



NORTH AMERICAN ELECTRIC  
RELIABILITY CORPORATION

March 31, 2010

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

**Re: NERC Notice of Penalty regarding NextEra Energy Resources, LLC  
FERC Docket No. NP10-\_-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides this Notice of Penalty<sup>1</sup> regarding NextEra Energy Resources, LLC (FPLE),<sup>2</sup> NERC Registry ID NCR05163,<sup>3</sup> in accordance with the Federal Energy Regulatory Commission's (Commission or FERC) rules, regulations and orders, as well as NERC Rules of Procedure including Appendix 4C (NERC Compliance Monitoring and Enforcement Program (CMEP)).<sup>4</sup>

On September 17, 2008, FPLE self-reported possible violations of Reliability Standard FAC-003-1 Requirement (R) 1 and R2 to Western Electricity Coordinating Council (WECC) for FPLE's failure to have a transmission vegetation management plan (TVMP) for its Sagebrush transmission line. FPLE is the lead general partner of the Sagebrush Partnership, and is responsible for maintaining the vegetation on the Sagebrush transmission line which is owned by the Partnership. This Notice of Penalty is being filed with the Commission because, based on

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<sup>1</sup> *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards* (Order No. 672), III FERC Stats. & Regs. ¶ 31,204 (2006); *Notice of New Docket Prefix "NP" for Notices of Penalty Filed by the North American Electric Reliability Corporation*, Docket No. RM05-30-000 (February 7, 2008). See also 18 C.F.R. Part 39 (2009). *Mandatory Reliability Standards for the Bulk-Power System*, FERC Stats. & Regs. ¶ 31,242 (2007) (Order No. 693), *reh'g denied*, 120 FERC ¶ 61,053 (2007) (Order No. 693-A). See 18 C.F.R. § 39.7(c)(2).

<sup>2</sup> On March 18, 2009, FPL Energy, LLC changed its name to NextEra Energy Resources, LLC but continues to use the FPLE acronym. Also concurrently being filed is a Notice of Penalty designated as NOC-092 regarding a separate Settlement Agreement between Texas Reliability Entity (Texas RE) and FPLE, in which FPLE neither admits nor denies the alleged violations of TOP-002-1 R14, but has agreed to the proposed penalty of ten thousand dollars (\$10,000). In addition, on October 14, 2009, NERC submitted an Omnibus filing which addressed violations for certain registered entities including FPLE (NCR05163). On November 13, 2009, FERC issued an order stating it would not engage in further review of the violations addressed in the Omnibus Notice of Penalty.

<sup>3</sup> WECC confirmed that FPLE was included on the NERC Compliance Registry as a Generator Owner, Generator Operator and Transmission Owner, on June 17, 2007. As a Transmission Owner, FPLE is subject to the requirements of NERC Reliability Standard FAC-003-1 R1 and R2.

<sup>4</sup> See 18 C.F.R. § 39.7(c)(2).

information from WECC, FPLE does not dispute the violations of FAC-003-1 R1 and R2 and the proposed thirty thousand dollar (\$30,000) financial penalty to be assessed to FPLE. Accordingly, the violations identified as NERC Violation Tracking Identification Number WECC200801039 and WECC200801040 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 Notice of Confirmed Violation and Proposed Penalty or Sanction (NOCV) issued on August 5, 2009, by WECC. The details of the findings and basis for the penalty are set forth herein. This Notice of Penalty filing contains the basis for approval of this Notice of Penalty by the NERC Board of Trustees Compliance Committee (BOTCC). In accordance with Section 39.7 of the Commission’s Regulations, 18 C.F.R. § 39.7 (2007), NERC provides the following summary table identifying the Reliability Standard at issue in this Notice of Penalty.

Region	Registered Entity	NOC ID	NERC Violation ID	Reliability Std.	Req. (R)	VRF	Total Penalty (\$)
WECC	NextEra Energy Resources, LLC	NOC-253	WECC200801039	FAC-003-1	1	High	30,000
			WECC200801040	FAC-003-1	2	High	

FAC-003-1 R1

The purpose of Reliability Standard FAC-003-1 is to improve the reliability of the electric transmission systems by preventing outages from vegetation located on transmission rights-of-way (ROW) and minimizing outages from vegetation located adjacent to ROW, maintaining clearances between transmission lines and vegetation on and along transmission ROW, and reporting vegetation related outages of the transmission systems to the respective Regional Entities and NERC.

R1, which includes several sub-requirements, requires a Transmission Owner, such as FPLE, to prepare, and keep current, a formal TVMP. The TVMP shall include the Transmission Owner’s objectives, practices, approved procedures and work specifications.<sup>5</sup>

FAC-003-1 R1 has a “High” Violation Risk Factor (VRF).

