

April 24, 2020

VIA ELECTRONIC FILING

Kathleen Mitchell, Chief Clerk
New Brunswick Energy and Utilities Board
P.O. Box 5001
15 Market Square, Suite 1400
Saint John, NB
E2L 4Y9

RE: *North American Electric Reliability Corporation COVID-19 Compliance Response*

Dear Ms. Mitchell:

In recent weeks, the North American Electric Reliability Corporation, the Regional Entities, and the New Brunswick Energy and Utilities Board have taken a series of measures to help ensure grid reliability amid the impacts posed by the coronavirus (COVID-19) outbreak, a public health emergency that is unprecedented in modern times. These measures have been taken in recognition of the critical importance of the reliability of the North American energy sector and the steps that registered entities are taking to maintain the health and safety of their workforce and communities.

On March 23, 2020, the New Brunswick Energy and Utilities Board issued a notice to its registered entities stating that it will consider the impact of the COVID-19 pandemic in complying with Reliability Standards as laid out in the guidance provided by NERC and the U.S. Federal Energy Regulatory Commission issued on March 18, 2020.¹ Additionally, NERC has determined that it will consider the coronavirus outbreak an extenuating circumstance under its *Sanction Guidelines* for all instances of noncompliance where the impacts of the outbreak, such as impacts on workforce availability or the supply chain, were a cause or contributing factor to the noncompliance.

On April 6, 2020, NERC filed a motion with the United States Federal Energy Regulatory Commission (FERC) to defer the implementation, by three to six months, of those Reliability Standards scheduled to become

¹ See March 23, 2020 email to all New Brunswick registered entities Re: Industry Guidance to Ensure Grid Reliability Amid Potential COVID-19 Impacts and Related Compliance with Mandatory Reliability Standards. See also Joint U.S. Federal Energy Regulatory Commission and NERC Press Release, *FERC, NERC Provide Industry Guidance to Ensure Grid Reliability Amid Potential Coronavirus Impacts* (Mar. 18, 2020), <https://www.ferc.gov/media/news-releases/2020/2020-1/03-18-20.pdf>.

effective in the United States in whole or in part during the second half of 2020.² FERC granted that motion on April 17, 2020.

In its April 6 Motion to the FERC, NERC stated that in order to establish compliance with these Reliability Standards by their scheduled effective or phased-in implementation dates, registered entities would need to expend significant effort and resources in the coming months toward establishing and implementing the necessary processes and procedures, conducting the necessary coordination, and establishing documentation of compliance. In some cases, supply chain, travel, or workforce disruptions may have temporarily impacted an entity's ability to perform the work or conduct any needed training. By providing for additional time and flexibility to establish compliance with new obligations, entities could continue to focus their immediate efforts and resources on maintaining the safety of their workforces and communities and ensuring the reliability of the grid during this public health emergency.

NERC provides notice of this April 6 Motion on an informational basis to the New Brunswick Energy and Utilities Board. NERC is willing to assist in the event the New Brunswick Energy and Utilities Board would like to consider a 3-6 month delay, or other delay it deems appropriate, for any of the Reliability Standards coming into effect in the second half of 2020 in New Brunswick. According to NERC's records, these Reliability Standards include:

- CIP-003-8, which goes into effect on July 1, 2020; and
- TPL-007-3 Requirements R5 and R9, which go into effect on July 1, 2020.

To the extent that there are other Reliability Standards scheduled to go into effect the second half of 2020 in New Brunswick, NERC requests that the New Brunswick Energy and Utilities Board also consider a 3-6 month delay, or other delay it deems appropriate, for such standards.³

² See NERC, Motion to Defer Implementation of Reliability Standards and Request for Shortened Response Period and Expedited Action, filed in U.S. FERC Docket Nos. RM15-4-000, RM16-22-000, RM17-13-000, and RD18-4-000 (Apr. 6, 2020), available at <https://www.nerc.com/FilingsOrders/us/NERC%20Filings%20to%20FERC%20DL/Motion%20to%20Defer%20Implementation%20of%20Reliability%20Standards.pdf>. In the filing, NERC requested deferring the implementation of the following standards: (1) Supply Chain Standards, Reliability Standards CIP-005-6, CIP-010-3, and CIP-013-1; (2) Reliability Standards PER-006-1 – Specific Training for Personnel and PRC-027-1 – Coordination of Protection Systems for Performance During Faults, along with the revised definitions of Real-time Assessment and Operational Planning Analysis; (3) Reliability Standard PRC-002-2 – Disturbance Monitoring and Reporting Requirements, which became effective in the United States on July 1, 2016, but for which entities are scheduled to establish 50% compliance with Requirements R2-R4 and R6-R11 by July 1, 2020 in accordance with the phased-in implementation plan; and (4) Reliability Standard PRC-025-2 – Generator Relay Loadability, which became effective in the United States on July 1, 2018, but for which entities are scheduled to establish compliance with certain Options in Attachment 1, Table 1 Relay Loadability Evaluation Criteria by July 1, 2020 in accordance with the phased-in implementation plan.

³ On this date, NERC has also submitted to each of the other relevant Canadian provincial authorities a letter identifying Reliability Standards coming into effect in their respective province in the second half of 2020 and offering assistance in considering a 3-6 month delay, or other delay it deems appropriate.

NERC requests, to the extent necessary, a waiver of any applicable filing requirements with respect to this filing. Please contact Lauren Perotti, NERC Senior Counsel (lauren.perotti@nerc.net) or Marisa Hecht, NERC Counsel, (marisa.hecht@nerc.net) if you have any questions.

Respectfully submitted,

/s/ Lauren Perotti

Lauren Perotti
*Senior Counsel for the North American
Electric Reliability Corporation*

cc: Mr. Damase Hebert, Director, Enforcement, Northeast Power Coordinating Council
Mr. Paul MacDonald, Director Reliability Standards, Compliance and Enforcement, New Brunswick
Energy and Utilities Board
Mr. Randy MacDonald, Director of Corporate Compliance, New Brunswick Power