

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

North American Electric Reliability Corporation

Docket No. NP09-26-000

NOTICE OF FILING REGARDING
NOTICE OF PENALTY AND REQUEST FOR DECISION ON
JURISDICTION ISSUE

(June 26, 2009)

Take notice that on June 24, 2009, the North American Electric Reliability Corporation (NERC) submitted a Notice of Penalty regarding U.S. Army Corps of Engineers (Corps) Tulsa District in the Texas Regional Entity region. NERC's filing includes a discussion of the applicability of mandatory Reliability Standards to the Corps Tulsa District. NERC states that the Corps Tulsa District has challenged NERC's jurisdiction under section 215 of the Federal Power Act (FPA). Therefore, NERC requests that the Commission issue a decision on the jurisdictional issue regarding the applicability mandatory Reliability Standards under section 215 of the FPA to the Corps and other federal agencies. Accordingly, public comment is sought regarding the applicability of mandatory Reliability Standards under section 215 of the FPA to the Corps and other federal agencies.

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, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 pm Eastern Time on July 20, 2009.

Kimberly D. Bose,
Secretary.

Document Content(s)

NP09-26-00020090626104946.DOC.....1-2