

# Appendix 5A Proposed Revisions

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**NERC**

NORTH AMERICAN ELECTRIC  
RELIABILITY CORPORATION

# Appendix 5A

## Organization Registration and Certification Manual

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**RELIABILITY | ACCOUNTABILITY**



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# Section I – Executive Summary

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## Overview

The purpose of this document is twofold: (1) to define the process utilized in the North American Electric Reliability Corporation (NERC) Organization Registration Program for identifying which functional entities must register as owners, operators, and users of the Bulk Power System (BPS) for compliance with Reliability Standards; and (2) to define the process utilized in the Organization Certification Program for certifying the following entities: Reliability Coordinator (RC), Balancing Authority (BA), and Transmission Operator (TOP). ~~The North American Electric Reliability Corporation (NERC) Compliance and Certification Committee (CCC) is responsible for approving and forwarding these processes to the NERC Board of Trustees (Board) for its approval. Where a proposal for revisions to these processes comes to the Board from sources other than the CCC, the Board will seek the concurrence of the CCC before taking action on the proposal.~~

## To Whom Does This Document Apply?

All industry participants responsible for, or intending to be responsible for, the following functions must register with NERC through the Organization Registration process. The entities are defined in the NERC *Statement of Compliance Registry Criteria*, set forth in **Appendix 5B** to the NERC Rules of Procedure (ROP), with responsibilities designated by the individual Reliability Standards or by a sub-set list of the otherwise applicable Reliability Standards determined in accordance with this Appendix 5A, Section III(D). ~~Such sub-set list will specify the Reliability Standards and may specify Requirements/sub-Requirements by NERC, in which case the entity will be responsible for compliance with only such sub-set list, in accordance with **Appendix 5B** to the NERC ROP.~~

	Entities that Must Register	Entities that Need to be Certified
Reliability Coordinator (RC)	√	√
Transmission Operator (TOP)	√	√
Balancing Authority (BA)	√	√
Planning Authority (PA)	√	
Transmission Planner (TP)	√	
Transmission Service Provider (TSP)	√	
Transmission Owner (TO)	√	
Resource Planner (RP)	√	
Distribution Provider (DP)	√	
Generator Owner (GO)	√	
Generator Operator (GOP)	√	
Reserve Sharing Group (RSG)	√	
Frequency Response Sharing Group (FRSG)	√	
Regulation Reserve Sharing Group	√	

## When did These Processes Begin?

The initial Registration process began in January of 2006. Registration of new entities is an ongoing process. If a Registered Entity's information changes, these changes must be submitted to the applicable Regional Entity(s).

Certification is ongoing for ~~new~~ entities in accordance with Section IV and V of this manual.

## Where to Access and Submit Form(s)?

~~Registration and~~ Certification forms are provided on each Regional Entity's website. Completed forms are to be sent electronically to the Compliance and Certification Manager of the applicable Regional Entity(s). Registration information is submitted electronically via an online application that is hosted on the NERC website. ~~It is desirable that entities operate within a single Regional Entity Region; however,~~ if an entity operates in more than one Region, separate Registration applications must be completed and submitted to each of the Regional Entities. NERC will coordinate process execution when an entity is registering or certifying with multiple Regional Entities.

## Service

~~Unless otherwise provided, service may be made by personal delivery, email, deposit in the United States mail properly addressed with first class postage prepaid, registered mail properly addressed with postage prepaid or deposit with a private express courier service properly addressed with charges prepaid or payment arrangements made.~~

## Roles and Responsibilities

The following is a high-level overview of the roles and responsibilities in the Registration and Certification processes:

### NERC

1. Oversight of entity processes performed by the Regional Entities, including:
  - a. Governance per the Regional Entity's delegation agreement with NERC.
  - b. Coordination of process execution when an entity is registering and/or certifying with multiple Regional Entities.
2. Manage each entity's NERC Compliance Registry identification number (NERC ID) including:
  - a. Sending a Registration or Certification letter that contains the NERC ID to the applicable Regional Entity(ies) for review and approval. If the Regional Entity(ies) agrees with all the information provided, it will notify NERC to issue the NERC ID to the Registered Entity and will send a copy of the notification being provided to the Regional Entity(ies).
  - b. Ensuring each Registered Entity has only one NERC ID for all Regional Entities in which registered.
3. Make modeling changes based on Registration information.
4. Maintain accurate Registration and Certification records including granting Certification certificates for the Registered Entity(ies) responsible for compliance (including Joint Registration Organization (JRO)/Coordinated Functional Registration (CFR)).
5. Maintain published up-to-date list of Registered Entities (i.e. the NERC Compliance Registry (NCR)) on the NERC website. NERC maintains the NCR, which identifies each Registered Entity and the applicable functional categories for which it is registered.
6. Lead panel reviews in accordance with **Appendix 5A, Organization Registration and Organization Certification Manual**, Section III ~~(-D)~~ and **Appendix 5B, Statement of Compliance Registry Criteria**.

### Regional Entity

1. Performs data collection and ~~m~~M mapping of BPS Facilities and those Facilities that have a material impact on the BPS within its Regional Entity defined reliability Region boundaries.
2. Approves or disapproves entity Registration applications.

3. Reviews entity Certification applications for completeness.
4. Notifies NERC of entities registered with the Regional Entity.
5. Approves or denies Certification Team (CT) recommendations and notifies the entity and NERC of the decision.
6. Provides leadership to the CT throughout the Certification process.

### **Entity Submitting the Application**

1. Completes and submits Registration and/or Certification application.
2. Submits updates to Registration and/or Certification information as necessary and/or requested.
3. Responds to Regional Entity and/or NERC questions pertaining to Registration and/or Certification.
4. Provides documentation or other evidence requested or required to verify compliance with Certification requirements.

## Section II — Introduction to Organization Registration and Organization Certification Processes

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The processes utilized to implement the Organization Registration and Organization Certification Programs are administered by each Regional Entity. Pursuant to its delegation agreement with NERC, each Regional Entity is responsible for registering and certifying industry participants within its Regional Entity reliability Region boundaries. Each Regional Entity must use the following NERC processes.

### Organization Registration — Entities Required to Register

All industry participants responsible for one or more of the functions below must register for each function through the Organization Registration Program. These entities are defined in the NERC *Statement of Compliance Registry Criteria*.

- RC
- TOP
- BA
- PA
- TP
- TSP
- TO
- RP
- DP
- GO
- GOP
- RSG
- FRSG
- Regulation Reserve Sharing Group

The Registration procedure is in Section III of this manual.

### Organization Certification

All prospective and existing Registered Entities intending to perform or performing the RC, TOP, and/or BA functions shall achieve and/or maintain certification to operate one to more RC, TOP, and /or BA Areas. Every TOP, BA, and RC Area shall have a certified TOP, BA and RC responsible for performing the duties and tasks identified in and required by the Reliability Standards.

Certification is required prior to the start of, and during the operation of a TOP, BA, or RC Area, subject to exception in NERC's sole discretion (conditional Certification). In such exceptions, the Registered Entity must satisfy conditions imposed according to an implementation plan agreed to by NERC to continue or discontinue operating its Area(s).

The activities of the program are designed to identify issues that, if not closed, could lead to unacceptable performance of the duties and responsibilities applicable to the certified function. The absence of a certified RC,

TOP, and/or BA, for any Area jeopardizes the functional relationships within and between Areas specified by the Reliability Standards, and may lead to the inability of Registered Entities to maintain compliance with standards requiring performance with respect to those relationships.

The Certification/Review Team (CT) works to establish one of the two Findings below, utilizing Open Issues and Areas of Concern derived from an in-depth review and well-documented assessment of an entity's capability to perform the tasks of the certifiable function. Open Issues are items that must be closed before (continued) Certification is recommended.

- Certification/Review Team (CT) recommends (initial or continued) certification contingent upon resolution of specified Open Issues
- Certification/Review Team (CT) cannot recommend (initial or continued) certification. (Usually where the applicant contests Open Issues. The applicant has remedy in the appeal process of Section VII.)

This Certification process is described in Section IV of this manual. Certification reviews are conducted according to Section V. registered in the NCR for the RC, TOP, and/or BA functions shall be certified. Certification requires  
†The Registered Entity is required to start operation of its Area within 12 months of being NERC certified. This Certification process is described in Section IV of this manual.



## Section III — Organization Registration Process

### Purpose and Scope

The purpose and scope of this process is to provide guidance on how a user, owner, and/or operator of the BPS should be registered in the NCR. NERC may extend the timelines for processing Registration matters for good cause shown. Requests should be sent to the Director of Compliance (or an equivalent position). NERC shall notify the Registered Entity and the Regional Entity of such time extensions.

### Overview

Section 39.2 of the Commission's regulations, and Title 18 of the C.F.R. § 39.2, requires each owner, operator, and user of the BPS to be registered with NERC and to comply with approved Reliability Standards.

Owners, operators, and users of the BPS will be registered by function(s) and are:

1. Responsible for compliance with all applicable Requirements/sub-Requirements within Reliability Standards approved by Applicable Governmental Authorities, for the applicable functions for which the Registered Entity is registered, except to the extent that an entity is granted a sub-set list of applicable Reliability Standards, which specifies the Reliability Standards and may specify Requirements/sub-Requirements by NERC, in which case the entity will be responsible for compliance with only such sub-set list; and,
2. Subject to the compliance monitoring and enforcement requirements of Section 400 of the ROP.

If an entity does not agree with a Registration determination, it may request a NERC-led Registration Review Panel evaluation in accordance with Section III(D) of Appendix 5A. Entities should seek a determination from the NERC-led Registration Review Panel prior to making an appeal to the BOTCC in accordance with NERC ROP Section 500 and Section V of Appendix 5A.

For Registration determinations dependent on application of the BES Definition, NERC has established a procedure to determine Inclusion and Exclusion Exceptions to the BES Definition (Appendix 5C). Appendix 5A relates to Registered Entity status whereas Appendix 5C relates to an Element's BES status. In cases where a BES Exception determination pursuant to Appendix 5C directly impacts an entity's functional registration requirements, the entity must initiate the BES Exceptions process prior to requesting a Registration change in status, and should be aware that the determination in that proceeding may be necessary prior to reaching a final decision on the NERC-led Registration Review Panel decision. This situation is dependent on facts and circumstances.

See Figure 1A Organization Registration Process Overview.

#### A. Organization Registration Process

1. This procedure applies to the following applicable entities: those entities to be registered for the first time, currently registered or previously registered entities for which registration changes are sought. Applicable entities shall begin the Registration process by submitting a completed Registration application to the Regional Entity(ies) of the reliability Region(s) where the entity intends to perform its function(s) (Registration forms are provided on each Regional Entity's website).
  - a. At any time, an entity may recommend in writing, with supporting documentation, to the Regional Entity(ies) that an entity be added to or removed from the Compliance Registry.
  - b. If an entity does not have a NERC ID, NERC shall assign one.
  - c. An entity responsible for more than one function will use a single NERC ID.