R2 requires a Transmission Owner, such as FPLE, to create and implement an annual plan for vegetation management work to ensure the reliability of the system. The plan must describe the methods used, such as manual clearing, mechanical clearing, herbicide treatment, or other actions. The plan should be flexible enough to adjust to changing conditions, taking into consideration

<sup>5</sup> ANSI A300, Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices, while not a requirement of this standard, is considered to be an industry best practice.

anticipated growth of vegetation and all other environmental factors that may have an impact on the reliability of the transmission systems. Adjustments to the plan shall be documented as they occur. The plan should take into consideration the time required to obtain permissions or permits from landowners or regulatory authorities. Each Transmission Owner is to have systems and procedures for documenting and tracking the planned vegetation management work and ensuring that the vegetation management work was completed according to work specifications. FAC-003-1 R2 has a “High” VRF.

On September 17, 2008, during an internal compliance review, FPLE discovered its non-compliance with FAC-003-1 R1 and R2, and self-reported the violations to WECC the same day. FPLE stated that it did not have a TVMP as required by R1 and it did not have an annual plan for vegetation management as required by R2. Further, FPLE stated that as the lead general partner of the Sagebrush Partnership, it was responsible for maintaining the vegetation on the Sagebrush transmission line owned by the Sagebrush Partnership. WECC subject matter experts (SMEs) reviewed FPLE’s self-report and determined that FPLE had a possible violation FAC-003-1 R1 and R2. No outages were reported during the period that FPLE did not have a TVMP in place.

WECC Enforcement (Enforcement) reviewed FPLE’s self-report and the findings of WECC SMEs and determined that FPLE had violations of FAC-003-1 R1 and R2 because FPLE did not have a formal TVMP as required by R1 and did not have an annual plan for vegetation management as required by R2. Enforcement determined the duration of the violations to be from June 18, 2007, when the Reliability Standard became effective, until April 17, 2009, when FPLE’s Mitigation Plan was completed.

WECC determined that these violations did not create a serious or substantial risk to the bulk power system (BPS) because no load is served by this transmission line and it has a single point of interconnection with the BPS at Southern California Edison’s (SCE) Vincent substation. Additionally, the Sagebrush transmission line is a radial connection that interconnects and transmits wind generation from FPLE's wind farms, and the area is arid and located in the high-desert, where it would be rare to have an outage caused by vegetation in such a climate. Therefore, the total impact to SCE's system would be negligible if this line were to have a vegetation-caused outage given the variable nature of the resource (*i.e.*, wind), the fact that no load is served by the line and it has a single point of contact with the BPS, and the relatively small amount of generation it produces (a potential of 381 MW). The potential output of 381 MW is a very small percentage of the California Independent System Operator’s (CAISO) Balancing Area of over 50,000 MW and SCE’s transmission system of 22,000 MW into which the Sagebrush transmission line connects. In addition, WECC determined that the potential 381 MW of wind generation has an average capacity factor of 20% to 35%, and therefore determined it did not pose a serious or substantial risk to the BPS.

#### Regional Entity’s Basis for Penalty

According to the NOCV, WECC has assessed a penalty of thirty thousand dollars (\$30,000) for the referenced violations. In reaching this determination, WECC considered the following factors: (1) the violations were self-reported; (2) the violations constituted FPLE’s first violations of FAC-003-1; (3) FPLE was cooperative throughout the enforcement process; (4) there was no

evidence of any attempt to conceal the violations nor evidence of intent to do so; and (5) the violations did not pose a serious or substantial risk to the BPS, as discussed above.

After consideration of the above factors, WECC determined that, in this instance, the penalty amount of thirty thousand dollars (\$30,000) is appropriate and bears a reasonable relation to the seriousness and duration of the violations.

### **Status of Mitigation Plan<sup>6</sup>**

FPLE's Mitigation Plan to address the violations of FAC-003-1 R1 and R2 was submitted to WECC on November 7, 2008 with a proposed completion date of January 30, 2009. This Mitigation Plan was accepted by WECC on December 5, 2008 and approved by NERC on December 16, 2008. The Mitigation Plan for these violations is designated as MIT-08-1151 and was submitted as non-public information to FERC on December 16, 2008 in accordance with FERC orders.

On January 29, 2009 FPLE submitted a request for an extension of the proposed completion date to April 17, 2009. This Mitigation Plan was accepted by WECC on February 23, 2009 and approved by NERC on August 20, 2009. The Mitigation Plan was designated as MIT-08-1151 Rev 1 and was submitted as non-public information to FERC on August 20, 2009 in accordance with FERC orders.

