

December 16, 2015

VIA ELECTRONIC FILING

Ms. Katie Mitchell
Chief Clerk
New Brunswick Energy and Utilities Board
P.O. Box 5001
15 Market Square, Suite 1400
Saint John, NB
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RE: *North American Electric Reliability Corporation*

Dear Ms. Mitchell:

The North American Electric Reliability Corporation (“NERC”) hereby submits Notice of Filing of the North American Electric Reliability Corporation of Proposed Rules of Procedure Revisions. NERC requests, to the extent necessary, a waiver of any applicable filing requirements with respect to this filing.

Please contact the undersigned if you have any questions.

Respectfully submitted,

/s/ Holly A. Hawkins

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*Associate General Counsel for the North
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Enclosure

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**BEFORE THE
MINISTRY OF ENERGY
OF THE PROVINCE OF NEW BRUNSWICK**

**NORTH AMERICAN ELECTRIC)
RELIABILITY CORPORATION)**

**NOTICE OF FILING OF THE
NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION
OF PROPOSED RULES OF PROCEDURE REVISIONS**

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Exhibit C Clean and Redline Versions of Appendix 4D to the NERC Rules of Procedure

Exhibit D Comments on Revisions to Section 1003 and Appendices 2 and 4D Related to CIP Version 5

Exhibit E Comments on Appendix 2 Alignment of Terms Revisions

Exhibit F Comments on Section 317 Revisions

I. NOTICES AND COMMUNICATIONS

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

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II. BACKGROUND

A. Procedural History

As stated above, NERC proposes a series of revisions to the ROP related to: (1) consistency with the terminology used in the CIP version 5 standards; (2) aligning the definitions in Appendix 2 and the Glossary; and (3) aligning Section 317 of the ROP with the SPM regarding the timing of periodic reviews of NERC Reliability Standards. Each set of revisions were developed consistent with Section 1400 of the ROP and NERC's bylaws (Article XI, Section 2). Each set of revisions were posted for a 45-day comment period, as follows:

- NERC posted the CIP-related revisions publicly on July 17, 2015 for a comment period ending on August 31, 2015. NERC received 11 sets of comments from industry stakeholders regarding the proposed revisions. The comments and NERC's consideration of those comments are provided in Exhibit D hereto.
- NERC posted the alignment of terms revisions publicly on June 12, 2015 for a comment period ending on July 27, 2015. NERC received 11 sets of comments from industry stakeholders regarding the proposed revisions. The comments and NERC's consideration of those comments are provided in Exhibit E hereto.
- NERC posted the proposed revisions to Section 317 publicly on August 7, 2015 for a comment period ending on September 21, 2015. NERC received three sets of comments from industry stakeholders for consideration. The comments and NERC's consideration of those comments are provided in Exhibit F hereto.

The NERC Board of Trustees approved each of the proposed ROP revisions on November 5, 2015. The following is a description of the proposed revisions and an explanation of the basis and purpose of those revisions.

III. PROPOSED REVISIONS

A. CIP Version 5 Revisions

NERC proposes changes to Section 1003 and Appendices 2 and 4D of the ROP to modify the language of the ROP to be consistent with the CIP version 5 standards. The following is a discussion of the changes in each of those sections.

1. Section 1003 Revisions

In Section 1003, NERC proposes to remove reference to the defined term “Critical Cyber Assets” and replace it with a generic reference to cyber assets. The term “Critical Cyber Asset” is a Glossary term used in the currently-effective CIP Reliability Standards that has a specific meaning and was incorporated into the ROP. The term “Critical Cyber Asset,” however, is not used in the CIP version 5 standards and will be retired from the Glossary by April 1, 2016, the effective date of the CIP version 5 standards. Accordingly, it is appropriate to remove references to that term in the ROP.²

The proposed modification to Section 1003(2.3) is as follows:

NERC shall develop criteria to identify critical physical and ~~Critical Cyber Assets~~ cyber assets, assess security threats, identify risk assessment methodologies, and assess effectiveness of physical and cyber protection measures.

