



NORTH AMERICAN ELECTRIC
RELIABILITY CORPORATION

March 31, 2011

Ms. Kimberly Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**Re: NERC Administrative Citation Notice of Penalty
FERC Docket No. NP11-__-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides the attached Administrative Citation Notice of Penalty for March 2011¹ (March 2011 Administrative Citation NOP) in Attachment A regarding 8 Registered Entities² listed therein,³ in accordance with the Federal Energy Regulatory Commission's (Commission or FERC) rules, regulations and orders, as well as NERC Rules of Procedure including Appendix 4C (NERC Compliance Monitoring and Enforcement Program (CMEP)).⁴

The March 2011 Administrative Citation NOP resolves 20 violations⁵ of 4 Reliability Standards. The violations in this NOP did not have a serious or substantial impact on the reliability of the bulk power system (BPS). In all cases, the violations contained in this NOP have been mitigated, certified by the respective Registered Entities as mitigated, and verified by the Regional Entity as having been mitigated.

Some of the violations at issue in the March 2011 Administrative Citation NOP are being filed with the Commission because the Regional Entities have respectively entered into agreements with the Registered Entities identified in Attachment A to resolve all outstanding issues arising

¹ *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards* (Order No. 672), III FERC Stats. & Regs. ¶ 31,204 (2006); *Notice of New Docket Prefix "NP" for Notices of Penalty Filed by the North American Electric Reliability Corporation*, Docket No. RM05-30-000 (February 7, 2008). See also 18 C.F.R. Part 39 (2010). *Mandatory Reliability Standards for the Bulk-Power System*, FERC Stats. & Regs. ¶ 31,242 (2007) (Order No. 693), *reh'g denied*, 120 FERC ¶ 61,053 (2007) (Order No. 693-A). See 18 C.F.R. § 39.7(c)(2). See also *Notice of No Further Review and Guidance Order*, 132 FERC ¶ 61,182 (2010).

² Corresponding NERC Registry ID Numbers for each Registered Entity are identified in Attachment A.

³ Attachment A is an Excel spreadsheet.

⁴ See 18 C.F.R. § 39.7(c)(2).

⁵ For purposes of this document, each violation at issue is described as a "violation," regardless of its procedural posture and whether it was a possible, alleged or confirmed violation.

from preliminary and non-public assessments resulting in the Regional Entities' determination and findings of the enforceable violation of the Reliability Standards identified in Attachment A. In some of those settlement agreements, as designated in the attached spreadsheet, some of the Registered Entities have admitted to the violations, while the others have indicated that they neither admit nor deny the violations. While some of the Registered Entities have neither admitted nor denied the violations of the Reliability Standards, they have agreed to the proposed penalty stated in Attachment A, in addition to other remedies and mitigation actions to mitigate the instant violation and ensure future compliance with the Reliability Standards. Accordingly, all of the violations, identified as NERC Violation Tracking Identification Numbers in Attachment A, are being filed in accordance with the NERC Rules of Procedure and the CMEP.

As discussed below, this March 2011 Administrative Citation NOP resolves 20 violations. The Commission has encouraged the use of a streamlined enforcement process that could avoid the filing of individual notices of penalty for violations that did not pose a serious or substantial risk to the BPS.⁶ Completing these non-serious violations will help NERC and the Regional Entities focus on the more serious violations of the mandatory and enforceable NERC Reliability Standards. NERC respectfully requests that the Commission accept this March 2011 Administrative Citation NOP.

Statement of Findings Underlying the Alleged Violations

The descriptions of the violations and related risk assessments are set forth in Attachment A.

This filing contains the basis for approval by the NERC Board of Trustees Compliance Committee (NERC BOTCC) of the findings and penalties reflected in Attachment A. In accordance with Section 39.7 of the Commission's regulations, 18 C.F.R. § 39.7 (2010), each Reliability Standard at issue in this Notice of Penalty is set forth in Attachment A.

Text of the Reliability Standards at issue in the March 2011 Administrative Citation NOP may be found on NERC's web site at <http://www.nerc.com/page.php?cid=2|20>. For each respective violation, the Reliability Standard Requirement at issue and the applicable Violation Risk Factor are set forth in Attachment A.

Status of Mitigation⁷

As noted above and reflected in Attachment A, the respective Regional Entities have determined that the violations identified in Attachment A have been mitigated. The mitigation activities have all been accepted by the Regional Entity and verified as completed. These activities are described in Attachment A for each respective violation. Information also is provided regarding the dates of Regional Entity verification of such completion.

⁶ See *North American Electric Reliability Corporation, Reliability Standards Development and NERC and Regional Entity Enforcement*, 132 FERC ¶ 61,217 at P 218 (2010) (encouraging streamlined administrative processes aligned with the significance of the subject violations).

⁷ See 18 C.F.R § 39.7(d)(7).

Statement Describing the Proposed Penalty, Sanction or Enforcement Action Imposed⁸

Basis for Determination

Taking into consideration the Commission's direction in Order No. 693, the NERC Sanction Guidelines and the Commission's July 3, 2008 Guidance Order, the October 26, 2009 Guidance Order and the August 27, 2010 Guidance Order,⁹ the NERC BOTCC reviewed the March 2011 Administrative Citation NOP and the attachments thereto, on March 11, 2011. The NERC BOTCC approved the Administrative Citation Spreadsheet, including the Regional Entities' imposition of financial penalties as reflected in Attachment A, based upon its findings and determinations, the NERC BOTCC's review of the applicable requirements of the Commission-approved Reliability Standards, and the underlying facts and circumstances of the violations at issue.