- ~~b.d.~~ The Registration process for an entity may also be initiated by a Regional Entity, NERC, or Applicable Governmental Authority.
- ~~c.~~ ~~With respect to: (i) entities to be registered for the first time; (ii) currently registered entities or (iii) previously registered entities, for which registration status changes are sought, including availability and composition of a sub-set list of applicable Reliability Standards (which specifies the Reliability Standards and may specify Requirements/sub-Requirements), the registration process steps in Section III of Appendix 5A apply.~~
- ~~d.e.~~ At any time, an entity whose registration is at issue may request expedited treatment and waiver of applicable timelines. NERC, in its sole discretion, shall determine if such a request will be granted and alternative timelines. NERC's decision is not a final decision that is subject to appeal.
2. NERC shall coordinate Registration of entities that are required to register with multiple Regional Entities in order to ensure consistency of the Registration process.
  3. For entities applying for the BA, RC, and TOP functions, Certification is required prior to Registration. ~~that are required to be certified, the applicable Regional Entity(ies) shall ensure that the Registration information provided is accurate for updating the NCR per items 4 through 12 below and notifies t~~ The entity should to initiate the Certification process per Section IV of this manual.
  - ~~4. Entities that have a NERC ID shall use it on the form.~~
    - ~~a. If an entity does not have a NERC ID, NERC shall assign one.~~
    - ~~b. An entity responsible for more than one function will use a single NERC ID.~~
  - ~~5.4.~~ Regional Entities shall evaluate the submitted information and determine if the information is complete/correct. If the information is not complete/correct, the entity will be notified to complete/correct or clarify the Registration information.
  - ~~6.5.~~ A single entity must register for all functions type(s) that it performs itself. Provided that ~~in addition, that an~~ entity may execute an agreement to register as a Lead Entity of a JRO on behalf of one or more of its parties to the JRO agreement ~~members or related entities~~ for one or more function type(s)s for which ~~thesuch parties members or related entities~~ would have otherwise been required to register for and, The Lead Entity thereby, accepts on the parties' behalf of such ~~members or related entities~~ all compliance responsibility for all Requirements/sub-Requirements of Reliability Standards applicable to that function or those functions including reporting requirements. (ROP Section 507)
  - ~~7.6.~~ Multiple entities may each register for a function and delineate compliance responsibility for that function using a CFR for one or more Reliability Standard(s) and/or for one or more Requirements/sub-Requirements within particular Reliability Standard(s) applicable to a specific function type. (ROP Section 508)
  - ~~8.7.~~ In completing the Regional Entity responsibilities for the Registration process, the following are key items the Regional Entity must verify:
    - a. That function Regional Entity registrations meet the geographical and electrical areas of the Bulk Power System ~~Registration boundaries requirements of the~~ (ROP Section 501(1.4)).
    - b. The Registration submission includes all data requested by NERC that is necessary for accurately identifying and contacting the Registered Entity.
  - ~~9.8.~~ The Regional Entity shall forward all Registration information to NERC for inclusion of an entity on the NCR:
    - a. If the Regional Entity's Registration determination involves (i) the materiality test set forth in the Risk-Based Registration Implementation Guidance (found on the NERC website) ~~notes in Appendix~~

~~5B, Statement of Compliance Registry Criteria; or~~ (ii) a sub-set list of Reliability Standards (which specifies Requirements and may specify sub-Requirements); or (iii) a dispute by an entity which objects to whose registration, the Regional Entity will request that status is at issue regarding the Regional Entity's application of Appendix 5B, Statement of Compliance Registry Criteria, a NERC-led Registration Review Panel will be convened in accordance with ~~Appendix 5A, Section III(D); Organization Registration and Organization Certification Manual, Section III.D.~~

- b. Within five business Days of a Registration determination by NERC or the NERC-led review panel, as applicable, NERC will forward the proposed additions or changes to the NCR to the Regional Entity for review and comment.
- c. The Regional Entity has five business Days to respond to the proposed changes.
- d. If NERC does not receive any comments, the NCR will be revised. If NERC does receive comments, NERC will work with the Regional Entity to the extent changes are needed to the NCR and will revise the NCR accordingly.

~~10.9.~~ NERC updates the NCR and notifies the applicable Registered Entity(ies) within five business Days of the update.

10. An entity may request a NERC-led Registration Review Panel assessment of Registration determinations in accordance with Appendix 5A, Section III(D).

11. The Registered Entity may appeal the final registration determination by NERC in accordance with the ROP Section 500 and Section V of **Appendix 5A**.

12. The NCR shall be dynamic and will be revised as necessary to take account of changing circumstances ~~such as corrections, revisions, and or deletions~~. Per the Regional Entity's delegation agreement, the Regional Entity will take any recommendation received under Section 1.a, and other applicable information, under advisement as it determines whether an entity should be on the NCR.

- a. Each Registered Entity identified in the NCR shall notify its corresponding Regional Entity and/or NERC of any corrections, revisions, deletions, changes in ownership,<sup>2</sup> corporate structure, or similar matters that affect the Registered Entity's responsibilities with respect to the Reliability Standards. Failure to notify will not relieve the Registered Entity from any responsibility to comply with the Reliability Standards or shield it from any Penalties or sanctions associated with failing to comply with the Reliability Standards. (ROP Section 400).
- b. Each Regional Entity has an independent obligation, even in the absence of a notification by an ~~eRegistered~~ Entity, to review and submit updates to the NCR to NERC, consistent with the procedures in this Section III, with appropriate notification to the affected entities, to the extent the Regional Entity is aware of, or possesses information that the NCR should be updated. These updates include, but are not limited to, conditions on which the sub-set list are no longer applicable, or where a new and emerging risk to reliability is identified that changes the basis upon which the entity was deactivated, deregistered, or upon which a sub-set list of requirements was made applicable, in addition to deactivation<sup>2</sup> of entities that no longer meet the applicable registration thresholds. This does not excuse the Registered Entity from its obligation to provide such required notifications.

13. Entities registered or subject to registration as a DP that qualify as Underfrequency Load Shedding (UFLS)-Only DPs shall submit Registration information to the Regional Entity. The UFLS-Only DP shall be subject only to the sub-set list of Reliability Standards identified in **Appendix 5B**. Within 50 Days of the entity's

<sup>1</sup> If NERC has established clearly defined criteria for eligibility for a sub-set list of applicable Reliability Standards and has identified the sub-set list that may apply to similarly situated entities, such criteria shall govern the applicability of such sub-set list and such a matter shall not proceed to the NERC-led review panel, unless there is a dispute by the entity whose sub-set list treatment is at issue. (See, e.g., UFLS-Only DPs.)

<sup>2</sup> This includes changes to BES Elements owned (status changes, new facilities, and retirements).

submission of the Registration information to the Regional Entity, the Regional Entity shall issue a decision as to whether UFLS-Only DP treatment is appropriate. If the Regional Entity concludes that it is, then the Regional Entity shall forward the information to NERC and NERC will forward the proposed additions or changes to the NCR to the Regional Entity for review and comment. The Regional Entity has five business Days to respond to the proposed changes. If NERC does not receive any comments, the NCR will be revised. If NERC receives comments, NERC will work with the Regional Entity to the extent changes are needed to the NCR and will revise the NCR accordingly. NERC updates the NCR and notifies the applicable Registered Entity(ies) within five business Days of the update. If the entity whose registration is at issue does not agree with the Regional Entity's decision regarding UFLS-Only DP treatment, the entity may, within 30 Days of issuance of the decision, seek review by the NERC-led ~~Registration Review Panel~~ in accordance with **Appendix 5A, Organization Registration and Organization Certification Manual, Section III(D)**. ~~If the entity whose registration is at issue does not agree with the determination of the NERC-led review panel, the entity may file an appeal with the NERC Board Compliance Committee (BOTCC) in accordance with the provisions set forth in Section V of this Appendix 5A.~~

- ~~14. The Registered Entity may file a registration appeal with the NERC BOTCC in accordance with the provisions set forth in Section V of Appendix 5A if it does not agree with the determination of the NERC-led review panel.~~
- ~~15. NERC may extend the timelines for good cause shown. Requests should be sent to the Director of Compliance.<sup>3</sup> NERC shall notify the Registered Entity and the Regional Entity of such time extensions.~~

<sup>2</sup>See Figure 1B: Deactivation Process Overview

<sup>3</sup>References to the term Director of Compliance in the NERC ROP should be read to include an equivalent position.

## B. Deactivation Process

1. The term Deactivation refers to removal of an entity from the NCR for a specific functional category.
2. As a result of Deactivation, the entity is no longer subject to any prospective compliance obligations with respect to Reliability Standards applicable to that functional category.
3. If all functional categories have been deactivated for a given entity, such entity would be deregistered and removed from the NCR. However, the entity's compliance history will be retained. In its letter notifying the entity of its Deactivation or deregistration, as applicable, NERC will notify the entity of the required retention period, in accordance with the NERC ROP.
4. A Registered Entity may submit a request for Deactivation and supporting information to the Regional Entity at any time. Such information shall include:
  - a. Entity name and NCR ID number;
  - b. Functions for which Deactivation is requested; and
  - c. The basis on which Deactivation is requested, including supporting documentation, which may be limited to an attestation, if appropriate.
5. The Regional Entity shall request any additional information from the Registered Entity within 10 Days of receipt of the request for Deactivation.
6. The Registered Entity shall provide the additional information within 20 Days of its request for Deactivation.
7. The Regional Entity will issue a decision within 50 Days of the date of receipt of all requested information from the Registered Entity.
8. If the Regional Entity agrees with the request for Deactivation, it shall forward its Deactivation determination to NERC within five business Days of issuance of the decision.
9. If NERC accepts the Deactivation determination and the Registered Entity agrees with the determination, NERC will forward within five business Days of receipt of the Deactivation determination from the Regional Entity, the proposed additions or changes to the NCR to the Regional Entity for review and comment.
  - a. The Regional Entity has five business Days to respond to the proposed changes.
  - b. If NERC does not receive any comments, the NCR will be revised. If NERC receives comments, NERC will work with the Regional Entity to the extent changes are needed to the NCR and will revise the NCR accordingly.
10. If the Regional Entity or NERC does not agree with and approve athe request for Deactivation, the Registered Entity may seek review by the NERC-led Registration rReview pPanel in **Appendix 5A, *Organization Registration and Organization Certification Manual*, Section III-(D)**.
- ~~11. If the Deactivation determination involves (i) the materiality test set forth in the notes in **Appendix 5B, Statement of Compliance Registry Criteria**; (ii) a determination that a sub-set list of Reliability Standards (which will specify Reliability Standards and may specify Requirements/sub-Requirements) should apply as an alternative to Deactivation;<sup>4</sup> or (iii) the Registered Entity disagrees with the Regional Entity determination, the determination will be submitted to the NERC-led review panel process in **Appendix**~~

~~<sup>4</sup>If NERC has established clearly defined criteria for eligibility for a sub-set list of applicable Reliability Standards and has identified the sub-set list that may apply to similarly situated entities, such criteria shall govern the applicability of such sub-set list and such a matter shall not proceed to the NERC-led review panel, unless there is a dispute by the entity whose sub-set list treatment is at issue. (See, e.g., UFLS-Only DPs.)~~

~~5A, Organization Registration and Organization Certification Manual, Section III.D within 30 Days after issuance of the determination.~~

~~12. If the NERC led review panel approves the request for Deactivation, NERC will forward within five business Days of the panel decision, the proposed additions or changes to the NCR to the Regional Entity for review and comment.~~

~~a. The Regional Entity has five business Days to respond to the proposed changes.~~

~~b. If NERC does not receive any comments, the NCR will be revised. If NERC receives comments, NERC will work with the Regional Entity to the extent changes are needed to the NCR and will revise the NCR accordingly.~~

~~13. The Registered Entity may file a registration appeal with the NERC BOTCC in accordance with the provisions set forth in Section V of Appendix 5A if it does not agree with the determination of the NERC-led review panel.~~

~~14. NERC may extend the timelines for good cause shown. Requests should be sent to the Director of Compliance. NERC shall notify the Registered Entity and the Regional Entity of such time extensions.~~

### C. Reactivation Process

1. NERC maintains the NCR, which identifies each Registered Entity and the applicable functional categories for which it is registered.
2. The term Reactivation refers to re-registration pursuant to the NERC ROP Section 500 and ~~Appendices 5A and 5B~~ of an entity to the NCR for a specific functional category or the revocation of, or additions to, a sub-set list of Reliability Standards (which specifies Reliability Standards and may specify Requirements/sub-Requirements) that has been granted to an entity. Reactivation may be initiated by NERC, a Regional Entity or an entity with respect to such entity's own functional categories or sub-set list of Reliability Standards (which specifies Reliability Standards and may specify Requirements/sub-Requirements).
3. Reactivation shall be governed by the procedures in ~~this manual~~ the NERC ROP Section 500 and Section III.A and, as applicable, Section III.D of this Appendix 5A.
4. As a result of Reactivation, and consistent with the implementation plan to be developed pursuant to this paragraph, the entity shall prospectively comply with all Reliability Standards applicable to that functional category, or with the sub-set list specified in the Reactivation determination, unless otherwise notified. Within 30 days of a final Reactivation determination, the entity shall submit a proposed implementation plan to the Regional Entity detailing the schedule for complying with any Reliability Standards applicable to the Reactivation. The Regional Entity and Registered Entity shall confer to agree upon such schedule. If the Regional Entity and Registered Entity are unable to agree on the implementation plan, the Regional Entity shall notify the NERC Director of Compliance (or an equivalent position) of the disagreement, and shall provide statements of the Regional Entity's and the Registered Entity's positions, and NERC shall specify a reasonable implementation schedule.
5. The entity's prior compliance history will be retained and shall apply with respect to the Reactivation. In its letter notifying the entity of its Reactivation, NERC will notify the entity of its registration in accordance with the NERC ROP.
6. The Registered Entity may file a registration appeal with the NERC BOTCC in accordance with the provisions set forth in ~~Section V of Appendix 5A, Section VI,~~ if it does not agree with the determination of the NERC- led Registration ~~Review~~ Panel.
- ~~7. NERC may extend the timelines for good cause shown. Requests should be sent to the Director of Compliance. NERC shall notify the Registered Entity and the Regional Entity of such time extensions.~~



