

October 31, 2019

**VIA ELECTRONIC FILING**

Ms. Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

**Re: NERC Spreadsheet Notice of Penalty  
FERC Docket No. NP20- \_-000**

Dear Ms. Bose,

The North American Electric Reliability Corporation (NERC) hereby provides the attached Spreadsheet Notice of Penalty<sup>1</sup> (Spreadsheet NOP) in Attachment B, 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>2</sup>

The violations at issue in the Spreadsheet NOP are being filed with the Commission because the Regional Entities have respectively entered into settlement agreements with, or have issued Notices of Confirmed Violations (NOCVs) to, the Registered Entities identified in Attachment B and have resolved all outstanding issues arising 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 B. Accordingly, all of the violations, identified as NERC Violation Tracking Identification Numbers in Attachment B, are being filed in accordance with the NERC Rules of Procedure and the CMEP.

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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> See 18 C.F.R § 39.7(c)(2).

3353 Peachtree Road NE  
Suite 600, North Tower  
Atlanta, GA 30326  
404-446-2560 | [www.nerc.com](http://www.nerc.com)

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### **Statement of Findings Underlying the Alleged Violations**

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

This filing contains the basis for approval in accordance with Section 39.7 of the Commission's regulations, 18 C.F.R. § 39.7 (2018). Each Reliability Standard at issue in this Notice of Penalty is set forth in Attachment B.

### **Status of Mitigation<sup>3</sup>**

The mitigation activities are described in Attachment B for each respective violation. Information is also provided regarding the dates of Registered Entity certification and the Regional Entity verification of such completion where applicable.

### **Statement Describing the Proposed Penalty, Sanction, or Enforcement Action Imposed<sup>4</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; the August 27, 2010, Guidance Order; and the March 15, 2012, Compliance Enforcement Initiative Order,<sup>5</sup> the violations in the Spreadsheet were approved by NERC Enforcement staff under delegated authority from the NERC Board of Trustees Compliance Committee.

Pursuant to Order No. 693, the penalties 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.

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<sup>3</sup> See 18 C.F.R § 39.7(d)(7).

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

<sup>5</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); *North American Electric Reliability Corporation*, "Order Accepting with Conditions the Electric Reliability Organization's Petition Requesting Approval of New Enforcement Mechanisms and Requiring Compliance Filing," 138 FERC ¶ 61,193 (2012).

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**Attachments to be included as Part of this Spreadsheet Notice of Penalty**

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

- a) CEII Justification Categories, included as Attachment A;
- b) Spreadsheet Notice of Penalty, included as Attachment B; and
- c) Additions to the service list, included as Attachment C.

**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 C to this Spreadsheet NOP:

Edwin G. Kichline\*  
Senior Counsel and Director of Enforcement  
Oversight  
North American Electric Reliability Corporation  
1325 G Street NW  
Suite 600  
Washington, DC 20005  
(202) 400-3000  
(202) 644-8099 – facsimile  
ed.kichline@nerc.net

\*Persons to be included on the Commission's  
service list are indicated with an asterisk.

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**Conclusion**

Accordingly, NERC respectfully requests that the Commission accept this Spreadsheet Notice of Penalty as compliant with its rules, regulations, and orders.

Respectfully submitted,

/s/ Edwin G. Kichline

Edwin G. Kichline  
Senior Counsel and Director of Enforcement  
Oversight  
North American Electric Reliability Corporation  
1325 G Street NW  
Suite 600  
Washington, DC 20005  
(202) 400-3000  
(202) 644-8099 – facsimile  
ed.kichline@nerc.net

cc: Entities listed in Attachment C