

June 29, 2012

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

**Re: NERC FFT Informational Filing  
FERC Docket No. RC12-\_\_-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides the attached Find Fix and Track Report<sup>1</sup> (FFT) in Attachment A regarding 40 Registered Entities<sup>2</sup> listed therein,<sup>3</sup> 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)).<sup>4</sup>

This FFT resolves 72 possible violations<sup>5</sup> of 19 Reliability Standards that posed a minimal risk to the reliability of the bulk power system (BPS). In all cases, the possible violations contained in this FFT have been found and fixed, so they are now described as "remediated issues." A certification of completion of the mitigation activities has been submitted by the respective Registered Entities.

As discussed below, this FFT includes 72 remediated issues. These FFT remediated issues are being submitted for informational purposes only. The Commission has encouraged the use of streamlined

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<sup>1</sup> *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 (2011). *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).

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

<sup>3</sup> Attachment A is an Excel spreadsheet.

<sup>4</sup> See 18 C.F.R. § 39.7(c)(2).

<sup>5</sup> For purposes of this document, each matter is described as a "possible violation," regardless of its procedural posture.

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enforcement processes for occurrences that posed a minimal risk to the BPS.<sup>6</sup> Resolution of these minimal risk possible violations in this reporting format is appropriate disposition of these matters, and will help NERC and the Regional Entities focus on the more serious violations of the mandatory and enforceable NERC Reliability Standards.

### **Statement of Findings Underlying the FFT**

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

This filing contains the basis for approval by NERC Enforcement staff, under delegated authority from the NERC Board of Trustees Compliance Committee (NERC BOTCC), of the findings reflected in Attachment A. In accordance with Section 39.7 of the Commission's regulations, 18 C.F.R. § 39.7 (2011), each Reliability Standard at issue in this FFT is identified in Attachment A.

Text of the Reliability Standards at issue in the FFT may be found on NERC's website at <http://www.nerc.com/page.php?cid=2|20>. For each respective remediated issue, the Reliability Standard Requirement at issue is listed in Attachment A.

### **Status of Mitigation<sup>7</sup>**

As noted above and reflected in Attachment A, the possible violations identified in Attachment A have been mitigated. The respective Registered Entity has submitted a certification of completion of the mitigation activities to the Regional Entity. These mitigation activities are subject to verification by the Regional Entity via an audit, spot check, random sampling, a request for information, or otherwise. These activities are described in Attachment A for each respective possible violation.

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<sup>6</sup> See *North American Electric Reliability Corporation*, 138 FERC ¶ 61,193 (2012) ("March 15, 2012 CEI Order"); see also *North American Electric 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).

<sup>7</sup> See 18 C.F.R § 39.7(d)(7).

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## Statement Describing the Resolution<sup>8</sup>

### 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,<sup>9</sup> NERC Enforcement staff under delegated authority from the NERC BOTCC, approved the FFT based upon its findings and determinations, as well as its review of the applicable requirements of the Commission-approved Reliability Standards, and the underlying facts and circumstances of the remediated issues.

### Notice of Completion of Enforcement Action

In accordance with section 5.10 of the CMEP, and the Commission's March 15, 2012 CEI Order, provided that the Commission has not issued a notice of review of a specific matter included in this filing, notice is hereby provided that, sixty-one days after the date of this filing, enforcement action is complete with respect to all remediated issues included herein and any related data holds are released only as to that particular remediated issue.

Pursuant to the Commission order referenced above, both the Commission and NERC retain the discretion to review a remediated issue after the above referenced sixty-day period if it finds that FFT treatment was obtained based on a material misrepresentation of the facts underlying the FFT matter. Moreover, to the extent that it is subsequently determined that the mitigation activities described herein were not completed, the failure to remediate the issue will be treated as a continuing possible violation of a Reliability Standard requirement that is not eligible for FFT treatment.

### 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

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<sup>8</sup> See 18 C.F.R § 39.7(d)(4).

<sup>9</sup> *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).

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Reliability Standard possible 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.

**Attachments to be included as Part of this FFT Informational Filing**

The attachments to be included as part of this FFT Informational Filing are the following documents and material:

- a) Find Fix and Track Report Spreadsheet, included as Attachment A; and
- b) Additions to the service list, included as Attachment B.

**A Form of Notice Suitable for Publication<sup>10</sup>**

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

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<sup>10</sup> See 18 C.F.R § 39.7(d)(6).

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**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 FFT:

<p>Gerald W. Cauley                  President and Chief Executive Officer                  North American Electric Reliability Corporation                  3353 Peachtree Road NE                  Suite 600, North Tower                  Atlanta, GA 30326                  (404) 446-2560</p>	<p>Rebecca J. Michael*                  Associate General Counsel for Corporate and                  Regulatory Matters                  North American Electric Reliability Corporation                  1325 G Street N.W.                  Suite 600                  Washington, DC 20005                  (202) 400-3000                  rebecca.michael@nerc.net</p>
<p>David N. Cook*                  Senior Vice President and General Counsel                  North American Electric Reliability Corporation                  1325 G Street N.W., Suite 600                  Washington, DC 20005                  (202) 400-3000                  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>	

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**Conclusion**

Handling these remediated issues in a streamlined process will help NERC, the Regional Entities, Registered Entities, and the Commission focus on improving reliability and holding Registered Entities accountable for the more serious violations of the mandatory and enforceable NERC Reliability Standards. Accordingly, NERC respectfully submits this FFT as an informational filing.

Respectfully submitted,

/s/ Rebecca J. Michael

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cc: Entities listed in Attachment B

## **Attachment a**

**Fix and Track Report Spreadsheet  
(Included in a Separate Document)**

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## **Attachment b**

### **Additions to the service list**



**ATTACHMENT B**

**REGIONAL ENTITY SERVICE LIST FOR JUNE 2012 FIND FIX AND TRACK  
REPORT (FFT) INFORMATIONAL FILING**

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**Attachment c**  
**Notice of Filing**

## ATTACHMENT C

### UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

North American Electric Reliability Corporation

Docket No. RC12-\_\_\_\_-000

#### NOTICE OF FILING June 29, 2012

Take notice that on June 29, 2012, the North American Electric Reliability Corporation (NERC) filed a FFT Informational Filing regarding forty (40) Registered Entities in eight (8) 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](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: [BLANK]

Kimberly D. Bose,  
Secretary