**D. NERC-led Registration Review Panel Process**

1. NERC shall establish a NERC-led Registration Review Panel (Panel), ~~centralized review panel~~, comprised of a NERC lead with Regional Entity participants, to ~~evaluate~~ requests for 1) Registered Entity requests for Deactivation of, 2) or decisions not to register, an entity that meets Sections I through IV of the Registry Criteria or requests to add an entity that does not meet (i.e., falls below) Sections I through IV of the Registry Criteria, as well as disputes regarding the application of Sections I through IV of the Registration Criteria resulting in Registration of an entity and 3) requests for a sub-set list of applicable Reliability Standards (which may specify the Requirements/sub-Requirements).
  - a. The ~~PNERC-led review~~ panel will be comprised of a standing pool of individuals with relevant expertise from NERC and each of the Regional Entities. Individuals with relevant expertise shall be appointed by the Regional Entity senior executive (CEO, President, General Manager, etc.) and individuals with relevant expertise shall be appointed by the NERC senior executive (CEO, President, General Manager, etc.). NERC shall select the ~~P~~panel members for a given matter from the standing pool.
  - b. Panel members for a given matter shall comply with Subsection 7 of Section 403 of the NERC ROP, shall not be employed by the Regional Entity whose determination is being reviewed or have otherwise participated in the review of the registration matter, and shall have the required technical background to evaluate registration matters.
2. An entity requests a Panel review by completing an application using the NERC-led Review Request Form (Form) available on the NERC website (www.nerc.com).
  - a. The Form provides instructions for submittal of documentation and data associated with the request.
  - b. The entity should include an evaluation of materiality and/or an assessment of the impact of a subset of reliability standards, as appropriate.
- ~~2.3. The burden of proof is on the entity that makes the request for a Panel review. With respect to review of the application of the criteria contained in the Statement of Compliance Registry Criteria Sections I through IV, the burden of proof is on NERC and the Regional Entity to demonstrate that an entity meets the Registry Criteria for registration.~~
4. NERC will review the submitted documentation and determine if the application is valid.
  - a. If the application is deemed not valid, NERC will send a written notification to the applicant via email with a reason why the application was rejected.
  - b. If the application is deemed valid, NERC will send a written notification to the applicant via email informing the entity that the application was accepted and acknowledging receipt of a valid Panel request.
    - i. For valid requests, similar notification will also be sent by NERC to the applicable Regional Entity(ies), RC, BA, TOP and PC. The burden of proof with respect to the materiality test, set forth in Appendix 5B, Statement of Compliance Registry Criteria, is on the entity making the request, i.e., the entity asking to be excluded from the NCR (despite satisfying the threshold criteria)P4F5P and the Regional Entity seeking to include an entity in the NCR (that does not satisfy the threshold criteria).
5. The applicable Regional Entity(ies) is required to provide a written assessment of the Panel request to all parties including NERC, the RC, BA, TOP and PC within 20 days of notification by NERC of a valid Panel request.

- a. The RC, BA, TOP and PC are also requested to provide a written assessment to all of the parties within 20 days of the notification.
  - b. The entity can provide a written response of an assessment(s) received to all of the parties within 30 days of the notification. The burden of proof with respect to a determination as to whether an entity's compliance obligations should be limited to only a specified sub-set of otherwise applicable Reliability Standards is on the entity requesting such treatment, provided, however, that where NERC has established clearly defined criteria for eligibility for a sub-set of applicable Reliability Standards (which may specify Requirements/sub-Requirements) and has identified the sub-set list that may apply to similarly situated entities (e.g., UFLS Only DPs), the burden of proof to demonstrate that an entity does not meet the criteria for such a sub-set list is on the Regional Entity and NERC.
3. The Panel will evaluate all documentation, assessments and responses submitted as the basis for its decision. The Panel may issue a request for information to the entity or any of the parties and will copy all parties on any such correspondence. The Panel will render its decision within 60 days after the last data submittal or relevant correspondence is received related to the request from any party. entity who bears the burden of proof with respect to application of the materiality test, or a sub-set list of applicable Reliability Standards (which may specify Requirements/sub-Requirements) must submit to NERC, in writing, details of the issues and identification of the Responding Entity,<sup>6</sup> and the applicable Regional Entity(ies), RC, BA, PA and TOP that have (or will have upon registration of the entity) the entity whose registration status is at issue within their respective Scope of Responsibility. NERC will send a
  4. <sup>5</sup>By way of example, the Registered Entity whose Deactivation request was denied by the Regional Entity bears the burden of proof (i.e., on materiality) and both requests panel review and makes the submissions required, under 6(a) and (c), unless the issue involves the Regional Entity's application of the threshold criteria. If the issue involves the Regional Entity's application of the threshold criteria, then the Regional Entity bears the burden of proof and makes the submissions required by sections 6(a) and (c), although it is the Registered Entity who makes the request for panel review.
  5. <sup>6</sup>By way of example, if a Registered Entity is seeking to be deactivated based on the materiality test and therefore bears the burden of proof, then the Responding Entity is the Regional Entity. If a Regional Entity bears the burden of proof in a materiality test case, then the entity whose registration status is at issue is the Responding Entity.
  6. notification to the Regional Entity(ies), the entity whose registration status or sub-set list treatment is at issue, and the referenced RC, BA, PA and TOP acknowledging receipt of the notification of panel review.
  7. The standard of proof in any proceeding under these procedures shall be by a preponderance of the evidence. To ensure there is no confusion with respect to the rights and responsibilities of a Registered Entity during the panel review process, the notification will confirm whether the Registered Entity will remain on the NCR and will be responsible for compliance with approved Reliability Standards applicable to the function under review.
  - 8.7. The panel review process timelines with respect to application of the materiality test, or sub-set list treatment of applicable Reliability Standards (which may specify Requirements/sub-Requirements) are as follows:
  9. Requests by a Regional Entity to add an entity that does not meet (i.e., falls below) Sections I through IV of the Registry Criteria or for a sub-set list of applicable Reliability Standards (which may specify the Requirements/sub-Requirements) will follow the same process as described in steps 2 - 6 above. Within 10 Days of the date of the NERC-led review panel notification, the entity with the burden of proof will provide any additional data supporting its request to NERC (who will forward to the NERC-led review panel), the Responding Entity, the applicable Regional Entity(ies), and the RC, BA, PA and TOP that has (or will have upon registration of the entity) the entity whose registration status at issue within their respective Scope of Responsibility.
    - a. The Responding Entity will provide a copy of its assessment directly to all parties, as well as to NERC,



within 20 Days of the date of the NERC panel review notification. If the RC, BA, PA and TOP provide an assessment, they must provide a copy to all parties, as well as NERC, within 20 Days of the date of the NERC panel review notification.

- b. The entity with the burden of proof may submit a response to the Responding Entity assessment, and any assessment submitted by the RC, BA, PA and TOP, with copies to all parties and NERC, within 30 Days of the date of the NERC panel review notification.
- c. The standard of proof in any proceeding under these procedures shall be by a preponderance of the evidence.
- d. The NERC-led review panel will render its decision within 60 Days of the final submission to the panel.

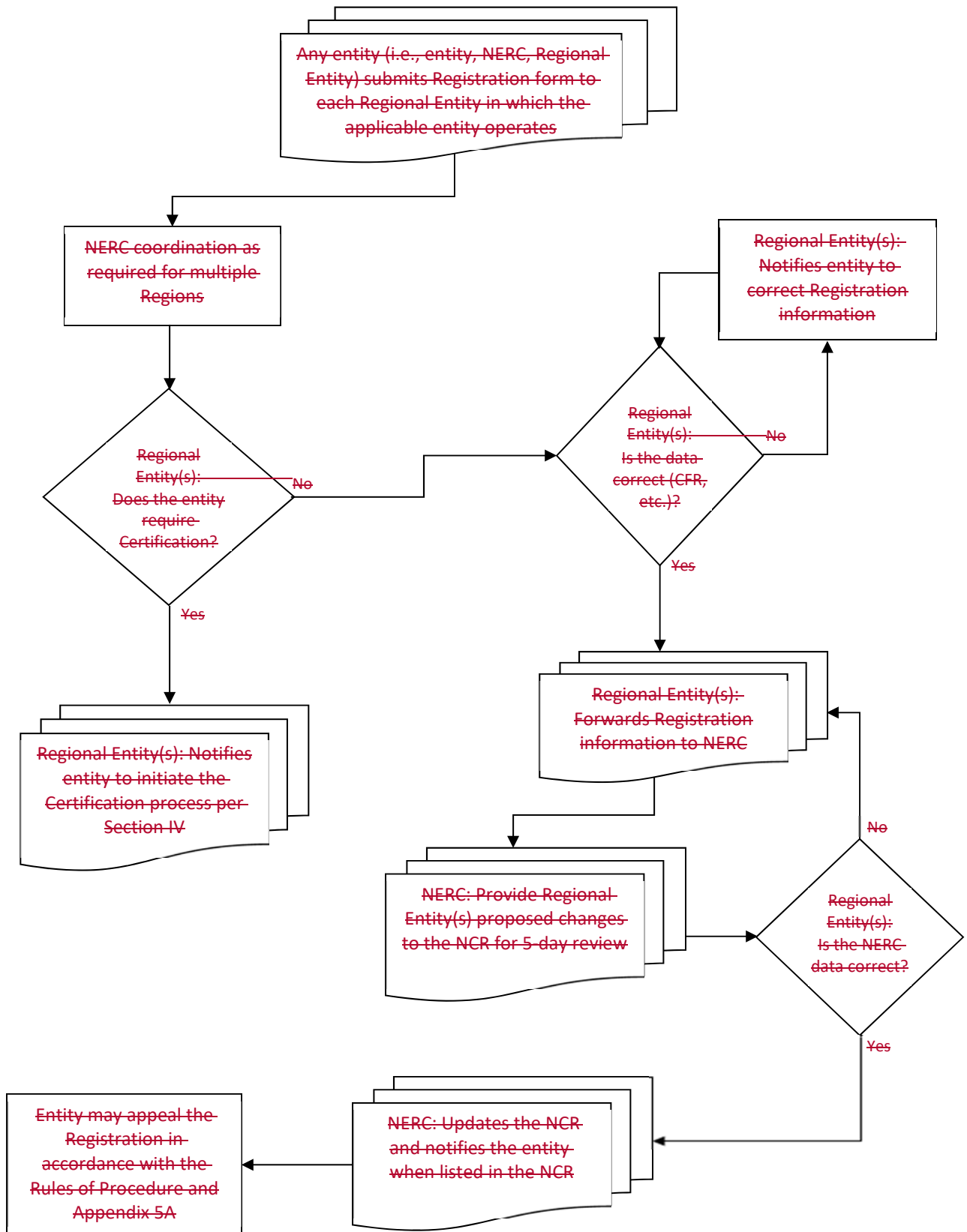
~~10.8.~~ With respect to threshold disputes regarding application of Sections I through IV of **Appendix 5B, Statement of Compliance Registry Criteria**, the entity whose registration status is at issue must submit to NERC, in writing, details of the issues and identification of the applicable Regional Entity(ies), RC, BA, PA and TOP that have (or will have upon registration of the entity) the entity whose registration status is at issue within their respective Scope of Responsibility, NERC will send a notification to the Regional Entity(ies), the entity whose registration status is at issue, and the referenced RC, BA, PA and TOP acknowledging receipt of the notification of panel review.

- a. To ensure there is no confusion with respect to the rights and responsibilities of a Registered Entity during the panel review process, the notification will confirm whether the Registered Entity will remain on the NCR and will be responsible for compliance with approved Reliability Standards applicable to the function under review.

