

February 14, 2012

Via E-Mail

Mr. Steven T. Naumann
Vice President, Wholesale Market Development
Federal Regulatory Affairs & Public Policy
Exelon Corporation
Chase Tower-50th Floor
10 S. Dearborn Street
Chicago, IL 60603

Re: Exelon Level 1 Appeal of FAC-003x in Project 2010-07

Dear Steve,

In my role as Director of Standards you informed me, on January 13, 2012, of the possibility of filing an appeal. On January 20, 2012 you filed, on the behalf of Exelon Corporation, a Level 1 Appeal of the processing of FAC-003 in Project 2010-07 under the NERC standards development process and the Rules of Procedure Section 300. In its appeal Exelon is contending that there was an improperly implemented, substantive change to the standard (R4.3.1) regarding "line of site" between the last successive and recirculation ballot.

Level 1 Appeals are managed within the current NERC Standard Processes Manual (SPM) dated September 3, 2010 as follows:

- Any entity that has directly and materially affected interests and that has been or will be adversely affected by any procedural action or inaction related to the development, approval, revision, reaffirmation, or withdrawal of a reliability standard, definition, variance, associated implementation plan, or interpretation shall have the right to appeal. This appeals process applies only to the NERC reliability standards processes as defined in this manual, not to the technical content of the standards action.

The burden of proof to show adverse effect shall be on the appellant. Appeals shall be made within 30 days of the date of the action purported to cause the adverse effect, except appeals for inaction, which may be made at any time.

3353 Peachtree Road NE
Suite 600, North Tower
Atlanta, GA 30326
404-446-2560 | www.nerc.com

The final decisions of any appeal shall be documented in writing and made public.

The appeals process provides two levels, with the goal of expeditiously resolving the issue to the satisfaction of the participants.

- **Level 1 Appeal**
Level 1 is the required first step in the appeals process. The appellant shall submit (to the Director of Standards) a complaint in writing that describes the procedural action or inaction associated with the standards process. The appellant shall describe in the complaint the actual or potential adverse impact to the appellant. Assisted by staff and industry resources as needed, the Director of Standards shall prepare a written response addressed to the appellant as soon as practical but not more than 45 days after receipt of the complaint. If the appellant accepts the response as a satisfactory resolution of the issue, both the complaint and response shall be made a part of the public record associated with the standard.

The FAC-003-x standard had been scheduled for Board of Trustees approval at its February 9, 2012 meeting, however, in order to permit the Level 1 Appeal process to properly run, it has been withdrawn.

Information Requests

In response to the Level 1 Appeal, three information requests, each containing two questions, were issued on January 25, 2012. One was issued to Exelon, one to NERC Standards Process Staff and one to the Project 2010-07 Standards Drafting Team (SDT) Chair. The information requests and the responses are appended to this letter which will be posted on the NERC website.

Findings

Timeliness of the Appeal:

The Standard Processes Manual calls for the filing of the appeal within 30 days of the date of the action purported to cause the direct material adverse impact. The standard with the “line of site change” was posted on December 14, 2011 and the ballot was finalized on December 23, 2011.

Within the project notice posted on December 14, 2011 it was clearly stated:

“In FAC-003-X and FAC-003-3, the SDT added a clarifying reference to line of sight in the GO exemption in section 4.3.1. of both versions; corrected a typo in 4.3.1.2 of FAC-003-3; and changed “RE” to “Regional Entity” in 4.3.1 of FAC-003-X.”

In its response to the first information request Exelon notes its position that the adverse impact did not occur until the ballot was concluded (unfavorably in Exelon's view). On this basis Exelon believes its January 13, 2012 preliminary notice of intent to file an appeal and the January 20, 2012 filing of the appeal was timely under the SPM. I will consider the filing of this Level 1 Appeal as having been made timely.

Adverse Impact:

Exelon notes in its response to Information Request 1 that it considers the direct material adverse impact to be that it would be now subject as a Generator Owner/Generator Operator (GO/GOP) to the proposed FAC-003-x standard given the line of sight clarification. It is a fair question as to whether having a standard become applicable to a given entity is truly an adverse impact? If that were the case, then every registered function would contend the same. I find that it is not an adverse impact for a subset of Exelon's nuclear facilities to become subject to the standard. Applicability by itself is not an adverse impact. The interests of reliability must be served and if the SDT determines that a given set of circumstances should result in a standard becoming applicable, then that is the technical design. On the basis of applicability the appeal fails. The SDT in this project was charged specifically with the task of determining which standards and requirements should be adjusted (and how they should be adjusted) for applicability to GOs/GOPs.

Procedural Action:

Exelon believes that it did not have ample time to respond to the proposed change. Exelon contends it was denied the ability to inform the industry. Exelon did provide some information of its efforts to inform the industry of its beliefs, although apparently it was unpersuasive, given the outcome of the ballot.

Material Change:

Based on the information request response from the SDT Chair, the SDT believes that the "line of sight" change it made was clarifying and not material. I agree with Exelon, however that the line of sight change also had the effect of changing the applicability of the standard based on its construct as Exelon contends. This is within the technical scope for the SDT under the process. On this basis, I find that Exelon has made its case that the SPM was not adhered to and that a change impacting applicability was made between the last successive and recirculation ballot.

Recommended Actions and Options

I refer the issue to the Standards Committee for handling. There are several options to consider:

1. Re-post the standard for a successive ballot and recirculation ballot. Essentially set the clock back and correctly replay the last steps of the process.
2. Ask the SDT to remove the clarification language from the final standard and go directly to recirculation ballot.
3. Ask the SDT to redesign the challenged portion of the proposed standard.

I recommend the Standards Committee pursue option 2.

Sincerely,



Herb Schrayshuen
Vice President, Standards and Training

cc: Mr. Gerry. Cauley, President and CEO, NERC
Mr. Ken Peterson, Chair, Board of Trustees Standards Oversight and Technology Committee
Mr. David Cook, General Counsel, NERC
Ms. Holly Hawkins, Associate General Counsel, NERC
Mr. Michael Moon, Director Compliance Operations, NERC
Ms. Laura Hussey, Manager Standards Process, NERC
Ms. Mallory Huggins, GO/TO Standards Drafting Team Advisor, NERC
Mr. Allen Mosher, Chair, Standards Committee
Mr. Louis Slade, Chair, GO/TO Standards Drafting Team

Attachments:

- 1) Appeal Letter dated January 20, 2012 from Exelon
- 2) Exelon Response to Data/Information Request
- 3) Information Request 1 to NERC Standards Process Staff (plus response)
- 4) Information Request 1 to GO/TO Drafting Team Chair (plus response)

January 20, 2012

Mr. Herb Schrayshuen
Vice President of Standards and Training
North American Reliability Corporation
3353 Peachtree Road, N.E.
Suite 600, North Tower
Atlanta, GA 30326

RE: Exelon Appeal of FAC-003-3 and FAC-003-X Process

Dear Herb:

Exelon wishes to initiate a Level 1 Appeal of the recent vote on FAC-003-3 (December 1, 2011 draft) and FAC-003-X (December 1, 2011 draft), Transmission Vegetation Management Program, as part of Project 2010-07, Generator Requirements at the Transmission Interface. Exelon believes that the NERC Standards Process Manual was not followed, and that based on the substantive changes made to both Standards following the Initial Ballot, NERC should have set the Standards for vote using a Successive Ballot rather than a Recirculation Ballot.

Exelon voted against these proposed Standards, and while we respect the vote of the Ballot Body, we believe that the manner in which the Standards were presented for vote is contrary to the process required by the NERC Standards Process Manual.

Prior to the Recirculation Ballot, Section 4.3.1, which defines the criteria for determining which Generation Owners will be covered by the Standards, was modified to increase the scope and applicability to generator owned overhead transmission lines by adding the words "or do not have a clear line of sight from the switchyard fence to the point of interconnection." FAC-003-3; see also FAC-003-X.¹ The Standard Drafting Team's ("SDT") explanation for this last minute addition to Section 4.3.1 is that the addition of the "line of sight reference" merely clarifies the "exception language based on the intent that was agreed upon by the stakeholder body." Sidebar comments to Sections 4.3.1 of FAC-003-3 and FAC-003-X. The SDT went on to identify the "intent" of the stakeholder body as follows:

¹ The language in Section 4.3.1 of FAC-003-3 and FAC-003-X is similar, but not identical. (Compare Section 4.3.1 in FAC-003-3 (quoted in body of this letter) to FAC-003-X, which reads "or does not have a clear line of sight from the switchyard fence to the point of interconnection. . . .") With respect to the language at issue in this appeal, the differences are of no consequence. Accordingly, references to Section 4.3.1 refer collectively to Section 4.3.1 of FAC-003-3 and FAC-003-X.