A generic reference to “cyber assets” is appropriate in this provision as the provision relates to NERC’s broad duty to identify critical physical and cyber assets. The way in which critical

² As discussed below, that terms is also proposed for deletion from Appendix 2.

physical and cyber assets are defined and identified in NERC’s mandatory Reliability Standards is one of the ways NERC satisfies this provision.

2. Appendix 2 Revisions

In addition, NERC proposes to revise Appendix 2 to be consistent with the defined terms used the CIP version 5 standards and incorporated into the Glossary. Specifically, NERC proposes revisions to Appendix 2 to:

- a. Delete references to terms used in the currently effective Reliability Standards that are no longer relevant under the CIP version 5 standards;
- b. Modify existing terms in Appendix 2 to be compatible with the CIP version 5 standards; and
- c. Add new CIP version 5-specific terms that are proposed to be used in the ROP, specifically Appendix 4D.

The following chart indicates which Appendix 2 terms NERC is proposing for deletion, modification, or addition as part of the CIP-related revisions:³

Proposed Deletions	Proposed Modifications	Proposed Additions
Critical Assets** Critical Cyber Assets**	Applicable Requirement Covered Asset Critical Infrastructure Protection Standard (or CIP Standard) Cyber Assets** Delegate Effective Date Expiration Date Material Change Responsible Entity Senior Manager	BES Cyber Asset** BES Cyber System** Electronic Access Control or Monitoring Systems** Electronic Access Point** Electronic Security Perimeter** Interactive Remote Access** Intermediate System** Physical Access Control Systems** Physical Security Perimeter** Protected Cyber Asset** Requirement Part

Proposed Deletions – The terms “Critical Assets” and “Critical Cyber Assets” are Glossary terms used in the currently-effective CIP Reliability Standards that are not used in the CIP version

³ Definitions of terms marked with two asterisks (**) are from the Glossary.

5 standards and will be retired by April 1, 2016. NERC is proposing to replace these terms in the ROP (Section 1003 and Appendix 4D) with CIP version 5-specific terms or generic references to critical cyber assets.

Proposed Modifications – NERC is proposing the following modifications to existing Appendix 2 definitions:

- “Applicable Requirement” is being modified to: (1) include the newly defined term “Requirement Part” to the definition because Technical Feasibility Exceptions (“TFEs”) may be available for an entire Requirement or only for a designated part of a Requirement under the CIP version 5 standards; and (2) delete references to “as technically feasible” or “technical limitations,” which are phrases no longer used in the CIP version 5 standards.
- “Covered Asset” is being revised to use the appropriate terms in the CIP version 5 standards instead of the terms from the currently-effective CIP standards (i.e., replace “Critical Assets” and “Critical Cyber Assets” with “BES Cyber Asset,” “BES Cyber System,” “Protected Cyber Asset”...etc.).
- “Critical Infrastructure Protection Standard” or “CIP Standard” is being revised to reference all of the CIP version 5 standards (CIP-002 through CIP-011), CIP-014 and any other future standard included in the Critical Infrastructure Protection group of Reliability Standards.
- “Cyber Assets” is being revised to match the revised Glossary definition for that term.
- “Delegate” is being revised to update the references to the defined term “CIP Senior Manager” and the applicable requirement in the CIP version 5 standards.
- The term “Effective Date” is being revised to be “TFE Termination Date” to more intuitively refer to the date upon which a TFE terminates early or a TFE Request is disapproved.
- The term “Expiration Date” is being revised to be “TFE Expiration Date” to signal that the term applies solely to TFEs.
- “Material Change” is being revised to include the renamed term “TFE Expiration Date.”
- “Responsible Entity” is being revised to refer to the new term “Requirement Part.”
- The term “Senior Manager” is being revised to be “CIP Senior Manager” and the definition is being changed to align with the definition of that term provided in the NERC Standards Glossary.

Proposed Additions – With the exception of the new term “Requirement Part,” all of the proposed additions are CIP version 5-specific Glossary terms used in the revised Appendix 2 definition of “Covered Asset” (or are referenced in one of the Glossary terms being used in the definition of “Covered Asset”). NERC is adding a new term “Requirement Part” to define the numbered parts of a Requirement. The proposed definition for “Requirement Part” is “a component of a Requirement that is designated by a decimal number (e.g., Requirement R1 could have Requirement Parts 1.1, 1.2 and 1.3).”