~~11.~~ The panel review process timelines for threshold disputes regarding application off Sections I through IV of **Appendix 5B, Statement of Compliance Registry Criteria** are as follows:

- a. The entity whose registration status is at issue will provide NERC (who will forward to the NERC-led review panel), the applicable Regional Entity(ies), and the RC, BA, PA and TOP that has (or will have upon registration of the entity) the entity whose registration status at issue within their respective Scope of Responsibility, any additional data supporting its request within 10 Days of the date of the NERC panel review notification. In such a case, the Regional Entity has the burden of proof on application of the threshold criteria.
- b. The Regional Entity will provide a copy of its assessment directly to all parties, as well as to NERC, within 20 Days of the date of the NERC panel review notification. If the RC, BA, PA and TOP provide

- ~~an assessment, they must provide a copy to all parties, as well as NERC, within 20 Days of the date of the NERC panel review notification.~~
- ~~c. The entity whose registration status is at issue may submit a response to the Regional Entity assessment, and any assessment submitted by the RC, BA, PA and TOP, with copies to all parties and NERC, within 30 Days of the date of the NERC panel review notification.~~
  - ~~d. The standard of proof in any proceeding under these procedures shall be by a preponderance of the evidence.~~
  - ~~e. The NERC led review panel will render its decision within 60 Days of the final submission to the panel.~~
- ~~12.9.~~ In reaching a decision, ~~the NERC-led review p~~Panel will examine ~~apply the materiality test and other criteria and notes~~, as applicable, set forth in the Risk-Based Registration Implementation Guidance ~~Appendix 5B, Statement of Compliance Registry Criteria~~. The ~~NERC-led review p~~Panel shall also include a review of individual and aggregate system-wide risks to, and considerations of, reliability of the BPS, as well as the BES Definition, as applicable.
- ~~13.10.~~ NERC may use its discretion to extend the timelines ~~of the Panel process for good cause shown~~. Any entity may also request to extend the timelines by sending an email ~~Requests should be sent to the NERC Director or Manager responsible for Registration of Compliance~~. NERC shall notify all parties ~~the entity whose registration status or sub-set list treatment is at issue and the Regional Entity of such time extensions, as well as the RC, BA, PA and TOP,~~ of such time extensions.
- ~~14.11.~~ The Panel ~~Once a decision is made, it will be issued to the entity whose registration status or sub-set list treatment is at issue~~, the Regional Entity and the referenced RC, BA, PA and TOP. The decision (including its basis) will also be posted on the NERC website, with confidential information redacted in accordance with Section 1500 of the NERC ROP.
- ~~15.~~ Any needed changes to the NCR resulting from the Panel decision will be initiated by the Regional Entity in accordance with the Organization Registration Process of this manual. An entity may file an appeal with NERC will forward within five business Days the proposed additions or changes to the NCR to the Regional Entity for review and comment.
- ~~a. The Regional Entity has 5 business Days to respond to the proposed changes.~~
  - ~~b. If NERC does not receive any comments, the NCR will be revised. If NERC receives comments, NERC will work with the Regional Entity to the extent changes are needed to the NCR and will revise the NCR accordingly.~~
- ~~16.12.~~ The BOTCC, ~~will resolve appeals of registration disputes~~ in accordance with NERC ROP Section 500 and Appendix 5A, Organization Registration and Organization Certification Manual, Section V, if it wishes to dispute the registration determination of the Panel.



**Figure 1A: Organization Registration Process Overview**

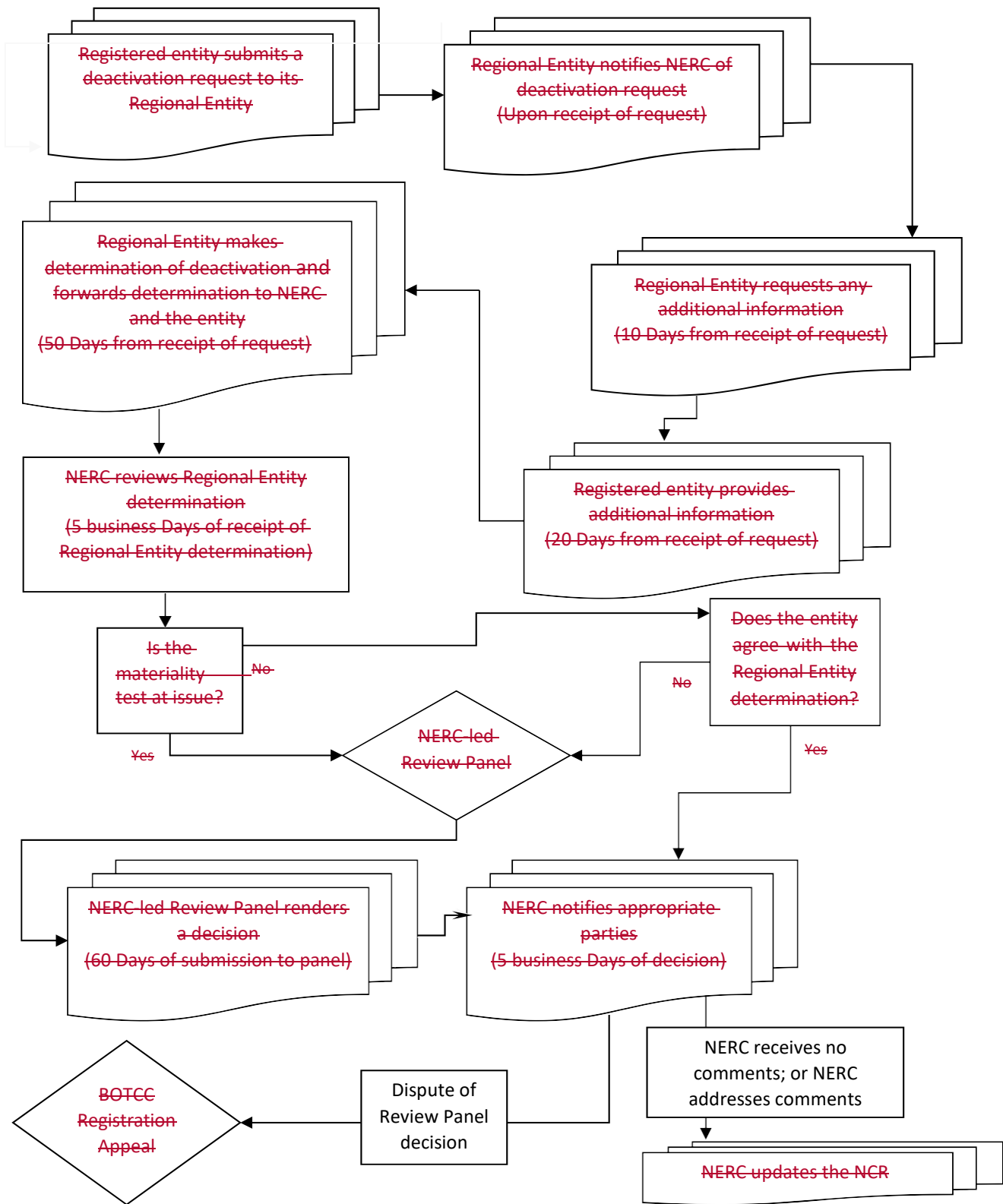


Figure 1B: Deactivation Process Overview

## Section IV — Organization Certification Process

### Purpose and Scope

~~Reliability Coordinators, Transmission Operators and Balancing Authorities take actions in Real-time that impact the reliable operation of the Bulk Power System. Certification activities assess the processes, procedures, tools, and training these organizations use in performing these functions and provide a prospective level of assurance that the organization has the capacity to meet the reliability obligations of its registration. The Certification will adhere to the following process to the extent allowed by the circumstances. The purpose and scope of this process is to provide guidance for completing the Certification of a new entity that will become NERC-certified and registered as an RC, TOP, or BA.~~

### Overview

See Figure 2 *Organization Certification Process Overview* for an overview of the Certification process.

## Organization Certification Process

### Initiation

1. ~~Certification processes shall begin upon the Regional Entity's receipt of a certification application for a Registered Entity or prospective Registered Entity; or when an entity has been registered by NERC for the functions of BA, RC, and TOP:~~
  - a. ~~An entity in a single Regional Entity reliability rRegion shall initiate the Certification process by completing a Certification application (Certification applications are provided on each Regional Entity's website) and sending it to thatthe Regional Entity which will manage the Certificationion process.~~
  - b. ~~An entity in multiple Regional Entity reliability rRegions shall initiate the Certification process by completing a Certification application (Certification applications are provided on each Regional Entity's website) and sending it to eachthe Regional Entitiesy, in those reliability Regions. Each Regional Entity will inform NERC of the request with a recommendation for. The Regional Entities will determine which Regional Entity will provide the leadership to manage the Certification process. NERC will determine which Regional Entity shall lead review of the application.~~
  - c. ~~The Regional Entity leading the review of the application shall review the application, and respond and acknowledge receipt or requests for more information within 30 days of its receipt of the request.~~
    - i. ~~If the application is not complete or accurate, the Regional Entity will notify the entity to revise the application as needed.~~
    - ii. ~~As part of such review, the Regional Entity may issue a determination rejecting an application on a procedural basis if the Regional Entity determines that the applicant would fail to meet Registry Criteria or would otherwise not be able to competently perform the duties and responsibilities required under relevant Reliability Standards for the applicable Area. Provisional Certification Process—All RCs, BAs, and/or TOPs that were already registered and operating on June 18, 2007 become "NERC Certified" upon completion of (1) a NERC readiness evaluation (on-site activities completed by the evaluation team); and (2) a CMEP Compliance Audit (on-site activities completed by the Compliance Audit team) after June 18, 2007. Recertification on a periodic basis of these Registered Entities will not be required. Demonstration of ongoing satisfactory performance of applicable RC, BA, and TOP functional Requirements shall be accomplished by completion of a CMEP Compliance Audit every three years per the requirements of the NERC ROP.~~

2. Upon accepting the request for certification for substantive review, the Regional Entity shall identify a team lead (CTL) for the certification activity.
  - a. The Lead Entity that has taken responsibility for Reliability Standards and/or Requirements/sub-Requirements applicable to the function of BA by virtue of being a member of a JRO, CFR, or other agreement shall be the entity NERC certifies to operate the BA Area(s).
  - b. The Lead Entity that has taken responsibility for Reliability Standards and/or Requirements/sub-Requirements applicable to the function of TOP by virtue of being a member of a JRO shall be the entity NERC certifies to operate the TOP Area(s).
  - c. Both the Lead Entity that has taken responsibility for Reliability Standards and/or Requirements/sub-Requirements applicable to the function of TOP by virtue of being a member of a CFR and each CFR participant in coordinated functional registration with the Lead Entity shall be the entities NERC certifies to operate the TOP Area(s).
  - d. The Lead Entity that has taken responsibility for Reliability Standards and/or Requirements/sub-Requirements applicable to the function of RC by virtue of being a member of a JRO, CFR, or other agreement shall be the entity NERC certifies to operate the RC Area(s).
  - e. For an entity that is not required to be certified, but performs tasks associated with BA, RC, or TOP in accordance with 2(a, b, c, or d), the Regional Entity(ies) shall consult with the Registered Entity regarding the applicability of a “capability verification” or “readiness evaluation” for those tasks. ~~reject the application and notify the entity that Certification is not required.~~
  - f. The Regional Entity or NERC may initiate certification processes based on documented conversations or other communications with a Registered Entity that contains information equivalent to that of the application.
3. The CTL shall notify NERC of the request for certification, and the following will take place: ~~If the application is not complete or accurate, the Regional Entity will notify the entity to revise the application as needed. When the application is deemed complete and accurate, it will be accepted. The entity and the Regional Entity shall agree to a timeline including specific milestones for the Certification process.~~
  - a. The CTL and NERC will review the request for certification and concur on acceptance. When the application is deemed complete and accurate, it will be accepted.
  - b. If accepted, the CTL will inform the Registered Entity of the decision to initiate certification activities.
    - i. The entity and the Regional Entity shall agree to a timeline including specific milestones for the Certification process. The proposed schedule for the Certification Process shall be submitted to NERC for approval. NERC shall review the draft final schedule and will (i) approve; (ii) modify; or (iii) reject the final schedule within 45 days of receipt from the CTL.
    - ii. Certification activities are expected to be completed allowing sufficient time to correct any Open Issues noted in the entity’s preparedness prior to the effective date of an entity’s registration.
  - c. In the case when an entity has been registered by NERC on behalf of the entity for the functions of RC, TOP, or BA Certification activities will be concurrent with the entity’s registration implementation plan.

