

February 28, 2022

VIA ELECTRONIC FILING

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

Re: **NERC Full Notice of Penalty regarding Broad River Energy, LLC,
FERC Docket No. NP22_-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides this Notice of Penalty¹ regarding Broad River Energy, LLC (Broad River), and referred to herein as the Entity, NERC Registry ID# NCRR11313,² in accordance with the Federal Energy Regulatory Commission's (Commission or FERC) rules, regulations, and orders, as well as NERC's Rules of Procedure including Appendix 4C (NERC Compliance Monitoring and Enforcement Program (CMEP)).³

NERC is filing this Notice of Penalty, with information and details regarding the nature and resolution of the violations,⁴ with the Commission because SERC Reliability Corporation (SERC) and Broad River have entered into a Settlement Agreement to resolve all outstanding issues arising from SERC's determination and findings of the violations of the Reliability Standards listed below.

According to the Settlement Agreement, Broad River neither admits nor denies the violation, but has agreed to the assessed penalty of four hundred and thirty-five thousand dollars (\$435,000), in addition

¹ *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards, Order No. 672, 114 FERC ¶ 61,104, order on reh'g, Order No. 672-A, 114 FERC ¶ 61,328 (2006); Notice of New Docket Prefix "NP" for Notices of Penalty Filed by the N. Am. Elec. Reliability Corp., Docket No. RM05-30-000 (February 7, 2008); Mandatory Reliability Standards for the Bulk-Power System, Order No. 693, 118 FERC ¶ 61,218, order on reh'g, Order No. 693-A, 120 FERC ¶ 61,053 (2007).*

² Broad River was included on the NERC Compliance Registry as a Generation Owner (GO) and Generation Operator (GOP) on December 27, 2012.

³ See 18 C.F.R § 39.7(c)(2) and 18 C.F.R § 39.7(d).

⁴ 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.

NERC Notice of Penalty
Broad River
February 28, 2022
Page 2

to other remedies and actions to mitigate the instant violation and facilitate future compliance under the terms and conditions of the Settlement Agreement.

Statement of Findings Underlying the Violation

This Notice of Penalty incorporates the findings and justifications set forth in the Settlement Agreement, by and between SERC and Broad River. The details of the findings and basis for the penalty are set forth in the Settlement Agreement and herein.

In accordance with Section 39.7 of the Commission’s regulations, 18 C.F.R. § 39.7 (2021), NERC provides the following summary table identifying each violation of a Reliability Standard resolved by the Settlement Agreement. Further information on the subject violation is set forth in the Settlement Agreement and herein.

Violation(s) Determined and Discovery Method								
*SR = Self-Report / SC = Self-Certification / CA = Compliance Audit / SPC = Spot Check / CI = Compliance Investigation								
NERC Violation ID	Standard	Req.	VRF/VSL	Applicable Function(s)	Discovery Method* & Date	Violation Start-End Date	Risk	Penalty Amount
SERC2018020748	TOP-002-2.1b	R3	Medium/Severe	GOP	SR; 11/29/18	1/7/16 – 4/4/19	Serious	\$435k

Information about the Entity

Broad River is an entity with five gas turbine generators that produce 850 MW dual-fuel, located in Gaffney, South Carolina.

From October 19, 2016 to January 1, 2020, IHI Power Services Corporation provided asset management, operations, and maintenance services to Broad River via a contractual agreement.

Tateswood Energy Company, LLC, executed an Asset Management Agreement with Broad River, which has been in effect as of December 1, 2019. Plant Operations and Maintenance services is currently provided by NAES Corporation via a contractual agreement.

Broad River operated under two long-term tolling agreements (Purchase Power Agreements (PPAs)) with a public utility and Balancing Authority (BA). Pursuant to the terms of the PPAs, Broad River was paid by the Balancing Authority (BA) partially based on unit availability.

SERC2018020748 (TOP-002-2.1b R3)

NERC Notice of Penalty
Broad River
February 28, 2022
Page 3

SERC determined that Broad River was in violation of TOP-003-3 R5 because it failed to report unit unavailability on July 16, 2018, in accordance with its BA and Transmission Operator's (TOP) data specifications requirements. The plant manager knowingly allowed inaccurate information regarding the availability of unit 5 to be reported in July 17, 2018 Daily Executive Status Report, and provided incorrect information to the BA of when unit 5 actually became unavailable. SERC later determined that the violation extended back to the enforceable period of TOP-002-2.1b R3, because Broad River failed to consistently coordinate its current-day and next-day operations with its BA/Transmission Service Provider (TSP) by failing to provide proper notification when a unit was unavailable. Furthermore, SERC determined that there was no TOP-002/TOP-003 compliance procedure and operators were not aware of a documented procedure to follow when a unit failed. SERC confirmed that there were a total of 112 instances, 60 of which occurred from January 7, 2016 through March 27, 2017, when TOP-002-2.1b R3 was mandatory and enforceable, and the remaining 52 instances occurred when TOP-003-3 R5 was mandatory and enforceable. Attachment A includes additional facts regarding the violation.

The cause of this violation was a complete programmatic failure that stemmed from a widespread problem with Broad River's compliance program, including the presence of vertical organizational silos in the form of lack of or broken communication between the third-party plant and asset manager and senior management, and between plant management and those responsible for compliance.

SERC determined that this violation posed a serious risk to the reliability of the bulk power system (BPS). Attachment A includes the facts regarding the violation that SERC considered in its risk assessment.

Broad River submitted its Mitigation Plan to address the referenced violation. Attachment A includes a description of the mitigation activities Broad River took to address this violation. A copy of the Mitigation Plan is included as Attachment B.

Broad River certified that it had completed all mitigation activities. SERC will verify that Broad River has completed all mitigation activities and report its completion to NERC. Attachments A and B provide specific information on Broad River's completion of the activities.

Regional Entity's Basis for Penalty

According to the Settlement Agreement, SERC has assessed a penalty of four hundred and thirty-five thousand dollars (\$435,000), and associated non-monetary sanctions. Specifically, SERC imposed a non-monetary sanction requiring Broad River's compliance department to provide Broad River senior management and SERC with quarterly reports concerning compliance with TOP-003-4 R5 until SERC has received four consecutive quarterly reports from Broad River and determines that such reporting is no

NERC Notice of Penalty
Broad River
February 28, 2022
Page 4

longer necessary for the referenced violation. In reaching this determination, SERC considered the following factors:

1. The violation posed a serious and substantial risk to the reliability of the BPS;
2. Broad River's agents' conduct, plant and asset managers' initial lack of transparency and reporting which impeded SERC's investigation, and senior management's passive acceptance of the improper compliance activities served to aggravate the penalty;
3. Broad River self-reported the violation, however, SERC did not give mitigating credit because Broad River's agents misrepresented and withheld material facts surrounding the nature and extent of the violation in the Self-Report;
4. Broad River agreed to settle the violation;
5. There were no other mitigating or aggravating factors or extenuating circumstances that would affect the assessed penalty.

After consideration of the above factors, SERC determined that, in this instance, the penalty amount of four hundred and thirty-five thousand dollars (\$435,000) and associated non-monetary sanctions is appropriate and bears a reasonable relation to the seriousness and duration of the violation.

Statement Describing the Assessed Penalty, Sanction, or Enforcement Action Imposed⁵

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, October 26, 2009 and August 27, 2010 Guidance Orders,⁶ NERC Enforcement staff reviewed the applicable requirements of the violation at issue, and considered the factors listed above.

For the foregoing reasons, NERC Enforcement staff approved the resolution between WECC and Broad River and believes that the assessed penalty of four hundred and thirty-five thousand dollars (\$435,000)

⁵ See 18 C.F.R. § 39.7(d)(4).

⁶ N. Am. Elec. Reliability Corp., "Guidance Order on Reliability Notices of Penalty," 124 FERC ¶ 61,015 (2008); N. Am. Elec. Reliability Corp., "Further Guidance Order on Reliability Notices of Penalty," 129 FERC ¶ 61,069 (2009); N. Am. Elec. Reliability Corp., "Notice of No Further Review and Guidance Order," 132 FERC ¶ 61,182 (2010).

NERC Notice of Penalty
Broad River
February 28, 2022
Page 5

and associated non-monetary sanctions is appropriate for the violation and circumstances at issue, 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 Notice of Penalty with FERC, or, if FERC decides to review the penalty, upon final determination by FERC.

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:

1. Settlement Agreement by and between SERC and Broad River executed January 3, 2022, included as Attachment A;
2. Broad River's Mitigation Plan designated as SERCMIT015668 for TOP-002-2.1b R3 submitted January 20, 2020, included as Attachment B;
3. Broad River's Self Report for TOP-003-3 R5 dated November 29, 2018, included as Attachment C; and
4. Board River's Certification of Mitigation Plan Completion for submitted April 13, 2021, included as Attachment D.

NERC Notice of Penalty
Broad River
February 28, 2022
Page 6

Notices and Communications: Notices and communications with respect to this filing may be addressed to the following:

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NERC Notice of Penalty
Broad River
February 28, 2022
Page 7

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*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.

NERC Notice of Penalty
Broad River
February 28, 2022
Page 8

Conclusion

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

Respectfully submitted,

/s/ Alain Rigaud

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Senior Counsel
Alain Rigaud
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SERC Reliability Corporation

Attachments



SERC RELIABILITY CORPORATION

Evaluation | Analysis | Assistance | Operating Experience

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SETTLEMENT AGREEMENT

BETWEEN SERC RELIABILITY CORPORATION

AND

BROAD RIVER ENERGY, LLC ¹

I. INTRODUCTION

1. SERC Reliability Corporation (SERC) and Broad River Energy, LLC (Broad River) enter into this Settlement Agreement (Agreement) to resolve one Alleged Violation by Broad River of the below-referenced Reliability Standard and Requirement. SERC and Broad River are collectively referred to as “Parties.”

Reliability Standard	Requirement	NERC Tracking No.
TOP-002-2.1b	R3	SERC2018020748

2. The Parties stipulate to the facts and terms set forth herein for the sole purpose of resolving the Alleged Violation which is the subject of this Agreement. The attached Disposition document (**Attachment A**) is incorporated herein in its entirety.
3. While Broad River neither admits nor denies that these facts constitute violations of TOP-002-2.1b R3 or its predecessor Reliability Standard Requirement TOP-003-3 R5, Broad River affirmatively accepts responsibility for the Alleged Violation of the above-referenced Reliability Standard Requirement, and has agreed to the proposed penalty of \$435,000.
4. SERC and Broad River hereby stipulate and agree to the following:

¹ NERC Registry ID No. NCR11313



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II. OVERVIEW OF BROAD RIVER

5. Broad River is a simple-cycle plant with five combustion turbines located in Gaffney, South Carolina.² Broad River is a minimal-sized entity with a total generation nameplate capacity of less than 1,500 MWs.
6. The plant is currently owned by Broad River Power, LLC.³
7. From October 19, 2016 to January 1, 2020, IHI Power Services Corporation (IHI) provided asset management, operations, and maintenance services to Broad River via a contractual agreement. Prior to IHI, these services were provided by Wheelabrator Technologies, Inc. (“Wheelabrator”). IHI and Wheelabrator are not corporate affiliates of Broad River.
8. Tateswood Energy Company, LLC, executed an Asset Management Agreement with Broad River, which has been in effect as of December 1, 2019. Plant Operations and Maintenance services is currently provided by NAES Corporation⁴ via a contractual agreement.
9. Broad River (NCR11313) is currently registered as a Generation Owner (GO) and Generation Operator (GOP) on the NERC Compliance Registry.⁵ Broad River, in its capacity as a GOP, was subject to compliance with TOP-002-2.1b R3, and in its capacity as a GO/GOP was subject to compliance with TOP-003-3 R5.
10. For the duration of this Alleged Violation, Broad River operated under two long-term tolling agreements (Purchase Power Agreements (PPAs)) with a public utility and Balancing Authority (BA).⁶ Pursuant to the terms of the PPAs, Broad River was paid by the BA partially based on unit availability.

