NERC
NORTH AMERICAN ELECTRIC
RELIABILITY CORPORATION

Attachment a

Source Document

PRIVILEGED AND CONFIDENTIAL INFORMATION & CRITICAL ENERGY INFRASTRUCTURE INFORMATION HAVE BEEN REMOVED FROM THIS PUBLIC VERSION.

Attachment b

Settlement Agreement(s)

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, PORTLAND DISTRICT
PO BOX 2946
PORTLAND OR 97208-2946

FEB 02 2010

REPLY TO
ATTENTION OF

Operations Division

Ms. Laura Scholl
Managing Director of Compliance
Western Electricity Coordinating Council
615 Arapeen Drive, Suite 210
Salt Lake City, Utah 84108

Dear Ms. Scholl:

I am in receipt of your January 10, 2010 Notice of Proposed Expedited Disposition of Pending Violations or Alleged Violations. This notice was transmitted to the Portland District, U.S. Army Corps of Engineers (USACE), regarding two electrical reliability standard requirements.

In response to an earlier notice sent by your office dated July 28, 2009, I noted that our Office of Counsel and your Office of General Counsel agreed to the terms and conditions of an additional provision to be inserted into the Agreements submitted to the Portland District from Western Electric Coordinating Council. I have signed the attached agreement with this same provision added as paragraph 5.

As stated in our earlier correspondence, I want to confirm again that the Portland District, USACE remains committed to cooperating with your agency and to maintaining the reliability of each asset over which we have stewardship. Questions regarding this matter may be directed to Robert Ford, Reliability Compliance Program Manager, at 541-980-5160.

Sincerely,

Steven R. Miles, P.E.
Colonel, Corps of Engineers
District Commander

Enclosure

Printed on Recycled Paper

For Public Release - April 16, 2010

ATTACHMENT A

AGREEMENT

USACE - Portland District and WECC agree to the following:

1. Acceptance of this Agreement results in the assessment of zero penalties for the violations listed in **Attachment B,** subject to approval or modification by the North American Electric Reliability Corporation ("NERC") and the Federal Energy Regulatory Commission ("FERC").

2. The violations listed in **Attachment B** will be considered Confirmed Violations for all purposes and may be used as aggravating factors in accordance with the NERC Sanction Guidelines for determining appropriate monetary penalties or sanctions for future violations.

3. USACE - Portland District attests there have been no repeat occurrences of the violations listed in **Attachment B**.

4. The expedited disposition agreed to herein represents a full and final disposition of the violations listed in **Attachment B**, subject to approval or modification by NERC and FERC.

5. WECC agrees that it will not use this Agreement as support in any future proceedings for the jurisdictional question of whether federal users, owners or operators of the Bulk Electric System are subject to monetary penalties for violations of the Reliability Standards. USACE-Portland does not agree as part of this Agreement that federal users, owners or operators of the Bulk Electric System are subject to Reliability Standards and this Agreement shall not constitute a waver of jurisdictional issues, including sovereign immunity. USACE-Portland has entered into this Agreement for settlement purposes only.

Accepted: USACE - Portland District

By Date 2 Feb 2010.

STEVEN R. MILES, P.E.
COL, EN
Commanding

WECC

By Date 2/4/2010

For Public Release - April 16, 2010

ATTACHMENT B

List of Violations

NER Violation ID	Registered Entity	Standard	Requirement
WECC200801717	USACE – Portland District	PRC-005-1	1
WECC200801718	USACE – Portland District	PRC-005-1	2

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Attachment c

Mitigation Plan

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Attachment d

Registered Entity's
Certification of Completion

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Attachment e

Regional Entity's Verification of Completion

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