## Planning

2. ~~The CTL shall form the team. The decision to certify changes to an already operating and certified Registered Entity is a collaborative decision between the affected Regional Entity(s) and NERC. NERC has the final authority regarding this decision. Items to consider for this decision include one or more of the following:~~

- ~~a. Changes to a Registered Entity's Footprint or operational challenges (i.e., TLRs) due to the changes~~
  - ~~b. Organizational restructuring that could impact the BPS reliability~~
  - ~~c. Relocation of the control center~~
  - ~~d. Changes to Registered Entity ownership requiring major operating procedure changes~~
  - ~~e. Significant changes to JRO/CFR assignments or agreements changes~~
  - ~~f. Addition or removal of member JRO/CFR utilities or entities~~
  - ~~g. Complete replacement of a Supervisory, Control and Data Acquisition (SCADA)/Energy Management System (EMS) system~~
- ~~1. The Certification process shall be completed within nine months of the date of acceptance of the application unless agreed to by all parties involved in the process and approved by NERC.~~
  - ~~2. The Regional Entity(ies) shall notify NERC that the Certification process has begun to enable NERC to carry out its roles and responsibilities.~~
  - ~~3. The Regional Entity will send a questionnaire with a submission deadline and a statement of expectations to all entities participating in the Certification process. These questionnaires and other related documents are located on the NERC website. The Regional Entity shall distribute questionnaires and other related documents to the following entities, as required:
    - ~~h. Entity seeking Certification.~~
    - ~~i. Participating BAs, RCs, and TOPs in Footprints in which the entity intends to operate or with which the entity intends to interconnect transmission Facilities.~~
    - ~~j. Participating TOs, TSPs, PAs, GOs, GOPs, TPs, DPs, and/or other applicable entities.~~~~
- ~~4.1. The Regional Entity shall assemble a CT that will be responsible for performing the activities included in the Certification process.~~
- ~~a. Participants~~The CT members shall adhere to NERC's confidentiality ~~requirements~~agreements for any data or information made available ~~to the CT member~~through the Certification process. ~~Participants Team members~~shall not be employees of or have a direct financial interest in the entity or any of its affiliates.
  - ~~a.b. Certification teams (CT) shall consist of the following:~~
    - ~~i. The~~For BA certifications, the CT shall have representation from an existing BA, the entity's proposed RC, TOP, each affected ~~Regional Entity, and NERC~~with concurrence of NERC, may increase or decrease the distribution of the questionnaires and other related documents based upon the complexity of the Certification.
    - ~~ii. For RC certifications, the CT shall have representation from an existing RC, and a BA and a TOP in the proposed Reliability Coordinator Area, each affected Regional Entity, and NERC~~
    - ~~iii. For TOP certifications, the CT shall have representation from an existing TOP, the entity's proposed BA(s) and RC, each affected Regional Entity, and NERC~~
    - ~~iv. Additional CT members with expertise in any of the NERC registry functional areas may be added as necessary (i.e., NERC, Regional Entity staff).~~
  - ~~b.c. If the entity objects to any member of the CT, the entity must make that known, in writing, to the Regional Entity listing the reasons for the objection. The Regional Entity will either replace the team member or respond with written justification for keeping the member on the team.~~
  - ~~c. CT composition~~
    - ~~i. The BA CT shall consist of representatives from an existing BA, the entity's proposed RC, TOP, each~~



~~affected Regional Entity, and NERC.~~

- ~~i. The RC CT shall consist of representatives from an existing RC, a BA and a TOP in the proposed RC Area, each affected Regional Entity, and NERC.~~
- ~~ii. The TOP CT shall consist of representatives from an existing TOP, the entity's proposed RC, each affected Regional Entity, and NERC.~~
- ~~iii. Additional CT members with expertise in the any of the NERC Compliance Registry functional areas can be added as necessary.~~
- ~~iv. Additional CT members from NERC or Regional Entity staff may be added as necessary.~~
- ~~v.d. Entities such as government representatives or other stakeholders may be observers in the Certification process.~~

~~5.2. CT members shall have the necessary diversity in their technical training and experience to collectively represent the subject matter competencies needed to perform the evaluation of the specific function being certified. Previous experience as a System Operator, Operations Support Personnel or management of a Control Center is desired for CT members performing the on-site visit. Each CT member must complete the NERC auditor training prior to participation.~~

~~6.3. The CT shall will review the Certification application (and Entity information available through other ERO programs) with NERC to determine the scope of the assessment. The CTL shall identify the competency areas to be evaluated based on the function(s) for which the entity is to be certified and the method(s) for their evaluation. entity's submitted documentation and address any issues prior to the site visit.~~

~~4. The CTL shall ensure all CT members have completed the following:~~

- ~~a. Certification team member training requirements as established by NERC~~
- ~~b. Non-ERO employees shall also complete the following:~~
  - ~~i. Certification team member training record form~~
  - ~~ii. Certification team conflict of interest form~~
  - ~~iii. An ERO confidentiality agreement form~~

~~5. The CTL shall review the certification application (and Entity information available through other ERO programs) with NERC to determine the scope of the assessment. The CTL shall identify the competency areas to be evaluated based on the function(s) for which the entity is to be certified and the method(s) for their evaluation.~~

~~6. The CTL shall utilize a secured server to distribute and house all relevant certification activity documents, including but not limited to the following:~~

- ~~a. The application or other documented correspondence with the registered entity initiating the certification activity~~
- ~~b. All relevant correspondence between the CTL and the applicant, including the certification packet (as described in step 6 below)~~
- ~~c. All relevant correspondence between the CTL and the CT members~~
- ~~d. The work papers used to evaluate the entity during the process~~
- ~~e. The overall process schedule~~
- ~~f. The agenda for the on-site visit~~
- ~~g. The final certification report~~
- ~~h. The Regional Entity certification process check sheet indicating the completion of certain process~~



check-points

7. A Certification packet shall be developed and sent to the entity at least ninety (90) days prior to an on-site visit. It shall contain the following:
  - a. Notification of the certification process
  - b. Logistic information request
  - c. The tentative overall process schedule and on-site agenda
  - d. The CT roster and member biographies
  - e. Request of confirmation of no-objections to CT members
  - f. Pre-certification survey that must be returned to the CTL within fifteen (15) days of receipt
  - g. Any initial requests for information
8. CTL shall contact the entity within one week of submitting the packet to confirm receipt of the package and discuss any concerns the entity may have.
9. The entity shall complete and return the requested information and supporting documentation no later than four (4) weeks prior to the on-site visit.
10. The CTL and CT shall review the logistic information request response, in order to do the following:
  - a. Understand the entity's expectations of the CT when on site
  - b. Make all travel arrangements
11. If the CT is to be broken into smaller groups, the CTL shall identify sub-teams and assign a scribe(s) to document the assessment:
  - a. For complex Certifications, the CTL may assign members of the CT to different focus areas. For example:
    - i. Facilities: Examples may include the physical cyber assets against the CIP standards, the cyber training, the maintenance contracts and records for the facilities, the electrical system and uninterruptible power supply (UPS), the cybersecurity of servers, passwords, etc., per the CIP standards, and the physical installation of data and voice equipment.
    - ii. EMS/SCADA: Interview the EMS/SCADA SMEs to ensure that the tools will provide adequate situational awareness against the NERC standards. Ensure adequate change control of the EMS/SCADA. Review the data transfer, server, applications, and redundancy configuration of the core tools including EMS, OSI-PI, ICCP, outage scheduling, scheduling, map-board displays, communication systems, etc.
    - iii. Operator Preparedness: Interview the operators at their workstations and ask them to present the tools, procedures, and job aides in use for normal day-to-day and emergency operations. This could include cyber intrusion detection and real-time assessment. Interview the training staff regarding initial training needed to support the transition to the new responsibilities and continuing training to the NERC standards.
    - iv. Critical Infrastructure Preparedness: Interview the CIP staff to understand how critical infrastructure protections are being utilized.
  - b. The CTL shall ensure documentation used to substantiate the conclusions of the Certification (Review) is collected from each sub-team.

## Fieldwork

1. Areas of capability to be evaluated by the certification activity shall be tailored to the situation and matched with appropriate assessment methods (e.g., validation of legacy information, review of entity responses, document review, direct observation, or personnel interview, etc.)
2. The CTL shall schedule a document review(s) with CT shall inform the entity before the on-site visit of any documentation or clarification that is necessary to support the questionnaires. The entity shall identify to the CT prior to the on-site visit. Document reviews could take place face-to-face or via teleconference all Reliability Standards or Requirements/sub-Requirements which have been delegated to another entity.
3. During document reviews, the CT shall note all the following:
  - a. Follow-up or corroborating questions for the entity's management, SMEs, and system operators based upon the review of supporting documentation
  - b. Additional requests for information (to be submitted to the entity prior to the on-site visit.)
  - c. Comments during the document review that support the entity's abilities to perform the function for which the entity applied and indicate items which do not need further review
  - d. Issues that need to be addressed prior to certification being granted
4. The CTL shall provide the entity a final schedule and agenda for the on-site visit based upon the results of the document review.
- ~~7.—~~
- ~~a.— The CT will review the entity(ies) ability to perform those delegated Requirements/sub-Requirements or Reliability Standards.~~
5. The CT shall conduct at least one on-site visit to the entity's location where operational functionality is performed shall include the following: Facilities:
  - a. Opening presentation
  - b. At a minimum, the team will:
    - i. Review with the entity the data collected through the questionnaires, and such data that is available only onsite;
    - ii. Interview the operations, and management, and training personnel;
    - iii. Inspect the Facilities and equipment associated with the function being certified applicable Reliability Standards referenced in the questionnaire;
    - iv. Request demonstration of all tools identified in the scope of the Certification process;
    - v. Review documents and data including agreements, processes, and procedures identified in the document review Certification process;
    - ~~b.—~~
    - vi. Verify operating personnel Certification credentials NERC Certification documents and proposed work schedules; and,
    - ~~c.—~~
    - vii. Review any additional documentation resulting from inquiries arising during the site-visit.
  - ~~d.—~~
  - c. The CT shall interview other entity personnel as required to clarify responses covered, in the document review conjunction with the CT, shall attempt to resolve any deficiencies prior to issuance of the draft report.

- d. At the end of each day, the CT will meet for the debriefing. The CTL shall lead a daily debriefing with the entity in order to do the following:
  - i. Identify the status of the assessment
  - ii. Identify any items of concern that need to be addressed
  - iii. Provide an update to the schedule
- e. The CTL shall provide an exit briefing at the end of the on-site visit in order to do the following:
  - i. Identify any Open Issues that need to be addressed, and identify a timeline for follow-up to closure
  - ii. Discuss the reporting process
  - iii. Discuss the next steps in the certification process, including any Areas of Concern and the schedule of a post-onsite visit, if required.
  - iv. Convey that entity feedback forms will be sent to the entity with a sincere request for candid feedback.

## Reporting

- ~~8.—The CTL will provide the CT and entity with feedback forms, and request that they are returned within five (5) calendar days with a copy to NERC.Certification@nerc.net. The draft report is provided to the entity for review for 14 Days and any resulting comments will be assessed by the CT for possible inclusion in the report.~~
- ~~9.—The Regional Entity(ies) may grant a time extension, not to exceed 180 Days, to the entity to allow the entity to resolve any open Certification issues.~~
- ~~10.—The CT shall provide a Certification recommendation and identification of audit deficiencies in the final written report. All members of the CT shall have an equal voice in the Certification recommendation. This allows for a minority opinion if the review team cannot reach a consensus. The final written Certification report is distributed to NERC, the entity, and the other affected Regional Entities, as applicable.~~
1. The following is the format for the final report:
2. After completion of the on-site visit, the CTL shall develop a draft final report, in coordination with input from the CT, which presupposes all Open Issues are closed. The format for the report shall conform to the template posted on the NERC website, generally containing:
  - Title page
  - Table of Contents
  - Introduction – A brief discussion on the Regional Entity(ies) involved, the entity being certified, a description of the function the entity(ies) are being certified for, and a brief timeline of the Certification project.
  - CT – Provide the CT makeup.
  - Objective and Scope – Discussion on entity application (who, what, when, & how).
  - Overall Conclusion — Finding of Recommendation being made by the CT.
  - Open IssuesCT Findings – Any item(s) that must needing to be closed prior to going operational and within 180 days of conclusion of the on-site visit that do not hinder the CT from making a recommendation.
  - Areas of Concern – Any items that if not addressed may lead to issues of non-compliance in the future. These items do not need to be resolved prior to operation.
  - Positive Observations.

- Company History – Discussion on the applicant’s company history.
  - Company Details – Specific details regarding why the Balancing Authority, Transmission Operator or Reliability Coordinator Areas to be operated and the entity’s is being certified and its relationship with other entities (BAs, RCs, and TOPs etc.).
  - Documentation List – Provide a list of critical documentation reviewed by the CT used to make the CT’s conclusion and the documentation retention requirements.
  - Attachments – Describe those attachments that are for public viewing and those that are separated from the report due to confidentiality issues such as Critical Infrastructure documentation.
3. The CTL shall transmit the draft final report to the CT requesting final comments within five (5) business days, unless agreed to otherwise.
  4. After the CT has completed their review of the draft report, the CTL shall transmit the draft final report to the entity, requesting return with comments within fourteen (14) calendar days, unless agreed to otherwise.
  5. Entity comments will be given due consideration and incorporated in the final report at the discretion of the CTL and the input of the CT. The CTL and CT will review the completed final report.
  2. When all Open Issues are satisfactorily closed, the CTL will submit the final report to
  11. Certification recommendation and approval.
  6. If the entity intends to operate in a single Regional Entity’(ies)s management for consideration and approval. CT minority opinions and areas where CT consensus was not reached will be communicated to reliability Region, the CT shall make a Certification recommendation to that Regional Entity(ies) management prior to approval but will not be included in the final report nor in the. The Regional Entity shall approve or disapprove the recommendation to NERC. The Regional Entity shall notify the entity and NERC of the Certification decision.
    - a.
      - a. If Regional Entity management contradicts the CT Finding, the CTL will work with the CT the entity to resolve any issues.
      - b. The Regional Entity CEO (or a designee) will transmit to NERC and copy the entity the final CT report with a recommendation regarding NERC’s certification of the entity.
  7. If NERC approves the entity for certification, NERC shall email confirmation to the entity and post the final report on NERC’s public website. Attached to the email will be the formal certification letter and NERC certificate.
  - b. intends to operate in multiple Regional Entities, the CT shall make a Certification recommendation to all applicable Regional Entities in a single report. Certification recommendation by the Regional Entities must be unanimous. The Regional Entities shall notify the entity and NERC of the Certification decision.
  - c. NERC shall approve or disapprove all final Certification recommendations and notify the entity of the decision.
  8. The entity may appeal NERC’s the decision in accordance with the NERC ROP Rules of Procedure and Section VII of this manual.
  9. The certification process shall be completed within nine (9) months unless agreed to by all parties involved in the process
  10. Operational responsibility for Balancing Authority, Transmission Operator or Reliability Coordinator Areas shall not begin prior to the entity’s registration effective date. Shadow operations shall be coordinated to ensure operational authority is clear at all times.