² Broad River is located in SERC’s VACAR sub-region.

³ Broad River Power, LLC became the owner of Broad River Energy, LLC on December 27, 2012. Broad River Power was acquired under the current ownership structure on October 19, 2016.

⁴ As of February 1, 2020, NAES Corporation (NCR11997) is registered on the NERC Compliance Registry as the GO for Broad River.

⁵ Broad River registered as a GO and GOP on December 27, 2012.

⁶ Both PPAs expired as of May 31, 2021. A tolling agreement between the BA and Broad River for Units 1 -5 went into effect on June 1, 2021.



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11. Broad River does not have any corporate affiliates that are NERC registered entities in the SERC region.

III. EXECUTIVE SUMMARY

Overview of Alleged Violation

12. This Agreement resolves one serious risk Alleged Violation of Operations and Planning Reliability Standard, TOP-002-2.1b R3.⁷
13. The Alleged Violation took place over two and a half years and includes 112 instances occurring between January 7, 2016 and April 4, 2019, in which a unit was unavailable and Broad River failed to make the proper notification to the BA pursuant to the applicable Reliability Standard Requirement.⁸ Of the 112 instances, 60 occurred when TOP-002-2.1b R3 was enforceable, and the remaining 52 instances occurred when TOP-003-3 R5 was enforceable.
14. The number of instances of TOP-002-2.1b R3 and its successor TOP-003-3 R5 spanning over two and a half years are indicative of a programmatic failure that stemmed from a widespread problem with Broad River's compliance program, including the presence of vertical organizational silos in the form of lack of or broken communication (1) between the third-party plant and asset manager and senior management, and (2) between plant management and those responsible for compliance.
15. The vertical silos established by the third-party plant manager and asset manager resulted in a lack of adequate oversight and engagement from senior management, which SERC deemed to be the equivalent of senior management's passive acceptance of the plant's compliance practices. This contributed to (1) a culture of compliance that prioritized the PPAs over NERC Reliability Standards compliance and the reliability and security of the Bulk-Power System (BPS); (2) a lack of sufficient documented operating procedures and controls consistent with NERC Reliability Standard compliance; and (3) a lack of robust training for those responsible for compliance.

⁷ Broad River initially self-reported the Alleged Violation on November 29, 2018, as a TOP-003-3 R5 issue, but SERC later determined that this Alleged Violation extended back to the enforceable period of TOP-002-2.1b R3. TOP-002-2.1b R3 was enforceable from September 13, 2012 through March 31, 2017.

⁸ The BA was Broad River's BA/Transmission Operator or BA/Transmission Services Provider at all relevant times for this Alleged Violation.



CONFIDENTIAL SETTLEMENT DOCUMENT
PRIVILEGED & CONFIDENTIAL INFORMATION

16. This Alleged Violation involved conduct that violated the applicable Reliability Standard Requirement. Although no actual harm to the BPS is known to have occurred as a result of the Alleged Violation, plant management had established an informal operating practice that disregarded the explicit compliance requirements under the applicable NERC Standard Requirement, and instead focused on the terms of the PPAs to drive reporting of unit unavailability. The long-standing operating practice and inconsistent application of procedures by plant management and those responsible for compliance led to a total of 112 separate instances of noncompliance that occurred for over two and a half years. This repetitive conduct demonstrates a disregard by Broad River's plant and asset manager of NERC Standard compliance and therefore supports a finding that Broad River's third-party plant and asset management knowingly violated the applicable Reliability Standard Requirement.
17. Additionally, as a result of the numerous instances in which Broad River failed to provide proper notification of unit unavailability to the BA (i.e., failing to comply under the applicable NERC Reliability Standard Requirement), in certain circumstances, Broad River received an economic benefit under the PPAs, i.e., by not declaring units unavailable pursuant to the applicable NERC Reliability Standard Requirement, resulted in a nominal monetary gain (nominal when considering the total amount of payments Broad River received from the BA pursuant to the PPAs during the relevant time period of this Alleged Violation). However, SERC is not alleging that the intent behind the noncompliant behavior was based on an economic gain.
18. SERC determined that the Broad River plant and asset manager attempted to withhold the full extent and nature of the Alleged Violation from SERC. The first instance (the July 16, 2018 incident) that was identified in this Alleged Violation was self-reported to SERC after an anonymous employee (whistleblower) reported the incident through the IHI corporate compliance hotline.
19. A whistleblowing hotline is vitally important for a company because it provides a confidential way for employees to report wrongdoing within the organization that may otherwise remain unexposed, without fear of retaliation. SERC acknowledges that the hotline served its intended purpose by allowing a Broad River employee to anonymously report misconduct and that Broad River did the right thing by self-reporting the incident. However, had it not been for the whistleblower, the incident would have likely remained unreported for an unknown length of time.
20. Additionally, months into SERC's investigation into this matter, three separate anonymous complaints were made to the NERC Compliance Hotline, which alerted SERC of Broad River's plant and asset manager's attempt to withhold information as



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well as the existence of additional unreported instances where units tripped and were not declared as unavailable to the BA.

21. SERC's investigation further confirmed that Broad River's plant and asset manager had been misrepresenting facts concerning the July 16, 2018 instance. Additionally, SERC determined that Broad River's plant and asset manager attempted to withhold the full extent of the Alleged Violation, which involved over 100 additional unreported instances that had existed since January 2016. By the time the whistleblower made the initial call to the IHI corporate compliance hotline, the Alleged Violation had existed for over two years.
22. As a result of Broad River's plant and asset manager's failure to perform a proper internal investigation to report all known related incidents, Broad River impeded SERC's ability to effectively investigate the Alleged Violation. Broad River's actions resulted in multiple follow-ups for purposes of evidence clarification, the need for on-site interviews with Broad River personnel, and additional data and information requests to complete SERC's investigation. The significant time it has taken to fully investigate this Alleged Violation could have been avoided had Broad River's agents been fully forthcoming at the outset and not impeded SERC's investigation.

Overview of Penalty

23. SERC commends Broad River's comprehensive response to the Alleged Violation following the transition to the new asset management and operation service companies. However, SERC determined that a penalty is warranted due to the serious nature of and the risk posed by the Alleged Violation.
24. Additionally, Broad River's agents' conduct, plant and asset managers' initial lack of transparency and reporting which impeded SERC's investigation, and senior management's passive acceptance of the improper compliance activities served to aggravate the penalty.
25. Accordingly, SERC has levied a monetary penalty of \$435,000, which is commensurate with the risk of this Alleged Violation.

IV. ADJUSTMENT FACTORS

26. In addition to the facts and circumstances stated above, SERC considered the following adjustment factors in its penalty determination:



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Settlement

27. Although Broad River neither admits nor denies violations of TOP-002-2.1b R3 or its predecessor Reliability Standard Requirement TOP-003-3 R5, Broad River recognized and affirmatively accepted responsibility for its conduct and sought to resolve the Alleged Violation by this Agreement.
28. Broad River agreed to settle the Alleged Violation resolved by this Agreement, thereby avoiding a hearing on this matter. SERC applied mitigating credit because it is important to promote prompt resolution of enforcement actions so that Broad River's focus is on mitigation and reducing risks to reliability.

Self-Reporting

29. SERC did not award mitigating credit for Broad River's Self-Report of the Alleged Violation. Effective oversight of the reliability of the BES depends on robust and timely self-reporting by Registered Entities. SERC acknowledges that the IHI corporate compliance hotline served its intended purpose by allowing a Broad River employee to anonymously report misconduct and that Broad River did the right thing by self-reporting the incident. However, while Broad River self-reported the Alleged Violation, Broad River's agents misrepresented and withheld material facts surrounding the nature and extent of the Alleged Violation in the Self-Report.

Compliance History

30. When assessing the penalty, SERC considered whether the facts of this Alleged Violation constitute repetitive infractions. Broad River has no relevant compliance history associated with TOP-002-2.1b R3 or TOP-003-3 R5.

Cooperation

31. SERC recognizes that under asset management and operation services provided by Tateswood and NAES, Broad River has been highly cooperative with SERC staff during the continued investigation of this Alleged Violation by providing SERC with timely, detailed, and organized evidence in response to additional RFIs, and has taken time to have open and transparent discussions regarding the evidence submitted. This is behavior that SERC highly encourages.
32. Notwithstanding, SERC did not apply any mitigating credit for cooperation in this Agreement because of Broad River's agents' initial misrepresentation and withholding of material facts in the Self-Report, IHI's Investigation Report, and subsequently submitted evidence. As SERC was investigating the issues, responsible Broad River



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agents at the time should have voluntarily rectified the misrepresentation of facts, but did not. As a result of Broad River agents' misconduct, it has taken SERC a significant amount of time to fully investigate this Alleged Violation.

Internal Compliance Program

33. Broad River's failure to self-identify and self-report the multiple instances in this Alleged Violation is indicative of a complete compliance program failure.⁹ That, coupled with Broad River's agents' conduct of knowingly violating the Standard Requirement, the plant and asset manager's initial lack of transparency which impeded SERC's investigation, as well as senior management's failure to instill a strong culture of compliance, caused SERC to award no mitigating credit for Broad River's compliance program that existed at the time of the Alleged Violation.

Other Factors

34. SERC acknowledges that risk posed by the Alleged Violation was reduced following the transition of the new asset management and operations companies. Broad River's responsiveness following the transition allowed SERC to complete the investigation without further delay, thereby allowing the focus to shift to addressing mitigation and preventing reoccurrence to reduce risk to the BPS. Additionally, since the transition, Broad River's compliance culture has moved in a positive direction. This is evidenced by the fact that those involved in the misconduct are no longer employed by Broad River, and through the implementation of a new compliance program that fosters a positive control environment through comprehensive procedures, programs, and policies, with oversight from senior management.

V. PENALTY

35. Based upon the foregoing, Broad River shall pay a monetary penalty of \$435,000 to SERC.
36. Pursuant to the NERC Sanction Guidelines, the monetary penalty bears a reasonable relationship to the seriousness of the Alleged Violation.
37. In addition to the monetary penalty, SERC is imposing a non-monetary sanction on Broad River. Beginning in the first quarter following the date the Commission approves this Agreement, Broad River's compliance department must provide Broad River senior management and SERC with quarterly reports concerning compliance with currently effective Reliability Standard Requirement TOP-003-4 R5 until SERC has received four

⁹ This Alleged Violation occurred while Broad River was under contract with either IHI or Wheelabrator for asset management, operations, and maintenance services.



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consecutive quarterly reports from Broad River and determines that such reporting is no longer necessary. These quarterly reports must include all identified instances of potential noncompliance; information related to the root cause of any identified instance; a detailed explanation of the extent of condition performed for each instance; and mitigation activities and progress of mitigation for each instance.