FPLE's Mitigation Plan required FPLE to complete the following actions:

1. immediately determine current conditions on the transmission line by performing a data gathering survey by March 6, 2009;
2. hire an experienced and certified external consultant to perform TVMP-related work by March 6, 2009;
3. create a formal TVMP according to FAC-003-1 specifications by April 3, 2009;
4. develop a communication plan that enables immediate communication of vegetation conditions that present an immediate threat of a transmission line outage and that includes quarterly communication and self-certification of status to WECC by April 3, 2009;
5. monitor compliance with the TVMP program through the use of a compliance manager, self-evaluations, internal audits by April 17, 2009; and
6. develop an annual corrective action and inspection cycle plan to monitor vegetation on the transmission line by April 17, 2009.

FPLE certified on April 17, 2009, that the above required actions for Mitigation Plan MIT-08-1151 Rev 1 were completed on that same date. As evidence of completion of its Mitigation Plan, FPLE provided WECC a copy of its TVMP and its annual work plan. On April 22, 2009, WECC SMEs reviewed FPLE's evidence and determined that FPLE had prepared, and keeps

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<sup>6</sup> See 18 C.F.R § 39.7(d)(7).

current, a formal TVMP, and that this TVMP includes the Transmission Owner's objectives, practices, approved procedures, and work specifications, and addresses all sub-requirements for R1.

WECC SMEs also determined that FPLE created and implemented an annual plan for vegetation management work to ensure the reliability of the system. The plan describes the methods used, such as manual clearing, mechanical clearing, herbicide treatment, or other actions. The plan is flexible enough to adjust to changing conditions, taking into consideration anticipated growth of vegetation and all other environmental factors that may have an impact on the reliability of the transmission systems. FPLE has systems and procedures for documenting and tracking the planned vegetation management work and ensuring that the vegetation management work was completed according to work specifications.

On April 22, 2009, after WECC's review of FPLE's submitted evidence, WECC verified that FPLE's Mitigation Plan was completed on April 17, 2009 and notified FPLE in a letter dated May 7, 2009, that it was in compliance with FAC-003-1 R1 and R2.

### **Statement Describing the Proposed Penalty, Sanction or Enforcement Action Imposed<sup>7</sup>**

#### **Basis for Determination**

Taking into consideration the Commission's direction in Order No. 693, the NERC Sanction Guidelines and the Commission's July 3, 2008 Guidance Order,<sup>8</sup> the NERC BOTCC reviewed the NOCV and supporting documentation on February 10, 2010. The NERC BOTCC approved the assessment of a thirty thousand dollars (\$30,000) financial penalty against FPLE based upon WECC's findings and determinations, the NERC BOTCC's review of 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) FPLE self-reported the violations;
- (2) the violation constituted FPLE's first violations of FAC-003-1, although FPLE has had other prior violations as discussed above;
- (3) WECC reported FPLE was cooperative throughout the enforcement process;
- (4) there was no evidence of any attempt to conceal the violations nor evidence of intent to do so; and
- (5) WECC determined that the violations did not pose a serious or substantial risk to the BPS, as discussed above.

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<sup>7</sup> See 18 C.F.R § 39.7(d)(4).

<sup>8</sup> *North American Electric Reliability Corporation*, "Guidance Order on Reliability Notices of Penalty," 124 FERC ¶ 61,015 (2008).

For the foregoing reasons, the NERC BOTCC believes that the proposed thirty thousand dollar (\$30,000) penalty amount is appropriate for the violations and circumstances in question, and is consistent with NERC's goal to promote and ensure reliability of the bulk power system.

Pursuant to Order No. 693, the penalty will be effective upon expiration of the thirty (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) FPLE's self-report for FAC-003-1 R1 and R2 dated September 17, 2008, included as Attachment a;
- b) FPLE's Mitigation Plan designated as MIT-08-1151 submitted to WECC on November 7, 2008, included as Attachment b;
- c) FPLE's Mitigation Plan designated as MIT-08-1151 Rev 1 submitted to WECC on January 29, 2009, included as Attachment c;
- d) FPLE's Certification of Completion of the Mitigation Plan for FAC-003-1 R1 and R2 dated April 17, 2009, included as Attachment d; and
- e) WECC's Verification of Completion of the Mitigation Plan for FAC-003-1 R1 and R2 dated May 7, 2009, included as Attachment e.

#### **A Form of Notice Suitable for Publication<sup>9</sup>**

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

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<sup>9</sup> See 18 C.F.R § 39.7(d)(6).



