Program Administration
Mike Wells, WECC Senior Compliance Engineer

Attachment g

Record documents for the violation of VAR-002-1 R3

- 1. BURB's Self-Report dated May 29, 2008**
- 2. BURB's Mitigation Plan designated as MIT-08-1026 submitted June 9, 2008**
- 3. BURB's Mitigation Plan Completion Extension Request dated November 26, 2008**
- 4. BURB's Mitigation Plan Completion Extension Request dated March 25, 2009**
- 5. BURB's Certification of Completion of the Mitigation Plan dated May 13, 2009**
- 6. WECC's Verification of Completion of the Mitigation Plan dated June 2, 2009**



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Compliance Violation Self-Reporting Form

Please complete an individual Self-Reporting Form for each NERC Reliability Standard that indicates any level(s) of non-compliance and return to Compliance@WECC.biz

Registered Entity Name: BURB

Contact Name: Xavier Baldwin, Compliance Officer

Contact Phone: (818) 238-3753

Contact email: XBaldwin@ci.burbank.ca.us

Date noncompliance was discovered: May 21, 2008

Date noncompliance was reported: May 29, 2008

Standard Title: Generator Operation for Voltage and Reactive Control

Standard Number: VAR-002-1

Requirement Number(s)¹: **R3.1**

How was the noncompliance found? (e.g. Routine Readiness Evaluation, Self-evaluation, Internal Audit, etc.)

The potential violation was discovered in preparation for a table-top-audit

***Submit a Mitigation Plan in conjunction with this form to show that corrective steps are being taken within ten (10) business days. If a mitigation plan is not being submitted with this form please complete the following:**

Describe the cause of non-compliance:

Burbank Water and Power (BURB) is a generator operator and in the past has not informed its BA and Transmission Operator, LADWP when its AVR or PSS on any generating unit is out of service within 30 minutes, nor when it would return to service.

Describe the reliability impact of this non-compliance:

¹ Violations are on a per requirement basis.

Minimal to no impact on the BES as BURB's policy is to always operate its generating units with AVR and PSS in service. The problem is that we have not kept consistent records when it was out of service which is a very rare event.

Expected date of Mitigation Plan submittal: June 6, 2008



Mitigation Plan Submittal Form

New ☒ or Revised ☐

Date this Mitigation Plan is being submitted: 6-9-08

If this Mitigation Plan has already been completed:

- Check this box ☐ and
- Provide the Date of Completion of the Mitigation Plan: 11-30-08

Section A: Compliance Notices & Mitigation Plan Requirements

- A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Appendix A - Compliance Notices & Mitigation Plan Requirements" to this form. **Review Appendix 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: Burbank Water & Power (BURB)
Registered Entity Address: 164 W. Magnolia Blvd Burbank, CA 91502
NERC Compliance Registry ID: NCR05072

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

Name: Xavier G. Baldwin
Title: Principal E. E., NERC Compliance Officer
Email: xbaldwin@ci.burbank.ca.us
Phone: (818) 238-3753

¹ 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.



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: VAR-002-1
[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 ^(*) (MM/DD/YY)	Method of Detection (e.g. audit, self-report, investigation)
		R3.1		May 29, 2008	self-report

(*) 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:

Burbank as a GO has not in the past informed its BA and TOP, LADWP when its AVR or PSS on any generating unit is planned to be out of service.
[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:

Burbank's operating policy has always been to operate all generating units with AVR and PSS in service. See attached Voltage Control Procedure. Rarely if ever has AVR been out of service on any of our units. We presently have PSS



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on our Lake 1 46 MW CT out of service, but expect to have a new PSS installed and commissioned by July 31, 2008.

Burbank reported on January 4, 2007 that the PSS on Lake 1, a 46 MW CT, had never been installed by the construction contractor since the unit was commissioned in mid-2002. This was discovered by GE in late 2006 when it performed WECC Generator Testing. Further it was determined that the original PSS installed in the panel did not meet WECC requirements so a new compliant PSS was ordered and delivered in April 2007. In late February 2007, the Lake 1 unit was taken out of service and remained out of service until February 2008 due to turbine vibration problems. The turbine vibration problems were fixed during this period but the PSS could not be installed during this period because it could not be tested. On February 22, 2008, Lake 1 was placed back on line for firm operation and run as needed to meet system requirements. Since Lake 1 was brought back on line, it has been operated without a PSS in-service, while BWP searched for a contractor to install the PSS. Thus more than 15 months have elapsed since Burbank originally notified WECC about the Lake 1 PSS. However, during that 15 month period, Lake 1 has been operated without a PSS mostly for the months of March 2008 to present. Burbank has only operated Lake 1 over these past few months, when it was absolutely necessary for reliability purposes. Burbank has made every effort to get the PSS installed as soon as possible and expects to have it installed and commissioned by July 31, 2008.