38. SERC shall present an invoice to Broad River within 20 days after the Agreement is approved by the Federal Energy Regulatory Commission (Commission) or affirmed by operation of law. Upon receipt, Broad River shall have 30 days to remit payment. SERC will notify NERC if it does not timely receive the payment from Broad River.
39. If Broad River fails to timely remit the monetary penalty payment to SERC, interest will commence to accrue on the outstanding balance, pursuant to 18 C.F.R. § 35.19a (a)(2)(iii), on the earlier of (a) the 31st day after the date on the invoice issued by SERC to Broad River for the monetary penalty payment or (b) the 51st day after the Agreement is approved by the Commission or operation of law.

VI. ADDITIONAL TERMS

40. Broad River submitted a Mitigation Plan and certified that it had completed all mitigation activities for these Alleged Violations. SERC will verify that Broad River has completed all mitigation activities and report its successful completion to NERC. **Attachment B** includes Broad River's Mitigation Plan and information on Broad River's certification of completion of the activities.
41. The Parties agreed to enter into this Agreement to avoid extended litigation with respect to the matters described or referred to herein, to avoid uncertainty, and to effectuate a complete and final resolution of the issues set forth herein.
42. The Parties agree that this Agreement is in the best interest of the Parties and in the best interest of BPS reliability.
43. The Parties agree that the terms and conditions of the Agreement are consistent with the regulations and orders of the Commission and the NERC Rules of Procedure.
44. The terms of this Agreement, including the agreed upon payment, are subject to the review and possible revision by NERC and the Commission. If either NERC or the Commission rejects this Agreement, then SERC will attempt to negotiate a revised Agreement with Broad River based on any changes to the Agreement specified by



**CONFIDENTIAL SETTLEMENT DOCUMENT
PRIVILEGED & CONFIDENTIAL INFORMATION**

NERC or the Commission. If the Parties cannot reach an Agreement, the Compliance Monitoring and Enforcement Program (CMEP) (Appendix 4C of the NERC Rules of Procedure) governs the enforcement process.

45. This Agreement shall be governed by and construed under federal law. This Agreement and all terms and stipulations set forth herein shall become effective upon the Commission's approval of the Agreement by order or operation of law.
46. This Agreement binds the Parties upon execution, and may only be altered or amended by written agreement executed by the Parties. Broad River expressly waives its right to any hearing or appeal concerning any matter set forth herein, unless and only to the extent that Broad River contends that any NERC or Commission action constitutes a material modification to this Agreement.
47. SERC reserves all rights to initiate an enforcement action against Broad River in accordance with the NERC Rules of Procedure in the event that Broad River fails to comply with any of the terms or conditions of this Agreement. Broad River retains all rights to defend against such action in accordance with the NERC Rules of Procedure.
48. Broad River consents to SERC's future use of this Agreement for the purpose of assessing the factors within the NERC Sanction Guidelines and applicable Commission orders and policy statements, including, but not limited to, the factor evaluating Broad River's compliance history. Such use may be in any enforcement action or compliance proceeding undertaken by NERC or any Regional Entity or both, provided however that Broad River does not consent to the use of the conclusions, determinations, and findings set forth in this Agreement as the sole basis for any other action or proceeding brought by NERC or any Regional Entity or both, nor does Broad River consent to the use of this Agreement by any other party in any other action or proceeding.
49. Broad River affirms that all the information provided by Broad River and included in this Agreement is true and correct to the best of its knowledge, information, and belief, and that it understands that SERC enters into this Agreement in express reliance on the representations contained herein, as well as any other representations or information provided by Broad River to SERC during any Broad River interaction with SERC relating to the subject matter of this Agreement.
50. Upon execution of this Agreement, the Parties stipulate that the Alleged Violation addressed herein constitutes a Confirmed Violation. The Parties further stipulate that all required, applicable information listed in § 5.3 of the CMEP is included within this Agreement.



**CONFIDENTIAL SETTLEMENT DOCUMENT
PRIVILEGED & CONFIDENTIAL INFORMATION**

51. Each of the undersigned agreeing to and accepting this Agreement warrants that he or she is an authorized representative of the Party designated below, is authorized to bind such Party, and accepts the Agreement on the Party's behalf.
52. The undersigned agreeing to and accepting this Agreement warrant that they enter into this Agreement voluntarily and that, other than the recitations set forth herein, no tender, offer, or promise of any kind by any member, employee, officer, director, agent, or representative of the Parties has been made to induce the signatories or any other Party to enter into this Agreement.
53. The Agreement may be signed in counterparts.
54. This Agreement is executed in duplicate, each of which so executed, shall be deemed to be an original.

[SIGNATURE PAGE TO FOLLOW]¹⁰

¹⁰ An electronic version of this executed document shall have the same force and effect as the original.



CONFIDENTIAL SETTLEMENT DOCUMENT
PRIVILEGED & CONFIDENTIAL INFORMATION

Agreed to and accepted by:

A handwritten signature in black ink, appearing to be 'S. Warfield', written over a horizontal line.

Sam Warfield
Primary Compliance Officer
BROAD RIVER ENERGY, LLC

12-23-2021

Date

A handwritten signature in blue ink, appearing to be 'J. Blake', written over a horizontal line.

Jason Blake
President and Chief Executive Officer
SERC RELIABILITY CORPORATION

1-3-2022

Date

ATTACHMENT A

I. ALLEGED VIOLATION – TOP-002-2.1b R3

A. TOP-002-2.1b

1. Purpose: Current operations plans and procedures are essential to being prepared for reliability operations, including response for unplanned events.
2. TOP-002-2.1b R3 states:

R3. Each Load Serving Entity and Generator Operator shall coordinate (where confidentiality agreements allow) its current-day, next-day, and seasonal operations with its Host Balancing Authority and Transmission Service Provider. Each Balancing Authority and Transmission Service Provider shall coordinate its current-day, next-day, and seasonal operations with its Transmission Operator.

B. TOP-003-3

3. Purpose: To ensure that the Transmission Operator and Balancing Authority have data needed to fulfill their operational and planning responsibilities.

4. TOP-003-3 R5 states:

R5. Each Each Transmission Operator, Balancing Authority, Generator Owner, Generator Operator, Load-Serving Entity, Transmission Owner, and Distribution Provider receiving a data specification in Requirement R3 or R4 shall satisfy the obligations of the documented specifications using:

5.1. A mutually agreeable format

5.2. A mutually agreeable process for resolving data conflicts

5.3. A mutually agreeable security protocol

Description of the Alleged Violation

5. For the duration of this Alleged Violation, Broad River operated under two long-term tolling agreements (Purchase Power Agreements (PPAs)) with a public utility and Balancing Authority (BA). Pursuant to the PPAs, Broad River was paid by the BA partially based on unit availability.
6. On July 20, 2018, an anonymous complaint was made to the IHI Power Services Corporation (IHI) corporate compliance hotline, concerning a potential instance of noncompliance involving Broad River that occurred on July 16, 2018.

ATTACHMENT A

7. On November 29, 2018, Broad River submitted a Self-Report stating that it was in violation of TOP-003-3 R5 because it failed to report unit unavailability on July 16, 2018, in accordance with its BA and Transmission Operator's (TOP) data specifications requirements.¹¹ SERC later determined that the Alleged Violation extended back to the enforceable period of TOP-002-2.1b R3, because Broad River failed to consistently coordinate its current-day and next-day operations with its BA/Transmission Service Provider (TSP) by failing to provide proper notification when a unit was unavailable.
8. The BA was either the BA/TOP or the BA/TSP at all relevant times of this Alleged Violation.

Broad River's Self-Report of the July 16, 2018 instance

9. In the November 29, 2018 Self-Report, Broad River represented the following:
10. On July 16, 2018, at 12:33 p.m., the BA called Broad River and asked the operator to start one generating unit. The control room operator attempted to start unit 5 for service but there was an issue with the static starter and the unit would not start. At 12:52 p.m., the operator started unit 1 to meet the BA's request.
11. At 1:15 p.m., Broad River identified the unit 5 static switch as not operating and determined that there could be a possible issue with the fuse on the motor. At 1:26 p.m., the operator contacted the plant manager and requested to remove the unit turning gear to work on the issue and replace the fuse if needed. The plant manager approved the request, and the operator removed unit 5 off turning gear.
12. The control room operator did not contact the BA to provide notification that unit 5 was unavailable due to mechanical issues and that a crew was working on unit 5 to get it back into service.
13. The control room operator "considered unit 5 to be under troubleshooting and not unavailable as a definitive root cause had not been found and [unit 5] had not been called to restart" by the BA.

¹¹ Broad River is a five unit Facility consisting of three 192 MVA units and two 220 MVA units that it must report pursuant to the BA's data specifications requirements to comply with TOP-003-3 R5. Per the BA's data specifications, Broad River is required to report unavailable units to the BA "at least daily and prior to 1:00 p.m. Eastern Standard Time, and more often, if available."

ATTACHMENT A

14. At shift change, the operator going off shift informed the night shift operator that the troubleshooting was continuing on unit 5, and the night shift should complete the process. After performing additional troubleshooting, and determining that the original issue was not holding unit 5 out of service, the night shift control room operator determined that unit 5 could not go back to slow roll on gear because of another issue.
15. At this time, the night shift control room operator contacted the plant manager and discussed how to proceed with maintenance and repairs, but did not discuss declarations of unit unavailability. Based on the discussions with the plant manager, the night operator continued to work on repair of the unit through the night, but the unit was still not reported as out of services to the BA.
16. On July 17, 2018, at 3:07 p.m., the operator at Broad River declared unit 5 unavailable as of 2:34 p.m., and notified the BA. On July 20, 2018, at 6:23 a.m., Broad River returned unit 5 to service.
17. Additionally, the Self-Report stated that plant management found out about unit 5 being unavailable through an anonymous call to the IHI corporate compliance hotline, and that a root cause analysis determined that the incident was caused by the “willful decision of the control room operators to not report the unavailability of the unit in question.”

SERC’s Investigation

18. SERC requested internal investigation records and the voice recording of the hotline call that prompted the investigation and subsequent Self-Report. IHI did not produce internal investigation records or the voice recording.
19. IHI did provide SERC a redacted copy of an IHI Investigation Report, dated September 10, 2018. According to the Investigation Report, Broad River had confirmed that the Lead Operator delayed reporting unit 5 as unavailable for 26 hours and “took multiple steps to conceal the unavailability of unit 5” during that timeframe and “acted on [their] own in this regard.”
20. Around April 2019, three separate anonymous complaints were made to the NERC hotline. The complaints alerted SERC that Broad River was providing false and misleading information and was withholding evidence, and that there were potentially additional instances where units tripped and were not declared unavailable to the BA, as required under the applicable Reliability Standard Requirement.

ATTACHMENT A

21. On May 16, 2019, SERC staff and a NERC observer conducted on-site interviews of some of the plant personnel who were on-site on July 16, 2018 and July 17, 2018. The plant manager at the time of the instance and the former plant manager were also interviewed.

There was no formal TOP-002/TOP-003 compliance procedure or training for plant personnel.