## Notices and Communications

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

<p>Gerald W. Cauley* President and Chief Executive Officer David N. Cook* Vice President and General Counsel North American Electric Reliability Corporation 116-390 Village Boulevard Princeton, N.J. 08540-5721 (609) 452-8060 (609) 452-9550 – facsimile gerry.cauley@nerc.net david.cook@nerc.net</p> <p>Christopher Luras* Manager of Compliance Enforcement Western Electricity Coordinating Council 615 Arapeen Drive, Suite 210 Salt Lake City, UT 84108-1262 (801) 883-6887 (801) 883-6894 – facsimile CLuras@wecc.biz</p> <p>Benjamin Church* Director Reliability &amp; Compliance 700 Universe Boulevard, FEX/JB Juno Beach, FL 33408 (561)-304-5463 (561)-304-5161 – facsimile benjamin.church@nexteraenergy.com</p> <p>Matt Pawlowski* Compliance Manager 700 Universe Boulevard, FEX/JB Juno Beach, FL 33408 (561)-304-5463 (561)-304-5161 – facsimile matt.pawlowski@nexteraenergy.com</p> <p>*Persons to be included on the Commission's service list are indicated with an asterisk. NERC requests waiver of the Commission's rules and regulations to permit the inclusion of more than two people on the service list.</p>	<p>Rebecca J. Michael* Assistant General Counsel Holly A. Hawkins* Attorney North American Electric Reliability Corporation 1120 G Street, N.W. Suite 990 Washington, D.C. 20005-3801 (202) 393-3998 (202) 393-3955 – facsimile rebecca.michael@nerc.net holly.hawkins@nerc.net</p> <p>Louise McCarren* Chief Executive Officer Western Electricity Coordinating Council 615 Arapeen Drive, Suite 210 Salt Lake City, UT 84108-1262 (801) 883-6868 (801) 582-3918 – facsimile Louise@wecc.biz</p> <p>Steven Goodwill* Associate General Counsel Western Electricity Coordinating Council 615 Arapeen Drive, Suite 210 Salt Lake City, UT 84108-1262 (801) 883-6857 (801) 883-6894 – facsimile SGoodwill@wecc.biz</p> <p>Constance White* Vice President of Compliance Western Electricity Coordinating Council 615 Arapeen Drive, Suite 210 Salt Lake City, UT 84108-1262 (801) 883-6885 (801) 883-6894 – facsimile CWhite@wecc.biz</p>
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## Conclusion

NERC respectfully requests that the Commission accept this Notice of Penalty as compliant with its rules, regulations and orders.

Respectfully submitted,

Gerald W. Cauley  
President and Chief Executive Officer  
David N. Cook  
Vice President and General Counsel  
North American Electric Reliability Corporation  
116-390 Village Boulevard  
Princeton, N.J. 08540-5721  
(609) 452-8060  
(609) 452-9550 – facsimile  
gerry.cauley@nerc.net  
david.cook@nerc.net

/s/ Rebecca J. Michael  
Rebecca J. Michael  
Assistant General Counsel  
Holly A. Hawkins  
Attorney  
North American Electric Reliability  
Corporation  
1120 G Street, N.W.  
Suite 990  
Washington, D.C. 20005-3801  
(202) 393-3998  
(202) 393-3955 – facsimile  
rebecca.michael@nerc.net  
holly.hawkins@nerc.net

cc: NextEra Energy Resources, LLC  
Western Electricity Coordinating Council

Attachments



**Attachment a**

**FPLE's self-report for FAC-003-1 R1 and R2  
dated September 17, 2008**



## 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](mailto:Compliance@WECC.biz)

Registered Entity Name: FPL Energy, LLC

Contact Name: Matt Pawlowski

Contact Phone: 561-304-5465

Contact email: Matt.Pawlowski@fpl.com

Date noncompliance was discovered: 9/17/08

Date noncompliance was reported: 9/17/08

Standard Title: Transmission Vegetation Management Program

Standard Number: FAC-003-1

Requirement Number(s)<sup>1</sup>: **R1 and R2**

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

Self-Evaluation

**\*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:

FPL Energy, as lead general partner, maintains the vegetation for for the Sagebrush transmission line, as owned by the Sagebrush Parternship, but FPL Energy does not have documentation that meets the requirements of FAC 003 R1 and R2.

The Sagebrush transmission line is a radial connection that interconnects and transmits wind generation from FPL Energy's wind farms. No load is served by this transmission line and it has a single point of interconnection at Southern California Edison's Vincent substation. FPL Energy has

<sup>1</sup> Violations are on a per requirement basis.

performed vegetation management and that the area in question is arid high-desert it would be rare to have an outage caused by vegetation. Even if the line had an outage, the total impact to SCE's system would be negligible given the nature of the resource as variable (i.e. wind) and relatively small amount of generation.

Describe the reliability impact of this non-compliance:

No measurable impact on reliability of the bulk electric system.