11. The applicant must commence operations for its Balancing Authority, Transmission Operator or Reliability Coordinator Areas within twelve (12) months of being certified by NERC. If the applicant fails to commence operation within twelve (12) months, the certification process must be repeated.
  - a. During the pendency of the certification process, NERC may use its discretion to issue conditional Certification to ensure that the entity can be Registered, and no areas of the BPS are lacking any entities to perform the duties and tasks identified in and required by the Reliability Standards to the fullest extent practical.
    - i. Conditional Certification will include an implementation plan which provides qualifications or criteria that NERC and the Regional Entity have determined necessary to address the risk of an entity failing to be certified or to be certified when needed.
    - ii. The entity subject to condition Certification shall create an implementation plan that establishes how delayed or failed certification is mitigated so that no gaps in reliability occur. The implementation plan would also detail potential impacts both to the applicant and to any affected entities, and discuss how those impacts would be mitigated, how required functions would be served and how other affected entities within its prospective footprint would meet their compliance responsibilities if certification is failed or delayed.
    - iii. NERC and the Regional Entity will work with the applicant to develop the implementation plan. If the parties are unable to agree upon an implementation plan, NERC will issue an implementation plan.

## **Data Retention**

1. Documentation used to substantiate the conclusions of the Certification (Review) must be retained by the Regional Entity for six (6) years.
2. Documentation used to substantiate program oversight of the Certification processes must be retained by NERC for six (6) years.
3. NERC will maintain and post all Certification Final Reports on its website.

12.—

13. ~~If the entity is approved for Certification, NERC shall provide the entity a Certification letter and a NERC certificate indicating that that entity is NERC certified as a BA, RC, and/or TOP as applicable.~~
  - a. ~~For those CFR entities that agree upon a division of compliance responsibilities for one or more Reliability Standards or Requirements/sub-Requirements, NERC shall provide all entities responsible for BA, RC and/or TOP Requirements/sub-Requirements and approved for Certification as BA, RC and/or TOP a NERC certificate indicating that those entities are NERC certified as a BA, RC, and/or TOP.~~
  - b. ~~NERC shall update the Compliance Registry prior to the entity(s) going operational.~~
3. ~~After the entity has been awarded Certification, the Regional Entity(ies) shall notify all applicable entities as to the date that the entity may begin its operation as a certified entity. The entity must commence operation within 12 months of Certification. Failure to begin operation within the 12-month period shall require the entity to reapply for Certification.~~

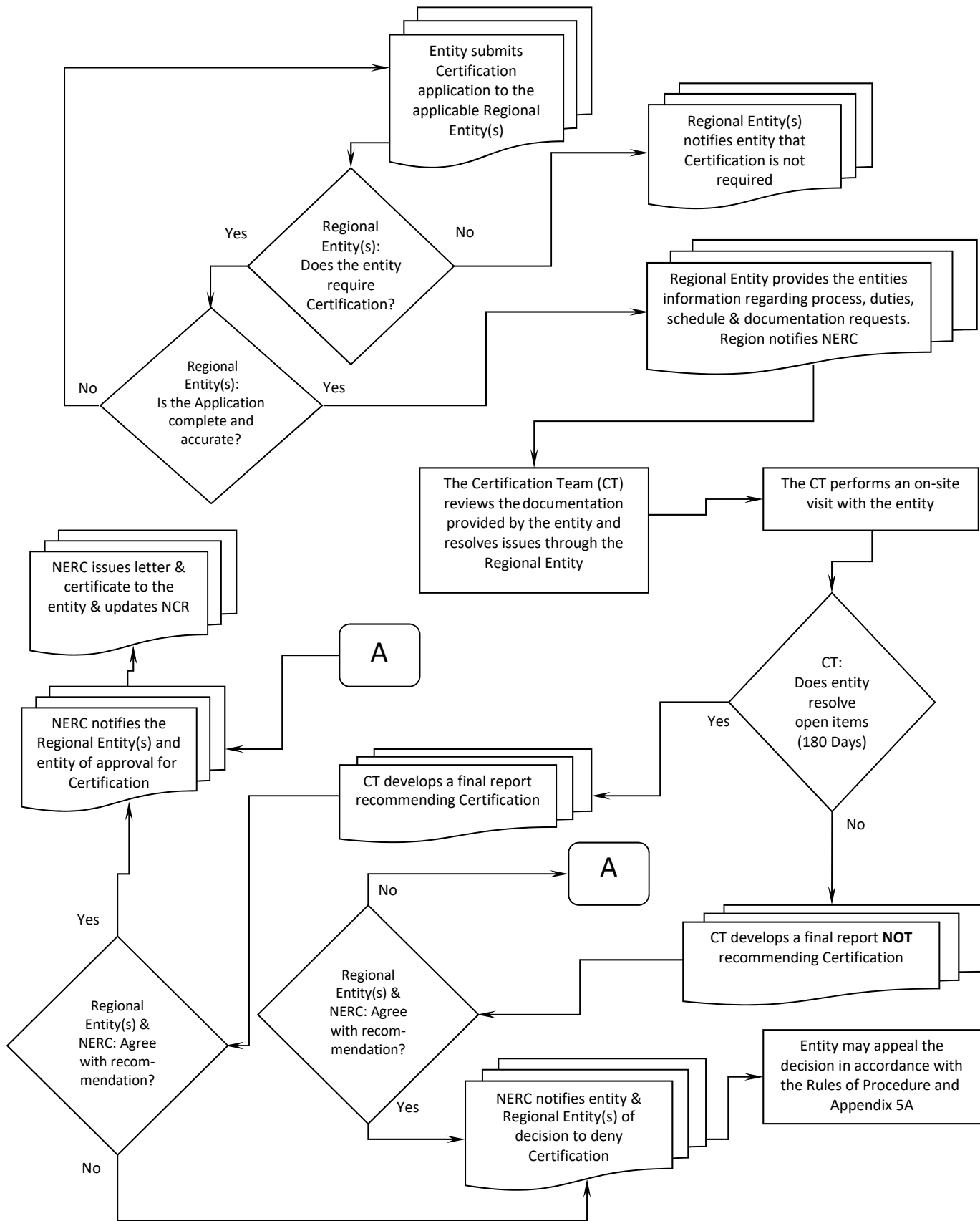


Figure 2: Organization Certification Process Overview

## Section V — Certification Review Process

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### Purpose and Scope

Certification review provides reasonable assurance an already certified and operational Registered Entity will continue to support reliable operations of the BPS after initiating a material change. The review will seek assurance that the entity has addressed personnel training and qualifications, facilities, and equipment needed to perform and maintain the reliability functions in accordance with the applicable Requirements of Reliability Standards, considering among others the following:

- BPS reliability impacts of the change
- Critical Infrastructure Protection implications of the change
- Operator training in support of the change
- Data collection, sharing, and facilities monitoring and control necessary for Real-time Assessments, as well as next-day and longer-term planning
- Coordination of normal and emergency operations

### Overview

Certification review activities, including the checks and balances of reporting and documenting those activities, should take place in advance of the change. Functional operations and compliance to the Standards remain the responsibility of the applicable Registered Entity. Certification is of the organization performing the function—not of a facility or system of equipment. Every TOP, BA and RC Area shall have a certified TOP, BA and RC registered as responsible for performing the duties and tasks identified in and required by the Reliability Standards. Entities seeking Deactivation of BA, TOP or RC registrations shall demonstrate to the satisfaction of its Regional Entity and NERC through the Certification Review process that the duties and tasks identified in and required by the Reliability Standards either have properly been transferred to another Certified and Registered Entity or the Area has ceased to operate. An entity remains certified during the review activities and subject to all applicable requirements of reliability standards, unless conditional Certification is granted by NERC providing qualifications or criteria that NERC and the Regional Entity have determined necessary to address the risk of an entity failing to be certified or to be certified when needed.

Items that are to be considered for a certification review include one or more of the following non-exhaustive list of changes from an entity’s prior certification assessments.

- a. Changes to a Registered Entity’s footprint<sup>3</sup>(including de-certification changes to existing JRO/CFR assignments or sub-set list of requirements):
  - i. The review of changes to an already registered and operational Entity’s footprint is primarily concerned with ensuring the gaining functional entity has the tools, training, and security in place to reliably operate with new responsibilities. Changes to an entity’s footprint can be characterized by new metered boundaries associated with the integration or dis-association of existing electrical areas of the BPS (Balancing Authority Area, Transmission Operator Area, or Reliability Coordinator Area).

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<sup>3</sup>This is related to the electrical areas of the BPS such that no areas are lacking any entities to perform the duties and tasks identified in and required by the Reliability Standards to the fullest extent practical



b. Relocation of the Control Center:

i. A key tool for the reliable operation of the interconnected transmission network are the control centers that continuously monitor, assess and control the generation and transmission power flows on the BES. Of interest are impacts to the functionality provided within these facilities for continued reliable operations of the BES that affect:

- Tools and applications that System Operators use for situational awareness of the BES
- Data exchange capabilities
- Interpersonal (and alternate) Communications capabilities
- Power source(s)
- Physical and cyber security

ii. The impact of the relocation on the entity's ability to perform the functions for which it is registered under normal and emergency conditions should be explored and documented to understand the manner in which it continues to support the reliable operations of the BES.

c. Modification of the Energy Management System (EMS) system which is expected to materially affect CIP security perimeters or the situational awareness tools, functionality, or machine interfaces of the System Operator:

i. The review of modification to the Energy Management System is primarily concerned with the impact of those changes to critical infrastructure protection performance and the System Operator's ability to monitor, assess, and control the BES. An assessment of these impacts should form the basis of the decision to scope and conduct a Certification Review.

NERC may revoke an entity's certification and de-certify that entity if NERC determines that the entity is no longer performing the responsibilities that are associated with the function that they are certified for. Revocation shall be posted to the NERC website. The entity will remain registered and subject to compliance for the function, unless it has gone through the deactivation or deregistration process for the applicable function.

## Organization Certification Review Progress

### Initiation

1. A Registered Entity that requires a review of the conditions upon which their certification was granted shall complete the appropriate form and submit it to the applicable Regional Entity. Informal dialogue on potential certification activity is encouraged as far in advance as possible.

a. An entity in a single Regional Entity reliability Region shall initiate the certification review process by completing an application (certification review applications are provided on each Regional Entity's website) and sending it to the Regional Entity that will manage the certification review process.

b. An entity in multiple Regional Entity reliability regions shall initiate the certification process by completing a certification application (certification



applications are provided on each Regional Entity’s website) and sending it to each Regional Entity. Each Regional Entity will inform NERC of the request with a recommendation for which Regional Entity will provide leadership to manage the certification process. NERC will determine which Regional Entity shall lead review of the application.

c. The Regional Entity leading the review of the application shall review the application and respond with either acceptance or a request for more information within 30 days of the receipt of the request.

2. Upon receipt of the request for Certification Review, the Regional Entity(ies) shall evaluate as follows:

a. If the application is not complete or accurate, the Regional Entity will notify the entity to revise the application as needed.

b. For an entity that is not required to be certified, but performs tasks associated with a BA,RC, or TOP in accordance with Section IV, the Regional Entity shall consult with the Registered Entity regarding the applicability of a “capability verification” or “readiness evaluation” regarding those tasks.

c. The RE or NERC may initiate the certification review processes based on documented conversations or other communications with a Registered Entity that contains information equivalent to that of the application.

d. The decision to certify changes to an already operating and certified Registered Entity is a collaborative decision between the affected Regional Entity(ies) and NERC. The decision may be to conduct a review under this certification review process or engage in any lesser activity necessary to understand changes that are material to an entity’s operations or inherent risk.