22. During SERC's on-site interviews, plant personnel, including the day and night shift operators on July 16 and July 17, 2018, did not demonstrate having complete knowledge of the compliance obligations under the NERC Standard Requirement or of the BA's data specifications requirements. Likewise, plant personnel were not aware of a documented procedure for operators to follow when a unit failed.

23. Instead, plant personnel had general knowledge of unit unavailability reporting requirements under the terms of the PPAs and followed a verbal, legacy procedure.

24. Neither the former or current plant manager could point to or produce a documented procedure for operators to follow when a unit failed.

25. The day shift plant operator indicated that there was no written training program for plant operators, so operators would learn what to do via on-the-job training.

26. Broad River never produced a documented operating procedure for TOP-002-2 or TOP-003-3 compliance that was in effect at the time of the Alleged Violation.

Plant management knew or should have known of the BA's data specifications for unit unavailability.

27. The plant manager at the time of the July 16, 2018 incident had been in the role since May 2018.

28. At the time of the interview with SERC, the same plant manager had been employed at Broad River for approximately a year. During the interview, the plant manager indicated that he was "not sure" of the BA's reporting requirements for unavailability and that there was no technical document from the BA that provided a time requirement to report unit unavailability.

29. However, the BA sent data specifications to Broad River on December 19, 2016, which explicitly requires Broad River to provide the BA outage data for its generators, at least daily and prior to 1:00 p.m. Eastern Standard Time, and more often, if available.

ATTACHMENT A

30. Although the data specifications were sent to Broad River prior to the plant manager's employment at Broad River, it was the then current plant manager's responsibility to understand the requirements for compliance with applicable NERC Reliability Standards, including the BA's data specification requirements to ensure compliance with TOP-003-3 R5.

The plant manager was responsible for making the decision and instructing the plant operator to declare and report unit availability to the BA.

31. During their respective interviews, the plant manager at the time of the July 16, 2018 instance and the former plant manager¹² claimed that it was the responsibility of the control room operator to declare a unit unavailable and report unit unavailability to the BA.
32. In contrast, two plant personnel that had been employed at Broad River at least 10 years at the time of the July 16, 2018 instance confirmed in their interviews that it was plant management who made the decision to report unit unavailability to the BA.
33. Likewise, plant operator logs and the July 16, 2018 Dayshift Turnover email support the practice that the control room operator contacts the plant manager and the plant manager makes the decision to declare and report a unit as unavailable to the BA.
34. Moreover, the revised Mitigation Plan submitted on January 20, 2020, noted that "operating personnel had limited decision-making ability and sought management/Owner approval prior to making daily routine decisions regarding [unit] availability."
35. As such, while the Self-Report and subsequent IHI Investigation Report attempted to shift the blame to the operators for not timely reporting unit 5 as unavailable to the BA, it was the plant manager who was responsible for making the decision and instructing the plant operator to declare and report unit availability to the BA.

The plant manager knew that unit 5 was unavailable on July 16, 2018, did not instruct the operator to notify the BA, and allowed inaccurate information regarding unit 5 availability to be reported.

36. As noted above, the November 29, 2018 Self-Report states that plant management found out about the issue when the anonymous call was made to the IHI corporate compliance hotline. Additionally, during SERC's on-site interviews, the plant

¹² At the time of the on-site interviews, the former plant manager was in a different role as Regional Director.

ATTACHMENT A

manager at the time of the incident claimed that he did not know that the BA was not notified of the unit 5 issue on July 16, 2018.

37. In contrast, the operator log for July 16, 2018, confirms that the plant manager was first notified of an issue with unit 5 by the day shift operator at 1:26 p.m. on July 16, 2018. The operator contacted the plant manager and requested approval to resolve mechanical issues observed for unit 5, which the plant manager approved.
38. As of 1:38 p.m. on July 16, 2018, unit 5 was not available for operations and should have been declared unavailable to the BA.
39. A Dayshift Turnover email sent by the day shift operator on July 16, 2018, at 5:44 p.m., states that the troubleshooting for unit 5 was in progress, that unit 5 had not been declared unavailable, and that the plant manager was “up to speed” as of 5:15 p.m. The plant manager was on the distribution list for this email.
40. The July 16, 2018 operator log states that at 7:18 p.m., the plant manager was informed by the night shift operator “of unit 5 shaft unable to turn” and the plant manager instructed the night shift operator to continue working on the unit.
41. The July 16, 2018 Broad River’s Energy Daily Generation Report showed unit 5 with no output for the entire day. The night shift operator sent a Dayshift Turnover email at 5:54 a.m. on July 17, 2018, stating that unit 5 was unavailable. The plant manager was also copied on the email.
42. On July 17, 2018, at 8:34 a.m., despite unit 5 being offline for over 15 hours, the day shift operator sent a Daily Executive Status Report indicating that unit 5 was available when in fact it was not. The plant manager was copied on the email.
43. According to the July 17, 2018 operator log, the operator notified the appropriate BA personnel that unit 5 was unavailable at 3:07 p.m., per “TOP-002.” That same day, at 5:34 p.m., the day shift operator sent an email to a distribution list, which included several representatives from the BA, informing of unit 5 unavailability and of sending notification to the relevant BA personnel per the “NERC TOP-002 procedure.” The email incorrectly stated that unit 5 was unavailable as of 2:34 p.m. on July 17, 2018, instead of 1:28 p.m. on July 16, 2018. The plant manager was copied on the email.
44. Notably, on July 17, 2018, the plant manager sent an email at 3:32 p.m., to a BA representative stating “We have a problem with unit 5 that has caused us to make it unavailable. The unit came off gear hot and has bowed and we are having trouble rolling the turbine. As it cools, we will get it rolling and should be able to roll the bow

ATTACHMENT A

out to get it online.” In the email, the plant manager failed to disclose that unit 5 had been unavailable since July 16, 2018, even though he authorized the mechanical repairs because the unit would not run.

45. In sum, the forgoing shows that the day shift and night shift operators informed the plant manager of the unavailability of unit 5, but the plant manager never instructed the day shift or the night shift operator to declare unit 5 unavailable to the BA.
46. Additionally, the foregoing shows that despite having knowledge of the unavailability of unit 5 via communication with the operators, the July 17, 2018 Dayshift Turnover email, and the July 16, 2018 Energy Daily Generation Report, the plant manager allowed inaccurate information regarding the availability of unit 5 to be reported in July 17, 2018 Daily Executive Status Report, and provided incorrect information to the BA of when unit 5 actually became unavailable.

There were a total of 112 instances that occurred in the span of over two and a half years.

47. Following SERC’s on-site interviews at Broad River, Broad River reviewed the operator logs for reporting outages from January 2016 through June 2019, and identified additional instances of noncompliance with the explicit requirement of the applicable NERC Reliability Standard Requirement. Upon SERC’s review of the evidence, SERC confirmed that there were a total of 112 instances, including the July 16, 2018 instance, in which a unit was unavailable and Broad River’s agents failed to make any notification to the BA under the applicable NERC Reliability Standard Requirement.
48. Sixty instances occurred from January 7, 2016 through March 27, 2017, when TOP-002-2.1b R3¹³ was mandatory and enforceable. The remaining 52 instances occurred when TOP-003-3 R5¹⁴ was mandatory and enforceable.

Broad River received an economic benefit as a result of violating the NERC Reliability Standard Requirement.

49. Under the PPAs between Broad River and the public utility and the BA, Broad River was paid partially based on units that were available to run if needed.
50. As a result of the numerous instances in which Broad River’s agents did not provide proper notification of unit unavailability to the BA (i.e., failing to comply with the applicable NERC Reliability Standard Requirement), Broad River was paid at least

¹³ TOP-002-2.1b R3 was enforceable from September 13, 2012 through March 31, 2017

¹⁴ TOP-003-3 R5 became enforceable on April 1, 2017

ATTACHMENT A

\$130,000 more than it should have been paid pursuant to the PPAs. In other words, not reporting units unavailable (so they were assumed available) resulted in some monetary gain. The gain was nominal when considering the total revenue Broad River received under the PPAs and the evidence does not indicate monetary gain was a motivation for the Alleged Violation.

Conclusions

51. Based on the foregoing, SERC concluded the following:
52. The Alleged Violation was the result of a complete programmatic failure that stemmed from a widespread problem with Broad River's compliance program, including the presence of vertical organizational silos in the form of lack of or broken communication between the third-party plant and asset manager and senior management, and between plant management and those responsible for compliance.
53. The vertical silos implemented by the third-party plant and asset manager resulted in ineffective oversight and engagement from senior management concerning the plant's compliance practices, which SERC deemed to be the equivalent of a passive acceptance of the plant's compliance practices. Senior management's lack of adequate oversight contributed to (1) a culture of compliance that prioritized the PPAs over NERC Reliability Standards compliance and the reliability and security of the BPS; (2) a lack of sufficient documented operating procedures and controls; and (3) a lack of robust relevant training for those responsible for compliance.
54. Broad River's plant and asset manager knowingly violated TOP-003-3 R5 on July 16, 2018.
55. While the bulk of SERC's investigation was focused on the July 16, 2018 instance, the fact that the insufficient compliance practices continued for so long without adequate senior management oversight; that there were 111 separate instances of noncompliance discovered in addition to the July 16, 2018 instance; and that all instances occurred for over two and a half years, with each instance occurring close in time to the next (often within days of each other), is repetitive conduct that demonstrates Broad River's plant and asset manager's disregard of the applicable NERC Reliability Standard Requirement. The foregoing supports a finding that Broad River's agents knowingly violated the Standard Requirement in all instances that make up this Alleged Violation.
56. Broad River's plant and asset manager attempted to withhold the full extent and nature of the Alleged Violation from SERC. This is evidenced by the fact that the November 29, 2018 Self-Report was submitted to SERC only after a whistleblower reported the

ATTACHMENT A

July 16, 2018 incident through the IHI corporate compliance hotline; and there were over 100 plus instances that were identified only after SERC began investigating the matter. By the time the whistleblower made the initial call to the IHI corporate compliance hotline, the Alleged Violation had existed for over two years.

57. Broad River's plant and asset manager impeded SERC's ability to effectively investigate the Alleged Violation. Broad River's plant and asset manager's actions resulted in multiple follow-ups for purposes of evidence clarification, the need for on-site interviews with Broad River personnel, and additional data and information requests to complete SERC's investigation. The significant time it has taken to fully investigate this Alleged Violation could have been avoided had Broad River's agents been fully forthcoming from the beginning.

II. Violation Duration

58. The Alleged Violation period started on January 7, 2016, the first instance discovered in the review period where Broad River failed to coordinate its current-day and next-day operations with the BA pursuant to TOP-002-2.1b R3, and ended on April 4, 2019, the last instance where Broad River failed to satisfy its obligations in accordance with the BA data specifications pursuant to TOP-003-3 R5.

III. Risk Assessment

59. SERC determined that the Alleged Violation posed a serious risk to the reliability of the BPS.¹⁵ Broad River's 100 plus instances in the span of over two and a half years where Broad River's plant and asset manager did not properly report unit availability information to the BA under the explicit requirements of the applicable NERC Reliability Standard Requirement could have resulted in the BA making incorrect decisions and taking incorrect actions to address real-time system conditions. The BA relies on Broad River's units as part of its operating reserve. While no actual harm to the BPS is known to have occurred as a result of the Alleged Violation, based on Broad River's agents' knowingly violating the applicable Standard Requirement; the long-standing compliance operating practice that was inconsistent with NERC Reliability Standards compliance; the lack of engagement and oversight by senior management; and its agents' withholding of information related to the nature and extent of the Alleged Violation, the Alleged Violation would have likely continued for an unforeseeable amount of time, posing an even more serious risk to the BPS.