“We believe that the one mile length is a reasonable approximation of line of sight, and that using a fixed starting point (at the fenced area of the generation station switchyard) eliminates confusion and any discretion on the part of a Generator Owner or an auditor.’ With the addition of an explicit line of sight reference here, the SDT believes it has clarified its original intent.”²

This explanation does nothing more than (1) reiterate the point the SDT has maintained throughout the entire drafting process, namely that “the one mile length” of a transmission line “is a reasonable approximation of line of sight,” and (2) explain that the SDT included a “fixed starting point” (the fenced area of the generation station switchyard) from which to measure the line to address stakeholder concerns about excessive Generator Owner discretion and inconsistent application of the Standard. The stakeholder concerns and the SDT’s response have absolutely nothing to do with – and certainly do not express the “intent that has been agreed upon by the stakeholder body” – the inclusion of “or do not have a clear line of sight from the switchyard fence to the point of interconnection.” To be clear, the SDT, and even the Ad Hoc Group prior to the SDT, have always focused on the length of the transmission line (either a half mile as proposed by the Ad Hoc Group or a mile as proposed by the SDT) as the basis for determining coverage, the presumption being that up to a certain distance, the overhead line is in the line of sight at various locations throughout the Generator Owner’s property and reasonably subject to being managed through normal day-to-day plant activities. The SDT has not, until the most recent iteration of the Standards, focused on requiring a “clear” line of sight to “the point of interconnection.” The requirement that the Generator Owner be able to view the “point of interconnection” while standing at the switchyard fence is a wholly new requirement based on new considerations not previously addressed through stakeholder comments.

A review of the Technical Justification Document,³ apparently developed prior to the Initial Ballot (referred to as the “Initial Technical Justification”) supports Exelon’s position. In that document, the SDT refers to the Ad Hoc Group’s original thought to exclude from the Standard any transmission lines that was “less than two spans [long] (generally one half mile from the generator property line).”⁴ The SDT then explained that, “[a]fter reviewing formal comments, the SDT agreed to revise the exclusion so that it applies to a Facility [transmission line] if its length is ‘one mile or 1.609 kilometers beyond the fenced area of the generating station switchyard’ to approximate line of sign [sic] from a fixed

² Standard FAC-003-X at p. 2 (Draft 3: Dec. 1, 2011); Standard FAC-003-3 at p. 6 (Draft 3: Dec. 1, 2011)

³ From the title, “Technical Justification Project 2010-07 Generator Requirements at the Transmission Interface,” it appears that the document was created on September 30, 2011, although it appears that the PDF version was created on October 4, 2011. 2011_09_30_Technical_Justification_Document.pdf. In either case, this means the document was codified prior to the start of the November 9, 2011 Initial Ballot.

⁴ 2011_09_30_Technical_Justification_Document.pdf at p. 3.

point,”⁵ (the fixed point being the fenced area of the generating station switchyard). Importantly, the Ad Hoc Group and SDT focused on the length of the line, with no discussion or evaluation of requiring a “clear” line of sight from the fence “to the point of interconnection.”

Aside from the fact that the last minute change by the SDT does not reflect stakeholder intent, it is also technically unsupported. The SDT just added the requirement for a “clear” line of sight “to the point of interconnection” language without considering the implications of why such a change was required. While a specific fixed point may make sense for establishing a starting point from which to measure distance (the one-mile limitation), it does not when considering a clear line of sight, especially in light stakeholder comments and the SDT’s acknowledgment that

in many case, generation Facilities are either (1) **staffed and the overhead portion is within the line of sight** or (2) the overhead Facility is over a paved surface. Stakeholders have generally supported the rationale exempting these Facilities because incorporating them into FAC-003 would offer no reliability benefit. The SDT and industry comments support the position that these qualifiers represent a reasonable and appropriate risk prevention approach.⁶

Notably absent from this rationale is any requirement that there be a clear line of sight from a fixed point; nor is a clear line of sight required when the distance of the overhead line is short (less than a mile) and the Facilities are staffed on a daily basis, meaning that the overhead line will be subject to observation by staff, even if the staff does not have a clear line of sight from a specified fixed point (the switchyard fence) to the point of interconnection. An example helps illustrate this point. Some Generator Owner transmission lines come out of the generating station and take a ‘dog leg’ turn (the line turns at one of the towers). Standing at the tower, an individual has a clear line of sight to either end of the line (the end coming out of the station and the end connecting with the point of interconnection). Since the generating Facility is staffed and the line is within the Generator Owner’s property line or controlled area, the line can be observed and maintained by staff in the same manner as any other short distance line with a “clear” line of sight from the switchyard fence to the point of interconnection.

As illustrated by the preceding discussion, the SDT’s last minute addition of “or do not have a clear line of sight from the switchyard fence to the point of interconnection” constitutes a material and significant change in the scope of the applicability of the Standards to Generator Owners, and it was inappropriate for NERC to use a Recirculation Ballot. The Standard Process Manual regarding Recirculation Ballots (pages 19-20) states:

⁵ 2011_09_30_Technical_Justification_Document.pdf at p. 3.

⁶ Consideration of Comments Generator Requirements at the Transmission Interface Project 2010-07, p. 1 (emphasis added).

Conduct Recirculation (Final) Ballot (Standard has not Changed Substantively from Prior Ballot)

When the drafting team has reached a point where it has made a good faith effort at resolving applicable objections, the team shall conduct a recirculation ballot. In the recirculation ballot, members of the ballot pool shall again be presented the proposed standard **(that has not been significantly changed from the previous ballot)** along with the reasons for negative votes, the responses, and any resolution of the differences. **An insignificant revision is a revision that does not change the scope, applicability, or intent of any requirement and includes but is not limited to things such as correcting the numbering of a requirement, correcting the spelling of a word, adding an obviously missing word, or rephrasing a requirement for improved clarity.** Where there is a question as to whether a proposed modification is “substantive” the Standards Committee shall make the final determination. There is no formal comment period concurrent with the recirculation ballot and no obligation for the drafting team to respond to any comments submitted during the recirculation ballot.

(Emphasis added.)

Regardless of whether the SDT believed that its addition of the language at issue here clarified the intent of the stakeholder body, using the Recirculation Ballot for the Standards was not warranted or allowed by process. An unarticulated intent of the stakeholder body cannot serve as the basis for a substantive change to the Standard. More importantly, the language added by the SDT clearly changed the scope and applicability of the Standard, by drawing in Generator Owners that would have otherwise been excluded from the Standards, namely those Generator Owners with transmission lines less than a mile long that will now be covered by the Standard because some shorter distance of its line is not clearly visible from the switchyard fence to the point of interconnection. The SDT’s presentment of this change through a Recirculation Ballot deprived Exelon (and possibly others) of having its comments considered by the SDT and the SDT answer on the record for consideration by the Ballot Body in accordance with the requirements of a Successive Ballot. You can read Exelon’s comments on the Recirculation Ballot at:

<https://standards.nerc.net/VoterComment.aspx?VoteGUID=8801b661-a474-4f54-b14a-4cfe644bdaa6>.

Please let me know if you have any further questions.

Best regards,

A handwritten signature in black ink that reads "Steven T. Naumann". The signature is written in a cursive style with a prominent initial "S" and a long, sweeping underline.

Steven T. Naumann
Vice President, Wholesale Market Development
Federal Regulatory Affairs & Public Policy, Exelon Corporation

4300 Winfield Road
Warrenville, Illinois 60555
Tamra.Domeyer@exeloncorp.com
(630) 657-3753

Via email [herb.schrayshuen@nerc.net]

February 3, 2012

Mr. Herb Schrayshuen
Vice President of Standards and Training
North American Reliability Corporation
3353 Peachtree Road, N.E.
Suite 600, North Tower
Atlanta, GA 30326

**Re: Exelon Corporation Response to Data/Information Request
Exelon Level 1 Appeal of FAC-003-3/X in Project 2010-07**

Dear Mr. Schrayshuen:

As requested, enclosed is the Exelon Corporation Response to Data/Information Request in support of Exelon's Level 1 Appeal of FAC-003-3/X in Project 2010-07.

If you require additional information or you have any questions, please let me know.

