



NORTH AMERICAN ELECTRIC  
RELIABILITY CORPORATION

January 31, 2011

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

**Re: NERC Abbreviated Notice of Penalty regarding Unidentified Registered Entity  
FERC Docket No. NP11-\_\_-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides this Abbreviated Notice of Penalty (NOP) regarding Unidentified Registered Entity (URE), with information and details regarding the nature and resolution of the violation<sup>1</sup> discussed in detail in the Disposition Document (Attachment a), 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>

URE self-reported on August 21, 2009 to Western Electricity Coordinating Council (WECC) (1) a violation of Reliability Standard CIP-003-1 Requirement (R) 6 because it discovered seven (7) updates to its anti-virus software applications were installed from July 22, 2009 through August 11, 2009 that did not receive approval by the URE senior manager, as stated in URE's change control process; and (2) a violation of CIP-006-1 R1 because URE's Physical Security Plan, effective July 1, 2009, was not "approved by a senior manager or delegate(s)" as required by the Standard. This Notice of Penalty is being filed with the Commission because URE does not contest the violations of CIP-003-1 R6<sup>3</sup> and CIP-006-1 R1 and the assessed five thousand dollar

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<sup>1</sup> 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.

<sup>2</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 (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).

<sup>3</sup> In its Response to the Notice of Alleged Violation and Proposed Penalty or Sanction, URE did not contest the violations or the proposed penalty, but URE disputed the conclusion that its failure to follow its own internal change policy would have resulted in a violation of CIP-003-1 per paragraph 359 of FERC Order No. 706, Docket No. RM06-22-000. Paragraph 359 refers to CIP-003-1 R3 and the provision for adequately justified and documented exceptions that are approved by the entity's senior manager. In this situation, URE's failure to abide by its change

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(\$5,000) penalty. Accordingly, the violations identified as NERC Violation Tracking Identification Numbers WECC200901620 and WECC200901619 are Confirmed Violations, as that term is defined in the NERC Rules of Procedure and the CMEP.

**Statement of Findings Underlying the Violations**

This Notice of Penalty incorporates the findings and justifications set forth in the Notice of Confirmed Violation and Proposed Penalty or Sanction (NOCV) issued on January 12, 2010, by WECC. The details of the findings and the basis for the penalty are set forth in the Disposition Document. This Notice of Penalty filing contains the basis for approval of this Notice of Penalty by the NERC Board of Trustees Compliance Committee (BOTCC). In accordance with Section 39.7 of the Commission’s Regulations, 18 C.F.R. § 39.7, NERC provides the following summary table identifying each violation of a Reliability Standard at issue in this Notice of Penalty.

Region	Registered Entity	NOC ID	NERC Violation ID	Reliability Std.	Req. (R)	VRF	Total Penalty (\$)
WECC	Unidentified Registered Entity	NOC-459	WECC200901620	CIP-003-1	6	Lower	5,000
			WECC200901619	CIP-006-1	1	Medium <sub>4</sub>	

**Statement Describing the Assessed Penalty, Sanction or Enforcement Action Imposed<sup>5</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 and October 26, 2009 Guidance Orders,<sup>6</sup> the NERC BOTCC reviewed the NOCV and supporting documentation on June 10, 2010. The NERC BOTCC approved the NOCV and the assessment of a five thousand dollar (\$5,000) financial penalty against URE based upon WECC’s 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.

In reaching this determination, the NERC BOTCC considered the following factors:

1. the violations constituted URE’s first occurrence of violation of the subject requirements of NERC Reliability Standards;

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control policy was not an authorized exception as required by CIP-003-1 R3, and that was the basis for this violation.

<sup>4</sup> CIP-006-1 R1, R1.1, R1.2, R1.3, R1.4, R1.5 and R1.6 each have a “Medium” VRF and CIP-006 R1.7, R1.8 and R1.9 each have a “Lower” VRF.

<sup>5</sup> See 18 C.F.R § 39.7(d)(4).

<sup>6</sup> *North American Electric Reliability Corporation*, “Guidance Order on Reliability Notices of Penalty,” 124 FERC ¶ 61,015 (2008); *North American Electric Reliability Corporation*, “Guidance Order on Reliability Notices of Penalty,” 129 FERC ¶ 61,069 (2009). See also *North American Electric Reliability Corporation*, “Notice of No Further Review and Guidance Order,” 132 FERC ¶ 61,182 (2010).