¹⁵ According to the January 2, 2020 Violation Severity Level (VSL) Matrix, this Alleged Violation warranted a "Severe" VSL.

ATTACHMENT A

III. Mitigating Actions

60. On January 20, 2020, Broad River submitted a Mitigation Plan addressing the Alleged Violation. Broad River certified that the Mitigation Plan was complete on April 13, 2021.
61. To mitigate the Alleged Violation, Broad River has or will complete the following actions:
- i. changed out the operating company and asset management company, and hired a new plant manager in May 2020;¹⁶
 - ii. implemented a monthly review by the Compliance Manager for the generation Facility to ensure operating personnel's understanding of the compliance requirements for reporting unavailability to the BA/TOP. The review verifies that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP data specifications and are logged correctly in the operator logs and in the Generating Availability Data System (GADS);
 - iii. implemented monthly email reminders to operating personnel to identify and report unit unavailability with an operators sign-in sheet stating that they read and are aware of reporting outages;
 - iv. implemented quarterly reviews (by the third-party operator compliance contact) of the control room logs to ensure operating personnel's understanding of the compliance requirements for reporting unavailability to the BA/TOP;
 - v. provided enhanced training for the NERC Compliance Manager regarding all NERC requirements and reporting functions applicable to the facility, including instructor-led training and third-party training opportunities, such as attendance at SERC training and regional reliability meetings;
 - vi. posted a simplified flowchart in the control room at the Broad River generation Facility to display the requirements for GADS and BA/TOP reporting as a quick reference for the operating personnel to reference in classifying outages and determining changes in unit status;
 - vii. updated TOP-003 reliability program documents to provide clear compliance responsibilities for operating personnel (including communications and evidence retention), and implemented the Plant Manager's Standing Orders for TOP-003-3, which direct the operators to report any and all outages either in advance if planned or to the BA/TOP for forced outages.

¹⁶ On June 28, 2019, the plant's operation director and previous plant manager resigned, effective July 12, 2019. The plant manager at the time of the July 16, 2018 incident (and who replaced the previous plant manager) resigned in November 2019, and the Vice President of Asset Management also resigned from the operating company at the end of 2019.

ATTACHMENT A

- viii. conducted training for operating personnel on the updated program documents, as well as the Plant Manager's Standing Orders;
 - ix. worked with plant operators to implement a lessons learned to improve plant management and the decision-making processes.
 - x. conducted training to ensure an understanding of the NERC GOP requirements to allow proper plant oversight for plant control room operators, plant manager, and owner/asset management; and
 - xi. reviewed the compensation/incentive structure of the plant manager and employees to ensure that any bonus incentives are appropriate and clear, and consistent with company priorities of safety and regulatory compliance.
62. Upon completion of the foregoing Mitigating Activities, Broad River shall promptly provide evidence supporting the completion to SERC. SERC will verify Broad River's completion of the Mitigating Activities and promptly report its successful completion to NERC.

Attachment B

This item was signed by Mickey Bellard (Mickey.Bellard@ihipower.com) on 1/20/2020

This item was marked ready for signature by Angela Mendolia (angela.mendolia@ihipower.com) on 1/18/2020

MITIGATION PLAN REVISIONS

Requirement	NERC Violation IDs	Regional Violation Ids	Date Submitted	Status	Type	Revision Number
TOP-002-2.1b R3.	SERC2018020748	SERC2018-403629	11/29/2018	Revision Requested	Informal	
TOP-002-2.1b R3.	SERC2018020748	SERC2018-403629	01/07/2019	Revision Requested	Informal	1
TOP-002-2.1b R3.	SERC2018020748	SERC2018-403629	01/20/2020	Region reviewing Mitigation Plan	Formal	2

SECTION A: COMPLIANCE NOTICES & MITIGATION PLAN REQUIREMENTS

A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "[Attachment A - Compliance Notices & Mitigation Plan Requirements](#)" to this form.

[Yes] A.2 I have reviewed Attachment A and understand that this Mitigation Plan Submittal Form will not be accepted unless this box is checked.

SECTION B: REGISTERED ENTITY INFORMATION

B.1 Identify your organization

Company Name: Broad River Energy, LLC

Company Address: 1124 Victory Trail Rd

Gaffney, South Carolina 29340

Compliance Registry ID: NCR11313

B.2 Identify the individual in your organization who will be the Entity Contact regarding this Mitigation Plan.

Name: Terry Rippy

SECTION C: IDENTIFICATION OF ALLEGED OR CONFIRMED VIOLATION(S) ASSOCIATED WITH THIS MITIGATION PLAN

C.1 This Mitigation Plan is associated with the following Alleged or Confirmed violation(s) of Reliability Standard listed below.

Standard: TOP-002-2.1b

Requirement	Regional ID	NERC Violation ID	Date Issue Reported
R3.	SERC2018-403629	SERC2018020748	11/29/2018

C.2 Identify the cause of the Alleged or Confirmed violation(s) identified above:

The contracted O&M Operator of the Broad River Energy generation facility performed an updated Root Cause Analysis to assist the Owner in mitigating legacy compliance problems. This updated root cause investigation and analysis, completed on June 19, 2019, identified the underlying root causes for multiple TOP-003-3 non-compliance events to be:

1. Less than adequate training – The Root Cause Analysis identified that the operating personnel at the Broad River Energy facility lacked an adequate understanding of the applicable requirements under the NERC Reliability Standards, due primarily to Less than adequate training, the failure by management to implement appropriate Standard Operating Procedures (SOP)s, and a lack of appropriate management oversight.
 2. Less than adequate Standard Operating Procedures (SOPs) - The Root Cause Analysis identified that management at the Broad River Energy facility was deficient in implementing SOPs and deficient in training and holding employees accountable for following policies and procedures for managing plant activities, including NERC Reliability Standards and requirements.
 3. Less than adequate accountability - The Root Cause Analysis identified deficiencies in training and SOPs implemented at the Broad River Energy facility. The Plant Manager/Operating personnel had a historical inaccurate interpretation of the reporting requirements related to availability for the Facility, and in several instances went outside of the norm when using prudent utility practices. Operating personnel had limited decision-making ability and sought management/Owner approval prior to making daily routine decisions regarding the plant availability. The Plant Manager's knowledge of NERC Generator Operator (GOP) reporting requirements applicable to the facility was less than adequate, thus an institutionalized legacy interpretation developed among compliance with the plant's long-term tolling agreements (PPAs) and compliance with NERC GOP reporting requirements. This resulted in a misguided focus on the terms of the PPAs as the guiding principles for determining compliance with availability reporting and dispatch resulting in inaccurate communications to the TOP/BA. The Facility has '5' Gas Turbine Generators and dispatching from the BA/TOP typically requests that a Unit be started and not by number (Unit 1, Unit 2, Unit 3, etc.). The Facility was supporting the system reliability by providing a Unit when requested, however there were some cases where the use of prudent utility practice in reporting outages or startup trouble shooting on Units in Reserve Shutdown was less than adequate
 4. Less than adequate management oversight - The Root Cause Analysis identified that plant management for the Broad River Energy Facility was deficient in (i) developing and implementing adequate plant oversight procedures, (ii) and training personnel for assigned tasks and roles.
- Therefore, based on causes as identified in the Root Cause Analysis, the Mitigation Plan has been developed to address these items.

[Attachments \(\)](#)

Attachment B

C.3 Provide any additional relevant information regarding the Alleged or Confirmed violations associated with this Mitigation Plan:

Additional Information - Following the initial self-report of noncompliance with TOP-003-3 R5, Broad River Energy completed a comprehensive evaluation, performed by several O&M Managers and a consultant who categorized outage events at the facility for a three-year period beginning January 1, 2016. This review identified additional TOP-003-3 noncompliance events in addition to that initial reported event. The additional events identified include:

- 1) Events that should have led to units being declared as unavailable for operations;
- 2) Events that were not fully reported to all entities (TOP and BA); and
- 3) Events that were mis reported in GADS.

Broad River Energy notes that the current contracted O&M Operator began operating the plant in November 2016. On June 28, 2019, the Plant's Operation Director and previous Plant Manager resigned, effective July 12, 2019. The Plant Manager who replaced the previous Plant Manager left the facility in November 2019 and the Vice President of Asset Management also left the third party operating company at the end of 2019. Considering the misguided focus on the PPAs to drive unit availability reporting to the dispatch entity, the Root Cause investigation and analysis also considered the potential for financial gain that may have influenced the Plant Manager/Owner and Operating Personnel's failure to report some of the unit outages to the TOP and BA. The investigation did not indicate that the current Owner of the Broad River Energy Facility or the O&M Operator were aware of the failure to report the outages at the time they occurred, or that the Owner or O&M Operator received any financial gain because of the failure to report the outages. The O&M agreement does not transfer control over jurisdictional services to the O&M Operator of the Facility and the Operator is not a public utility, thus the Owner maintains complete control of non-routine activities. The investigation also examined whether there was any financial incentive under the arrangement between the Owner and O&M Operator, that could influence Operating Personnel decisions to report all unit outages to the TOP and BA. The compensation under the O&M Operator's contract with the Owner, and for the Broad River Energy Plant Manager and Operating Personnel includes, among other factors, weighted percentage bonuses for the availability of the units, where availability for purposes of the bonus is based on forced outages. The weighting is negotiated annually by the Vice President of Operations, varies from year to year, and is a post facto determination that is paid out based on actual performance. The bonus calculation also includes weighted percentages for safety compliance, avoidance of reportable spills or releases of oil, chemicals or water, and avoidance of notices of violation. Taken in total the investigation did not indicate that Operating Personnel failures to report all unit outages to the TOP and BA was motivated by any potential for financial gain or was the result of prioritizing profit over system reliability but rather a misguided legacy PPA interpretation on unit dispatching when attempting to apply prudent utility practices.

[Attachments \(\)](#)

SECTION D: DETAILS OF PROPOSED MITIGATION PLAN

D.1 Identify and describe the action plan, including specific tasks and actions that your organization is proposing to undertake, or which it undertook if this Mitigation Plan has been completed, to correct the Alleged or Confirmed violations identified above in Part C.1 of this form:

Description of Mitigating Activities: Based on the findings from the Root Cause Analysis as outlined in section C.2, a thorough Mitigation Plan has been developed to address training and management oversight for NERC Reliability Standards. All levels of Broad River Energy personnel, Owner, and the Corporate management, will receive detailed and specific training. Additional mitigation measures include enhanced Corporate oversight, the implementation of detailed NERC procedures and site-specific tools to support compliance monitoring, and the posting of detailed GADS reporting guidance. The Mitigation Plan also addresses personnel performance and discipline actions taken. Details for each mitigation activity is provided in the Mitigation Plan Table.

[Attachments \(\)](#)

D.2 Provide the date by which full implementation of the Mitigation Plan will be, or has been, completed with respect to the Alleged or Confirmed violations identified above. State whether the Mitigation Plan has been fully implemented:

4/15/2021

D.3 Enter Milestone Activities, with due dates, that your organization is proposing, or has completed, for this Mitigation Plan:

Facility Personnel and Management changes

Milestone Pending (Due: 3/1/2020)

The Plant Manager/Director and Vice President involved with the Facility since 2016 and earlier were removed from the Facility – a new Operating Company and Asset Manager company change out will be completed on 2/1/2020. The new company will assign a new plant manager as well.