Very truly yours,



Tamra Domeyer
Assistant General Counsel

Encl.

cc: Steven T. Naumann

Data/Information Request
Exelon Level 1 Appeal of FAC-003-3/X in Project 2010-07

RESPONSE OF EXELON COPORATION TO DATA/INFORMATION REQUEST

Summary of Appeal: Please refer to Exelon’s January 20, 2012 letter addressed to Herb Schrayshuen, Vice President of Standards and Training, for a more detailed discussion of the basis for Exelon’s Level 1 Appeal of the FAC-003-3/X¹ Recirculation Ballot vote. Specifically, Exelon takes issue with the results of the Recirculation Ballot for FAC-003-3/X and acceptance of the vote. The Standard Drafting Team’s (“SDT”) last minute addition of language to Section 4.3.1 (“or do not have a clear line of sight from the switchyard fence to the point of interconnection”² (referred to as the “clear line of sight” language)) that significantly broadens the scope of applicability to Generation Owners necessitated submission of the revised Standards for comment and a Successive Ballot. Exelon maintains further that the SDT’s revision to Section 4.3.1 constitutes a substantive and material change to the scope, applicability, and intent of the requirement that adversely impacts Exelon.

Request 1: When and through what means did Exelon representative(s) first become aware of the modifications (line of sight language) to the FAC-003-3/X standard which they believe were substantive?

Response to Request 1: Exelon first became aware of and focused on the SDT’s substantive modification to Section 4.3.1 of FAC-003-3/X on December 20, 2011,³ when its subject matter experts held an internal conference call to review and discuss the Recirculation Ballot for FAC-003-3/X. During that review, Exelon’s subject matter experts were surprised to discover what they determined to be a substantive modification to Section 4.3.1, since the Standards Announcement for the Initial Ballot results clearly committed to post any substantive changes “for a parallel 30-day comment period and successive ballot.”⁴

¹ References to FAC-003-3/X are to FAC-003-3 (Draft 3, December 1, 2011) and FAC-003-X (Draft 3, December 1, 2011), specifically Section 4.3.1 of each draft Standard. The language in Section 4.3.1 of each Standard is similar, but not identical. With respect to the language at issue in this appeal, the slight differences in language in Section 4.3.1 of each draft Standard are of no consequence.

² FAC-003-3; Section 4.3.1 of FAC-003-X reads as follows: “or does not have a clear line of sight from the switchyard fence to the point of interconnection. . . .”

³ NERC issued a Standards Announcement of the Recirculation Ballot on December 14, 2011. Although Exelon received the Standards Announcement, it did not identify the substantive modification to Section 4.3.1 until the internal conference call on December 20, 2011.

⁴ Standards Announcement, Project 2010-07 Generator Requirements at the Transmission Interface, Initial Ballot Results, p. 1.

Exelon recognized that the proposed modification to FAC-003-3/X would have no impact on Exelon unless the Standard(s) received the requisite votes for approval through the Recirculation Ballot. On December 21, 2011, Exelon advised PJM and the Midwest ISO of Exelon's determination that the SDT's modification of FAC-003-3/X was not minor, changed the scope of applicability, and should be submitted through a Successive Ballot. Exelon also challenged the technical basis (lack thereof) for the SDT's last minute addition of the "clear line of sight" language to Section 4.3.1 and advised PJM and Midwest ISO of its intention to vote "negative" in the Recirculation Ballot. Exelon invited PJM and Midwest ISO to forward Exelon's comments to various PJM and Midwest ISO members. On the same day (December 21), Exelon received a response from Louis Slade, writing "[a]s Vice Chair of the SDT," expressing his disappointment with Exelon's decision to vote negative and disagreement with Exelon's position. (See Attachment 1, email from Exelon, sent on December 21, 2011 at 9:34 a.m., and response of SDT Vice Chair sent on December 21, 2011 at 2:42 p.m.) The Vice Chair of the SDT subsequently requested that PJM distribute his response to PJM members. Neither the SDT nor NERC took any action to remove FAC-003-3/X from the Recirculation Ballot and submit it for comments and a Successive Ballot.

Exelon collectively⁵ voted "Negative" in the Recirculation Ballot(s) for FAC-003-3/X. In its comments in support of its negative vote, Exelon noted, among other things, that the modification constituted a substantive change that should have been presented through a Successive Ballot. The Recirculation Ballot closed on December 23, 2011. On January 3, 2012, NERC issued a Standards Announcement with the Recirculation Ballot Results, including the approval of Standard FAC-003-3/X. With that announcement, and in the absence of an appeal, NERC conclusively foreclosed consideration of Exelon's comments and shut the door on an opportunity for a Successive Ballot for FAC-003-3/X. On January 17, 2012, Steven T. Naumann, Vice President, Wholesale Market Development for Exelon, discussed this matter with Herb Schrayshuen, NERC's Vice President of Standards and Training. On January 18, Mr. Naumann sent an e-mail to Mr. Schrayshuen informing him that Exelon would be filing a level 1 appeal and that the formal appeal would be sent by the close of business on January 20. (See Attachment 2). Exelon subsequently submitted its Level 1 Appeal on January 20, 2012, within thirty days of the close of the Recirculation Ballot on December 23, 2011 and the January 3, 2012 announcement of the Recirculation Ballot results.

Respondent Identity: Tamra Domeyer, Assistant General Counsel, Exelon Business Services Company

Date: February 3, 2012

⁵ Exelon voting ballot body members for the (12/14/2011 – 12/23/11) Recirculation Ballots of Project 2010-07 for FAC-003-3 and FAC-003-X were PECO Energy, ComEd, Exelon Nuclear, and Exelon Power Team.

Request 2: Specifically identify the “direct material” or adverse impact the change made to FAC-003-3/X between the successive and recirculation ballot has on Exelon?

Response to Request 2: The last minute modification to Section 4.3.1 has a material, adverse impact on Exelon by changing the scope and applicability of the Standard. Specifically, of the seventeen active nuclear generating units at ten different sites owned and operated by Exelon affiliate Exelon Generation Company, LLC – Exelon Nuclear, *none* satisfied the applicability criteria under earlier versions of FAC-003-3/X,⁶ and as such, *none* of Exelon’s nuclear generating units would have been subject to the FAC-003-3/X requirements. The last minute addition of the “clear line of sight” language to the FAC-003-3/X Standards that were approved in the December 23, 2011 Recirculation Ballot changes Exelon Nuclear’s status from a Generator Owner for which the Standards are “not applicable” to a Generator Owner for which the Standards are potentially “applicable.” Exelon Nuclear has not finished its investigation at each of its ten sites to conclusively determine which of its seventeen generating units might now be subject to the FAC-003-3/X requirements. The point is that by adding the “clear line of sight” requirement, the SDT has now removed Exelon Nuclear from the group of Generator Owners not subject to FAC-003-3/X requirements and placed it squarely in a group potentially subject to the requirements of FAC-003-3/X.

A determination that the current FAC-003-3/X Standards may now be applicable to even one of Exelon Nuclear’s generating units has a material, adverse impact on Exelon Nuclear. Vegetation management programs developed to implement NERC Standard FAC-003 are expensive and time consuming and require specialized skills. In addition, compliance with each NERC Standard requires substantial resources, time, and attention. While Exelon certainly supports and understands the need for reliability standards and complies with all NERC Reliability Standards

⁶ FAC-003-3/X was submitted for vote on two occasions: as an Initial Ballot from November 9 through November 18, 2011 and as a Recirculation Ballot from December 14 through December 23, 2011. The version of FAC-003-3/X (Draft 2) submitted to the Initial Ballot defined Generation Facilities that would be subject to FAC-003 requirements as “Overhead transmission lines that extend greater than one mile or 1.609 kilometers beyond the fenced area of the generating switchyard” (FAC-003-3 (Draft 2, September 29, 2011); FAC-003-X (Draft 2, August 31, 2011) (“Generator Owner that owns an overhead transmission line(s) that extends greater than one mile or 1.609 kilometers beyond the fenced areas of the generating station switchyard up to the point of interconnection with the Transmission Owner’s Facility. . . .” (Section 4.3.1)) Earlier versions of the FAC-003-3/X Standard contained similar verbiage focusing solely on the length of the transmission line as the trigger for determining whether a Generator Owner would be subject to the FAC-003-3/X (Draft 2) requirements. The generator lines that Exelon Nuclear owns are *less than a half mile long* for each nuclear generating unit, and thus, FAC-003-3/X (Draft 2) requirements would not have applied to any of Exelon Nuclear’s generating units.

applicable to it regardless of the cost, the public policy concerns that warrant application of a NERC Standard to a specific registered entity – namely reliability of the bulk electric system – simply do not exist here. As the SDT aptly noted, “the transmission elements and facilities owned and operated by Generator Owners are most often not part of the integrated grid” and

as such have little, if any, measurable effect on the overall reliability of the BES. In fact, registering a Generator Owner or Generator Operator as a Transmission Owner or Transmission Operator may decrease reliability by diverting the Generator Owner’s or Generator Operator’s attention from the operation of the equipment that actually produces electricity – the generation equipment itself.⁷

The same can be said here – requiring Exelon Nuclear to implement and maintain a formal NERC vegetation management program for short distances of lines (each of Exelon Nuclear’s generator lines is *less than a half mile long*) that are within Exelon Nuclear’s controlled property, in the clear line of sight from various locations throughout its property, and reasonably subject to being managed through normal day-to-day plant activities and surveillances conducted by any number of its employees staffed to operate the plant round the clock each and every day,⁸ adds little to no value to the reliability of the bulk electric system and is not a good use of the resources of the Generation Owner/Operator, the Regional Entity or the ERO.