3. Appendix 4D Revisions

NERC is also proposing revisions to Appendix 4D for consistency with the CIP version 5 standards. Among other things, the following revisions were made in Appendix 4D:

- References to the currently-effective version of the CIP standards have been replaced with updated references to the CIP version 5 standards.
- Updated terminology to be consistent with the CIP version 5 standards and to acknowledge that under the CIP version 5 standards, TFEs may be available for a specific part of a Requirement but not necessarily the entire Requirement.
- Given the multiple categories of devices that may be the subject of a TFE under the CIP version 5 standards, Appendix 4D was also revised to require entities to provide the category of the device(s) for which the TFE is sought.
- Revised Section 2 to incorporate the Appendix 2 definitions by reference.

In addition, NERC is proposing a number of changes to eliminate duplication, delete outdated provisions, and improve the clarity of certain provisions to improve the readability of Appendix 4D.

B. Alignment of Terms Revisions

NERC is proposing revisions to definitions of certain terms in Appendix 2 to the ROP as part of a broader effort to align the definitions of terms that appear in both the ROP and the Glossary. Since the initial submission of the Glossary in 2006, there have been a number of

standard development projects and ROP revisions affecting the definitions of defined terms used in those documents. In some cases, this has resulted in the same defined term having a different definition in the Glossary and the ROP. For certain defined terms, the differences in the definitions is appropriate, due to the usage of the term in the respective document. However, for other defined terms, having differences in the definitions—whether differences in capitalization, substance, or punctuation—could lead to confusion or misunderstanding.

To resolve these differences and promote consistency across NERC documents, NERC proposes a series of alignment revisions to the ROP and the Glossary. In this filing, NERC proposes alignment revisions to 16 defined terms in Appendix 2 to the ROP and proposes, as a corresponding change, the addition of one new defined term. In a separate, concurrently-filed filing, NERC provides notice of proposed revisions to 26 defined terms in the Glossary.

The proposed revisions were developed or recommended by the Project 2015-04 Alignment of Terms standard drafting team, working closely with NERC staff. To promote understanding of the entire suite of proposed revisions and ensure that any incremental changes would continue to result in aligned definitions, both the Glossary and the ROP revisions were posted concurrently. As described in further detail below, the proposed revisions are limited to those necessary to provide for properly-aligned definitions of defined terms found in both the ROP and the Glossary. The proposed revisions are not intended to substantively change the original definitions or alter any obligation or rule. However, the proposed revisions would advance reliability by providing the users, owners, and operators of the Bulk-Power System, as well as the ERO, with a better understanding of the terminology used in the ROP and the Glossary, thereby facilitating the consistent interpretation and application of defined terms.

The proposed revisions are summarized as follows. As indicated in the preface of Appendix 2, the definitions of terms marked with two plus signs (++) are taken from Section 215 of the FPA (16 U.S.C. § 824o) or the Federal Energy Regulatory Commission’s (“FERC”) regulations at 18 C.F.R. part 39 or 388, and the definitions of terms marked with two asterisks (**) are taken from the Glossary. Revisions are proposed to: (i) match the definitions of the terms denoted with two plus signs (++) to the statutory definitions, consistent with prior revisions in the context of the Glossary; and (ii) align the definitions of the terms indicated as taken from the Glossary (**) with the definitions of those terms in the Glossary. The changes are discussed in further detail below.

1. Revisions to Terms Defined in Relevant Legal Authorities

NERC proposes to revise the definition of Bulk Power System, Reliability Standard, Reliable Operation, and Interconnection to promote alignment with the statutory and regulatory definitions as well as the Glossary definitions of those terms.

a) Bulk Power System, Reliability Standard, and Reliable Operation

NERC submitted the ROP definitions of Bulk-Power System, Reliability Standard, and Reliable Operation in 2006.⁴ On June 4, 2013, NERC submitted the currently-effective Glossary definitions of Bulk-Power System, Reliable Operation, and Reliability Standard. NERC developed the currently-effective Glossary definitions in response to a FERC directive from Order No. 693 to modify the Glossary to include the statutory definitions of these terms.⁵ In

⁴ When NERC developed Appendix 2 to consolidate the defined terms then found throughout the ROP, NERC also amended the capitalization of certain defined terms, including defined terms used within the definition narrative of other defined terms. *See Notice of Filing of Revisions to the Rules of Procedure of the North American Electric Reliability Corporation*, (Dec. 20, 2011).