Plant NERC Contact to complete first monthly review of control room log book

Milestone Pending (Due: 3/15/2020)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

Complete Monthly Reminder to Operators to Report Outages

Milestone Pending (Due: 3/15/2020)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

Plant NERC Contact to attend training – possibly SERC Compliance Conference

Milestone Pending (Due: 4/1/2020)

Enhanced training for the Compliance Manager for the Broad River Energy generation facility regarding all NERC requirements and reporting functions applicable to the facility, including instructor-led training and third-party training opportunities such as attendance at SERC training and regional reliability meetings.

Post a NERC GADS Decision Flow Chart in the Broad River Energy Control Room and complete GADS reporting Training for all Operating Personnel

Milestone Pending (Due: 4/1/2020)

The Broad River Plant Manager will post a simplified flowchart in the control room at the Broad River Energy generation facility to display the requirements for GADS and TOP/BA reporting as a quick reference for the Operating Personnel to reference in classifying outages and determining changes in unit status.

Complete Plant Specific Procedures and Plant Managers Standing Orders including training

Milestone Pending (Due: 4/1/2020)

A complete set of Reliability Program documents which was personalized to Broad River were put in place. These program documents include specific actions for Broad River personal to follow.

The Plant also implemented the Plant Managers Standing Orders for TOP-003-3 which directs the operators to report any and all outages either in advance if planned or to the BA/TOP for forced outages. The Standing Order re-enforces the BA/TOP data specifications for reporting outages. Training will be conducted for operating personnel on the Reliability Program Documents as well as the Plant Managers Standing Orders.

Attachment B

[Process Management Improvements at the Broad River Energy facility based on Lessons Learned](#)

Milestone Pending (Due: 4/1/2020)

Broad River Energy will work with, the operator of the Broad River Energy generation facility, to implement lessons learned from this incident to improve plant management and the decision-making processes at the facility and other facilities, steps include:

- Assignment of a new Asset Manager to support the new Plant Manager.
- Development of a Plant Managers Standing Orders for outage reporting
- The Plant Manager will sit down with each operator on shift and walk them through the decision-making process to determine correct reporting to meet compliance with the BA/TOP data specifications and to ensure training is completed by all Operating Personnel.

[Complete training of applicable NERC GOP Reliability Standards for all Broad River Operating Personnel and Management Staff](#)

Milestone Pending (Due: 4/1/2020)

Training to ensure an understanding of the NERC GOP requirements to allow proper plant oversight for Plant Control Room Operators and Plant Manager.

[Complete Overview Training of applicable NERC GOP Standards for Owner/Asset Management](#)

Milestone Pending (Due: 4/1/2020)

Training to ensure an understanding of the NERC GOP requirements to allow proper plant oversight.

[Start Review of employee incentive structure for incorporation of NERC compliance considerations](#)

Milestone Pending (Due: 4/15/2020)

The Management will review the compensation structure of the Plant Manager and employees at the Broad River Energy facility to ensure that any bonus incentives are appropriate and clear, and consistent with the Broad River Energy's priorities of safety and regulatory compliance.

[Plant NERC Contact to complete monthly review of control room log book](#)

Milestone Pending (Due: 4/15/2020)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[Complete Monthly Reminder to Operators to Report Outages](#)

Milestone Pending (Due: 4/15/2020)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[Plant NERC Contact to complete monthly review of control room log book](#)

Milestone Pending (Due: 5/15/2020)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[Complete Monthly Reminder to Operators to Report Outages](#)

Milestone Pending (Due: 5/15/2020)

Complete Monthly Reminder to Operators to Report Outages

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[Complete Monthly Reminder to Operators to Report Outages](#)

Milestone Pending (Due: 6/15/2020)

Complete Monthly Reminder to Operators to Report Outages

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[Plant NERC Contact to complete monthly review of control room log book](#)

Milestone Pending (Due: 6/15/2020)

Complete Monthly Reminder to Operators to Report Outages

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[3rd Party Operating NERC Contact to complete Quarterly Control Room log book review](#)

Milestone Pending (Due: 6/15/2020)

The 3rd Party Operator Compliance Contact for the Broad River Energy generation facility will perform a Quarterly review to ensure Operating Personnel compliance with, and understand of, availability reporting provided to the TOP and BA. The review will verify that outages are logged correctly in the Operator logs and in GADS.

[Plant NERC Contact to attend NERC Training](#)

Milestone Pending (Due: 7/1/2020)

Enhanced training for the Compliance Manager for the Broad River Energy generation facility regarding all NERC requirements and reporting functions applicable to the facility, including instructor-led training and third-party training opportunities such as attendance at SERC training and regional reliability meetings.

[Complete Review of employee incentive structure for incorporation of NERC compliance considerations](#)

Milestone Pending (Due: 7/15/2020)

Attachment B

The Management will review the compensation structure of the Plant Manager and employees at the Broad River Energy facility to ensure that any bonus incentives are appropriate and clear, and consistent with the Broad River Energy's priorities of safety and regulatory compliance.

[Complete Monthly Reminder to Operators to Report Outages](#)

Milestone Pending (Due: 7/15/2020)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[Plant NERC Contact to complete first monthly review of control room log book](#)

Milestone Pending (Due: 7/15/2020)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[Complete Monthly Broad River Control Room Logbook Review by the Plant NERC Compliance primary contact](#)

Milestone Pending (Due: 8/15/2020)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[Complete Monthly Reminder to Operators to Report Outages](#)

Milestone Pending (Due: 8/15/2020)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[Complete Monthly Reminder to Operators to Report Outages](#)

Milestone Pending (Due: 9/15/2020)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[Plant NERC Contact to complete monthly review of control room log book](#)

Milestone Pending (Due: 9/15/2020)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[3rd Party Operating NERC Contact to complete Quarterly Control Room log book review](#)

Milestone Pending (Due: 9/15/2020)

The 3rd Party Operator Compliance Contact for the Broad River Energy generation facility will perform a Quarterly review to ensure Operating Personnel compliance with, and understand of, availability reporting provided to the TOP and BA. The review will verify that outages are logged correctly in the Operator logs and in GADS.

[Plant NERC Contact to attend some type of NERC Training](#)

Milestone Pending (Due: 10/1/2020)

Enhanced training for the Compliance Manager for the Broad River Energy generation facility regarding all NERC requirements and reporting functions applicable to the facility, including instructor-led training and third-party training opportunities such as attendance at SERC training and regional reliability meetings.

[Plant NERC Contact to complete monthly review of control room log book](#)

Milestone Pending (Due: 10/15/2020)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[Complete Monthly Reminder to Operators to Report Outages](#)

Milestone Pending (Due: 10/15/2020)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[Complete Monthly Reminder to Operators to Report Outages](#)

Milestone Pending (Due: 11/15/2020)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[Plant NERC Contact to complete monthly review of control room log book](#)

Milestone Pending (Due: 11/15/2020)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required

by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[Plant NERC Contact to complete monthly review of control room log book](#) Attachment B

Milestone Pending (Due: 12/15/2020)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[Complete monthly reminder from Plant Management to Generators Operators to ensure they report outages correctly.](#)

Milestone Pending (Due: 12/15/2020)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[3rd Party Operating NERC Contact to complete Quarterly Control Room log book review](#)

Milestone Pending (Due: 12/15/2020)

The 3rd Party Operator Compliance Contact for the Broad River Energy generation facility will perform a Quarterly review to ensure Operating Personnel compliance with, and understand of, availability reporting provided to the TOP and BA. The review will verify that outages are logged correctly in the Operator logs and in GADS.

[Plant NERC Contact to attend some type of NERC Training](#)

Milestone Pending (Due: 1/1/2021)

Enhanced training for the Compliance Manager for the Broad River Energy generation facility regarding all NERC requirements and reporting functions applicable to the facility, including instructor-led training and third-party training opportunities such as attendance at SERC training and regional reliability meetings.

[Plant NERC Contact to complete first monthly review of control room log book](#)

Milestone Pending (Due: 1/15/2021)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[Complete Monthly Reminder to Operators to Report Outages](#)

Milestone Pending (Due: 1/15/2021)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[Complete monthly reminder from Plant Management to Generators Operators to ensure they report outages correctly.](#)

Milestone Pending (Due: 2/15/2021)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[Plant NERC Contact to complete monthly review of control room log book](#)

Milestone Pending (Due: 2/15/2021)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[3rd Party Operating NERC Contact to complete Quarterly Control Room log book review](#)

Milestone Pending (Due: 3/15/2021)

The 3rd Party Operator Compliance Contact for the Broad River Energy generation facility will perform a Quarterly review to ensure Operating Personnel compliance with, and understand of, availability reporting provided to the TOP and BA. The review will verify that outages are logged correctly in the Operator logs and in GADS.

[Provide additional training opportunities for the Broad River Energy Compliance Manager](#)

Milestone Pending (Due: 4/1/2021)

Enhanced training for the Compliance Manager for the Broad River Energy generation facility regarding all NERC requirements and reporting functions applicable to the facility, including instructor-led training and third-party training opportunities such as attendance at SERC training and regional reliability meetings.

[Ensure all milestones are completed and close out mitigation plan](#)

Milestone Pending (Due: 4/15/2021)

Ensure all milestones have been completed and complete mitigation plan for approval.

SECTION E: INTERIM AND FUTURE RELIABILITY RISK

E.1 Abatement of Interim BPS Reliability Risk: While your organization is implementing this Mitigation Plan the reliability of the Bulk Power Supply (BPS) may remain at higher risk or be otherwise negatively impacted until the plan is successfully completed. To the extent they are, or may be, known or anticipated: (i) identify any such risks or impacts; and (ii) discuss any actions that your organization is planning to take to mitigate this increased risk to the reliability of the BPS. (Additional detailed information may be provided as an attachment):

To prevent the risk of on-going noncompliance, the current Plant Manager at the Broad River Energy facility, has issued Standing Orders that cover the applicable GOP NERC Reliability Standard requirements which require operating personnel to take Real Time Actions. Several additional actions have been taken by the Plant Manager

to ensure that the Operators are aware of, and are compliant with, the TOP-003-3 requirements.

- A new whiteboard has been installed in the control room to facilitate unit status and document unit status understanding.
 - The Plant Manager is preparing a poster-sized version of the Availability Chart from the NERC GADS Instruction Manual, which will be displayed in a visible area of the control room.
 - An outside consultant has conducted NERC GADS Training for the facility personnel. This training included all Control Room Operators.
- In addition to the Mitigation Activities, these actions are intended to reinforce the NERC generation availability reporting requirements for the applicable operational personnel at the facility.

Attachment B

In addition to the Mitigation Activities, these actions are intended to reinforce the NERC generation availability reporting requirements for the applicable operational personnel at the facility.