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2. the violations were self-reported;
3. WECC reported that URE was cooperative throughout the compliance enforcement process;
4. there was no evidence of any attempt to conceal a violation nor evidence of intent to do so;
5. URE has a compliance program, as discussed in the Disposition Document;<sup>7</sup>
6. WECC determined that the violations did not pose a serious or substantial risk to the reliability of the bulk power system (BPS), as discussed in the Disposition Document; and
7. WECC reported that there were no other mitigating or aggravating factors or extenuating circumstances that would affect the assessed penalty.

For the foregoing reasons, the NERC BOTCC believes that the assessed penalty of five thousand dollars (\$5,000) is appropriate for the violations and circumstances in question, and is consistent with NERC's goal to promote and ensure reliability of the BPS.

Pursuant to 18 C.F.R. § 39.7(e), the penalty will be effective upon expiration of the 30 day period following the filing of this NOP with the Commission, or, if the Commission decides to review the penalty, upon final determination by the Commission.

### **Request for Confidential Treatment**

Information in and certain attachments to the instant Notice of Penalty include privileged and 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. Specifically, this includes non-public information related to certain Reliability Standard violations, certain Regional Entity investigative files, Registered Entity sensitive business and confidential information exempt from the mandatory public disclosure requirements of the Freedom of Information Act, 5 U.S.C. 552, and should be withheld from public disclosure.

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 attached documents are 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.

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<sup>7</sup> URE did not receive credit for having a compliance program because it was not reviewed by WECC.

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**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:

- a) Disposition of Violation dated June 10, 2010, included as Attachment a;
- b) URE's Response to the Notice of Alleged Violation and Proposed Penalty or Sanction dated December 30, 2009, included as Attachment b;
- c) Documents regarding CIP-003-1 R6, included as Attachment c:
  1. URE's Self-Report dated August 21, 2009;
  2. URE's Mitigation Plan MIT-09-1974 submitted August 26, 2009;
  3. URE's Certification of Mitigation Plan Completion dated August 26, 2009; and
  4. WECC's Verification of Mitigation Plan Completion dated September 23, 2009
- d) Documents regarding CIP-006-1 R1, included as Attachment d:
  1. URE's Self-Report dated August 21, 2009;
  2. URE's Mitigation Plan MIT-09-1973 submitted August 26, 2009;
  3. URE's Certification of Mitigation Plan Completion dated August 26, 2009; and
  4. WECC's Verification of Mitigation Plan Completion dated September 23, 2009.

**A Form of Notice Suitable for Publication<sup>8</sup>**

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

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<sup>8</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:

<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, NJ 08540-5721 (609) 452-8060 (609) 452-9550 – facsimile gerry.cauley@nerc.net</p> <p>Christopher Luras* Manager of Compliance Enforcement Western Electricity Coordinating Council 155 North 400 West, Suite 200 Salt Lake City, UT 84103 (801) 883-6887 (801) 883-6894 – facsimile CLuras@wecc.biz</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.</p>	<p>Rebecca J. Michael* Assistant General Counsel Davis Smith* Attorney North American Electric Reliability Corporation 1120 G Street, N.W. Suite 990 Washington, DC 20005-3801 (202) 393-3998 (202) 393-3955 – facsimile rebecca.michael@nerc.net davis.smith@nerc.net</p> <p>Mark Maher* Chief Executive Officer Western Electricity Coordinating Council 155 North 400 West, Suite 200 Salt Lake City, UT 84103 (360) 713-9598 (801) 582-3918 – facsimile Mark@wecc.biz</p> <p>Sandy Mooy* Senior Legal Counsel Western Electricity Coordinating Council 155 North 400 West, Suite 200 Salt Lake City, UT 84103 (801) 819-7658 (801) 883-6894 – facsimile Smooy@wecc.biz</p> <p>Constance White* Vice President of Compliance Western Electricity Coordinating Council 155 North 400 West, Suite 200 Salt Lake City, UT 84103 (801) 883-6885 (801) 883-6894 – facsimile CWhite@wecc.biz</p>
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## Conclusion

Accordingly, NERC respectfully requests that the Commission accept this NOP as compliant with its rules, regulations and orders.