Exelon’s position is entirely consistent with the SDT’s findings that:

in many cases, generation Facilities are either (1) **staffed and the overhead portion is within line of sight** or (2) **the overhead Facility is over a paved surface**. Stakeholders have generally supported the rationale exempting these Facilities because incorporating them into FAC-003 would offer no reliability benefit. The SDT and industry comments support the position that these qualifiers represent a reasonable and appropriate risk prevention approach.⁹

Many of Exelon Nuclear’s generator transmission lines travel over paved surfaces, with no vegetation at all on the ground under the lines. Nevertheless, if the “clear line of sight” requirement stands, Exelon Nuclear will be required to assess whether it has a “clear line of sight *from the switchyard fence to the point of interconnection.*” Aside from the fact that the meaning

⁷ Project 2010-07: Generator Requirements at the Transmission Interface, Background Resource Document, pp. 2, 3.

⁸ All operating nuclear generating units are staffed continuously and must maintain minimum staffing in accordance with site specific licensing requirements of the Nuclear Regulatory Commission.

⁹ Consideration of Comments, Generator Requirements at the Transmission Interface, Project 2010-07, p. 1 (emphasis added).

of “switchyard fence” is unclear,¹⁰ there is no basis for requiring a clear line of sight from the switchyard fence to the point of interconnection. The premise of the SDT in focusing on the length of the generator transmission line has always been that the relatively short length of the line (up to a mile) constitutes a proxy for the line of sight, since the area traversed by the line is relatively short, allowing the Generator Owner to have a line of sight from any number of vantage points within the Generator Owner’s controlled area and property. Moreover, to the extent the entire length of the line travels over paved surfaces or structures, any barriers or obstacles to a clear line of sight will not be caused by vegetation, as discussed in FAC-003-3/X but, rather, by equipment, components, or structures. Clearance between generator lines and structures is already covered in other NERC Standards and is the subject of a recently issued NERC Alert.¹¹ And, even for those lines that do travel over areas of vegetation, the regular monitoring and surveillance by Exelon Nuclear staff of the areas over which the lines travel provides reasonable assurance of protection from vegetation related events.

Referring to the example noted in Exelon’s January 20, 2011 Level 1 Appeal letter, at another Exelon Nuclear location, a transmission line coming out of the generating station takes a “dog leg” turn (the line turns at one of the towers). Standing at the tower, an individual has a clear line of sight to either end of the line (the end coming out of the station and the end connecting with the point of interconnection). Since the generating Facility is staffed and the line is within Exelon Nuclear’s property and controlled area, the line can be observed and maintained by Exelon Nuclear’s round the clock staff in the same manner as any other short distance line with a “clear line of sight from the switchyard fence to the point of interconnection.”

Respondent Identity: Tamra Domeyer, Assistant General Counsel, Exelon Business Services Company

Date: February 3, 2012

¹⁰ Does switchyard fence mean the “generating switchyard” fence, as referenced in the beginning of the first sentence in Section 4.3.1 (“overhead transmission lines that extend greater than one mile (1.609 kilometers) beyond the fenced area of the generating switchyard”) or the Transmission Owner switchyard fence that surrounds the switchyard where the generation transmission line interconnects with the transmission system? Exelon Nuclear’s generating stations do not have generating switchyards; if “switchyard fence” refers to the generating switchyard, there is no fence from which Exelon Nuclear can determine whether it has a “clear line of sight.”

¹¹ FAC-008, FAC-009, and NERC Alert R-2010-10-07-01, Consideration of Actual Field Conditions in Determination of Facility Ratings.

From: pjm-rsacs-bounces+alison.mackellar=exeloncorp.com@lists.pjm.com [mailto:pjm-rsacs-bounces+alison.mackellar=exeloncorp.com@lists.pjm.com] **On Behalf Of** brownp@pjm.com
Sent: Thursday, December 22, 2011 8:01 AM
To: pjm-rsacs@lists.pjm.com
Subject: [Pjm-rsacs] FW: FW: REVIEW Project 2010-07 Generator Requirements at the Transmission Interface - Negative Voting Position

The SDT's response to Exelon's comments, for your consideration.

Patrick Brown
Manager, NERC and Regional Coordination
PJM Interconnection
Phone: 610-666-4597
Cell: 610-908-9262
brownp@pjm.com

From: Louis Slade [mailto:louis.slade@dom.com]
Sent: Thursday, December 22, 2011 8:56 AM
To: Brown, Patrick
Subject: RE: [Pjm-rsacs] FW: REVIEW Project 2010-07 Generator Requirements at the Transmission Interface - Negative Voting Position

Would you consider also distributing this?

From: Louis Slade (Services - 6)
Sent: Wednesday, December 21, 2011 2:42 PM
To: 'john.bee@exeloncorp.com'
Subject: FW: REVIEW Project 2010-07 Generator Requirements at the Transmission Interface - Exelon Comments

Dear Mr. Bee,

As Vice Chair of the SDT, I am writing to express my personal disappointment that Exelon plans to change its vote. The team has worked very hard to strike a reasonable balance in applying additional reliability standards to GO/GOPs who own or operate all, or a portion of, a sole use facility used to interconnect generators to the integrated transmission system. Throughout our efforts, we have continually cited the need to apply FAC-003 to such a facility while trying to 'carve out' those that didn't represent a risk to the reliability of the integrated transmission system. We reasoned that exempting lines of short length at generating facilities was justified because they would likely be located within sight of the personnel at that generating facility.

The Background Resource paper from our 1st posting stated "Revise FAC-003 so that it applies to Generator Owners that own a Facility that extends greater than one half mile beyond the fenced area of the switchyard, generating station or generating substation (up to the point of interconnection with the Transmission system). (See accompanying draft standards FAC-003-X and FAC-003-3.)

Attachment 1

o The drafting team elected to use the half-mile qualifier in its latest proposed changes. The GOTO Ad Hoc Group had originally proposed something similar, but their proposed criterion was a length of “two spans (generally one half mile from the generator property line).” The drafting team elected to use only the half-mile qualifier because it has been supported by industry comment and is clearer than referencing both two spans and the half-mile length. **This distance is within the Generator Owner’s line of sight and could be visually monitored for vegetation conditions on a routine basis.** Beyond the distance of one half mile, a vegetation management program is necessary to manage the Right-of-Way.”

The SDT received comments during this posting that the requirements allowed the GO to determine where to begin measuring the length of its facility from either; (a) the fenced area of the switchyard (b) the generating station or (c) the generating substation. As the SDT discussed these comments we agreed that this was not our intent and agreed that a more clearly defined beginning point for the measurement was desired. We made subsequent changes to the next drafts posted for comments.

Again, we explained our rationale in the Technical Justification document posted, stating “After reviewing formal comments, the SDT agreed to revise the exclusion so that it applies to a Facility if its length is “one mile or 1.609 kilometers beyond the fenced area of the generating station switchyard” **to approximate line of sign from a fixed point.** Other than revising this exclusion, the SDT applied the same criteria to the Generator Owner as applies to the Transmission Owner.....”

The SDT received many comments during the next posting stating that it did not provide technical justification for the exemption. Given that we have cited line of sight in our reference documents and in our responses, the only solution we found reasonable was to include it in the actual language of the reliability standard itself.

As we stated in the Technical Justification document posted with our most recent changes “ The SDT and most stakeholders agree with the Ad Hoc Group recommendation that FAC-003 be applicable to Generator Owners that own a generation interconnection Facility if that Facility contains overhead conductors. The Ad Hoc Group originally excluded such a Facility from this requirement if its length is less than two spans (generally one half mile from the generator property line). The SDT agrees with that intended exclusion in principle; as it discusses in the document titled “Technical Justification Project 2010-07 Generator Requirements at the Transmission Interface,” **the SDT recognizes that in many cases, generation Facilities are (1) staffed and the overhead portion is within line of sight or (2) the overhead Facility is over a paved surface.** Stakeholders have generally supported the rationale for exempting these Facilities because incorporating them into FAC-003 would offer no reliability benefit.”