[Attachments \(\)](#)

E.2 Prevention of Future BPS Reliability Risk: Describe how successful completion of this Mitigation Plan will prevent or minimize the probability that your organization incurs further risk of Alleged violations of the same or similar reliability standards requirements in the future. (Additional detailed information may be provided as an attachment):

As determined by the Root Cause Analysis performed for this event, training, procedures and a Plant Manager who did not know the required NERC reporting requirements were identified as the underlying causes for the compliance failures. The mitigation action plan to train employees, increase oversight, and create procedures for compliance with the applicable NERC Reliability Standards will directly address the noncompliance items identified. Enhanced management oversight, continued training and specific documentation of the required actions will support a more robust compliance program for this facility.

[Attachments \(\)](#)

SECTION F: AUTHORIZATION

An authorized individual must sign and date this Mitigation Plan Submittal Form. By doing so, this individual, on behalf of your organization:

- a) Submits this Mitigation Plan for acceptance by SERC and approval by NERC, and
- b) If applicable, certifies that this Mitigation Plan was completed on or before the date provided as the 'Date of Completion of the Mitigation Plan' on this form, and
- c) Acknowledges:
 - I am Mickey Bellard of Broad River Energy, LLC
 - I am qualified to sign this Mitigation Plan on behalf of Broad River Energy, LLC
 - I understand Broad River Energy, LLC's obligations to comply with Mitigation Plan requirements and ERO remedial action directives as well as ERO documents, including, but not limited to, the NERC Rules of Procedure, including Appendix 4 (Compliance Monitoring and Enforcement Program of the North American Electric Reliability Corporation (NERC CMEP))
 - I have read and am familiar with the contents of this Mitigation Plan
 - Broad River Energy, LLC agrees to comply with, this Mitigation Plan, including the timetable completion date, as accepted by SERC and approved by NERC

SECTION G: REGIONAL ENTITY CONTACT

SERC Single Point of Contact (SPOC)

This item was submitted by Angela Mendolia (angela.mendolia@ihpower.com) on 11/29/2018

Please note that the circumstances under which an Entity would submit a Scope Expansion form are different from what would require a new Self-Report. Please review the material in [this link](#) to see clarifying information and examples of these differences before continuing with this form.

FORM INFORMATION

Registered Entity: Broad River Energy, LLC

NERC Registry ID: NCR11313

JRO ID:

CFR ID:

Entity Contact Information: Angela Mendolia

REPORTING INFORMATION

Applicable Standard: TOP-003-3

Applicable Requirement: R5.

Applicable Sub Requirement(s): 5.2.

Applicable Functions: GOP

Has a Possible violation of this standard and requirement previously been reported or discovered: No

Has this Possible Violation previously been reported to other Regions: No

Date Possible Violation was discovered: 7/17/2018

Beginning Date of Possible Violation: 7/16/2018

End or Expected End Date of Possible Violation: 7/17/2018



Is the violation still occurring? No

Provide detailed description and cause of Possible Violation:

ON 7/16/2018 @ 12:33, Progress Energy (Duke TOP) called Broad River Energy and asked them to start one generating Unit. The Control Room Operator on duty at Broad River Energy, tried to start Unit 5 for service, but there was an issue with Static Starter and the Operator could not get the unit to start. The operator on duty started Unit 1 instead at 12:52. Broad River's contract does not specify what Unit to start and also states that the unit must be started within 45 minutes. At 13:15, Unit 5 MD static switch was identified as not operating, the crew identified that there could be a possible issue with a fuse on the motor, At 13:26, the Operator contacted the Plant Manager, who was out of town on vacation, and requested to take the Unit off turning gear to work on the issue and replace the fuse if needed. The Plant Manager approved the request. At this point the Control Room Operator never contacted the TOP to inform them that Unit 5 was unavailable due to mechanical issues and that the crew was working on it, to get it back into service. At the time, the Control Room Operator considered the unit to be under troubleshooting, not unavailable as a definitive root cause had not been found, and the unit had not been called to restart. At shift change, the Operator going off shift informed the Night Operator that the troubleshooting was continuing on the unit and the Night Shift should complete the process. After performing additional troubleshooting and determining that the original issue was not holding the unit out, the Night Shift Control Room Operator determined that the unit could not go back to slow roll on gear. At this time, the night shift Control Room Operator contacted the Plant Manager and discussed how to proceed with maintenance repairs but did not discuss declarations of unavailability. Based on discussions with the Plant Manager, the night Operator continued to work on repair of the unit through the night, but the unit was still not reported out of service to the TOP or BA. At 11:00 on 7/17/2018 the TOP called and requested the Start of one Unit and Unit 3 was put on line. At 11:22 the TOP requested the start of a second Unit and Unit 4 was put on line. At 14:34, The TOP calls and requested the start of the all Broad River Units. At 15:07 the Generation Operator at Broad River declares Unit 5 unavailable as of 7/17/2018 @ 14:34 due to the 89 MD issue and notified Duke the TOP and BA. On 7/20/2018 Unit 5 was returned to service at 06:23. The Plant Management found out about the issue through an anonymous call to the IHI Hot Line. An investigation was preformed, and root cause analysis of the incident was determined to be a willful decision of the control room operators to not report the unavailability of the unit in question. GADS reporting was updated correctly for the facility. The customer billing to Duke was corrected to ensure that the customer was charged and paid the correct rate for availability.

Attachment C

Are Mitigating Activities in progress or completed? Yes

 An informal Mitigation Plan will be created upon submittal of this Self-Report with mitigating activities. If you would like to formalize that Mitigation Plan, please contact the Region. 

If Yes, Provide description of Mitigating Activities:

In the past, Broad River has designated the Control Room Operator as having responsibility for making availability notifications to the TOP and BA without direction from plant management being required. This led to an environment that allowed a failure to report by operators and a failure of a new Plant Manager to verify reporting of the event. While Broad River considers this to be a one-time event, the incident was taken very seriously and as a result of the willful failure of the operators to report the event as required, the two Control Room Operators involved received disciplinary action in the form of a suspension without pay, with one receiving both a demotion and a permanent reduction in pay associated with the roll change.

To prevent this from happening again, Broad River Energy is implementing the following activities:

1. Training of its Operating Personnel not only on PRC-001 Standard, But some anti market manipulation training as well.
2. Broad River Energy Plant Manager issued the Plant Manager's Standing Orders which directs the Generation Operators at the facility to inform the BA and TOP of any equipment that is out of service which could affect the reliability of the BES.
3. All events with a potential to affect unit availability are to be reviewed with the Plant Manager to determine the need for reporting.

Provide details to prevent recurrence:

To prevent this from happening again, Broad River Energy is implementing the following activities:

1. Training of its Operating Personnel not only on TOP-003 Standard, But some anti market manipulation training as well.
2. Broad River Energy Plant Manager issued the Plant Manager's Standing Orders which directs the Generation Operators at the facility to inform the BA and TOP of any equipment that is out of service which could affect the reliability of the BES.
3. All events with a potential to affect unit availability are to be reviewed with the Plant Manager to determine the need for reporting.

Date Mitigating Activities (including activities to prevent recurrence) are expected to be completed or were completed:

12/31/2018

MITIGATING ACTIVITIES

Title	Due Date	Description	Prevents Recurrence
Issue Plant Managers Standing Orders	11/6/2018	Plant Manager issued NERC Standing Orders which cover NERC GOP Requirements which require operating personnel to take Real Time Actions.	Yes
Complete Training on Market manipulation and PRC-001 Standard	12/31/2018	Plant Operators will be provided training on the TOP-003 Standard which includes notifying the BA and TOP of Relay and Equipment failures.	Yes
New Procedure for Plant Control Room Operators	11/6/2018	Control Room Operators must now notify the Plant Manager of all events with a potential to affect unit availability are to be reviewed with the Plant Manager to determine the need for reporting	Yes

Potential Impact to the Bulk Power System: Minimal

Actual Impact to the Bulk Power System: Minimal

Provide detailed description of Potential Risk to Bulk Power System:

The events that happened at Broad River Energy were an isolated incident. When required to put all units on line, the plant did declare Unit 5 unavailable for service to the BA and TOP. Plant Operating staff is receiving additional training.

The plant capacity factor over the last three years is as follows:

2016 – 17.1%
2017 – 5.4%
2018 – 30.8%

Provide detailed description of Actual Risk to Bulk Power System:

Minimal – Broad River does understand that there is or could be an impact to the BES depending on the BA and TOP's need for additional generation. It is difficult to quantify that risk not having the visibility to see the BA and or TOP's system. Broad River does understand how important it is to report Real Time Actions to its TOP and BA and will ensure it does so in the future.

Additional Comments:


n/a

NOTE: While submittal of a mitigation plan is not required until after a determination of a violation is confirmed, early submittal of a mitigation plan to address and remedy an identified deficiency is encouraged. Submittal of a mitigation plan shall not be deemed an admission of a violation. (See NERC Rules of Procedure, Appendix 4C, Section 6.4.)

Attachment D

 This item was signed by James Runk (jrunk@tateswood.com) on 4/13/2021



 This item was marked ready for signature by Leanne Searcey (lsearcey@tateswood.com) on 4/13/2021



MEMBER MITIGATION PLAN CLOSURE

All Mitigation Plan Completion Certification submittals shall include data or information sufficient for SERC to verify completion of the Mitigation Plan. SERC may request such additional data or information and conduct follow-up assessments, on-site or other Spot Checking, or Compliance Audits as it deems necessary to verify that all required actions in the Mitigation Plan have been completed and the Registered Entity is in compliance with the subject Reliability Standard. (CMEP Section 6.6) Data or information submitted may become part of a public record upon final disposition of the possible violation, therefore any confidential information contained therein should be marked as such in accordance with the provisions of Section 1500 of the NERC Rules of Procedure.

Name of Registered Entity submitting certification:

Broad River Energy, LLC

Name of Standard of mitigation violation(s):

TOP-002-2.1b

Requirement	Tracking Number	NERC Violation ID
R3.	SERC2018-403629	SERC2018020748

Date of completion of the Mitigation Plan:

4/13/2021

Facility Personnel and Management changes

Milestone Completed (Due: 3/1/2020 and Completed 2/27/2020)

[Attachments \(0\)](#)

The Plant Manager/Director and Vice President involved with the Facility since 2016 and earlier were removed from the Facility – a new Operating Company and Asset Manager company change out will be completed on 2/1/2020. The new company will assign a new plant manager as well.

Plant NERC Contact to complete first monthly review of control room log book

Milestone Completed (Due: 3/15/2020 and Completed 3/13/2020)

[Attachments \(0\)](#)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

Complete Monthly Reminder to Operators to Report Outages

Milestone Completed (Due: 3/15/2020 and Completed 3/13/2020)

[Attachments \(0\)](#)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

Plant NERC Contact to attend training – possibly SERC Compliance Conference

Milestone Completed (Due: 4/1/2020 and Completed 3/11/2020)

[Attachments \(0\)](#)

Enhanced training for the Compliance Manager for the Broad River Energy generation facility regarding all NERC requirements and reporting functions applicable to the facility, including instructor-led training and third-party training opportunities such as attendance at SERC training and regional reliability meetings.

Post a NERC GADS Decision Flow Chart in the Broad River Energy Control Room and complete GADS reporting Training for all Operating Personnel

Milestone Completed (Due: 4/1/2020 and Completed 3/27/2020)

[Attachments \(0\)](#)

The Broad River Plant Manager will post a simplified flowchart in the control room at the Broad River Energy generation facility to display the requirements for GADS and TOP/BA reporting as a quick reference for the Operating Personnel to reference in classifying outages and determining changes in unit status.