Respectfully submitted,

/s/ Rebecca J. Michael

Rebecca J. Michael

Assistant General Counsel

Davis Smith

Attorney

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cc: Unidentified Registered Entity  
Western Electricity Coordinating Council

Attachments

## **Attachment a**

### **Disposition of Violation dated June 10, 2010**

**DISPOSITION OF VIOLATION<sup>1</sup>**  
Dated June 10, 2010

NERC TRACKING NO.	REGIONAL ENTITY TRACKING NO.	NOC#
<b>WECC200901620</b>	<b>URE_WECC20091793</b>	<b>NOC-459</b>
<b>WECC200901619</b>	<b>URE_WECC20091792</b>	

REGISTERED ENTITY <b>Unidentified Registered Entity (URE)</b>	NERC REGISTRY ID <b>NCRXXXXX</b>
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REGIONAL ENTITY  
**Western Electricity Coordinating Council (WECC)**

**I. VIOLATION INFORMATION**

RELIABILITY STANDARD	REQUIREMENT(S)	SUB-REQUIREMENT(S)	VRF(S)	VSL(S)
<b>CIP-003-1</b>	<b>6</b>		<b>Lower</b>	<b>Lower</b>
<b>CIP-006-1</b>	<b>1</b>	<b>1.1-1.7</b>	<b>Medium<sup>2</sup></b>	<b>Lower</b>

PURPOSE OF THE RELIABILITY STANDARD AND TEXT OF RELIABILITY STANDARD AND REQUIREMENT(S)/SUB-REQUIREMENT(S)

**The purpose statement of Reliability Standard CIP-003-1 provides in pertinent part: “Standard CIP-003 requires that Responsible Entities<sup>[3]</sup> have minimum security management controls in place to protect Critical Cyber Assets. Standard CIP-003 should be read as part of a group of standards numbered Standards CIP-002 through CIP-009.”**

**CIP-003-1 R6 Change Control and Configuration Management requires that:**

**The Responsible Entity shall establish and document a process of change control and configuration management for adding, modifying, replacing, or removing Critical Cyber Asset hardware or software, and implement supporting configuration management activities to identify, control and**

<sup>1</sup> For purposes of this document and attachments hereto, each violation at issue is described as a “violation,” regardless of its procedural posture and whether it was a possible, alleged or confirmed violation.

<sup>2</sup> CIP-006-1 R1, R1.1, R1.2, R1.3, R1.4, R1.5 and R1.6 each have a “Medium” VRF and CIP-006 R1.7, R1.8 and R1.9 each have a “Lower” VRF.

<sup>3</sup> Within the text of the CIP-002 through CIP-009 Standards, “Responsible Entity” shall mean Reliability Coordinator, Balancing Authority, Interchange Authority, Transmission Service Provider, Transmission Owner, Transmission Operator, Generator Owner, Generator Operator, Load Serving Entity, NERC, and Regional Reliability Organizations.



**document all entity or vendor related changes to hardware and software components of Critical Cyber Assets pursuant to the change control process.**

**The purpose statement of Reliability Standard CIP-006-1 states in pertinent part: “Standard CIP-006 is intended to ensure the implementation of a physical security program for the protection of Critical Cyber Assets. Standard CIP-006 should be read as part of a group of standards numbered Standards CIP-002 through CIP-009.”**

**CIP-006-1 R1. Physical Security Plan - The Responsible Entity shall create and maintain a physical security plan, approved by a senior manager or delegate(s) that shall address, at a minimum, the following:**

**R1.1. Processes to ensure and document that all Cyber Assets within an Electronic Security Perimeter also reside within an identified Physical Security Perimeter. Where a completely enclosed (“six-wall”) border cannot be established, the Responsible Entity shall deploy and document alternative measures to control physical access to the Critical Cyber Assets.**

**R1.2. Processes to identify all access points through each Physical Security Perimeter and measures to control entry at those access points.**

**R1.3. Processes, tools, and procedures to monitor physical access to the perimeter(s).**

**R1.4. Procedures for the appropriate use of physical access controls as described in Requirement R3 including visitor pass management, response to loss, and prohibition of inappropriate use of physical access controls.**