Expected date of Mitigation Plan submittal: 9/26/2008

## **Attachment b**

**FPLE's Mitigation Plan designated as MIT-08-1151 submitted to WECC on November 7, 2008**



## Mitigation Plan Submittal Form

New  or Revised

Date this Mitigation Plan is being submitted: 11/7/08

If this Mitigation Plan has already been completed:

- Check this box  and
- Provide the Date of Completion of the Mitigation Plan: 1/30/09

### **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: FPL Energy, LLC  
 Registered Entity Address: 700 Universe Blvd Juno Beach, FL 33408  
 NERC Compliance Registry ID: NCR05163

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

Name: Matt Pawlowski  
 Title: Compliance Officer  
 Email: matt.pawlowski@fpl.com  
 Phone: 561-304-5465

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



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

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

NERC Violation ID # [if known]	WECC Violation ID # [if known ]	Requirement Violated (e.g. R3)	Violation Risk Factor	Alleged or confirmed Violation Date <sup>(*)</sup> (MM/DD/YY)	Method of Detection (e.g. audit, self-report, investigation)
Not available at this time	Not available at this time	R1 and R2	High	09/17/08	Self-Evaluation

(\*) 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:

FPL Energy, as one of the general partners, has had responsibility for maintaining, and maintained, the vegetation for the Sagebrush transmission line, which is owned by the Sagebrush Partnership. However, neither FPL Energy nor any of the general partners have documentation that meets the requirements of FAC 003 R1 and R2.

The Sagebrush transmission line is a radial connection that interconnects and transmits wind generation from wind farms owned by the Sagebrush Partners. No load is served by this transmission line and it has a single point of interconnection at Southern California Edison's Vincent substation. FPL Energy



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has performed vegetation management and the area in question is arid high-desert. Thus, the risk of having an outage caused by vegetation in this area is very low. Even if the line had an outage, the total impact to SCE's system would be negligible given that the nature of the resource are variable (e.g., wind), and provide a relatively small amount of generation.

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

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

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

## **Section D: Details of Proposed Mitigation Plan**

### **Mitigation Plan Contents**

D.1 Identify and describe the action plan, including specific tasks and actions that your organization is proposing to undertake, or which it undertook if this Mitigation Plan has been completed, to correct the violations identified above in Part C.2 of this form:

Corrective Action # 1 – Immediately commence data gathering survey

- Immediately commence data gathering survey of transmission line to determine what the current conditions are on the line and create a preliminary assessment of current conditions
- Based on the survey performed, create prescriptions for specific actions required to provide appropriate clearance levels on transmission line

Corrective Action #2 - Hire External Consultant For TVMP-related work

- Consultant hired will have the experience and certification levels to properly perform the work required specifically for a TVMP program

Corrective Action # 3 – Create TVMP plan

- Prepare and keep current a formal transmission vegetation management plan, using expertise from external consultant.
- Plan shall include, but not be limited to, components such as objectives, practices, approved procedures and work specifications.





Western Electricity Coordinating Council



- Plan will include all clearance ranges and will specific mitigation measures to achieve those clearances.
- Plan will be specific to the area where it is applicable.
- Plan will ensure that all data is retained for the appropriate time period (5 years per FAC-003).
- Plan will take local and state laws into account and will abide by those laws at all times.
- Additionally, plan will include specific documentation requirements for data collection, communication and retention.

Corrective Action # 4 – Develop communication plan

- Communication plan will enable immediate communication of vegetation conditions that present an immediate threat of a transmission line outage.
- Included in this communication plan will be the quarterly communication and self-certification of status to WECC using the Compliance Portal.

Corrective Action # 5 – Monitor compliance to TVMP program

- FPL Energy Compliance Manager will manage the compliance program and ensure, through self-evaluations and internal audits, compliance with all sections of the program.
- Information from self-evaluations and internal audits will be included in the annual plan for vegetation management, which may result in ongoing updates to the TVMP program.

Corrective Action # 6 – Develop Corrective Action and Inspection Cycle Plan

- Develop an annual corrective action and inspection cycle plan to monitor vegetation on the transmission line
- Part of this plan will include a re-assessment of the existing TVMP to ensure that the conditions monitored through this program are still adequate and if any adjustments need to be put into place.

[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: 1/30/09



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)
Corrective Action # 1 and 2	11/28/08
Corrective Action #3	12/19/08
Corrective Action #4	1/16/09
Corrective Action #5 and 6	1/30/09

(\*) 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:

Based on historical experience, there should be no measurable impact on reliability of the bulk electric system.

[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:

By instituting a properly documented and implemented TVMP program, the already low risk of a transmission outage on the Sagebrush transmission line will be further reduced.