While I respect and value your opinion, it is my belief the SDT has done the best it can to include language that allows for an exemption while insuring that risk to the integrated transmission system is minimized. Due to the virtually unlimited configurations, topologies, etc. of these facilities, it is impossible to create a clear and unambiguous standard that will accommodate each facility to the owners satisfaction or, for that matter, to that facility’s specific potential to adversely impact reliability of the integrated transmission system.

The SDT has chosen language that it believes has the best chance of meeting the stated purpose of the FAC-003 standard, being measurable to both the registered entity and the auditor and reducing compliance burden without a commensurate improvement in reliability.

These comments are my own and are not to be taken as those of either the SDT members nor my employer.

Sincerely,

Louis Slade, Jr.

From: pjm-rsacs-bounces+louis.slade=dom.com@lists.pjm.com [mailto:pjm-rsacs-bounces+louis.slade=dom.com@lists.pjm.com] **On Behalf Of** brownp@pjm.com
Sent: Thursday, December 22, 2011 8:51 AM
To: pjm-rsacs@lists.pjm.com
Subject: [Pjm-rsacs] FW: REVIEW Project 2010-07 Generator Requirements at the Transmission Interface - Negative Voting Position
Importance: High

FYI- some comments from Exelon regarding the changes made to Project 2010-07 prior to the recirc ballot.

Patrick Brown
Manager, NERC and Regional Coordination
PJM Interconnection
Phone: 610-666-4597
Cell: 610-908-9262
brownp@pjm.com

From: john.bee@exeloncorp.com [mailto:john.bee@exeloncorp.com]
Sent: Wednesday, December 21, 2011 9:34 AM
To: MKnox@midwestiso.org; Brown, Patrick
Subject: REVIEW Project 2010-07 Generator Requirements at the Transmission Interface - Negative Voting Position
Importance: High

Marie and Patrick,
Yesterday SMEs from the Exelon companies review the proposed changes to Project 2010-07 Generator Requirements at the Transmission Interface related to the recirculation ballot. We noticed what we consider a significant change to FAC-003-3 Requirement with the addition of the text bolded and underlined below:

4.3.1. Generator Owner that owns an overhead transmission line(s) that extends greater than one mile or (1.609 kilometers) beyond the fenced area of the generating station switchyard up to the point of interconnection with a Transmission Owner's Facility or does not have a clear line of sight from the switchyard fence to the point of interconnection and

is operated at 200 kV and above, and any lower voltage lines designated by the Regional Entity as critical to the reliability of the electric system in the region.

Exelon plans to change its affirmative voting position to negative based on the additional text. First we don't feel this was a minor change and feel that that the ballot should have been a successive ballot not a recirculation ballots. Second we feel the additional text is ambiguous adds unnecessary restrictions in assessing criteria applicability. Exelon feels that the SDT has not provided adequate technical justification as to why a single line of sight (linearly from the switchyard fence to the point of the interconnection) is the only acceptable vantage point from which to verify the condition of a generator interconnection. We are currently working on comments to be submitted with our negative ballot and plan to be completed by 12:00 today. Because of the upcoming holidays and the fact that the ballot pool will close on 12/23, I am attaching our working draft comments. Please feel free to pass this on to members of your PJM RSACS and the MISO Standards Collaboration members if you see fit.

Happy Holidays,

John Bee

Exelon Transmission Strategy & Compliance

2 Lincoln Center, Oak Brook Terrace IL. 60181

(630) 576-6925 Phone

(630) 297-3457 Cell Phone

john.bee@exeloncorp.com

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Domeyer, Tamra:(GenCo)

From: Naumann, Steven T.:(BSC)
Sent: Wednesday, January 18, 2012 12:10 PM
To: 'herb.schrayshuen@nerc.net'
Cc: Domeyer, Tamra:(GenCo)
Subject: Appeal of Project 2010-

Herb:

To follow up on our discussion yesterday, Exelon intends to file a formal Level 1 Appeal of FAC-003-3/FAC-003-X balloted as part of Project 2010-7. We will send you the formal appeal by close of business on Friday, January 20. Thanks for discussing this issue with me and please let me know if you need further information.

Steve

Steven T. Naumann
Vice President Wholesale Market Development
Federal Regulatory Affairs & Public Policy, Exelon Corporation
Phone: 312.394.2807
FAX: 312.394.8997
Mobile: 708.404.6829
E-Mail: steven.naumann@exeloncorp.com

Attachment 2

Data/Information Request
Exelon Level 1 Appeal of FAC-003-3x in Project 2010-07

Request 1—Identify in which steps of the standards development process, and provide evidence to support, that Exelon Comments were made visible to the other industry participants in the FAC-003-x ballot.

Response 1:

The attached document summarizes the process steps taken in developing FAC-003-X and FAC-003-3 and the comments pertaining to FAC-003 submitted by Exelon at each step. Each time comments are collected in a formal or informal comment period, a “Comments Received” document is posted to the project webpage within a few business days of the comment period closing. In addition, the comments are posted, along with the drafting team’s response to the comments (in summary form for informal comment periods and in detail for formal comment periods) before the next process step is initiated. A full record of all postings is available on the project [webpage](#).

Respondent Identity: Laura Hussey, Standards Process Manager

Date: 1/26/2012

Request 2-Identify the participants and the meeting or calls during which the decision that the standards changes (regarding line of sight) referenced in Exelon's complaint were not substantive. Provide any contemporaneous documents generated from the meeting or call.

Response 2:

The decision to allow FAC-003 to proceed to recirculation ballot was carefully considered by NERC Standards Process staff (Laura Hussey, Maureen Long) in consultation with the drafting team coordinator (Mallory Huggins) and leadership (Louis Slade and Scott Helyer). There were no conference calls or face-to-face meetings (none of the above-mentioned are collocated, and one member of the drafting team leadership was on vacation during the decision so was only available remotely).

A complete record of the emails exchanged is attached.

Respondent Identity: Laura Hussey, Standards Process Manager

Date: 1/26/2012

Data/Information Request
Exelon Level 1 Appeal of FAC-003-3x in Project 2010-07

Request 1 – Outline the basis upon which the industry participants in the Standards Drafting Team concluded that the changes Exelon complains about in its Level 1 appeal were not substantive.

Response 1 –The SDT agreed that, based upon stakeholder comments received and recommendations from FERC staff observers, it should better define exemption for Generator Owners in Applicability Section 4.3.1. The goal was to ensure that the explicit language of the exemption included the clear line of sight justification for exempting “qualifying” lines from applicability. To support its changes, the SDT then reviewed its past work, as well as that of the Ad Hoc Team. It justified its changes between the successive ballot and the recirculation ballot based on the following:

[Ad Hoc Report](#) – P. 15 of the report states “The rationale for the selection of the two-span criteria is that this distance is in the generator operator’s line-of-sight and as such could be visually monitored for vegetation conditions on a routine basis, and beyond which distance a vegetation management program would be necessary for the Right-of-Way” (emphasis added).

Documents produced by the Project 2010-07 SDT and posted during stakeholder comment periods

- The [background resource document](#) (white paper), posted with the revised versions of FAC-003 for comment in June 2011, states: “The drafting team elected to use only the half-mile qualifier because it has been supported by industry comment and is clearer than referencing both two spans and the half-mile length. This distance is within the Generator Owner’s line of sight and could be visually monitored for vegetation conditions on a routine basis. Beyond the distance of one half mile, a vegetation management program is necessary to manage the Right-of-Way” (emphasis added).
- The [technical justification document](#), which was posted with the revised versions of FAC-003 for comment in October 2011, states: “After reviewing formal comments, the SDT agreed to revise the exclusion so that it applies to a Facility if its length is “one mile or 1.609 kilometers beyond the fenced area of the generating station switchyard” to approximate line of sign from a fixed point” (emphasis added).

Based upon these documents, the SDT believes the technical justification for the exemption has existed from the beginning of this effort. The intent – that the exemption be for generator interconnection Facilities within the generator’s line of sight – has been communicated clearly all along, but until the change between the successive ballot and the recirculation ballot, that intent was implicit rather than explicit. After extensive discussion, the SDT agreed with some comments and with the recommendations of FERC staff observers that it would be better if the line of sight language was included in the standard itself rather than only in supporting documentation. For this reason, the SDT modified the language in Applicability Section 4.3.1 of both versions of FAC-003 and considered the change clarifying – and thus non-substantive – based on its communications of its intent throughout the standard development process. At this point, the SDT passed the standards along to NERC staff for a final determination of whether the proposed FAC-003 changes were appropriate for recirculation ballot.