**R1.5. Procedures for reviewing access authorization requests and revocation of access authorization, in accordance with CIP-004 Requirement R4.**

**R1.6. Procedures for escorted access within the physical security perimeter of personnel not authorized for unescorted access.**

**R1.7. Process for updating the physical security plan within ninety calendar days of any physical security system redesign or reconfiguration, including, but not limited to, addition or removal of access points through the physical security perimeter, physical access controls, monitoring controls, or logging controls.**

**R1.8. Cyber Assets used in the access control and monitoring of the Physical Security Perimeter(s) shall be afforded the protective measures specified in Standard CIP-003, Standard CIP-004 Requirement R3, Standard CIP-005 Requirements R2 and R3, Standard CIP-006 Requirement R2 and R3, Standard CIP-007, Standard CIP-008 and Standard CIP-009.**

**R1.9. Process for ensuring that the physical security plan is reviewed at least annually.**

VIOLATION DESCRIPTION

**URE self-reported on August 21, 2009 a violation of CIP-003-1 R6 because it discovered that seven anti-virus software applications were updated from July 22, 2009 through August 11, 2009 that did not receive the approval of the URE senior manager. URE’s change control process states that the senior manager may approve the software applications prior to installation. WECC determined that URE’s failure to abide by its own change control process was a violation of the Reliability Standard.**

**URE self-reported on August 21, 2009 a violation of CIP-006-1 R1. Specifically, its Physical Security Plan (Security Plan) that was to be in effect by July 1, 2009, could not be fully implemented because it referenced an unapproved process document. The URE Security Plan refers to a URE procedure document. This document contained the processes needed for URE to be compliant with CIP-006-1 R1.1, R1.2, R1.3, R1.4, R1.5, R1.6 and R1.7. At the time the Security Plan was supposed to take effect, URE procedure document was still being revised by URE, and was thus unapproved by URE’s management. Thus, as of the effective date of the requirement, URE did not “maintain a physical security plan, approved by a senior manager or delegate(s)” as required by the Standard.**

RELIABILITY IMPACT STATEMENT- POTENTIAL AND ACTUAL

**WECC determined that the violation of CIP-003-1 R6 did not pose a serious or substantial risk to the bulk power system (BPS) because although the senior manager did not provide approval prior to the software updates, the software updates were approved by the Critical Cyber Assets owner per the procedure and therefore, had subject matter approval. Approval by the senior manager was granted shortly afterwards. Furthermore, URE has made changes so that in the future, antivirus software applications may be updated without the senior manager’s approval.**

**WECC determined that although the violation of CIP-006-1 R1 did not pose a serious or substantial risk to the BPS, it posed a moderate risk. Specifically, even though URE had implemented portions of its Security Plan, the section of the plan addressing parts of CIP-006-1 R1 was still being revised and therefore, had not been approved or implemented.**

IS THERE A SETTLEMENT AGREEMENT      YES       NO

WITH RESPECT TO THE VIOLATION(S), REGISTERED ENTITY

NEITHER ADMITS NOR DENIES IT (SETTLEMENT ONLY)      YES   
 ADMITS TO IT      YES   
 DOES NOT CONTEST IT (INCLUDING WITHIN 30 DAYS)      YES

WITH RESPECT TO THE ASSESSED PENALTY OR SANCTION, REGISTERED ENTITY

ACCEPTS IT/ DOES NOT CONTEST IT YES

**III. DISCOVERY INFORMATION**

METHOD OF DISCOVERY

SELF-REPORT   
SELF-CERTIFICATION   
COMPLIANCE AUDIT   
COMPLIANCE VIOLATION INVESTIGATION   
SPOT CHECK   
COMPLAINT   
PERIODIC DATA SUBMITTAL   
EXCEPTION REPORTING

DURATION DATE(S)

**CIP-003-1 R6 July 22, 2009 through August 21, 2009**  
**CIP-006-1 R1 July 1, 2009 through August 26, 2009**

DATE DISCOVERED BY OR REPORTED TO REGIONAL ENTITY

**CIP-003-1 R6 August 21, 2009**  
**CIP-006-1 R1 August 21, 2009**

IS THE VIOLATION STILL OCCURRING

YES  NO   
IF YES, EXPLAIN

REMEDIAL ACTION DIRECTIVE ISSUED YES  NO   
PRE TO POST JUNE 18, 2007 VIOLATION YES  NO

**IV. MITIGATION INFORMATION**

FOR FINAL ACCEPTED MITIGATION PLAN:

**CIP-003-1 R6**

MITIGATION PLAN NO. **MIT-09-1974**  
DATE SUBMITTED TO REGIONAL ENTITY **8/26/09**  
DATE ACCEPTED BY REGIONAL ENTITY **9/02/09**  
DATE APPROVED BY NERC **9/11/09**  
DATE PROVIDED TO FERC **9/11/09**

IDENTIFY AND EXPLAIN ALL PRIOR VERSIONS THAT WERE ACCEPTED OR REJECTED, IF APPLICABLE  
**NONE**

MITIGATION PLAN COMPLETED      YES       NO

EXPECTED COMPLETION DATE      **Submitted as Complete**  
EXTENSIONS GRANTED      N/A  
ACTUAL COMPLETION DATE      **8/21/09**

DATE OF CERTIFICATION LETTER      **8/26/09**  
CERTIFIED COMPLETE BY REGISTERED ENTITY AS OF      **8/21/09**

DATE OF VERIFICATION LETTER      **9/23/09**  
VERIFIED COMPLETE BY REGIONAL ENTITY AS OF      **8/21/09**

ACTIONS TAKEN TO MITIGATE THE ISSUE AND PREVENT  
RECURRENCE

**URE updated its configuration and change management procedure to remove the requirement for the senior manager to approve changes, thereby allowing Critical Cyber Asset owners to make changes to anti-virus software as needed.**

LIST OF EVIDENCE REVIEWED BY REGIONAL ENTITY TO EVALUATE  
COMPLETION OF MITIGATION PLAN (FOR CASES IN WHICH  
MITIGATION IS NOT YET COMPLETED, LIST EVIDENCE REVIEWED  
FOR COMPLETED MILESTONES)

**URE's configuration and change management procedure.**

**CIP-006-1 R1**

MITIGATION PLAN NO.      **MIT-09-1973**  
DATE SUBMITTED TO REGIONAL ENTITY      **8/26/09**  
DATE ACCEPTED BY REGIONAL ENTITY      **9/02/09**  
DATE APPROVED BY NERC      **9/11/09**  
DATE PROVIDED TO FERC      **9/11/09**

IDENTIFY AND EXPLAIN ALL PRIOR VERSIONS THAT WERE  
ACCEPTED OR REJECTED, IF APPLICABLE  
**NONE**

MITIGATION PLAN COMPLETED      YES       NO

EXPECTED COMPLETION DATE      **Submitted as Complete**  
EXTENSIONS GRANTED      N/A  
ACTUAL COMPLETION DATE      **8/26/09**

DATE OF CERTIFICATION LETTER      **8/26/09**  
CERTIFIED COMPLETE BY REGISTERED ENTITY AS OF      **8/26/09**

DATE OF VERIFICATION LETTER **9/23/09**  
VERIFIED COMPLETE BY REGIONAL ENTITY AS OF **8/26/09**

ACTIONS TAKEN TO MITIGATE THE ISSUE AND PREVENT RECURRENCE

**URE revised its Physical Security Plan to address each of the CIP-006-1 R1 sub-requirements. URE removed all references to the unapproved URE Staff procedure.**

LIST OF EVIDENCE REVIEWED BY REGIONAL ENTITY TO EVALUATE COMPLETION OF MITIGATION PLAN (FOR CASES IN WHICH MITIGATION IS NOT YET COMPLETED, LIST EVIDENCE REVIEWED FOR COMPLETED MILESTONES)

**URE's Physical Security Plan**

**V. PENALTY INFORMATION**

TOTAL ASSESSED PENALTY OR SANCTION OF **FIVE THOUSAND DOLLARS (\$5,000)** FOR **TWO** VIOLATIONS OF RELIABILITY STANDARDS.