[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:

[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 Director, Reliability and Compliance of FPL Energy, LLC.
  2. I am an officer, employee, attorney or other person authorized to sign this Mitigation Plan on behalf of FPL Energy, LLC.
  3. I understand FPL Energy, LLC 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. FPL Energy, LLC 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:** Benjamin Church e/s  
(Electronic signatures are acceptable; see CMEP Section 3.0)

Name (Print): Benjamin Church  
Title: Director, Reliability and Compliance  
Date: 11/7/08



### **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:

Mike Wells, Sr. Compliance Engineer

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

Phone: (801) 883-6884

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

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



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

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





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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.

## **Attachment c**

**FPLE's Mitigation Plan designated as MIT-08-1151 Rev 1 submitted to WECC on January 29, 2009**



## Mitigation Plan Submittal Form

New  or Revised

Date this Mitigation Plan is being submitted: 1/29/09

If this Mitigation Plan has already been completed:

- Check this box  and
- Provide the Date of Completion of the Mitigation Plan: 4/17/09

### **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: FPL Energy, LLC  
 Registered Entity Address: 700 Universe Blvd Juno Beach, FL 33408  
 NERC Compliance Registry ID: NCR05163

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

Name: Matt Pawlowski  
 Title: Compliance Manager  
 Email: matt.pawlowski@fpl.com  
 Phone: 561-304-5465

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



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

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

NERC Violation ID # [if known]	WECC Violation ID # [if known ]	Requirement Violated (e.g. R3)	Violation Risk Factor	Alleged or confirmed Violation Date <sup>(*)</sup> (MM/DD/YY)	Method of Detection (e.g. audit, self-report, investigation)
Not available at this time	Not available at this time	R1 and R2	High	09/17/08	Self-Evaluation

(\*) 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:

FPL Energy, as one of the general partners, has had responsibility for maintaining, and maintained, the vegetation for the Sagebrush transmission line, which is owned by the Sagebrush Partnership. However, neither FPL Energy nor any of the general parters have documentation that meets the requirements of FAC 003 R1 and R2.

The Sagebrush transmission line is a radial connection that interconnects and transmits wind generation from wind farms owned by the Sagebrush Partners. No load is served by this transmission line and it has a single point of interconnection at Southern California Edison's Vincent substation. FPL Energy



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has performed vegetation management and the area in question is arid high-desert. Thus, the risk of having an outage caused by vegetation in this area is very low. Even if the line had an outage, the total impact to SCE's system would be negligible given that the nature of the resource are variable (e.g., wind), and provide a relatively small amount of generation.

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

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

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

## **Section D: Details of Proposed Mitigation Plan**

### **Mitigation Plan Contents**

- D.1 Identify and describe the action plan, including specific tasks and actions that your organization is proposing to undertake, or which it undertook if this Mitigation Plan has been completed, to correct the violations identified above in Part C.2 of this form:

Corrective Action # 1 – Immediately commence data gathering survey

- Immediately commence data gathering survey of transmission line to determine what the current conditions are on the line and create a preliminary assessment of current conditions
- Based on the survey performed, create prescriptions for specific actions required to provide appropriate clearance levels on transmission line

Corrective Action #2 - Select External Consultant For TVMP-related work

- Consultant selected will have the experience and certification levels to properly perform the work required specifically for a TVMP program

Corrective Action # 3 – Create TVMP plan

- Prepare and keep current a formal transmission vegetation management plan, using expertise from external consultant.
- Plan shall include, but not be limited to, components such as objectives, practices, approved procedures and work specifications.



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- Plan will include all clearance ranges and will specific mitigation measures to achieve those clearances.
- Plan will be specific to the area where it is applicable.
- Plan will ensure that all data is retained for the appropriate time period (5 years per FAC-003).
- Plan will take local and state laws into account and will abide by those laws at all times.
- Additionally, plan will include specific documentation requirements for data collection, communication and retention.

Corrective Action # 4 – Develop communication plan

- Communication plan will enable immediate communication of vegetation conditions that present an immediate threat of a transmission line outage.
- Included in this communication plan will be the quarterly communication and self-certification of status to WECC using the Compliance Portal.

Corrective Action # 5 – Monitor compliance to TVMP program

- FPL Energy Compliance Manager will manage the compliance program and ensure, through self-evaluations and internal audits, compliance with all sections of the program.
- Information from self-evaluations and internal audits will be included in the annual plan for vegetation management, which may result in ongoing updates to the TVMP program.

