

120 FERC ¶ 61,141
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Sudeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

North American Electric Reliability Corporation

Docket No. RR07-13-001

ORDER GRANTING CLARIFICATION

(Issued August 7, 2007)

1. On July 13, 2007, the Canadian Electricity Association (CEA) filed a request for clarification of the Commission's order requiring the North American Electric Reliability Corporation (NERC) to submit to the Commission any mitigation plans that NERC approves.¹ In the *Mitigation Plan Order*, the Commission clarified that, in processing the eventual disposition of a self-reported violation or investigation of a violation or an alleged violation of a Reliability Standard under section 39.7(b) of our regulations,² NERC must also submit to the Commission any mitigation plans relevant to such disposition.
2. CEA states that it is concerned that the Commission's order could be interpreted to require that mitigation plans prepared by Canadian entities be filed with the Commission. According to CEA, there is nothing in the *Mitigation Plan Order* that limits its applicability only to entities subject to jurisdiction of the Commission under section 215 of the Federal Power Act (FPA). Therefore, CEA asks the Commission to clarify that only mitigation plans prepared by entities subject to Commission authority under section 215 of the FPA be filed with the Commission.

¹ *North American Electric Reliability Corp.*, 119 FERC ¶ 61,274 (2007) (*Mitigation Plan Order*).

² 18 C.F.R. § 39.7(b) (2007).

3. The Commission grants CEA's requested clarification. The directions in the *Mitigation Plan Order* were based on section 39.7 of our regulations, which was established in Order No. 672.³ Order No. 672 provided that the Commission's regulations only apply to that portion of the Bulk-Power System within the United States (excluding Alaska and Hawaii).⁴ Therefore, any order issued pursuant to Order No. 672 would not apply to the Canadian or Mexican portions of the Bulk-Power System. However, this does not preclude the Commission from working with Canadian and Mexican governmental authorities to develop a process for the exchange of information that is sourced from a foreign country and in the possession of the Electric Reliability Organization or a Regional Entity.

The Commission orders:

CEA's request for clarification is granted, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

³ *Rules Concerning Certification of the Electric Reliability Organization; Procedures for the Establishment, Approval and Enforcement of Electric Reliability Standards*, Order No. 672, FERC Stats. & Regs. ¶ 31,204 (2006), *order on reh'g*, Order No. 672-A, FERC Stats. & Regs. ¶ 31,212 (2006).

⁴ *Id.* at n.8.