

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
OFFICE OF ELECTRIC RELIABILITY

North American Electric Reliability Corporation
Docket Nos. RR06-1-022
RR07-7-008

August 26, 2009

North American Electric Reliability Corporation
1120 G Street N.W., Suite 990
Washington, D.C. 20005-3801

Attention: Owen E. MacBride, Attorney

Reference: Report of the North American Electric Reliability Corporation and
Western Electricity Coordinating Council in Response to Paragraph
230 of March 21, 2008 Commission Order

Dear Mr. MacBride:

1. On June 29, 2009, the North American Electric Reliability Corporation (NERC) and the Western Electricity Coordinating Council (WECC) submitted a filing that responded to the Commission's directive to address the merits of retaining WECC's continued deviation from the NERC *pro forma* hearing procedures, in response to paragraph 230 of the Commission's March 21, 2008 Order.¹
2. In the March 21 Order, the Commission accepted, subject to conditions, WECC's justification for its proposed deviation to omit NERC's shortened hearing procedure from the WECC Compliance Enforcement and Monitoring Program's Hearing Procedure. The Commission further required NERC and WECC to submit a report by June 30, 2009, addressing the merits of retaining this deviation. NERC and WECC explained that a lack of expected compliance hearings have precluded a judgment on the useful function of modifying the hearings process.

¹ *Order Addressing Revised Delegation Agreements*, 122 FERC ¶ 61,245 (2008) (March 21 Order).

They request continued deviation from the *pro forma* hearing procedures and seek approval to submit the required report by December 31, 2010.

3. Notice of this filing was issued on June 29, 2009, with comments, protests or motions to intervene due on or before July 20, 2009.
4. Notices of intervention and unopposed timely filed motions to intervene are granted pursuant to the operation of Rule 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214). Any opposed or untimely filed motion to intervene is governed by the provisions of Rule 214. No protests or adverse comments were filed.
5. NERC's uncontested filing is accepted pursuant to the relevant authority delegated to the Director, Office of Electric Reliability, under 18 C.F.R. § 375.303. In addition, consistent with NERC and WECC's request, the Commission directs NERC and WECC to file a supplemental report by December 31, 2010.
6. This action shall not be construed as accepting any other contingency plan pursuant to 18 C.F.R. § 375.303(a)(1)(i) or any other data or report pursuant to C.F.R. 375.314 § (b)(3)(iv). This action shall not be construed as approving any other application including Electric Reliability Organization or Regional Entity Rules or procedures pursuant to 18 C.F.R. § 375.303(a)(2)(i). Such acceptance or approval shall not be deemed as recognition of any claimed right or obligation associated therewith; and such acceptance or approval is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now or pending or hereafter instituted by or against NERC.
- 7 This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Sincerely,

Joseph H. McClelland, Director
Office of Electric Reliability