Corrective Action # 6 – Develop Corrective Action and Inspection Cycle Plan

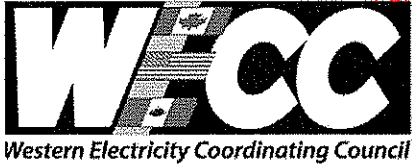
- Develop an annual corrective action and inspection cycle plan to monitor vegetation on the transmission line
- Part of this plan will include a re-assessment of the existing TVMP to ensure that the conditions monitored through this program are still adequate and if any adjustments need to be put into place.

[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: 4/17/09



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)
Corrective Action # 1 and 2	3/6/09
Corrective Action #3	4/3/09
Corrective Action #4	4/3/09
Corrective Action #5 and 6	4/17/09

(\* 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:

Based on historical experience, there should be no measurable impact on reliability of the bulk electric system.

[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:

By instituting a properly documented and implemented TVMP program, the already low risk of a transmission outage on the Sagebrush transmission line will be further reduced.

[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:

[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 Director, Reliability and Compliance of FPL Energy, LLC.
  2. I am an officer, employee, attorney or other person authorized to sign this Mitigation Plan on behalf of FPL Energy, LLC.
  3. I understand FPL Energy, LLC 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. FPL Energy, LLC 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): Benjamin Church  
 Title: Director, Reliability and Compliance  
 Date: 1/29/09



### **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:

Mike Wells, Sr. Compliance Engineer

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

Phone: (801) 883-6884

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

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



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

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



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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.

## **Attachment d**

# **FPLE's Certification of Completion of the Mitigation Plan for FAC-003-1 R1 and R2 dated April 17, 2009**



## Mitigation Plan Submittal Form

New  or Revised

Date of submittal: 4/17/09

If this Mitigation Plan is complete:

- Check this box
- Provide the Date of the Mitigation Plan Completion: 4/17/09
- In order for the Mitigation Plan to be accepted for review the following items must be submitted along with this Mitigation Plan Submittal Form:
  - Evidence supporting full compliance
  - Sections A, B, C, D.1, E.2, E.3, and F must be completed in their entirety

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

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

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

- B.1 Identify your organization:

Registered Entity Name: NextEra Energy Resources, LLC  
 Registered Entity Address: 700 Universe Blvd Juno Beach, FL  
 33408  
 NERC Compliance Registry ID: NCR05163

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

<sup>1</sup> A copy of the WECC CMEP is posted on WECC's website at <http://compliance.wecc.biz/Documents/Forms/03.06%20-%20WECC%20Mitigaton%20Plan%20Registered%20Entities> Registered Entities are responsible for following all applicable WECC CMEP procedures. WECC





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Name: Matt Pawlowski  
 Title: Compliance Manager  
 Email: matt.pawlowski@nexteraenergy.com  
 Phone: 561-304-5465

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

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

NERC Violation ID # [if known]	WECC Violation ID # [if known ]	Requirement Violated (e.g. R3)	Violation Risk Factor	Alleged or confirmed Violation Date <sup>(*)</sup> (MM/DD/YY)	Method of Detection (e.g. audit, self-report, investigation)
Not available at this time	Not available at this time	R1 and R2	High	09/17/08	Self-Evaluation

(\*) 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:

---

strongly recommends that registered entities become familiar with the WECC CMEP and its requirements, as they may be amended from time to time.



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NextEra Energy Resources, as one of the general partners, has had responsibility for maintaining, and maintained, the vegetation for the Sagebrush transmission line, which is owned by the Sagebrush Partnership. However, neither NextEra Energy Resources nor any of the general partners have documentation that meets the requirements of FAC 003 R1 and R2.

The Sagebrush transmission line is a radial connection that interconnects and transmits wind generation from wind farms owned by the Sagebrush Partners. No load is served by this transmission line and it has a single point of interconnection at Southern California Edison's Vincent substation. NextEra Energy Resources has performed vegetation management and the area in question is arid high-desert. Thus, the risk of having an outage caused by vegetation in this area is very low. Even if the line had an outage, the total impact to SCE's system would be negligible given that the nature of the resource are variable (e.g., wind), and provide a relatively small amount of generation. [Provide your response here; additional detailed information may be provided as an attachment as necessary]

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

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

## Section D: Details of Proposed Mitigation Plan

### Mitigation Plan Contents

- D.1 Identify and describe the action plan, including specific tasks and actions that your organization is proposing to undertake, or which it undertook if this Mitigation Plan has been completed, to correct the violations identified above in Part C.2 of this form:

Corrective Action # 1 – Immediately commence data gathering survey

- Immediately commence data gathering survey of transmission line to determine what the current conditions are on the line and create a preliminary assessment of current conditions
- Based on the survey performed, create prescriptions for specific actions required to provide appropriate clearance levels on transmission line