It is also worth noting that during the recirculation ballot in December 2011, Exelon raised its concern via email to PJM and MISO listservs. SDT Chair Louis Slade was afforded the opportunity to respond to this concern for the benefit of all those on the distribution lists, and the high approval ratings on FAC-003-3 and FAC-003-X (85.38% and 85.03%, respectively) indicate that other entities found Louis's explanation of the non-substantive nature of the FAC-003 changes satisfactory.

Respondent Identity: Louis S. Slade, Jr.

Date: Jan. 26, 2012

Request 2 – Identify the participants and the meeting or calls during which the decision that the standards changes (regarding line of sight) referenced in Exelon’s complaint were not substantive. Provide any contemporaneous documents generated from the meeting or call.

Response 2 – As identified in the meeting notes from the November 30-December 1, 2011 SDT meeting in Washington, DC ([posted on NERC’s website](#)), participants during the original discussion were: SDT members Louis Slade, Scott Helyer, Sam Dwyer, Steve Enyeart, Bob Goss, and Rick Terrill; observers Ellen Oswald and John Seelke; FERC staff Susan Morris and Stephanie Schmidt; and NERC staff Mallory Huggins. Later email discussions included the full SDT, with major participation from Louis Slade and Sam Dwyer, as indicated in the attached emails.

Respondent Identity: Louis Slade

Date: Jan. 26, 2012

From: [Mallory Huggins](#)
To: [grti_sdt](#)
Subject: FAC-003 Exception Language
Date: Tuesday, December 13, 2011 3:38:34 PM
Attachments: [FAC-003-3_redline_to_last_posted.doc](#)

Hi everyone,

There's some concern that the exception language in FAC-003 may be perceived as changing the scope of the previous changes, which would mean the standard couldn't go to recirculation ballot and would have to be posted for comment again. I think we have some solid background to justify that it is just a clarifying change, because in a previous comment report we talked about line of sight being the goal – and now we are simply clarifying that. I'm working on some language that makes this clear for the comment report/technical justification document, but alongside that, we need to see if we can format the language change we've proposed in the standard a way that's a little more concise.

I've attached what we have now. Any ideas? Ideally, we'd make this change this afternoon so we can post for ballot tomorrow, but we also have the option of holding off until the first week of January...

Thanks,
Mallory

Mallory Huggins
Standards Specialist
North American Electric Reliability Corporation
1120 G Street NW, Suite 990, Washington, DC 20005
(p): 202-383-2639 | (c): 609-619-1629 | (f): 202-393-3955

Y

From: [Louis Slade](mailto:Louis.Slade@dom.com)
To: [Mallory Huggins](mailto:Mallory.Huggins@nerc.net); "SDwyerIV@ameren.com"
Cc: "SHelyer@tnsk.com"
Subject: Re: FAC-003 Exception Language
Date: Tuesday, December 13, 2011 5:53:26 PM

Ok by me

From: Mallory Huggins [mailto:Mallory.Huggins@nerc.net]
Sent: Tuesday, December 13, 2011 05:49 PM
To: Louis Slade (Services - 6); 'SDwyerIV@ameren.com' <SDwyerIV@ameren.com>
Cc: 'SHelyer@tnsk.com' <SHelyer@tnsk.com>
Subject: RE: FAC-003 Exception Language

I think the "or" can work – it's the same as the (a)/(b) structure we originally had, but without the (a) and (b). We could go the route you propose below, but I think the cleaner way (as in, we have to add the least amount of text) to do it is how we have it now.

From: Louis Slade [mailto:louis.slade@dom.com]
Sent: Tuesday, December 13, 2011 5:47 PM
To: 'SDwyerIV@ameren.com'; Mallory Huggins
Cc: 'SHelyer@tnsk.com'
Subject: Re: FAC-003 Exception Language

I think it looks pretty good. But is of 'or' correct? Should it be "and shorter lines that do not have a clear line of sight....." ?

From: Dwyer IV, Samuel J [mailto:SDwyerIV@ameren.com]
Sent: Tuesday, December 13, 2011 05:41 PM
To: Mallory Huggins <Mallory.Huggins@nerc.net>
Cc: scott Helyer (shelyer@tnsk.com) <shelyer@tnsk.com>; Louis Slade (Services - 6)
Subject: RE: FAC-003 Exception Language

Mallory –

The whole premise from day one was use of the concept of "clear line of sight", so I don't see a problem or any reason to think we've made any fundamental changes. If you look at the wording changes on face value alone, you may conclude that, but we have not veered from our initial concept. Hang tough because there's no reason to think we've made any change that should prevent a recirc ballot. I know Louis is on vacation, but maybe Scott can confirm this.

Thanks,

Sam

Sam Dwyer :: Consulting Engineer, POS QMS :: T 314.957.3463
Ameren Missouri :: 3701 S Lindbergh Suite 204 :: St. Louis, MO 63127

From: Mallory Huggins [mailto:Mallory.Huggins@nerc.net]
Sent: Tuesday, December 13, 2011 4:33 PM
To: Dwyer IV, Samuel J
Cc: scott Helyer (shelyer@tnsk.com); Louis Slade (louis.slade@dom.com)
Subject: RE: FAC-003 Exception Language

I like that proposal...I was feeling similarly weird about the "origin of the line" thing. With your change, it would look like this:

Overhead transmission lines that extend greater than one mile (1.609 kilometers) beyond the fenced area of the generating switchyard **or do not have a clear line of sight from the switchyard fence to the point of interconnection** and are:

All this discussion is making me a little bit nervous that stakeholders will see this is a bigger change than we think it is, but I'll do my best to write a really clear explanation. After our discussions in DC, I couldn't in good faith remove the line of sight reference altogether – I think it gets us a lot closer to demonstrating the reliability-based need for the exception.

From: Dwyer IV, Samuel J [mailto:SDwyerIV@ameren.com]
Sent: Tuesday, December 13, 2011 5:27 PM
To: Mallory Huggins
Cc: scott Helyer (shelyer@tnsk.com); Louis Slade (louis.slade@dom.com)
Subject: RE: FAC-003 Exception Language

Mallory –

I think you've got it. I have a thing for always trying to state the positive, rather than the negative, but I agree the negative is what you want in this case. I would suggest one more change, instead of "from the origin of the line" use "from the switchyard fence". It sounds a little repetitive, but I'm concerned the phrase "origin of the line" is too vague. Is the "origin of the line" the generator terminals inside the plant? The low-side of the GSU? The high-side of the GSU? The first tower outside of the switchyard?

Sam

Sam Dwyer :: Consulting Engineer, POS QMS :: T 314.957.3463
Ameren Missouri :: 3701 S Lindbergh Suite 204 :: St. Louis, MO 63127

From: Mallory Huggins [mailto:Mallory.Huggins@nerc.net]
Sent: Tuesday, December 13, 2011 4:19 PM
To: Dwyer IV, Samuel J
Cc: scott Helyer (shelyer@tnsk.com); Louis Slade (louis.slade@dom.com)
Subject: RE: FAC-003 Exception Language

Sam, thanks so much for that. I think you might be going too far with the omission of transmission. I agree that it's a bit problematic, but with the disclaimer ("Within the text of NERC Reliability Standard FAC-003-3, "transmission line(s) and "applicable line(s) can also refer to the generation Facilities as referenced in 4.3 and its subsections."), I think we can make it work.

I made some changes myself and was just trying to merge ours, but now I'm leaning back towards my changes simply because they require no deletion, which might be more acceptable to Maureen/Laura (looks less bloody, basically). Here's what I was thinking:

Overhead transmission lines that extend greater than one mile (1.609 kilometers) beyond the fenced area of the generating switchyard **or do not have a clear line of sight from the origin of the line to the point of interconnection** and are:

Any thoughts? I'm going to give Laura a call and see if this is looking any better to her. If not, we might need another plan...

From: Dwyer IV, Samuel J [mailto:SDwyerIV@ameren.com]
Sent: Tuesday, December 13, 2011 5:04 PM
To: Mallory Huggins
Cc: scott Helyer (shelyer@tnsk.com); Louis Slade (louis.slade@dom.com)
Subject: RE: FAC-003 Exception Language

Mallory –

I don't know for sure if this is what you want, but see red-lines in Section 4.3 to the attached file. I may have gone too far, but that word "transmission" has been bothering me so your request gave me the chance to remove it yet clearly identify the line with "generation". I'm sure someone else can do better, but this is what I came up with...