3. When the decision is made to initiate a certification review, the Regional Entity shall identify a team lead (CRTL) for the certification review activity and the following will take place:

a. The CRTL will inform the Registered Entity of the decision to initiate certification review activities.

b. The CRTL shall tailor the scope of the certification review to evaluate those capabilities that are affected as a direct result of the reason for the review.

c. The Regional Entity and NERC will determine if an on-site visit is required or if off-site review is sufficient. NERC has the final authority in this decision.

d. The entity and the Regional Entity shall agree to a timeline including specific milestones for the certification review process. The proposed schedule for the Certification Review process shall be submitted to NERC for approval. NERC shall review the draft final schedule and will (i) approve; (ii) modify; or (iii) reject the final schedule within 45 days of receipt from the CRTL.

- Certification Review activities are expected to be completed allowing sufficient time to address the risk of an entity failing to be certified or to be certified when needed prior to the effective date of any registration changes.

## **Planning**

1. The CRTL shall form the team (CRT) that will be responsible for performing the activities included in the certification review process.

a. The CRTL shall review the request (and entity information available through other ERO programs) with NERC to identify the competency areas to be evaluated and the method(s) for their evaluation (entity/neighbor

- questionnaire, request documents for review, on-site demonstration, personnel interview, etc.)
- b. The CRT participants shall adhere to NERC’s confidentiality requirements under Section 1500 for any data or information made available through the certification review process. Participants shall not be employees of or have a direct financial interest in the entity or any of its affiliates.
  - c. CRT composition:
    - i. The CRT shall have the necessary diversity in their technical training and experience to collectively represent the subject matter competencies needed to perform the evaluation of the specific function being certified. Previous experience as a System Operator, Operations Support Personnel or management of a Control Center is desired for CRT members performing the on-site visit.
    - ii. Entities such as government representatives or other stakeholders may be observers in the Certification Review process.
  - d. If the entity objects to any member of the CRT, the entity must make that known, in writing, to the Regional Entity listing the reasons for the objection. The Regional Entity will either replace the team member or respond with written justification for keeping the member on the team.
2. The CRTL shall ensure all CRT members have completed the following:
- a. Certification team member training requirements as established by NERC
  - b. Team Member profile documenting technical training and experience of team members
  - c. For non-ERO employees they shall also complete the following:
    - i. Team member training record form
    - ii. Certification team conflict of interest form
    - iii. An ERO confidentiality agreement form
3. The CRTL shall utilize a secured server to distribute and house all relevant Certification Review activity documents, including but not limited to the following:
- a. The application or other documented correspondence with the Registered Entity initiating the certification activity
  - b. All relevant correspondence between the CRTL and the applicant, including the certification packet (as described in step 4 below)
  - c. All relevant correspondence between the CRTL and the CRT members
  - d. The work papers used to evaluate the entity during the process
  - e. The overall process schedule
  - f. The agenda for the on-site visit, if required
  - g. The final certification review summary report
  - h. The Regional Entity certification process check sheet indicating the completion of certain process check-points
4. A certification review packet shall be developed and sent to the entity at least ninety (90) days prior to an on-site visit. It shall contain the following:
- a. Notification of the certification review process
  - b. Logistic information request

- c. The tentative overall process schedule and tentative on-site agenda
  - d. The CRT roster and member biographies
  - e. Request of confirmation of no-objections to CRT members
  - f. Pre-certification survey that must be returned to the CRTL within fifteen (15) days of receipt
  - g. Any initial requests for information
5. CRTL shall contact the entity within one week of submitting the packet to confirm receipt of the package and discuss any concerns the entity may have.
6. The entity shall complete and return the requested information no later than four (4) weeks prior to the on-site visit.
7. The CRTL and CRT shall review the Logistic Information Request, in order to do the following:
- a. Understand the entity's expectations of the CRT when on site
  - b. Make travel arrangement

## **Fieldwork**

1. Areas of capability to be evaluated by the certification review activity shall be tailored to the situation and matched with appropriate assessment methods (e.g., validation of legacy information, review of questionnaire responses, document review, direct observation, or personnel interview, etc.)
2. The CRTL shall schedule a document review(s) with the CRT prior to the on-site visit. Document reviews could take place face-to-face or via teleconference.
3. During document reviews, the CRT shall note all the following:
- a. Follow-up or corroborating questions for the entity's management, SMEs, and system operators based upon the review of supporting documentation
  - b. Additional requests for information (to be submitted to the entity)
  - c. Comments during the document review that support the entity's abilities to perform the function for which the entity applied and indicate items which do not need further review
  - d. Issues that need to be addressed prior to continued certification being recommended
4. The CRTL shall provide the entity a final schedule and agenda for the on-site visit (if applicable) based upon the results of the document review.
5. As appropriate, the CRT shall conduct interviews at the entity's facilities or via tele-conference. The team will:
- a. Review with the entity any data or information requiring clarification
  - b. Interview operations, management and training personnel
  - c. During on-site visits:
    - i. Inspect the Facilities and equipment associated with the applicable Reliability Standards referenced in the questionnaire;
    - ii. Request demonstration of all tools affected by the change;
  - d. Review documents and data including agreements, processes, and procedures identified by CRT

- e. Review any additional documentation resulting from inquiries arising during the interview
6. At the end of each on-site day, the CRT will meet for debriefing. The CRT shall lead a daily debriefing with the entity in order to do the following:
  - a. Identify the status of the assessment
  - b. Identify any items of concern that need to be addressed
  - c. Provide an update to the schedule
7. The CRT shall provide an exit briefing at the end of the on-site visit in order to do the following:
  - a. Identify any Open Issues that need to be addressed, and identify a timeline for follow-up to closure
  - b. Discuss the reporting process
  - c. Discuss the next steps in the certification review process, including any areas of concern and the schedule of a post-onsite visit, if required
  - d. Convey that entity feedback forms will be sent to the entity

## **Reporting**

1. The CRT shall provide the CRT and entity with feedback forms, and request that they are returned within five (5) calendar days with a copy to NERC.Certification@nerc.net.
2. After completion of the on-site visit, the CRT shall develop a draft summary report, in coordination with input from the CRT, which presupposes all Open Issues are closed. The format for the report shall conform to the template posted on the NERC website.
3. The entity, in conjunction with the CRT, shall attempt to resolve any Open Issues prior to issuance of the draft summary report.
4. The CRT shall transmit the draft final report to the CRT requesting final comments within five (5) business days, unless agreed to otherwise.
5. After the CRT has completed their review of the draft report, the CRT shall transmit the draft final report to the entity, requesting return with comments within fourteen (14) calendar days, unless agreed to otherwise.
6. At the discretion of the CRT and NERC, the entity may be permitted to implement the change at any point in time after the exit briefing. Shadow operations, if used shall be coordinated to ensure operational authority is clear at all times.
7. Entity comments will be given due consideration and incorporated into the summary report at the discretion of the CRT and the input of the CRT. The CRT will review the completed summary report with the CRT.
8. When all Open Issues are satisfactorily closed, the CRT shall submit the summary report to Regional Entity(ies) management for consideration and approval. CRT minority opinions and areas where CRT consensus was not reached will be communicated to Regional Entity(ies) management prior to approval but will not be included in the final report nor in the Regional Entity recommendation to NERC.
  - a. If Regional Entity management contradicts the CRT Finding, the CRT shall work with the CRT and the entity to resolve any issues.
  - b. The Regional Entity CEO (or a designee) will transmit to NERC and copy the entity the final CRT report with a recommendation regarding NERC's certification of the entity.

9. If NERC approves continued certification for the entity, NERC shall email confirmation to the entity.
10. If NERC declines continued certification for the entity, NERC shall make available to the entity Hearing Procedures for use in Appeals of Certification Matters, CCCPP-005 contained in Appendix 4E.

## **Data Retention**

1. Documentation used to substantiate the conclusions of the certification review must be retained by the Regional Entity for six (6) years.
2. Documentation used to substantiate program oversight of the certification processes must be retained by NERC for six (6) years.

## **Section VI – NERC Organization Registration Appeals Process**

### **Purpose and Scope**

This section describes the process that any organization must use to seek review of its listing and functional assignment on the NCR.

### **Overview**

NERC has established documented procedures to ensure a fair and impartial appeals process. No one with a direct interest in a dispute may participate in the appeals process except as a party or witness. See Figure 3, *Organization Registration Appeals Process Overview*.

### **Organization Registration Appeals Procedure**

1. Any Registered Entity included on the NCR may challenge final decisions regarding its listing, functional assignments, and determinations regarding the applicability of a sub-set of Reliability Standards (which specifies the specific Reliability Standards and may specify Requirements/sub-Requirements).
2. All registration appeals must be filed in writing to NERC, via registered mail. Appeals are sent to:  
Compliance Operations  
3353 Peachtree Road NE  
Suite 600, North Tower  
Atlanta, GA 30326  
Main: (404) 446-2560  
Facsimile: (404) 446-2595
3. Each party in the appeals process shall pay its own expenses for each step in the process.
4. A stipulation of invoking the appeals process is that the Regional Entity or Registered Entity requesting the appeal agrees that NERC (its Members, Board, committees, subcommittees, and staff), any person assisting in the appeals process, and any company employing a person assisting in the appeals process, shall not be liable for, and shall be held harmless against the consequences of or any action or inaction or of any agreement reached in resolution of the dispute or any failure to reach agreement as a result of the appeals proceeding. This “hold harmless” clause does not extend to matters constituting gross negligence, intentional misconduct, or a breach of confidentiality.
5. Parties retain the right to seek further review of a decision in whatever regulatory agency or court that may have jurisdiction.
6. All appeals must be received within 21 Days of receipt of the NERC determination that is being appealed. The appeal must state why the Registered Entity believes it should not be registered or should be deactivated based on the NERC ROP and the *NERC Statement of Compliance Registry Criteria* or why its compliance obligations should be limited only to a sub-set list of otherwise applicable Reliability Standards (which specifies the Reliability Standards and may specify Requirements/sub-Requirements). A copy of the appeal must be concurrently served on the Regional Entity.

## Section VI — NERC Organization Registration Appeals

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7. After receipt of the appeal, the Registered Entity has a 30 day period to work with the Regional Entity to resolve the appeal, if possible. NERC may extend such deadline in its sole discretion. If the appeal is resolved, the Regional Entity will notify NERC with the details of the resolution and NERC will close the appeal.
8. At any time through this appeals process, a Registered Entity may agree with the decision and/or agree to close the appeal. NERC shall notify the involved parties and the NERC BOTCC that the appeal is resolved and update the NCR as applicable.
9. NERC will notify the Registered Entity and the applicable Regional Entity(ies) regarding the appeal with the following expectations:
  - a. The Registered Entity will provide NERC and the applicable Regional Entity(ies) any additional data supporting its appeal within 10 Days of the date of the NERC appeal notification.
  - b. The applicable Regional Entity(ies) will provide a copy of its assessment directly to the Registered Entity, as well as to NERC, within 20 Days of the date of the NERC appeal notification.
  - c. The Registered Entity may submit a response to the Regional Entity(ies) assessment, with copies to the Regional Entity(ies) and NERC, within 30 Days of the date of the NERC appeal notification.
  - d. To ensure there is no confusion with respect to the rights and responsibilities of the Registered Entity during the appeal process, the notification will confirm whether the Registered Entity will remain on the NERC Compliance Registry and will be responsible for compliance with approved Reliability Standards applicable to the function under appeal during the appeal.
  - e. NERC may extend the timelines for good cause shown. Requests should be sent to the Director of Compliance (or an equivalent position). NERC shall notify the Registered Entity and the Regional Entity of such time extensions.
10. Hearing and Ruling by the BOTCC
  - a. The BOTCC will resolve Registration disputes.
  - b. The BOTCC may request additional data from NERC, the relevant Regional Entity(ies) or the Registered Entity, and prescribe the timeframe for the submitting the requested data.
  - c. The BOTCC will provide a written decision regarding any appeals, along with the basis for its decision.
  - d. If the BOTCC upholds the appeal, NERC will:
    - Notify the Registered Entity and Regional Entity(ies) that the appeal was granted.
    - Update the NCR.
  - e. If the BOTCC does not uphold the appeal, NERC will:
    - Notify the Registered Entity and the Regional Entity(ies) that the appeal was denied.
    - The Registered Entity may appeal to Federal Energy Regulatory Commission (FERC) or another Applicable Governmental Authority within 21 Days of the notification of the decision.
  - f. A record of the appeals process shall be maintained by NERC. Confidentiality of the record of the appeal will be based on the NERC ROP Section 1500.

