

Consideration of Comments on Initial Ballot — Project 2006-04 — Backup Facilities — Non-binding Poll for VRFs and VSLs
Date of Initial Ballot: June 23, 2010 – July 6, 2010

Summary Consideration: The comments on VRF and VSL have been answered and the only change made was to add the word, “six” as a qualifier for the following VSLs for EOP-008-1:

R#	Lower	Moderate	High	Severe
R1.	The responsible entity had a current Operating Plan for backup functionality but the plan was missing one of the requirement's six Parts (1.1 through 1.6).	The responsible entity had a current Operating Plan for backup functionality but the plan was missing two of the requirement's six Parts (1.1 through 1.6).	The responsible entity had a current Operating Plan for backup functionality but the plan was missing three or more of the requirement's six Parts (1.1 through 1.6).	The responsible entity did not have a current Operating Plan for backup functionality.

If you feel that the drafting team overlooked your comments, please let us know immediately. Our goal is to give every comment serious consideration in this process. If you feel there has been an error or omission, you can contact the Vice President and Director of Standards, Herbert Schrayshuen, at 609-452-8060 or at herb.schrayshuen@nerc.net. In addition, there is a NERC Reliability Standards Appeals Process.¹

Voter	Entity	Segment	Vote	Comment
Robert Martinko	FirstEnergy Energy Delivery	1	Affirmative	FirstEnergy supports the VRF and VSL for standard EOP-008-1 and is casting an Affirmative vote with the following suggestion: - with respect to the VRF for Requirement R8: The team may want to reconsider the assignment of a "Medium" VRF for this requirement and change it to "Lower". When comparing this requirement to others in the standard that are deemed medium risk it would appear the this requirement is much less of a risk to the BES since it merely requires a plan be sent to its Regional Entity of a loss of functionality that will last for more than six months.
Kevin Query	FirstEnergy Solutions	3	Affirmative	
Douglas Hohlbaugh	Ohio Edison Company	4	Affirmative	
Mark S Travaglianti	FirstEnergy Solutions	6	Affirmative	
Response: The SDT appreciates your support but disagrees with the concept that the VRF for Requirement R8 should be low. This is not just a simple administrative task but a key element in a defense in depth strategy for providing a way to get back to 'normal' operating conditions. No change made.				
Walt Gill	Lake Worth Utilities	1	Negative	1.1.6 states "A list of all entities to notify when there is a change in operating location". This can be interpreted as needing to maintain a list of all entities and then requiring notification

¹ The appeals process is in the Reliability Standards Development Procedure: http://www.nerc.com/files/RSDP_V6_1_12Mar07.pdf.

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Brad Chase	Orlando Utilities Commission	1	Negative	<p>of all entities when a change of locations is necessary. We are sure that is not what the Drafting Team intends. The bullet should clarify which entities to list and notify, e.g., (1) the RC, (2) all neighboring (i.e., bordering) BAs and TOPs (for an RC, neighboring RCs as well), and (3) all GOPs, TOPs, BAs, LSEs and DPs within the operating area of the Responsible Entity.</p> <p>5.1 states "An update and approval of the Operating Plan for backup functionality shall take place within sixty calendar days of any changes to any part of the Operating Plan described in Requirement R1." This can be interpreted as applying to any minor change, which is not the intent of the Drafting Team as reflected in their response to comments. FMPA suggests "An update and approval of the Operating Plan for backup functionality shall take place within sixty calendar days of changes to the Operating Plan specifically described in Requirement R1." The bullets in R1 basically describe things that would constitute a significant change (e.g., 1.1.8 describes "roles", so, if a role changes, i.e., a job title change through a re-organization, that would be a significant change. A change of a specific person filling that role would not be).</p> <p>The Measures (and Data Retention) require "dated" material where such a requirement for "dated" material is not within the requirements themselves. Measures should not have "hidden" requirements within them. If "dated" is a requirement, then the requirement itself needs to include it, otherwise, remove the reference to "dated" in the Measures, or add a "such as ..." in front of it to make it optional.</p> <p>Also, many of the Measures (for instance M5) simply repeat the requirements. Measures are supposed to be examples of evidence, not "shall have evidence", e.g., for M5 "such as version tracking of its Operating Plan or signature approval of its Operating Plan" would be more appropriate.</p> <p>Data retention for M1 is ambiguous, are we to retain just the current version, or all of the superceded versions since the last compliance audit? In general, the data retention phrases could be much simpler by saying something like "retain evidence of compliance since last compliance audit" rather than repeat all the requirements again.</p> <p>The VRF for R3 and R4 under severe should be reworded since all that is being done is repeating the words of the requirement itself, meaning that any violation would be Severe. As currently stated: "The responsible entity does not have backup functionality (provided either through a facility or contracted services staffed by applicable certified operators when control has been transferred to the backup functionality location) in accordance with Requirement R3(4)" would apply to any violation of R3 and R4. Hence, as written, all violations of this requirement would be severe since the "Severe" language would make the language under "Lower", "Moderate" and "High" superfluous. FMPA suggests: "two or more High VRFs" for Severe.</p>
Lynne Mila	City of Clewiston	3	Negative	
Kevin McCarthy	City of Clewiston	4	Negative	
Frank Gaffney	Florida Municipal Power Agency	4	Negative	
David Schumann	Florida Municipal Power Agency	5	Negative	