Corrective Action #2 - Select External Consultant For TVMP-related work

- Consultant selected will have the experience and certification levels to properly perform the work required specifically for a TVMP program



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**Corrective Action # 3 – Create TVMP plan**

- Prepare and keep current a formal transmission vegetation management plan, using expertise from external consultant.
- Plan shall include, but not be limited to, components such as objectives, practices, approved procedures and work specifications.
- Plan will include all clearance ranges and will specific mitigation measures to achieve those clearances.
- Plan will be specific to the area where it is applicable.
- Plan will ensure that all data is retained for the appropriate time period (5 years per FAC-003).
- Plan will take local and state laws into account and will abide by those laws at all times.
- Additionally, plan will include specific documentation requirements for data collection, communication and retention.

**Corrective Action # 4 – Develop communication plan**

- Communication plan will enable immediate communication of vegetation conditions that present an immediate threat of a transmission line outage.
- Included in this communication plan will be the quarterly communication and self-certification of status to WECC using the Compliance Portal.

**Corrective Action # 5 – Monitor compliance to TVMP program**

- FPL Energy Compliance Manager will manage the compliance program and ensure, through self-evaluations and internal audits, compliance with all sections of the program.
- Information from self-evaluations and internal audits will be included in the annual plan for vegetation management, which may result in ongoing updates to the TVMP program.

**Corrective Action # 6 – Develop Corrective Action and Inspection Cycle Plan**

- Develop an annual corrective action and inspection cycle plan to monitor vegetation on the transmission line
- Part of this plan will include a re-assessment of the existing TVMP to ensure that the conditions monitored through this program are still adequate and if any adjustments need to be put into place.  
[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**



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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 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]



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## 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 has or will prevent or minimize the probability that your organization will incur further violations of the same or similar reliability standards requirements in the future:

By instituting a properly documented and implemented TVMP program, the already low risk of a transmission outage on the Sagebrush transmission line will be further reduced.

[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:



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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 Director, Reliability and Compliance Group of NextEra Energy Resources.
  2. I am an officer, employee, attorney or other person authorized to sign this Mitigation Plan on behalf of NextEra Energy Resources, LLC.
  3. I understand NextEra Energy Resources, LLC 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. NextEra Energy Resources, LLC 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): Benjamin Church

Title: Director, Reliability and Compliance Group

Date: 4/17/09



### **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:

Mike Wells, Sr. Compliance Engineer

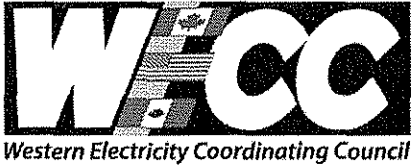
Email: [mike@wecc.biz](mailto:mike@wecc.biz)

Phone: (801) 883-6884

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

<http://compliance.wecc.biz/Application/Documents/Forms/WECC%20Compliance%20Data%20Submittal%20Policy.pdf>





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

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



*Western Electricity Coordinating Council*



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

**Attachment e**

**WECC's Verification of Completion of the  
Mitigation Plan for FAC-003-1 R1 and R2 dated  
May 7, 2009**

**CONFIDENTIAL**



Western Electricity Coordinating Council

**Laura Scholl**

Managing Director of Compliance

801.819.7619

[lscholl@wecc.biz](mailto:lscholl@wecc.biz)

May 7, 2009

Matt Pawlowski  
Compliance Manager  
NextEra Energy Resources, LLC  
700 Universe Boulevard, FEX/JB  
Juno Beach, Florida 33408

NERC Registration ID: NCR05163

Subject: Certification of Completion Response Letter

Dear Matt Pawlowski,

The Western Electricity Coordinating Council (WECC) received the Certification of Completion and supporting evidence of NextEra Energy Resources, LLC (FPLE) on 4/17/2009 for the alleged violation of Reliability Standard FAC-003-1 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 FAC-003-1 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 Jay Loock at [jay@wecc.biz](mailto:jay@wecc.biz). Thank you for your assistance in this effort.

Sincerely,

*Laura Scholl*

Laura Scholl  
Managing Director of Compliance

LS:cm

cc: Benjamin Church, FPLE Director Reliability & Compliance  
Lisa Milanese, WECC Manager of Compliance Program Administration  
Jay Loock, WECC Senior Compliance Engineer

**Attachment f**

**Notice of Filing**

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

NextEra Energy Resources, LLC

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

NOTICE OF FILING  
March 31, 2010

Take notice that on March 31, 2010, the North American Electric Reliability Corporation (NERC) filed a Notice of Penalty regarding NextEra Energy Resources, LLC in the Western Electricity Coordinating Council region.

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

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

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

Comment Date: [BLANK]

Kimberly D. Bose,  
Secretary