Pursuant to Order No. 693, the penalty will be effective upon expiration of the 30-day period following the filing of this Notice of Penalty with FERC, or, if FERC decides to review any specific penalty, upon final determination by FERC.

Request for Confidential Treatment of Certain Attachments

Certain portions of Attachment A include confidential information as defined by the Commission's regulations at 18 C.F.R. Part 388 and orders, as well as NERC Rules of Procedure including the NERC CMEP Appendix 4C to the Rules of Procedure. This includes non-public information related to certain Reliability Standard violations and confidential information regarding critical energy infrastructure.

In accordance with the Commission's Rules of Practice and Procedure, 18 C.F.R. § 388.112, a non-public version of the information redacted from the public filing is being provided under separate cover.

Because certain of the information in the attached documents is deemed "confidential" by NERC, Registered Entities and Regional Entities, NERC requests that the confidential, non-public information be provided special treatment in accordance with the above regulation.

⁸ See 18 C.F.R § 39.7(d)(4).

⁹ *North American Electric Reliability Corporation*, "Guidance Order on Reliability Notices of Penalty," 124 FERC ¶ 61,015 (2008); *North American Electric Reliability Corporation*, "Further Guidance Order on Reliability Notices of Penalty," 129 FERC ¶ 61,069 (2009); *North American Electric Reliability Corporation*, 132 FERC ¶ 61,182 (2010).

Attachments to be included as Part of this Notice of Penalty

The attachments to be included as part of this Notice of Penalty are the following documents and material:

- a) Administrative Citation Spreadsheet, included as Attachment A;
- b) Additions to the service list, included as Attachment B; and
- c) Violation Risk Factor Revision History Applicable to the Administrative Citation NOP, included as Attachment C.

A Form of Notice Suitable for Publication¹⁰

A copy of a notice suitable for publication is included in Attachment D.

Notices and Communications

Notices and communications with respect to this filing may be addressed to the following as well as to the entities included in Attachment B to this Administrative Citation NOP:

<p>Gerald W. Cauley President and Chief Executive Officer David N. Cook* Senior Vice President and General Counsel North American Electric Reliability Corporation 116-390 Village Boulevard Princeton, New Jersey 08540-5721 (609)452-8060 (609) 452-9550 – facsimile david.cook@nerc.net</p> <p>*Persons to be included on the Commission’s service list are indicated with an asterisk. NERC requests waiver of the Commission’s rules and regulations to permit the inclusion of more than two people on the service list. <i>See also</i> Attachment B for additions to the service list.</p>	<p>Rebecca J. Michael* Associate General Counsel for Corporate and Regulatory Matters North American Electric Reliability Corporation 1120 G Street, N.W. Suite 990 Washington, D.C. 20005-3801 (202) 393-3998 (202) 393-3955 – facsimile rebecca.michael@nerc.net</p>
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¹⁰ See 18 C.F.R § 39.7(d)(6).

Conclusion

Handling these violations in a streamlined process will help NERC and the Regional Entities focus on the more serious violations of the mandatory and enforceable NERC Reliability Standards. Accordingly, NERC respectfully requests that the Commission accept this Administrative Citation Notice of Penalty as compliant with its rules, regulations and orders.

Respectfully submitted,

/s/ Rebecca J. Michael

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and Regulatory Matters
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cc: Entities listed in Attachment B

Attachment A

Administrative Citation Spreadsheet (Included in a Separate Document)

Attachment B

Additions to the service list

ATTACHMENT B

REGIONAL ENTITY SERVICE LIST FOR JANUARY 2011 ADMINISTRATIVE CITATION NOTICE OF PENALTY

FOR NPCC:

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Attachment C

VRF Revision History Applicable to the Administrative Citation NOP

ATTACHMENT C

Violation Risk Factor Revision History Applicable to the Administrative Citation Notice of Penalty

Some of the Violation Risk Factors in the Administrative Citation spreadsheet can be attributed to the violation being assessed at a main requirement or sub-requirement level. Also, some of the Violation Risk Factors were assigned at the time of discovery. Over time, NERC has filed new Violation Risk Factors, which have been approved by FERC.

- When NERC filed VRFs it originally assigned CIP-004-1 R4.2 a Lower VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRF and on January 27, 2009, the Commission approved the modified Medium VRF. Therefore, the Lower VRF for CIP-004-1 R4.2 was in effect from June 18, 2007 until January 27, 2009 when the Medium VRF became effective. CIP-004-1 R4 and R4.1 have Lower VRFs.
- PRC-005-1 R2 has a Lower VRF; R2.1 and R2.2 each have a High VRF. During a final review of the standards subsequent to the March 23, 2007 filing of the Version 1 VRFs, NERC identified that some standards requirements were missing VRFs; one of these include PRC-005-1 R2.1. On May 4, 2007, NERC assigned PRC-005-1 R2.1 a High VRF. In the Commission's June 26, 2007 Order on Violation Risk Factors, the Commission approved the PRC-005-1 R2.1 High VRF as filed.

Attachment D

Notice of Filing

ATTACHMENT D

UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

North American Electric Reliability Corporation

Docket No. NP11-____-000

NOTICE OF FILING March 31, 2011

Take notice that on March 31, 2011, the North American Electric Reliability Corporation (NERC) filed an Administrative Citation Notice of Penalty regarding eight (8) Registered Entities in four (4) Regional Entity footprints.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, D.C. There is an "eSubscription" link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: [BLANK]

Kimberly D. Bose,
Secretary