⁵ *See* Order No. 693 at P 1894 and *Notice of Filing of the North American Electric Reliability Corporation of the NERC Glossary Terms “Bulk-Power System,” “Reliable Operation” and “Reliability Standard”*, (June 4, 2013).

approving the terms, FERC approved the capitalization of certain defined terms not capitalized in the statute but which are defined consistently in Section 215 of the FPA and the Glossary. FERC also approved the inclusion of certain language necessary to reflect NERC's international status.

The current definitions of Bulk Power System, Reliability Standard, and Reliable Operation in the Glossary and the ROP are generally consistent with each other and the relevant legal authorities, but they are not identical. There are differences in capitalization of defined terms within the definition narrative and minor differences in the definition narrative itself. To promote consistency in these important terms, NERC proposes to modify the ROP definitions to match the Glossary definitions submitted in 2013, with minor modifications as necessary to address the context in which they are used in the ROP.

NERC proposes to modify the first part of the ROP definition of Bulk Power System to match the structure, capitalization, and narrative used in the Glossary definition, as shown below:

“Bulk Power System” means, depending on the context:

(i) ~~(A) Facilities~~ facilities and control systems necessary for operating an interconnected electric energy ~~supply and~~ transmission network (or any portion thereof);² and

(B) electric energy from generating-generation facilities needed to maintain transmission system reliability.

The term does not include facilities used in the local distribution of electric energy [++]. (Note that the terms “Bulk-Power System” or “Bulk Power System” shall have the same meaning.)

(ii) Solely for purposes of Appendix 4E, Bulk Electric System.

As the ROP currently refers to “Bulk Power System” and the Glossary “Bulk-Power System,” with a hyphen, NERC proposes to include a parenthetical in both the ROP and Glossary definitions to clarify that Bulk-Power System and Bulk Power System are intended to have the same meaning.

These terms are defined in Section 215 of the Federal Power Act (16 U.S.C. § 824o) and FERC's regulations at 18 C.F.R. part 39.

NERC proposes to modify the ROP definition of Reliability Standard to match the Glossary definition as follows:

“Reliability Standard” means a requirement, approved by the United States Federal Energy Regulatory Commission under Section 215 of the Federal Power Act, or approved or recognized by an applicable governmental authority in other jurisdictions, to provide for Reliable Operation of the Bulk Power System, including without limiting the foregoing, The term includes requirements for the operation of existing Bulk Power System ~~Facilities~~ facilities, including ~~cyber security~~ cybersecurity protection, and ~~including~~ the design of planned additions or modifications to such ~~Facilities~~ facilities to the extent necessary to provide for Reliable Operation of the Bulk Power System, but the term does not include any requirement to enlarge ~~Bulk Power System such~~ Facilities facilities or to construct new transmission capacity or generation capacity.++ (In certain contexts, this term may also refer to a “Reliability Standard” that is in the process of being developed, or not yet approved or recognized by FERC or an applicable governmental authority in other jurisdictions.) ~~A Reliability Standard shall not be effective in the United States until approved by the Federal Energy Regulatory Commission and shall not be effective in other jurisdictions until made or allowed to become effective by the Applicable Governmental Authority.~~

The proposed ROP definition more closely tracks the statutory definition, with accommodation made for NERC’s role as the North American ERO. As the ROP provide the processes and procedures used to develop Reliability Standards, it is appropriate to retain a parenthetical in the ROP to clarify that the term “Reliability Standard” may be referring to a “Reliability Standard” still in development and not yet approved or recognized by an applicable governmental authority.