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<p>Response: Response to comments on 1.1.6, 5.1, Measures, and Data Retention are contained in the general comment report.</p> <p>VRF – The SDT believes that you meant VSL, and not VRF in the first sentence. Given that, the SDT disagrees with the suggested premise. There is a real distinction between the Lower, Moderate, High, and Severe conditions. In the Lower, Moderate, and High conditions, an entity can have the functionality but for whatever reason, they have not supplied all of the functionality to enable them to comply with all of the requirements they are responsible for in the low, medium, or high VRF categories. In the Severe category, the entity has not supplied the backup functionality at all. No change made.</p>				
Thomas C. Mielnik	MidAmerican Energy Co.	3	Negative	Not appropriate to have a VSL of high for an administrative item R5.1.
<p>Response: The SDT believes that the VSL for Requirement R5 has been laid out correctly according to the latest guidelines from Compliance. There is a definite gradient in the performance shown that builds to the Severe condition. No change made.</p>				
Kirit S. Shah	Ameren Services	1	Negative	o R1 is to have a PLAN which is "documentation". The VRF should be low.
<p>Response: The plan is a document but the SDT does not see it as an administrative task. It is far too valuable a tool and as such does not warrant a low VRF. No change made.</p>				
Francis J. Halpin	Bonneville Power Administration	5	Negative	The High VSL for Requirement 4 will not apply to anyone because it contains an "And" criteria for a High VRF, and none of the requirements have a High VRF.
<p>Response: The High VSL will apply as the wording clearly states that the HIGH VRF cited is for all requirements applicable to the entity and not just those in this standard. No change made.</p>				
Liam Noailles	Xcel Energy, Inc.	5	Negative	The term 'situational awareness' introduces an ambiguous term that can be widely interpreted (especially between auditor and entity) and result in a gap of the desired goal. If the intent is to simply indicate that compliance with the NERC standards is intended, then state as such. This could also be accomplished through the use of language similar to that used in R4 "...that includes monitoring, control, logging, and alarming sufficient for maintaining compliance with all Reliability Standards that depend on a Balancing Authority and Transmission Operator's primary control center functionality respectively."
<p>Response: Response to comment is contained in the general comment report.</p>				
Joseph S. Stonecipher	Beaches Energy Services	1	Negative	The VRF for R3 and R4 under severe should be reworded since all that is being done is repeating the words of the requirement itself, meaning that any violation would be Severe. As currently stated: "The responsible entity does not have backup functionality (provided either through a facility or contracted services staffed by applicable certified operators when control has been transferred to the backup functionality location) in accordance with Requirement R4" would apply to any violation of R3 and R4. Hence, as written, all violations of this requirement would be severe since the "Severe" language would make the language under "Lower", "Moderate" and "High" superfluous. I suggest: "two or more High VRFs" for Severe.