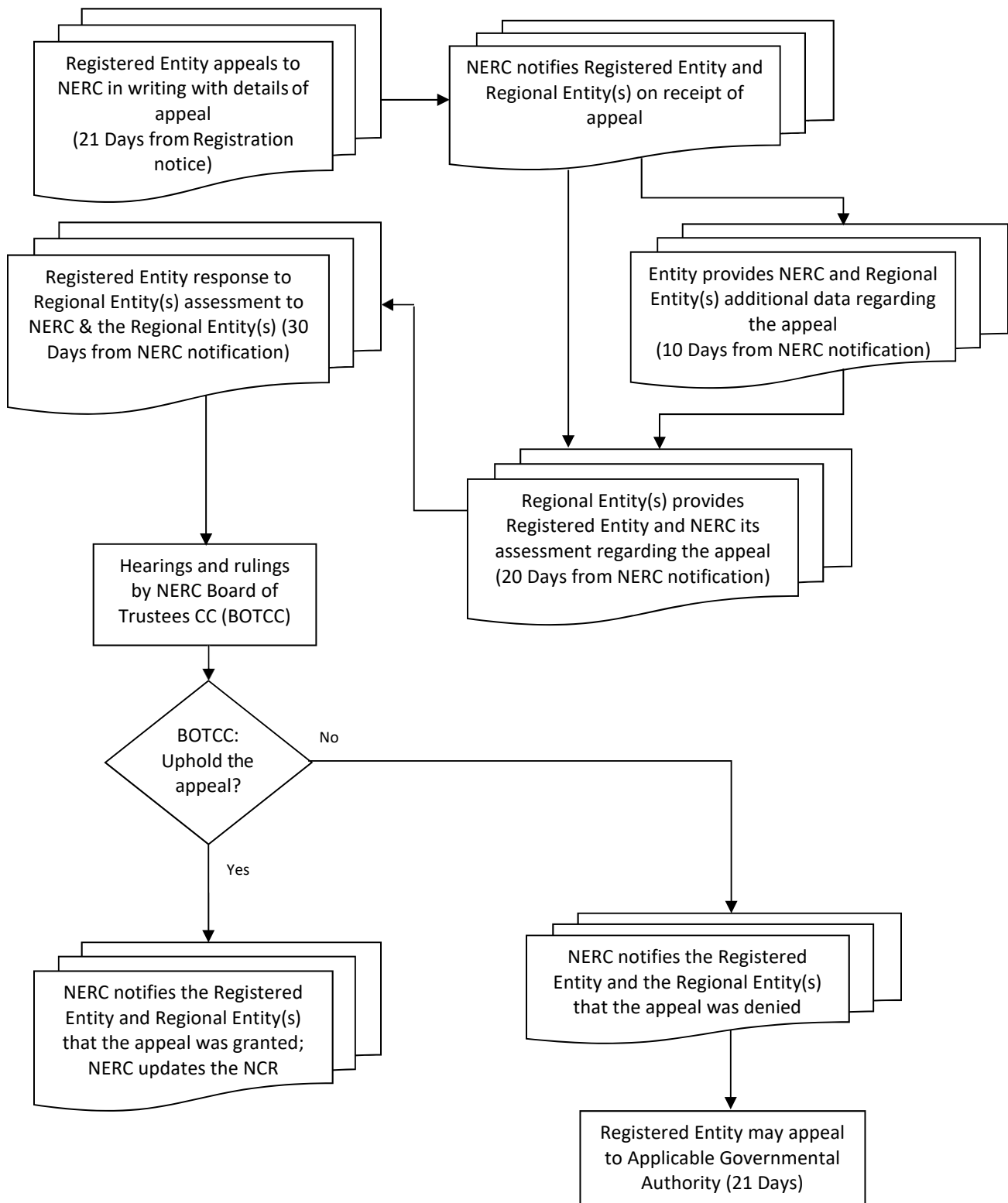


Figure 3: Organization Registration Appeals Process Overview



# Section VI I — NERC Organization Certification Appeals Process

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## Purpose and Scope

This section describes the process for an organization to appeal the Certification decision that was determined in the Certification process.

## Overview

The NERC Organization Certification Program provides a key means to fulfill NERC's mission. In conducting this program, NERC has established documented procedures to ensure a fair and impartial appeals process. No one with a direct interest in a dispute may participate in the appeals process except as a party or witness. See Figure 4 *Organization Certification Appeals Process Overview*.

## Organization Certification Appeals Procedure

1. Appeal for an Organization Certification Finding.
2. Any entity can appeal an organization Certification decision issued as a result of the Certification process.
3. Requirements and Conditions for Appeals.
  - a. For all appeals under the NERC Organization Certification Program, the appeals process begins when an entity notifies the NERC Vice President and Director of Compliance (or an equivalent position), in writing, that it wishes to use the NERC appeals process.
    - The Director of Compliance (or an equivalent position) is the main contact for all parties in all steps of the appeals process.
    - If an appeal is not filed within 21 Days of the date that the Certification report or finding is issued, or the final Regional Entity appeals process ruling is made, the finding shall be considered final and un-appealable.
  - b. Each party in the appeals process shall pay its own expenses for each step in the process.
  - c. A stipulation of invoking the appeals process is that the Regional Entity or entity requesting the appeal agrees that NERC (its Members, Board, committees, subcommittees, and staff), any person assisting in the appeals process, and any company employing a person assisting in the appeals process, shall not be liable, and shall be held harmless against the consequences of or any action or inaction or of any agreement reached in resolution of the dispute or any failure to reach agreement as a result of the appeals proceeding. This "hold harmless" clause does not extend to matters constituting gross negligence, intentional misconduct, or a breach of confidentiality.
  - d. Parties retain the right to seek further review of a decision in whatever regulatory agency or court that may have jurisdiction.
4. At any time through this appeals process, an entity may withdraw its appeal.
5. Hearing and Ruling by the Compliance and Certification Committee.
  - a. Within 28 Days of receiving notice from the NERC Director of Compliance (or an equivalent position), the CCC will conduct a hearing where all the parties or representatives of the disputing parties will present the issue in question, in accordance with CCC procedure CCCPP-005, *Hearing Procedures for Use in Appeals of Certification Matters*, which is incorporated in **Appendix 4E** of the ROP.
  - b. If the appeal is upheld, NERC notifies the entity and Regional Entity(s), updates the NCR, and issues any appropriate letter and certificate to the entity.
  - c. If the appeal is denied, NERC notifies the entity and Regional Entity(s).

6. Hearings and Ruling by the BOTCC.
  - a. The BOTCC will be asked to resolve a dispute related to the NERC Organization Certification Program if any party to the appeal contests the CCC final order.
  - b. The BOTCC may request additional data from NERC, Regional Entity(s) or the entity and prescribe the timeframe for the submitting the requested data.
  - c. At the next regularly scheduled BOTCC meeting, or at a special meeting if the Board determines it is necessary, the Chairman of the CCC will present a summary of the dispute and the actions taken to the BOTCC.
    - Each party will have an opportunity to state its case.
    - The BOTCC will then rule on the dispute.
  - d. If the BOTCC upholds the appeal, NERC will:
    - Notify the entity and the Regional Entity(ies) that the appeal was upheld.
    - Update the NCR.
    - Issue a Certification letter and a certificate to the entity as applicable.
  - e. If the BOTCC does not uphold the appeal, NERC will notify the entity and the Regional Entity(ies) that the appeal was denied.
    - The entity may appeal to Applicable Governmental Authorities within 21 Days of the issuance of the decision.
  - f. A record of the appeals process shall be maintained by NERC and available upon request. Confidentiality of the record of the appeal will be based on the NERC ROP Section 1500.

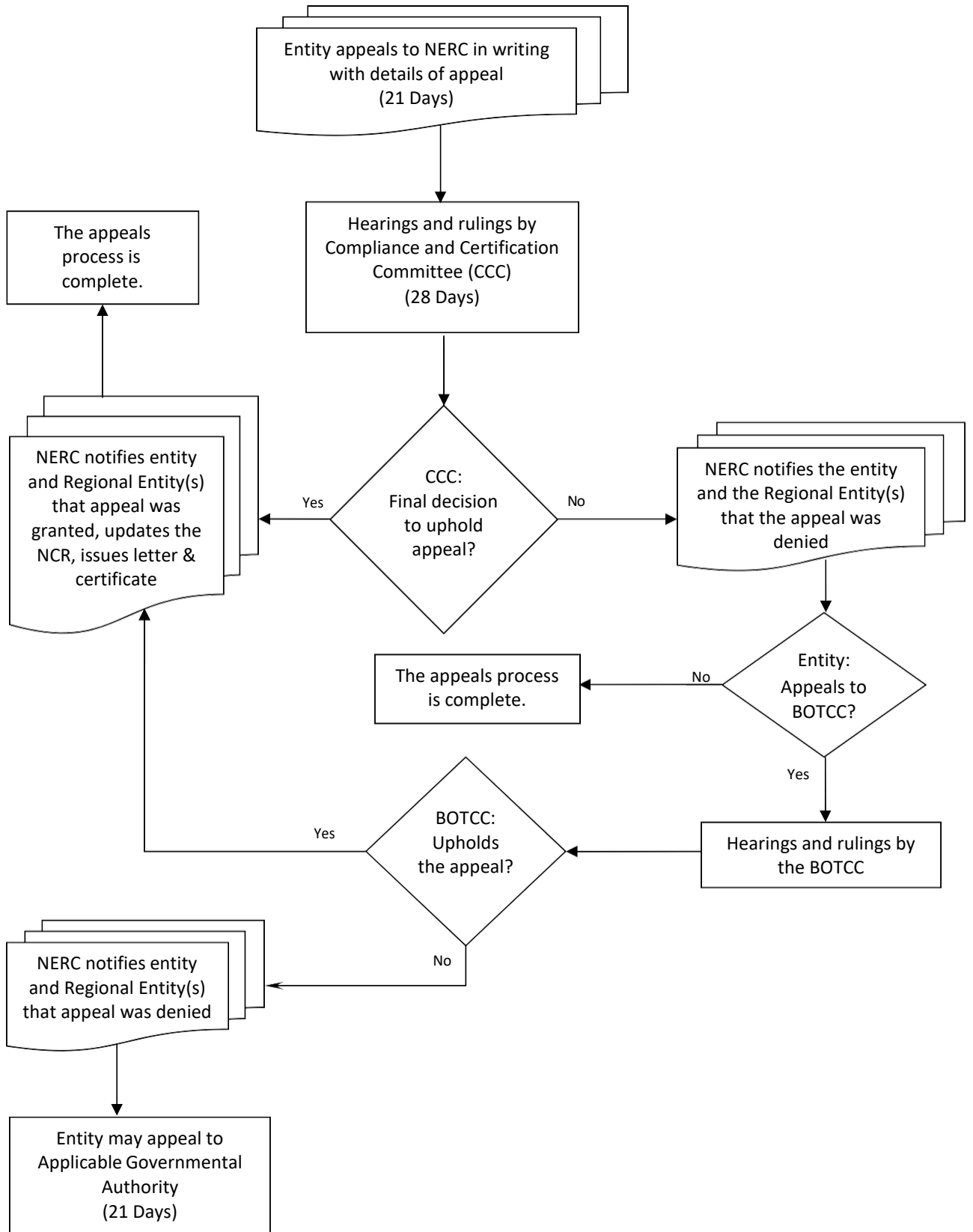


Figure 4: Organization Certification Appeals Process Overview

## Definitions

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Capitalized terms used in this Appendix shall have the definitions set forth in Appendix 2 of the ROP. For convenience of reference, definitions used in this Appendix are also set forth below:

<b>NERC Organization Certification</b>	The process undertaken by NERC and a Regional Entity to verify that a new entity is capable of responsibilities for tasks associated with a particular function such as a Balancing Authority, Transmission Operator, and/or Reliability Coordinator.
<b>Compliance and Certification Manager</b>	The individual/individuals within the Regional Entity that is/are responsible for monitoring compliance of entities with applicable NERC Reliability Standards.
<b>Days</b>	Days as used in the Registration and Certification processes are defined as calendar days.
<b>Footprint</b>	The geographical or electric area served by an entity.
<b>Functional Entity</b>	An entity responsible for a function that is required to ensure the Reliable Operation of the electric grid as identified in the NERC Reliability Standards.
<b>Mapping</b>	The process of determining whether a Regional Entity's Footprint is being served by Registered Entities.
<b>NERC Identification Number (NERC ID)</b>	A number given to NERC Registered Entities that will be used to identify the entity for certain NERC activities. Corporate entities may have multiple NERC IDs to show different corporate involvement in NERC activities.
<b>Regional Entity</b>	An entity having enforcement authority pursuant to 18 C.F.R. § 39.8.
<b>Registration</b>	Processes undertaken by NERC and Regional Entities to identify which entities are responsible for reliability functions within the Regional Entity's Region.
<b>Coordinated Functional Registration (CFR)</b>	Where two or more entities (parties) agree in writing upon a division of compliance responsibility among the parties for one or more Reliability Standard(s) applicable to a particular function, and/or for one or more Requirement(s)/sub-Requirement(s) within particular Reliability Standard(s).