Lastly, NERC proposes to modify the capitalization of defined terms within the definition narrative of Reliable Operation, consistent with the Glossary revisions submitted in 2013, as follows:

“Reliable Operation” means operating the ~~Elements~~ elements of the Bulk Power System within equipment and electric system thermal,

voltage, and stability limits so that instability, uncontrolled separation, or ~~Cascading~~cascading failures of such system will not occur as a result of a sudden disturbance, including a ~~Cyber Security Incident~~cybersecurity incident, or unanticipated failure of system ~~Elements~~elements.++

The proposed changes to these terms are consistent with the statutory and regulatory definitions and will promote consistency across NERC documents.

b) Interconnection

NERC proposes to align the definition of Interconnection in the ROP and the Glossary through the creation of a single, combined definition for both documents. The currently-effective ROP definition of Interconnection tracks the definition in Section 215 of the FPA, and provides a description of the concept of an Interconnection and the criteria used to identify one. By contrast, the currently-effective Glossary definition specifically identifies the geographical areas in North America that constitute an Interconnection: the Eastern, Western, and ERCOT Interconnections. In April 2014, FERC approved a revised Glossary definition of Interconnection to include the Quebec Interconnection, to become effective July 1, 2016.⁶

Although the definitions for Interconnection explain the concept differently, the definitions are consistent with each other and Section 215 of the FPA. Therefore, there is a benefit to combining both the conceptual and specific definitions into one comprehensive definition for both the ROP and the Glossary. NERC proposes to modify the ROP definition by combining the currently-effective ROP definition and the approved, but not yet effective Glossary definition, as shown below:

A geographic area in which the operation of Bulk Power System components is synchronized such that the failure of one or more of such components may adversely affect the ability of the operators of other components within the system to maintain Reliable Operation

⁶ See Order No. 810, *Real Power Balancing Control Performance Reliability Standard*, 151 FERC ¶ 61,048 (Apr. 16, 2015).

of the Facilities within their control.++ When capitalized, any one of the four major electric system networks in North America: Eastern, Western, ERCOT and Quebec.**

NERC proposes corresponding changes to the Glossary, as discussed in that filing.

2. Revisions to Terms Taken from the Glossary

As noted above, certain defined terms in Appendix 2 are marked with two asterisks (**) to indicate that the definitions have been taken from the Glossary. However, for several of these terms, the definition does not match exactly the definition in the Glossary. In many cases, the differences arose over time as a result of standard development and ROP revision projects. To promote consistency and avoid potential confusion, NERC proposes revisions to the definitions of 12 ROP defined terms so that they match the currently-effective or proposed definitions for those terms in the Glossary. As a corresponding change, NERC proposes to add one new defined term, Transmission. The terms and a brief summary of the proposed changes are provided below.

- Adjacent Balancing Authority: update ROP definition to reflect Glossary revisions submitted in 2014 to improve the clarity of the definition.⁷
- Balancing Authority: revise capitalization of term “load” to lower-case to reflect the determination of the Project 2015-04 standard drafting team that the term is properly used in its lower-case form in the Glossary definition, because the term’s usage in this definition refers to the ability to maintain demand or sufficient levels of generation to meet demand, rather than an “end-use device or customer.”
- Balancing Authority Area: revise capitalization of term “load” to lower-case to reflect the determination of the Project 2015-04 standard drafting team that the term is properly used in its lower-case form in the Glossary definition, because the term’s usage in this definition refers to the ability to maintain demand or sufficient levels of generation to meet demand, rather than an “end-use device or customer.”
- Flowgate: capitalize term “transmission” to reflect the determination of the Project 2015-04 standard drafting team that the term is properly used in its capitalized form in the

⁷ See *Notice of Filing of the North American Electric Reliability Corporation of Proposed Reliability Standards for Interchange Scheduling and Coordination* (March 11, 2014).

Glossary definition; as a corresponding change, add Transmission as a defined term in the ROP.