[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:

Burbank will include AVR and PSS status in its SCADA/EMS real-time data base and include real-time status as part of its ICCP data transmittal to our BA and TOP, LADWP.
[Provide your response here; additional detailed information may be provided as an attachment as necessary]



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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: 11-30-08

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)
Task 1 Determine DCS to SCADA integration requirements	July 31, 2008
Task 2 Include AVR & PSS DCS data in SCADA real-time data base	September 30, 2008
Task 3 Implement AVR & PSS status in ICCP transmittal to LADWPI	November 30, 2008

(*) 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:

Effective immediately our system operators will inform LADWP by phone of any change in AVR or PSS status on Burbank generating units. In addition any AVR or PSS outage will be carefully logged.



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[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:

There is little if any impact on the BPS of a Burbank AVR or PSS outage. From a practical standpoint, we are not aware of an AVR outage that we have had on any of our units. We currently have a PSS outage on our 46 MW Lake 1 CT that has been reported to both WECC and our BA.
[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:

Completion of our Mitigation Plan will prevent future violations.
[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:



See response to D4 above.
[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 Burbank Water & Power.
 2. I am an officer, employee, attorney or other person authorized to sign this Mitigation Plan on behalf of Burbank Water & Power.
 3. I understand Burbank Water & Power's obligations to comply with Mitigation Plan requirements and WECC or ERO remedial action directives and I have reviewed the WECC and ERO documents related to these obligations, including, but not limited to, the WECC CMEP and the NERC Rules of Procedure.
 4. I have read and am familiar with the contents of the foregoing Mitigation Plan.
 5. Burbank Water & Power 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): Ronald E. Davis

Title: General Manager

Date: 6-9-08



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]

Section H: WECC Contact and Instructions for Submission

Please direct any questions regarding completion of this form to:

Jim Stuart, Sr. Compliance Engineer

Email: JStuart@wecc.biz

Phone: (801) 883-6887

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.



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- 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.



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Mitigation Plan Extension Request Form

Section A: Registered Entity Information

Company Name: Burbank Water & Power

Standard: VAR-002-1

[Identify by Standard Acronym (e.g. FAC-001-1)]

Requirement Number(s): R3.1

[Identify by Sub-Requirements (e.g. R1.1, R1.2)]

Date original Mitigation Plan was accepted: 7-31-08

Date original Mitigation Plan was scheduled to be complete: 11-30-08

Date this request is being submitted: 11-26-08

Section B: Extension Request Requirements

Check this box ☒ to indicate that you understand that this Extension Request is incomplete and cannot be reviewed for approval unless a Revised Mitigation Plan is attached.

Identify the reason an extension is being requested:

Workload has delayed completion of final milestone completion: Task 3, Inclusion of AVR and PSS Status in our ICCP link with LADWP, our BA, requires coordination with LADWP staff. This still needs to be done. Estimated completion date is by March 30, 2009.

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

Provide detailed information as to why the original completion date will not be met:

Other compliance priorities and staff workload on addressing problems with our Lake and Magnolia generating units have delayed completion of this Mitigation Plan.

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



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Mitigation Plan Extension Request Form

Section A: Registered Entity Information

Company Name: Burbank Water & Power

Standard: VAR-002-1

[Identify by Standard Acronym (e.g. FAC-001-1)]

Requirement Number(s): R3.1

[Identify by Sub-Requirements (e.g. R1.1, R1.2)]

Date original Mitigation Plan was accepted: 7-31-08

Date original Mitigation Plan was scheduled to be complete: 3-30-09

Date this request is being submitted: 3-25-09

Section B: Extension Request Requirements

Check this box ☒ to indicate that you understand that this Extension Request is incomplete and cannot be reviewed for approval unless a Revised Mitigation Plan is attached.

Identify the reason an extension is being requested:

Workload has delayed completion of final milestone completion: Task 3, Inclusion of AVR and PSS Status in our ICCP link with LADWP, our BA, requires coordination with LADWP staff. This still needs to be done. Estimated completion date is by June 30, 2009.

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

Provide detailed information as to why the original completion date will not be met:

Other priorities and staff workload on addressing problems with our Lake generating unit and completing scheduled maintenance on the Magnolia Power Project generating units have delayed completion of this Mitigation Plan. Data conversion problems also caused delays.

