

II. NOTICES AND COMMUNICATIONS

Notices and communications with respect to this filing may be addressed to:⁶

Marisa Hecht*
Senior Counsel
Caelyn Palmer*
Counsel
North American Electric Reliability
Corporation
1401 H St. NW, Suite 410
Washington, DC 20005
202-400-3000
marisa.hecht@nerc.net
caelyn.palmer@nerc.net

III. BACKGROUND

NERC and the Regional Entities perform a Certification process, described in Section 500 and Appendix 5A of the NERC Rules of Procedure, to verify that an entity is capable of assuming responsibilities for tasks associated with a particular function, such as a Balancing Authority, Transmission Operator, or Reliability Coordinator.⁷ Pursuant to Appendix 5A, the CCC serves as a hearing body when a Registered Entity appeals a Certification finding. The CCC Hearing Procedures for Use in Appeals of Certification Matters (“CCCPP-005-2”) are included in Appendix 4E of the NERC Rules of Procedure, and incorporated by reference into Appendix 5A, and govern appeals of certification matters before the CCC. These procedures are modeled after those in Attachment 2 to Appendix 4C of the NERC Rules of Procedure.

NERC coordinated with the CCC to review and develop revisions to CCCPP-005-1. The CCC approved the revisions at its April 26, 2023 meeting. The Board approved the revisions on August 15, 2024. In addition to CCCPP-005-2, NERC also developed revisions in other procedures

⁶ Persons to be included on the Commission’s service list are identified by an asterisk.

⁷ Unless otherwise indicated, all capitalized terms used in this filing shall have the meaning set forth in the NERC Rules of Procedure, Appendix 2 Definitions Used in the Rules of Procedure. The NERC Rules of Procedure are found at <https://www.nerc.com/AboutNERC/Pages/Rules-of-Procedure.aspx>.

included in Appendix 4E: CCCPP-004-3 – NERC CCC Hearing Procedures, which governs the CCC acting as a hearing body in matters where NERC is the sole Compliance and Enforcement Authority and is similar to CCCPP-005-2; and CCCPP-006-3 – NERC CCC Mediation Procedures. In those procedures that govern hearings, NERC added provisions regarding how an interested party may intervene in hearings, including permitting parties to appeal decisions on their interventions.

On October 15, 2024, NERC filed a petition requesting approval of the proposed revisions to Appendix 4E of the NERC Rules of Procedure. On May 20, 2025, FERC issued an order approving the revisions. FERC directed NERC to consider further revising CCCPP-005-2, section 2.12.i, regarding appeals of hearing panel decisions on interventions. Specifically, FERC directed NERC to include defined hearing procedures in CCCPP-005-2, similar to those listed in other CCC hearing procedures, to ensure that parties have a clear process to follow when appealing a hearing panel decision granting or denying a motion to intervene. If NERC chose not to make these revisions, FERC directed NERC to explain why the revisions are unnecessary. FERC directed NERC to respond within 120 days of the Order, or September 16, 2025.

IV. THE APPROVED HEARING PROCEDURES COMPLY WITH THE COMMISSION'S DIRECTIVE PURSUANT TO THE CCC CHARTER

In response to the directive, NERC determined that no further changes are necessary as the approved CCCPP-005-2 provides enough clarity for an individual to understand that a decision on a requested intervention can be appealed, and that the next steps default to the process outlined in Section 414 of the NERC Rules of Procedure. The default occurs because of language in the CCC Charter, which governs the CCC's activities and is periodically approved by the

Commission.⁸ The CCC Charter includes a default provision in Chapter 7 stating that, where not otherwise specified, the CCC's hearing procedures follow those outlined in Attachment 2 to Appendix 4C of the NERC Rules of Procedure (i.e., the Compliance Monitoring and Enforcement Program ("CMEP")). Specifically, the CCC Charter states:

Unless specifically identified otherwise elsewhere in this Charter, the Committee's hearing procedure shall follow the hearing procedure mandated and approved by jurisdictional authorities for use by NERC and the Regional Entities in the CMEP.

The approved revisions in section 2.12.i of CCCPP-005-2 state the following regarding appeals of decisions on interventions:

A Person may appeal a decision of the Hearing Panel denying the Person's motion to intervene, and Staff, the Respondent or any other Participant may appeal a decision granting or denying a motion to intervene. A notice of appeal shall be filed with the Clerk no later than seven (7) days following the date of the decision of the Hearing Panel granting or denying the motion to intervene.

CCCPP-005-2 does not describe specific hearing procedures for appeals from intervention decisions beyond this brief timeline, and the CCC Charter does not otherwise state a procedure for this process. Such appeals are therefore permitted to follow the detailed hearing procedures outlined in the CMEP. The hearing procedures outlined in the CMEP, as relevant here, include Attachment 2 to Appendix 4C which states:

A Person may appeal a decision of the Hearing Body denying the Person's motion to intervene, and the Compliance Staff, the Respondent or any other Participant may appeal a decision granting or denying a motion to intervene, in accordance with Section 414 of the NERC Rules of Procedure. A notice of appeal shall be filed with the NERC Director of Enforcement no later than seven (7) days following the date of the decision of the Hearing Body granting or denying the motion to intervene.⁹

⁸ FERC approved the current CCC charter in Docket No. RR20-4-000 on Nov. 19, 2020. *See N. Am. Elec. Reliability Corp.*, Docket No. RR20-4-000 (Nov. 19, 2020).

⁹ Section 1.2.12(i) of Attachment 2 of Appendix 4C (CMEP) of the NERC Rules of Procedure.

As noted, the CMEP describes that appeals of grants or denials of interventions are in accordance with Section 414 of the NERC Rules of Procedure. Section 414 includes provisions on the time to appeal, contents of the notice of appeal, responses to notice of appeal, disposition of appeal, and further appeal of any decision by the Hearing Panel.

Therefore, the current approved text of CCCPP-005-2 appropriately defaults to hearing procedures in Appendix 4C, Attachment 2 based on language in the FERC-approved CCC Charter. If an individual or entity were to file a timely appeal of an intervention decision during a Certification hearing, NERC and the Regional Entity would inform the appellant that Section 414 of the NERC Rules of Procedure would govern further steps of the appeal.

NERC recognizes the importance of clarity and consistency in its Rules of Procedure. In this instance, the process to appeal an intervention decision defaults under the current procedures to Section 414 in the NERC Rules of Procedure. While NERC asserts that no further revisions are required at this time, NERC determined not to include a cross-reference in the CCC certification hearing procedures to the default provision in Section 400 of the NERC Rules of Procedure to avoid potential confusion.¹⁰ Nevertheless, NERC will consider whether further consolidation of hearing procedures is necessary where procedures are duplicative and revision would remedy potential inconsistencies.

V. CONCLUSION

For the reasons set forth above, NERC respectfully requests that the Commission accept this compliance filing in satisfaction of the directive in the Appendix 4E Order.

¹⁰ Section 400 governs CMEP, while Section 500 and related appendices govern Organization Certification.

Respectfully submitted,

/s/ Caelyn Palmer

Marisa Hecht
Senior Counsel
Caelyn Palmer
Counsel
North American Electric Reliability
Corporation
1401 H St. NW, Suite 410
Washington, DC 20005
(202) 400-3000
marisa.hecht@nerc.net
caelyn.palmer@nerc.net

*Counsel for the North American Electric
Reliability Corporation*

Date: July 31, 2025

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon all parties listed on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C. this 31st day of July, 2025.

/s/ Caelyn Palmer

Caelyn Palmer
*Counsel for the North American Electric
Reliability Corporation*