(1) REGISTERED ENTITY'S COMPLIANCE HISTORY

PRIOR VIOLATIONS OF ANY OF THE INSTANT RELIABILITY STANDARD(S) OR REQUIREMENT(S) THEREUNDER  
YES  NO

LIST ANY CONFIRMED OR SETTLED VIOLATIONS AND STATUS

ADDITIONAL COMMENTS

PRIOR VIOLATIONS OF OTHER RELIABILITY STANDARD(S) OR REQUIREMENTS THEREUNDER  
YES  NO

LIST ANY PRIOR CONFIRMED OR SETTLED VIOLATIONS AND STATUS

ADDITIONAL COMMENTS

(2) THE DEGREE AND QUALITY OF COOPERATION BY THE REGISTERED ENTITY (IF THE RESPONSE TO FULL COOPERATION IS “NO,” THE ABBREVIATED NOP FORM MAY NOT BE USED.)

FULL COOPERATION YES  NO   
IF NO, EXPLAIN

(3) THE PRESENCE AND QUALITY OF THE REGISTERED ENTITY’S COMPLIANCE PROGRAM

IS THERE A DOCUMENTED COMPLIANCE PROGRAM<sup>4</sup>  
YES  NO   
EXPLAIN

**At the time of the violation, URE did not have a documented Internal Compliance Program (ICP).**

EXPLAIN SENIOR MANAGEMENT’S ROLE AND INVOLVEMENT WITH RESPECT TO THE REGISTERED ENTITY’S COMPLIANCE PROGRAM. DOES SENIOR MANAGEMENT TAKE ACTIONS THAT SUPPORT THE COMPLIANCE PROGRAM, SUCH AS TRAINING, COMPLIANCE AS A FACTOR IN EMPLOYEE EVALUATIONS, OR OTHERWISE.

**See above.**

(4) ANY ATTEMPT BY THE REGISTERED ENTITY TO CONCEAL THE VIOLATION(S) OR INFORMATION NEEDED TO REVIEW, EVALUATE OR INVESTIGATE THE VIOLATION.

YES  NO   
IF YES, EXPLAIN

(5) ANY EVIDENCE THE VIOLATION WAS INTENTIONAL (IF THE RESPONSE IS “YES,” THE ABBREVIATED NOP FORM MAY NOT BE USED.)

YES  NO   
IF YES, EXPLAIN

(6) ANY OTHER MITIGATING FACTORS FOR CONSIDERATION

YES  NO   
IF YES, EXPLAIN

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<sup>4</sup> URE did not receive credit for having a compliance program because it was not reviewed by WECC.

(7) ANY OTHER AGGRAVATING FACTORS FOR CONSIDERATION

YES  NO   
IF YES, EXPLAIN

(8) ANY OTHER EXTENUATING CIRCUMSTANCES

YES  NO   
IF YES, EXPLAIN

(9) ADDITIONAL SUPPORT FOR ASSESSED PENALTY OR SANCTION

EXHIBITS:

SOURCE DOCUMENT

**URE's Self-Report for CIP-003-1 R6 dated August 21, 2009**  
**URE's Self-Report for CIP-006-1 R1 dated August 21, 2009**

MITIGATION PLAN

**URE's Mitigation Plan, MIT-09-1974, for CIP-003-1 R6 submitted August 26, 2009**  
**URE's Mitigation Plan, MIT-09-1973, for CIP-006-1 R1 submitted August 26, 2009**

CERTIFICATION BY REGISTERED ENTITY

**URE's Certification of Mitigation Plan Completion for CIP-003-1 R6 dated August 26, 2009**  
**URE's Certification of Mitigation Plan Completion for CIP-006-1 R1 dated August 26, 2009**

OTHER RELEVANT INFORMATION:

NOTICE OF ALLEGED VIOLATION AND PROPOSED PENALTY OR  
SANCTION ISSUED  
DATE: **12/04/09** OR N/A

SETTLEMENT DISCUSSIONS COMMENCED  
DATE: OR N/A

NOTICE OF CONFIRMED VIOLATION ISSUED

DATE: **1/08/10** OR N/A

DATE: **1/12/10 (Revision to correct minor typographical error)**

SUPPLEMENTAL RECORD INFORMATION

DATE(S) OR N/A

REGISTERED ENTITY RESPONSE CONTESTED

FINDINGS  PENALTY  BOTH  NO CONTEST

HEARING REQUESTED

YES  NO

DATE

OUTCOME

APPEAL REQUESTED