

ERO Enterprise Guidance:

Potential Noncompliance Related to Coronavirus Impacts

Update (August 13, 2020): The expiration date of this guidance has been extended until 12/31/2020

Purpose

The purpose of this guidance is to address the handling of potential noncompliance related to the effects of the coronavirus. Specifically, this guidance introduces a temporary expansion of the Self-Logging Program in order to assist entities and the ERO Enterprise with the efficient reporting of potential noncompliance with minimal or moderate risk related to the ongoing coronavirus crisis. During this challenging time, health and safety of personnel and the continued reliability and security of the bulk power system are of crucial importance.

While registered entities remain responsible for maintaining compliance with the North American Electric Reliability Corporation (NERC) Reliability Standards, they should continue to focus their immediate efforts and resources on maintaining the safety of their workforce and communities to ensure the reliability of the bulk power system during this public health emergency. With that in mind, the ERO Enterprise¹ is committed to considering reasonable deviations from compliance with Reliability Standards caused by coronavirus response.

Tracking and Treatment of Potential Noncompliance Related to Coronavirus Impacts

On March 18, 2020, the Federal Energy Regulatory Commission (FERC) and NERC issued Guidance to Ensure Grid Reliability Amid Potential Coronavirus Impacts (March 18 Guidance).² The March 18 Guidance addressed personnel certification and noncompliance caused by the inability to complete periodic activities because of coronavirus-related constraints. The ERO Enterprise understands that the March 18 Guidance, does not account for or contemplate all situations and responses an entity may face as a result of the coronavirus response; indeed, there are too many facts and circumstances to predict. The ERO Enterprise now provides further guidance related to potential noncompliance resulting from coronavirus-related impacts in addition to those contemplated in the March 18 Guidance.

The ERO Enterprise recognizes that registered entities may have to take unprecedented actions to address coronavirus impacts. Such actions may disrupt, complicate, or otherwise alter the normal course of business operations, including compliance with NERC Reliability Standards, in order to maintain the reliability and security of the bulk power system. During this extraordinary time, the ERO Enterprise is temporarily allowing all registered entities to self-log instances of potential noncompliance related to entities' coronavirus response. This temporary expansion of the Self-Logging Program is not authorization to log potential noncompliance unrelated to the impacts of the coronavirus, nor is it admission to the Self-

¹ The ERO Enterprise consists of NERC and the Regional Entities.

² The FERC/NERC Guidance to Ensure Grid Reliability Amid Potential Coronavirus Impacts is located on the NERC website at: <https://www.nerc.com/news/Headlines%20DL/FERC%20NERC%20031820%20final.pdf>.

Logging Program.³ Rather, this expansion of self-logging is to allow registered entities to focus on the reliable and secure operation of the bulk power system during this public health emergency by allowing them to log potential noncompliance resulting from the impacts of the coronavirus. Moreover, for such self-logged potential noncompliance the ERO Enterprise will exercise appropriate regulatory discretion.

The ERO Enterprise provides this guidance to help enable and support registered entities to continue focusing their efforts on maintaining the reliability and security of the bulk power system, while also ensuring consistent tracking and treatment of potential noncompliance related to the effects of the coronavirus. This guidance is intended to apply only during this public health emergency and will terminate on December 31, 2020. The ERO Enterprise recognizes the fluidity of this emergency and will reassess the initial timeline if needed.