Thanks,
Sam

Sam Dwyer :: Consulting Engineer, POS QMS :: T 314.957.3463
Ameren Missouri :: 3701 S Lindbergh Suite 204 :: St. Louis, MO 63127

From: Mallory Huggins [mailto:Mallory.Huggins@nerc.net]
Sent: Tuesday, December 13, 2011 2:38 PM
To: grti_sdt
Subject: FAC-003 Exception Language

Hi everyone,

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I've attached what we have now. Any ideas? Ideally, we'd make this change this afternoon so we can post for ballot tomorrow, but we also have the option of holding off until the first week of January...

Thanks,
Mallory

Mallory Huggins
Standards Specialist
North American Electric Reliability Corporation

1120 G Street NW, Suite 990, Washington, DC 20005
(p): 202-383-2639 | (c): 609-619-1629 | (f): 202-393-3955

Y

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message in error, and delete it. Thank you.

From: [Dwyer IV, Samuel J](#)
To: [Mallory Huggins](#)
Cc: [scott Helyer \(shelyer@tnsk.com\)](#); [Louis Slade \(louis.slade@dom.com\)](#)
Subject: RE: FAC-003 Exception Language
Date: Tuesday, December 13, 2011 5:27:05 PM

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Ameren Missouri :: 3701 S Lindbergh Suite 204 :: St. Louis, MO 63127

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Sent: Tuesday, December 13, 2011 5:04 PM
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Cc: scott Helyer (shelyer@tnsk.com); Louis Slade (louis.slade@dom.com)
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Sent: Tuesday, December 13, 2011 2:38 PM
To: grti_sdt
Subject: FAC-003 Exception Language

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I've attached what we have now. Any ideas? Ideally, we'd make this change this afternoon so we can post for ballot tomorrow, but we also have the option of holding off until the first week of January...

Thanks,
Mallory

Mallory Huggins
Standards Specialist
North American Electric Reliability Corporation
1120 G Street NW, Suite 990, Washington, DC 20005
(p): 202-383-2639 | (c): 609-619-1629 | (f): 202-393-3955

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From: Mallory Huggins
To: ["Louis Slade"](mailto:Louis.Slade@dom.com); ["SDwyerIV@ameren.com"](mailto:SDwyerIV@ameren.com)
Cc: ["SHelyer@tnsk.com"](mailto:SHelyer@tnsk.com)
Subject: RE: FAC-003 Exception Language
Date: Tuesday, December 13, 2011 5:49:00 PM

I think the "or" can work – it's the same as the (a)/(b) structure we originally had, but without the (a) and (b). We could go the route you propose below, but I think the cleaner way (as in, we have to add the least amount of text) to do it is how we have it now.

From: Louis Slade [mailto:louis.slade@dom.com]
Sent: Tuesday, December 13, 2011 5:47 PM
To: 'SDwyerIV@ameren.com'; Mallory Huggins
Cc: 'SHelyer@tnsk.com'
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To: grti_sdt
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Subject: Re: FAC-003 Exception Language
Date: Tuesday, December 13, 2011 6:42:44 PM

Agree that we want to go to recirc. So don't make changes that prohibit doing so

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To: Louis Slade (Services - 6); 'Mallory.Huggins@nerc.net' <Mallory.Huggins@nerc.net>
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To: Mallory Huggins
Cc: scott Helyer (shelyer@tnsk.com); Louis Slade (louis.slade@dom.com)
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From: Mallory Huggins [mailto:Mallory.Huggins@nerc.net]
Sent: Tuesday, December 13, 2011 2:38 PM
To: grti_sdt
Subject: FAC-003 Exception Language

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From: [Louis Slade](mailto:Louis.Slade)
To: ["SDwyerIV@ameren.com"](mailto:SDwyerIV@ameren.com); [Mallory Huggins](mailto:Mallory.Huggins)
Cc: ["SHelyer@tnsk.com"](mailto:SHelyer@tnsk.com)
Subject: Re: FAC-003 Exception Language
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To: grti_sdt
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From: [Dwyer IV, Samuel J](#)
To: [Louis Slade](#); [Mallory Huggins](#)
Cc: ["SHelyer@tnsk.com"](mailto:SHelyer@tnsk.com)
Subject: RE: FAC-003 Exception Language
Date: Tuesday, December 13, 2011 5:59:52 PM

Louis –

I think this will work. We could incorporate your wording, but I still end up with more words than Mallory's last suggestion. This is why I hate stringing phrases together with "and" or "or", but we don't have a choice if we want the recirc ballot.

Sam

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From: Louis Slade [mailto:louis.slade@dom.com]
Sent: Tuesday, December 13, 2011 4:53 PM
To: 'Mallory.Huggins@nerc.net'; Dwyer IV, Samuel J
Cc: 'SHelyer@tnsk.com'
Subject: Re: FAC-003 Exception Language

Ok by me

From: Mallory Huggins [mailto:Mallory.Huggins@nerc.net]
Sent: Tuesday, December 13, 2011 05:49 PM
To: Louis Slade (Services - 6); 'SDwyerIV@ameren.com' <SDwyerIV@ameren.com>
Cc: 'SHelyer@tnsk.com' <SHelyer@tnsk.com>
Subject: RE: FAC-003 Exception Language

I think the "or" can work – it's the same as the (a)/(b) structure we originally had, but without the (a) and (b). We could go the route you propose below, but I think the cleaner way (as in, we have to add the least amount of text) to do it is how we have it now.

From: Louis Slade [mailto:louis.slade@dom.com]
Sent: Tuesday, December 13, 2011 5:47 PM
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Cc: 'SHelyer@tnsk.com'
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Thanks,
Mallory

Mallory Huggins
Standards Specialist
North American Electric Reliability Corporation
1120 G Street NW, Suite 990, Washington, DC 20005
(p): 202-383-2639 | (c): 609-619-1629 | (f): 202-393-3955

Y

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From: Mallory Huggins
To: ["Dwyer IV, Samuel J"](#)
Cc: [scott Helyer \(shelyer@tnsk.com\)](#); [Louis Slade \(louis.slade@dom.com\)](#)
Subject: RE: FAC-003 Exception Language
Date: Tuesday, December 13, 2011 5:18:00 PM

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From: Dwyer IV, Samuel J [mailto:SDwyerIV@ameren.com]
Sent: Tuesday, December 13, 2011 5:04 PM
To: Mallory Huggins
Cc: scott Helyer (shelyer@tnsk.com); Louis Slade (louis.slade@dom.com)
Subject: RE: FAC-003 Exception Language

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Sam Dwyer :: Consulting Engineer, POS QMS :: T 314.957.3463
Ameren Missouri :: 3701 S Lindbergh Suite 204 :: St. Louis, MO 63127

From: Mallory Huggins [mailto:Mallory.Huggins@nerc.net]
Sent: Tuesday, December 13, 2011 2:38 PM
To: grti_sdt
Subject: FAC-003 Exception Language

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Ameren Corporation

From: [Dwyer IV, Samuel J](#)
To: [Mallory Huggins](#)
Cc: [Louis Slade](#); "SHelyer@tnsk.com"
Subject: RE: FAC-003 Exception Language
Date: Wednesday, December 14, 2011 9:33:18 AM

Mallory –

You did a good job with the ramblings from Louis and me. Thanks for the great last minute effort!
Sam

Sam Dwyer :: Consulting Engineer, POS QMS :: T 314.957.3463
Ameren Missouri :: 3701 S Lindbergh Suite 204 :: St. Louis, MO 63127

From: Mallory Huggins [mailto:Mallory.Huggins@nerc.net]
Sent: Wednesday, December 14, 2011 8:20 AM
To: Louis Slade; Dwyer IV, Samuel J
Cc: 'SHelyer@tnsk.com'
Subject: RE: FAC-003 Exception Language

Louis, you were right that there were some folks concerned because their Facilities didn't have switchyards (and I raised that same concern when chatting with Laura about it), but I made a game time decision and rationalized that (1) leaving the switchyard language in there ensures that we change as little as possible between the last posting and now, and (2) we did get 85% support for our changes, so I feel comfortable sticking with that language if we must. I wrapped up everything last night and sent it on for posting, which will hopefully happen before noon. Here's the rationalization language I added both in a text box within the two FAC-003s, and in some of the other docs:

With the line of sight reference in 4.3.1, the SDT simply seeks to clarify the exception language based on the intent that has been agreed upon by the stakeholder body. In its [Consideration of Comments report](#) from the last formal comment period, which ended on July 17, 2011, the SDT explained "We believe that the one mile length is a reasonable approximation of line of sight, and that using a fixed starting point (at the fenced area of the generation station switchyard) eliminates confusion and any discretion on the part of a Generator Owner or an auditor." With the addition of an explicit line of sight reference here, the SDT believes it has clarified its original intent.