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<p>Response: The SDT assumes that you meant VSL. There is a real distinction between the Lower, Moderate, High, and Severe conditions. In the Lower, Moderate, and High conditions, an entity can have the functionality but for whatever reason, they have not supplied the functionality to enable them to comply with the requirements they are responsible for in the low, medium, or high VRF categories. In the Severe category, the entity has not supplied the backup functionality at all. No change made.</p>				
Joseph G. DePoorter	Madison Gas and Electric Co.	4	Negative	<p>The VSLs for R3 and R4 both simaliary state: "..but it did not provide the functionality required for maintaining compliance with one or more of the Requirements in the Reliability Standards applicable to the entity that depend on the primary control center functionality". The requiremnts states that the backup control center is top provide provide the functionality required for maintaing compliance with all standards... The requirement is based on Standards but the VSL is based on requirements. This will lead to confusion since entities look at VSLs along with staandards in order to self audit their compliance program. The written requirement needs to match the VSL.</p>
<p>Response: The SDT believes that the requirements wording and the VSL wording are correct and that the proper distinctions have been made so that there will be no confusion. Furthermore, standards consist of requirements and it is the requirements to which an entity must comply. No change made.</p>				
George T. Ballew	Tennessee Valley Authority	5	Negative	<p>TVA offers the following comments for rev 1 to EOP-008.</p> <p>R1. 1.3 consistent ? identical</p> <p>R3. And R4. Implies that for a planned loss of primary or backup functionality lasting longer than two weeks, a tertiary facility is required. This seems to be in conflict and much more restrictive than requirement R8. which states that for real losses anticipated to last longer than 6 months the RC, BA or TO has 6 months from the time of the loss to provide a plan to its Regional Entity.</p> <p>R5. "any changes" is a very broad requirement open to interpretation by a auditor. This is a potential violation waiting to happen. Need to use plain language that is more clear and concise in these standards.</p> <p>R7. How do you document backup functionality? By testing every possible function? If then intent is to conduct operations for two hours from the backup facility and document , then say just that.</p>
<p>Response: Response to comments on non-VRF/VSL is contained in the general comment report.</p>				
Jason L Marshall	Midwest ISO, Inc.	2	Negative	<p>We disagree with the VRF for R8. We believe this should be a Lower VRF because it is primarily an administrative item that requires a long term outage of either the primary or backup control center/functionality. History has shown that a long term outage of either is highly improbable. We agree with the remainder of the VRFs but offer the following comments.</p> <p>We do not agree that EOP-005-2 R1 is similar to EOP-008-1 R1 as identified in the analysis.</p>

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				<p>The focus seems to be that both requirements require a plan so they must be similar. We believe that you must look at the intent of the plan to determine if requirements are similar.</p> <p>For several of the requirements, a statement was made that there are no similar requirements to compare because the requirement is new. We don't understand how a new requirement might not have a similar existing requirement to compare it to.</p> <p>For the VSLs for R2, we do not believe there should be any Severe VSLs because R2 is an administrative requirement.</p> <p>We are concerned the VSLs for R3 could create a kind of double jeopardy. If a requirement is violated by an RC, there is some probability that the violation will extend to the backup control center as well. Thus, they could be found in violation of the original requirement and EOP-003-1 R3. We are concerned the VSLs for R4 could create a kind of double jeopardy. If a requirement is violated by a BA or TOP, there is some probability that the violation will extend to the backup functionality as well. Thus, they could be found in violation of the original requirement and EOP-003-1 R4.</p>
<p>Response: The SDT disagrees with the concept that the VRF for Requirement R8 should be low. This is not just a simple administrative task but a key element in a defense in depth strategy for providing a way to get back to 'normal' operating conditions. No change made.</p> <p>The SDT agrees that just because a plan is required doesn't make two requirements similar. The intent is the key element to consider. In this case, the SDT believes that the intent is indeed similar and that the linkage is correct. No change made.</p> <p>The SDT agrees that just because a requirement is new in a particular standard that doesn't mean that there isn't a similar requirement in another standard. However, in this case, the SDT researched the existing requirements in other standards and did not find a match. Lacking any specific examples in your comment, the SDT believes that the present wording is correct. No change made.</p> <p>The current wording of the Severe VSL covers the situation where an entity does not have a copy of its Operating Plan for backup functionality at any of its control locations. This covers the primary location. The SDT believes that not having a copy of the plan at the primary location (as well as all other locations) warrants a Severe VSL. No change made.</p> <p>NERC Compliance has repeatedly stated that double jeopardy will not be an issue in evaluating adherence to standards. No change made.</p>				