Tracking of Potential Noncompliance Related to Coronavirus Impacts

- In order for the ERO Enterprise to track instances of potential noncompliance related to coronavirus impacts in a common manner, the ERO Enterprise is temporarily expanding the Self-Logging Program for all registered entities to log anticipated or identified potential noncompliance related to the impacts of the current pandemic. As explained above, submitting logged instances of potential noncompliance related to the coronavirus impacts is not admission to the Self-Logging Program for unrelated potential noncompliance.
- All registered entities should provide the following information by downloading and using a copy of the spreadsheet log template posted on NERC's website at [here](#) and submit to their Regional Entity regarding potential noncompliance related to the coronavirus impacts (except under certain circumstances described below), regardless of whether the activities are periodic:
 - The name of the entity, NCR, and entity contact information;
 - The applicable Region;
 - The affected functions;
 - The date the potential noncompliance was submitted to the Regional Entity;
 - The specific Standard and Requirement at issue;
 - A description of the potential noncompliance, including the circumstances relating to the impact of the coronavirus response the entity employed, that will (has) prevent(ed) maintaining or achieving compliance;
 - The date the potential noncompliance was discovered;
 - The date the potential noncompliance began or will begin;
 - The anticipated date the potential noncompliance will be resolved and compliance will be achieved;

³ Information regarding the Self-Logging Program is available on NERC's website at: <https://www.nerc.com/pa/comp/CE/Enforcement%20Actions%20DL/Self-Logging%20Program%20User%20Guide.pdf>. Registered entities interested in participating in the Self-Logging Program should contact their Regional Entity.

- A description of the potential harm not being compliant could cause to the bulk power system;
 - The actions taken, or to be taken, to get back into compliance; and
 - The actions taken to mitigate any risk associated with the potential noncompliance until compliance can be achieved and the anticipated completion dates for such actions.
- Registered entities that are already part of the Self-Logging Program should also use the specific log described above for purposes of reporting potential noncompliance related the coronavirus impacts separate from their logs used under the self-logging program, and they should continue to self-log all other eligible noncompliance unrelated to coronavirus impacts under their existing logs.
 - Going forward, registered entities should only use the specific log described above for purposes of reporting potential noncompliance related to the coronavirus impacts, including the potential noncompliance contemplated in the March 18 Guidance. Registered entities do not need to resubmit coronavirus-related potential noncompliance already provided to their Regional Entity.
 - The ERO Enterprise will be flexible with regard to the timing of these notifications from registered entities to allow owners and operators of the bulk power system to focus their resources on critical operations. However, registered entities must report this information as soon as reasonably possible, but no later than two weeks after discovery (if additional time is needed to obtain pertinent information for the log, registered entities should coordinate with their Regional Entity within this time period). Logging according to this temporary expansion does not apply to potential noncompliance discovered after the termination date of this guidance.
 - Because the ERO Enterprise will receive logs containing instances of potential noncompliance that result from and are directly related to the impacts of the coronavirus crisis response for tracking purposes, it will not require registered entities to separately self-report such potential noncompliance.
 - Registered entities should not self-log instances of potential noncompliance involving harm or serious or substantial risk to reliability and should instead contact their Regional Entity as soon as practical to notify them of potential noncompliance that led or could lead to significant issues such as:
 - Loss of load
 - Uncontrolled separation
 - Sustained outages
 - Loss of situational awareness
 - Equipment damage
 - Vegetation growth into the Minimum Vegetation Clearance Distance
 - Known security breaches (physical or cyber)
 - Known cyber security incidents that may have impacted reliability

Treatment of Potential Noncompliance Related to Coronavirus Impacts

- Under this temporary expansion of the Self-Logging Program, potential noncompliance related to coronavirus impacts and logged consistently with this guidance is expected to be resolved without further action.⁴
- Regional Entities may have clarifying questions for registered entities on a case-by-case basis to ensure the records are accurate and clear.
- The ERO Enterprise and FERC will review the self-logged potential noncompliance at least monthly. Registered entities must maintain evidence related to the noncompliance for 18 months from the date the registered entity submits the logged potential noncompliance to its Regional Entity.
- Registered entities are encouraged to notify and maintain open lines of communication with their Regional Entities about all reliability and security impacts of their coronavirus response, including those that do not affect compliance with NERC Reliability Standards.

⁴ This treatment differs from self-logged noncompliance for those participating in the Self-Logging Program, in which noncompliance is typically processed as a Compliance Exception.