Hopefully this will get us there. I'm sorry about the last-minute scramble, but I really appreciate all the input!

From: Louis Slade [mailto:louis.slade@dom.com]
Sent: Tuesday, December 13, 2011 6:43 PM
To: 'SDwyerIV@ameren.com'; Mallory Huggins
Cc: 'SHelyer@tnsk.com'
Subject: Re: FAC-003 Exception Language

Agree that we want to go to recirc. So don't make changes that prohibit doing so

From: Dwyer IV, Samuel J [mailto:SDwyerIV@ameren.com]
Sent: Tuesday, December 13, 2011 06:31 PM
To: Louis Slade (Services - 6); 'Mallory.Huggins@nerc.net' <Mallory.Huggins@nerc.net>
Cc: 'SHelyer@tnsk.com' <SHelyer@tnsk.com>
Subject: RE: FAC-003 Exception Language

Louis –

We did, so either is fine with me.

Mallory – you might want to try Louis' simpler words below first. If that doesn't fly, try the switchyard wording if that's what we need to put this out for recirc.

Louis – Is that OK with you? I'd hate to see us lose our momentum at the last minute and I don't think this is a deal-breaker – at least in my opinion.

Sam

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From: Louis Slade [mailto:louis.slade@dom.com]
Sent: Tuesday, December 13, 2011 5:01 PM
To: Dwyer IV, Samuel J; 'Mallory.Huggins@nerc.net'
Cc: 'SHelyer@tnsk.com'
Subject: Re: FAC-003 Exception Language

One thing troubles me. Didn't we have comments in this or past that stated some generating facilities don have switch yards? If so, maybe just say clear line of sight between GSU and point of interconnection

From: Louis Slade (Services - 6)
Sent: Tuesday, December 13, 2011 05:47 PM
To: 'SDwyerIV@ameren.com' <SDwyerIV@ameren.com>; 'Mallory.Huggins@nerc.net' <Mallory.Huggins@nerc.net>
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Mallory –

The whole premise from day one was use of the concept of "clear line of sight", so I don't see a problem or any reason to think we've made any fundamental changes. If you look at the wording

changes on face value alone, you may conclude that, but we have not veered from our initial concept. Hang tough because there's no reason to think we've made any change that should prevent a recirc ballot. I know Louis is on vacation, but maybe Scott can confirm this.

Thanks,
Sam

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All this discussion is making me a little bit nervous that stakeholders will see this is a bigger change than we think it is, but I'll do my best to write a really clear explanation. After our discussions in DC, I couldn't in good faith remove the line of sight reference altogether – I think it gets us a lot closer to demonstrating the reliability-based need for the exception.

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To: grti_sdt
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To: [Mallory Huggins](#)
Cc: [scott Helyer \(shelyer@tnsk.com\)](#); [Louis Slade \(louis.slade@dom.com\)](#)
Subject: RE: FAC-003 Exception Language
Date: Tuesday, December 13, 2011 5:04:38 PM
Attachments: [20111213 SJD comment FAC-003-3 redline to last posted.doc](#)

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Sent: Tuesday, December 13, 2011 4:33 PM
To: Dwyer IV, Samuel J
Cc: scott Helyer (shelyer@tnsk.com); Louis Slade (louis.slade@dom.com)
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To: Mallory Huggins
Cc: scott Helyer (shelyer@tnsk.com); Louis Slade (louis.slade@dom.com)
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Sam Dwyer :: Consulting Engineer, POS QMS :: T 314.957.3463
Ameren Missouri :: 3701 S Lindbergh Suite 204 :: St. Louis, MO 63127

From: Mallory Huggins [mailto:Mallory.Huggins@nerc.net]
Sent: Tuesday, December 13, 2011 2:38 PM
To: grti_sdt
Subject: FAC-003 Exception Language

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Thanks,

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Mallory Huggins
Standards Specialist
North American Electric Reliability Corporation
1120 G Street NW, Suite 990, Washington, DC 20005
(p): 202-383-2639 | (c): 609-619-1629 | (f): 202-393-3955

Y

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From: [Dwyer IV, Samuel J](mailto:Dwyer_IV_Samuel_J)
To: [Mallory Huggins](mailto:Mallory_Huggins)
Cc: [scott Helyer \(shelyer@tnsk.com\)](mailto:scott_Helyer_(shelyer@tnsk.com)); [Louis Slade \(louis.slade@dom.com\)](mailto:Louis_Slade_(louis.slade@dom.com))
Subject: RE: FAC-003 Exception Language
Date: Tuesday, December 13, 2011 5:44:17 PM

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To: Dwyer IV, Samuel J
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From: Mallory Huggins
To: ["Louis Slade"; "SDwyerIV@ameren.com"](#)
Cc: ["SHelyer@tnsk.com"](#)
Subject: RE: FAC-003 Exception Language
Date: Wednesday, December 14, 2011 9:21:00 AM

Louis, you were right that there were some folks concerned because their Facilities didn't have switchyards (and I raised that same concern when chatting with Laura about it), but I made a game time decision and rationalized that (1) leaving the switchyard language in there ensures that we change as little as possible between the last posting and now, and (2) we did get 85% support for our changes, so I feel comfortable sticking with that language if we must. I wrapped up everything last night and sent it on for posting, which will hopefully happen before noon. Here's the rationalization language I added both in a text box within the two FAC-003s, and in some of the other docs:

With the line of sight reference in 4.3.1, the SDT simply seeks to clarify the exception language based on the intent that has been agreed upon by the stakeholder body. In its [Consideration of Comments report](#) from the last formal comment period, which ended on July 17, 2011, the SDT explained "We believe that the one mile length is a reasonable approximation of line of sight, and that using a fixed starting point (at the fenced area of the generation station switchyard) eliminates confusion and any discretion on the part of a Generator Owner or an auditor." With the addition of an explicit line of sight reference here, the SDT believes it has clarified its original intent.

Hopefully this will get us there. I'm sorry about the last-minute scramble, but I really appreciate all the input!

From: Louis Slade [mailto:louis.slade@dom.com]
Sent: Tuesday, December 13, 2011 6:43 PM
To: 'SDwyerIV@ameren.com'; Mallory Huggins
Cc: 'SHelyer@tnsk.com'
Subject: Re: FAC-003 Exception Language

Agree that we want to go to recirc. So don't make changes that prohibit doing so

From: Dwyer IV, Samuel J [mailto:SDwyerIV@ameren.com]
Sent: Tuesday, December 13, 2011 06:31 PM
To: Louis Slade (Services - 6); 'Mallory.Huggins@nerc.net' <Mallory.Huggins@nerc.net>
Cc: 'SHelyer@tnsk.com' <SHelyer@tnsk.com>
Subject: RE: FAC-003 Exception Language

Louis –

We did, so either is fine with me.

Mallory – you might want to try Louis' simpler words below first. If that doesn't fly, try the switchyard wording if that's what we need to put this out for recirc.

Louis – Is that OK with you? I'd hate to see us lose our momentum at the last minute and I don't think this is a deal-breaker – at least in my opinion.

Sam

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From: Louis Slade [mailto:louis.slade@dom.com]
Sent: Tuesday, December 13, 2011 5:01 PM
To: Dwyer IV, Samuel J; 'Mallory.Huggins@nerc.net'
Cc: 'SHelyer@tnsk.com'
Subject: Re: FAC-003 Exception Language

One thing troubles me. Didn't we have comments in this or past that stated some generating facilities don't have switch yards? If so, maybe just say clear line of sight between GSU and point of interconnection

From: Louis Slade (Services - 6)
Sent: Tuesday, December 13, 2011 05:47 PM
To: 'SDwyerIV@ameren.com' <SDwyerIV@ameren.com>; 'Mallory.Huggins@nerc.net' <Mallory.Huggins@nerc.net>
Cc: 'SHelyer@tnsk.com' <SHelyer@tnsk.com>
Subject: Re: FAC-003 Exception Language

I think it looks pretty good. But is of 'or' correct? Should it be "and shorter lines that do not have a clear line of sight....." ?

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Cc: scott Helyer (shelyer@tnsk.com) <shelyer@tnsk.com>; Louis Slade (Services - 6)
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