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



Mitigation Plan Submittal Form

New ☐ or Revised ☒

Date this Mitigation Plan is being submitted: 5-13-09

If this Mitigation Plan has already been completed:

- Check this box ☒ and
- Provide the Date of Completion of the Mitigation Plan: 5-5-09

Section A: Compliance Notices & Mitigation Plan Requirements

- A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Appendix A - Compliance Notices & Mitigation Plan Requirements" to this form. **Review Appendix 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: Burbank Water & Power (BURB)
Registered Entity Address: 164 W. Magnolia Blvd Burbank, CA 91502
NERC Compliance Registry ID: NCR05072

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

Name: Xavier G. Baldwin
Title: Principal E. E., NERC Compliance Officer
Email: xbaldwin@ci.burbank.ca.us
Phone: (818) 238-3753

¹ 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.



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: VAR-002-1
[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 ^(*) (MM/DD/YY)	Method of Detection (e.g. audit, self-report, investigation)
		R3.1		May 29, 2008	self-report

(*) 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:

Burbank as a GO has not in the past informed its BA and TOP, LADWP when its AVR or PSS on any generating unit is planned to be out of service.
[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:

Burbank's operating policy has always been to operate all generating units with AVR and PSS in service. See Voltage Control Procedure submitted with prior Mitigation Plan. Rarely if ever has AVR been out of service on any of our



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units. We presently have PSS on our Lake 1 46 MW CT out of service, but expect to have a new PSS installed and commissioned by June 30, 2009.

[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:

Burbank updated its Voltage Control Procedure D-002, effective 1-15-09 to require that system operators inform our BA (LDWP) within 30 minutes if AVR or PSS on any generating unit goes out of service as well as an estimated ETR. This procedure has been signed off by all system and power plant operators. (See attached procedure & sign-off sheets)

[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:
- 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)
--------------------	--



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	apart)

(*) 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:

[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:

Completion of our Mitigation Plan will prevent future violations.
[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:

Burbank will include AVR and PSS status in its SCADA/EMS real-time data base and include real-time status as part of its ICCP data



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transmittal to our BA and TOP, LADWP. This Information for both Magnolia CT & ST is now being sent to our BA via out ICCP link. Work to include data for our other three generating units is in progress but has not yet been completed. A SCADA/EMS screen showing AVR and PSS status with alarming is also being developed. Estimated completion date for this work is June 30, 2009.

[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 Burbank Water & Power.
 2. I am an officer, employee, attorney or other person authorized to sign this Mitigation Plan on behalf of Burbank Water & Power.
 3. I understand Burbank Water & Power's obligations to comply with Mitigation Plan requirements and WECC or ERO remedial action directives and I have reviewed the WECC and ERO documents related to these obligations, including, but not limited to, the WECC CMEP and the NERC Rules of Procedure.
 4. I have read and am familiar with the contents of the foregoing Mitigation Plan.
 5. Burbank Water & Power 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): Ronald E. Davis

Title: General Manager

Date: 5-11-09



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:

Jim Stuart, Sr. Compliance Engineer

Email: JStuart@wecc.biz

Phone: (801) 883-6887

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>

CONFIDENTIAL



Laura Scholl
Managing Director of Compliance

801.819.7619
lscholl@wecc.biz

June 2, 2009

Fredric C. Fletcher
Assistant General Manager
City of Burbank
164 West Magnolia Boulevard
Burbank, California 91503

NERC Registration ID: NCR05072

Subject: Certification of Completion Response Letter

Dear Fredric C. Fletcher,

The Western Electricity Coordinating Council (WECC) received the Certification of Completion and supporting evidence of City of Burbank (BURB) on 5/13/2009 for the alleged violation of Reliability Standard VAR-002-1 and Requirement(s) 3. Listed below is the outcome of WECC's official review.

WECC has accepted the Certification of Completion for Requirement(s) 3 of the Reliability Standard VAR-002-1 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 Mike Wells at mike@wecc.biz. Thank you for your assistance in this effort.

Sincerely,

Laura Scholl

Laura Scholl
Managing Director of Compliance

LS:cm

cc: Xavier G. Baldwin, BURB Principal Electrical Engineer
Lisa Milanese, WECC Manager of Compliance Program Administration
Mike Wells, WECC Senior Compliance Engineer

Attachment h

Notice of Filing

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

City of Burbank Water and Power

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 City of Burbank Water and Power in the Western Electricity Coordinating Council region.

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

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

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

Comment Date: [BLANK]

Kimberly D. Bose,
Secretary