- Interchange Authority: revise term “communications” to “communication” to align with Glossary definition.
- Load: make errata change (replace “end-user device or customer” with “end-use device or customer”) to align with the Glossary definition.
- Point of Receipt: proposed capitalization changes to the Glossary definition will result in the ROP and Glossary definitions being aligned; therefore, NERC proposes to note that the definitions are related by adding two asterisks (**) to the ROP definition.
- Protection System: make errata change to refer to “station batteries”, consistent with the Glossary definition.
- Reserve Sharing Group: revise punctuation to align with Glossary definition; corresponding capitalization changes are separately proposed to Glossary definition to achieve complete alignment.
- Sink Balancing Authority: update ROP definition to reflect Glossary revisions submitted in 2014 to clarify the various Balancing Authorities involved in the implementation of Interchange and their relationships with regards to Interchange.⁸
- Source Balancing Authority: update ROP definition to reflect Glossary revisions submitted in 2014 to clarify the various Balancing Authorities involved in the implementation of Interchange and their relationships with regards to Interchange.⁹
- System Operating Limit: improve the clarity of the existing ROP definition by adding the non-exhaustive list of operating criteria provided in the Glossary definition.
- Transmission: related to proposed revisions to Flowgate; add Glossary definition of Transmission to the ROP and indicate that it is taken from the Glossary by marking with double asterisks (**).

The proposed changes discussed in this section are intended to align definitions across the ROP and the Glossary and promote a consistent understanding of these terms. As demonstrated above, the proposed revisions are minor and non-substantive in nature. The proposed revisions

⁸ *Id.*

⁹ *Id.*

to these defined terms would not alter the applicability or operation of any definition or rule in which these defined terms are used.

C. Reliability Standard Periodic Review Revisions (Section 317)

NERC is proposing revisions to Section 317 of the ROP to reflect updates approved by FERC in 2013 to Section 13 of the SPM.¹⁰ The 2013 SPM revisions were part of a comprehensive package of Reliability Standards reforms developed with extensive stakeholder involvement to improve the processes for developing Reliability Standards. As part of this effort, Section 13 of the SPM, Process for Conducting Periodic Reviews of Reliability Standards, was revised to reduce the requirement for periodic review to be consistent with the minimum requirements of the American National Standards Institute (ANSI). Section 13 of the SPM now provides that each Reliability Standard shall be reviewed at least once every 10 years, and that each Reliability Standard approved by ANSI as an American National Standard shall be reviewed at least once every five years.¹¹

NERC proposes to revise Section 317 of the ROP to reflect these updates as follows:

317. ~~Five-Year~~ Periodic Review of Reliability Standards

NERC shall complete a periodic review of each NERC Reliability Standard ~~at least once every five years, or such longer period as is permitted by the American National Standards Institute, from the effective date of the Reliability Standard or the latest revision to the Reliability Standard, whichever is later. The review process shall be conducted~~ in accordance with the NERC *Standard Processes Manual*. The standards process manager shall be responsible for administration of the ~~five-year~~ periodic review of Reliability Standards. As a result of this review, the NERC Reliability Standard shall be reaffirmed, revised, or withdrawn. If the review indicates a need to revise or withdraw the Reliability Standard, a request for

¹⁰ See Order Approving Revisions to Electric Reliability Organization's Standard Processes Manual, 143 FERC ¶ 61,273 (2013).

¹¹ SPM § 13. The SPM is available at http://www.nerc.com/comm/SC/Documents/Appendix_3A_StandardsProcessesManual.pdf.

revision or withdrawal shall be prepared, submitted and addressed in accordance with the NERC *Standard Processes Manual*.

The proposed changes will promote consistency and reduce the possibility for confusion regarding the requirements for periodic reviews of Reliability Standards.

IV. EFFECTIVE DATE

The proposed revisions will be effective on April 1, 2016 to align the CIP version 5-related ROP changes with the effective date of the CIP version 5 standards. With limited exceptions, the CIP version 5 standards become effective on April 1, 2016. Although the changes to Section 317 and the non-CIP related Appendix 2 changes need not align with the effective date of the CIP version 5 standards, all of the ROP changes proposed herein should become effective on the same date to ease the administrative burden of tracking different effective dates.

Respectfully submitted,

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Counsel for the North American Electric Reliability Corporation

Date: December 16, 2015

EXHIBITS A – F

(Available on the NERC Website at

http://www.nerc.com/FilingsOrders/ca/Canadian%20Filings%20and%20Orders%20DL/ExhibitsAtoF_ROP_Dec2015.pdf)