Complete Plant Specific Procedures and Plant Managers Standing Orders including training

Milestone Completed (Due: 4/1/2020 and Completed 3/25/2020)

[Attachments \(0\)](#)

A complete set of Reliability Program documents which was personalized to Broad River were put in place. These program documents include specific actions for Broad River personal to follow.

The Plant also implemented the Plant Managers Standing Orders for TOP-003-3 which directs the operators to report any and all outages either in advance if planned or to the BA/TOP for forced outages. The Standing Order re-enforces the BA/TOP data specifications for reporting outages.

Training will be conducted for operating personnel on the Reliability Program Documents as well as the Plant Managers Standing Orders.

Process Management Improvements at the Broad River Energy facility based on Lessons Learned

Milestone Completed (Due: 4/1/2020 and Completed 3/27/2020)

[Attachments \(0\)](#)

Attachment D

Broad River Energy will work with, the operator of the Broad River Energy generation facility, to implement lessons learned from this incident to improve plant management and the decision-making processes at the facility and other facilities, steps include:

- Assignment of a new Asset Manager to support the new Plant Manager.
- Development of a Plant Managers Standing Orders for outage reporting
- The Plant Manager will sit down with each operator on shift and walk them through the decision-making process to determine correct reporting to meet compliance with the BA/TOP data specifications and to ensure training is completed by all Operating Personnel.

Complete training of applicable NERC GOP Reliability Standards for all Broad River Operating Personnel and Management Staff

Milestone Completed (Due: 4/1/2020 and Completed 3/27/2020)

[Attachments \(0\)](#)

Training to ensure an understanding of the NERC GOP requirements to allow proper plant oversight for Plant Control Room Operators and Plant Manager.

Complete Overview Training of applicable NERC GOP Standards for Owner/Asset Management

Milestone Completed (Due: 4/1/2020 and Completed 3/24/2020)

[Attachments \(0\)](#)

Training to ensure an understanding of the NERC GOP requirements to allow proper plant oversight.

Start Review of employee incentive structure for incorporation of NERC compliance considerations

Milestone Completed (Due: 4/15/2020 and Completed 4/15/2020)

[Attachments \(0\)](#)

The Management will review the compensation structure of the Plant Manager and employees at the Broad River Energy facility to ensure that any bonus incentives are appropriate and clear, and consistent with the Broad River Energy's priorities of safety and regulatory compliance.

Plant NERC Contact to complete monthly review of control room log book

Milestone Completed (Due: 4/15/2020 and Completed 4/15/2020)

[Attachments \(0\)](#)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

Complete Monthly Reminder to Operators to Report Outages

Milestone Completed (Due: 4/15/2020 and Completed 4/15/2020)

[Attachments \(0\)](#)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

Plant NERC Contact to complete monthly review of control room log book

Milestone Completed (Due: 5/15/2020 and Completed 5/11/2020)

[Attachments \(0\)](#)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

Complete Monthly Reminder to Operators to Report Outages

Milestone Completed (Due: 5/15/2020 and Completed 5/1/2020)

[Attachments \(0\)](#)

Complete Monthly Reminder to Operators to Report Outages

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

Complete Monthly Reminder to Operators to Report Outages

Milestone Completed (Due: 6/15/2020 and Completed 6/15/2020)

[Attachments \(0\)](#)

Complete Monthly Reminder to Operators to Report Outages

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

Plant NERC Contact to complete monthly review of control room log book

Milestone Completed (Due: 6/15/2020 and Completed 6/15/2020)

[Attachments \(0\)](#)

Complete Monthly Reminder to Operators to Report Outages

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

3rd Party Operating NERC Contact to complete Quarterly Control Room log book review

Milestone Completed (Due: 6/15/2020 and Completed 6/15/2020)

[Attachments \(0\)](#)

The 3rd Party Operator Compliance Contact for the Broad River Energy generation facility will perform a Quarterly review to ensure Operating Personnel compliance with, and understand of, availability reporting provided to the TOP and BA. The review will verify that outages are logged correctly in the Operator logs and in GADS.

[Plant NERC Contact to attend NERC Training](#)

Milestone Completed (Due: 7/1/2020 and Completed 6/22/2020)

[Attachments \(0\)](#)

Attachment D

Enhanced training for the Compliance Manager for the Broad River Energy generation facility regarding all NERC requirements and reporting functions applicable to the facility, including instructor-led training and third-party training opportunities such as attendance at SERC training and regional reliability meetings.

[Complete Review of employee incentive structure for incorporation of NERC compliance considerations](#)

Milestone Completed (Due: 7/15/2020 and Completed 5/21/2020)

[Attachments \(0\)](#)

The Management will review the compensation structure of the Plant Manager and employees at the Broad River Energy facility to ensure that any bonus incentives are appropriate and clear, and consistent with the Broad River Energy's priorities of safety and regulatory compliance.

[Complete Monthly Reminder to Operators to Report Outages](#)

Milestone Completed (Due: 7/15/2020 and Completed 7/3/2020)

[Attachments \(0\)](#)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[Plant NERC Contact to complete first monthly review of control room log book](#)

Milestone Completed (Due: 7/15/2020 and Completed 7/15/2020)

[Attachments \(0\)](#)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[Complete Monthly Broad River Control Room Logbook Review by the Plant NERC Compliance primary contact](#)

Milestone Completed (Due: 8/15/2020 and Completed 8/6/2020)

[Attachments \(0\)](#)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[Complete Monthly Reminder to Operators to Report Outages](#)

Milestone Completed (Due: 8/15/2020 and Completed 8/6/2020)

[Attachments \(0\)](#)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[Complete Monthly Reminder to Operators to Report Outages](#)

Milestone Completed (Due: 9/15/2020 and Completed 9/8/2020)

[Attachments \(0\)](#)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[Plant NERC Contact to complete monthly review of control room log book](#)

Milestone Completed (Due: 9/15/2020 and Completed 9/2/2020)

[Attachments \(0\)](#)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[3rd Party Operating NERC Contact to complete Quarterly Control Room log book review](#)

Milestone Completed (Due: 9/15/2020 and Completed 8/20/2020)

[Attachments \(0\)](#)

The 3rd Party Operator Compliance Contact for the Broad River Energy generation facility will perform a Quarterly review to ensure Operating Personnel compliance with, and understand of, availability reporting provided to the TOP and BA. The review will verify that outages are logged correctly in the Operator logs and in GADS.

[Plant NERC Contact to attend some type of NERC Training](#)

Milestone Completed (Due: 10/1/2020 and Completed 9/17/2020)

[Attachments \(0\)](#)

Enhanced training for the Compliance Manager for the Broad River Energy generation facility regarding all NERC requirements and reporting functions applicable to the facility, including instructor-led training and third-party training opportunities such as attendance at SERC training and regional reliability meetings.

[Plant NERC Contact to complete monthly review of control room log book](#)

Milestone Completed (Due: 10/15/2020 and Completed 10/2/2020)

[Attachments \(0\)](#)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[Complete Monthly Reminder to Operators to Report Outages](#)

Milestone Completed (Due: 10/15/2020 and Completed 10/5/2020)

[Attachments \(0\)](#)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

Attachment D

[Complete Monthly Reminder to Operators to Report Outages](#)

Milestone Completed (Due: 11/15/2020 and Completed 11/13/2020)

[Attachments \(0\)](#)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[Plant NERC Contact to complete monthly review of control room log book](#)

Milestone Completed (Due: 11/15/2020 and Completed 11/12/2020)

[Attachments \(0\)](#)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[Plant NERC Contact to complete monthly review of control room log book](#)

Milestone Completed (Due: 12/15/2020 and Completed 12/11/2020)

[Attachments \(0\)](#)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[Complete monthly reminder from Plant Management to Generators Operators to ensure they report outages correctly.](#)

Milestone Completed (Due: 12/15/2020 and Completed 12/11/2020)

[Attachments \(0\)](#)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[3rd Party Operating NERC Contact to complete Quarterly Control Room log book review](#)

Milestone Completed (Due: 12/15/2020 and Completed 12/14/2020)

[Attachments \(0\)](#)

The 3rd Party Operator Compliance Contact for the Broad River Energy generation facility will perform a Quarterly review to ensure Operating Personnel compliance with, and understand of, availability reporting provided to the TOP and BA. The review will verify that outages are logged correctly in the Operator logs and in GADS.

[Plant NERC Contact to attend some type of NERC Training](#)

Milestone Completed (Due: 1/1/2021 and Completed 1/18/2021)

[Attachments \(0\)](#)

Enhanced training for the Compliance Manager for the Broad River Energy generation facility regarding all NERC requirements and reporting functions applicable to the facility, including instructor-led training and third-party training opportunities such as attendance at SERC training and regional reliability meetings.

[Plant NERC Contact to complete first monthly review of control room log book](#)

Milestone Completed (Due: 1/15/2021 and Completed 1/15/2021)

[Attachments \(0\)](#)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[Complete Monthly Reminder to Operators to Report Outages](#)

Milestone Completed (Due: 1/15/2021 and Completed 1/4/2021)

[Attachments \(0\)](#)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[Complete monthly reminder from Plant Management to Generators Operators to ensure they report outages correctly.](#)

Milestone Completed (Due: 2/15/2021 and Completed 2/4/2021)

[Attachments \(0\)](#)

Provide a monthly email reminder to Operating Personnel to identify and report unit unavailable. Operators sign a sheet stating that they read and are aware of reporting outages.

[Plant NERC Contact to complete monthly review of control room log book](#)

Milestone Completed (Due: 2/15/2021 and Completed 2/4/2021)

[Attachments \(0\)](#)

The NERC Compliance Manager for the Broad River Energy generation facility will perform a monthly review to ensure Operating Personnel compliance with, and understanding of, availability reporting provided to the TOP and BA. The review will verify that outages are communicated to the BA/TOP or outage coordinator as required by the BA/TOP Data Specifications and are logged correctly in the Operator logs and in GADS.

[3rd Party Operating NERC Contact to complete Quarterly Control Room log book review](#)

Milestone Completed (Due: 3/15/2021 and Completed 3/15/2021)

[Attachments \(0\)](#)

The 3rd Party Operator Compliance Contact for the Broad River Energy generation facility will perform a Quarterly review to ensure Operating Personnel compliance with,

and understand of, availability reporting provided to the TOP and BA. The review will verify that outages are logged correctly in the Operator logs and in GADS.

[Provide additional training opportunities for the Broad River Energy Compliance Manager](#) **Attachment D**

Milestone Completed (Due: 4/1/2021 and Completed 3/11/2021)
[Attachments \(0\)](#)

Enhanced training for the Compliance Manager for the Broad River Energy generation facility regarding all NERC requirements and reporting functions applicable to the facility, including instructor-led training and third-party training opportunities such as attendance at SERC training and regional reliability meetings.

[Ensure all milestones are completed and close out mitigation plan](#)

Milestone Completed (Due: 4/15/2021 and Completed 4/13/2021)
[Attachments \(1\)](#)

Ensure all milestones have been completed and complete mitigation plan for approval.

Summary of all actions described in Part D of the relevant mitigation plan:

In response to the findings of the former Operators Root Cause Analysis, over the past year, the new management at BRE has implemented the actions outlined in the Mitigation Plan to address training and management oversight for NERC Reliability Standards. A complete management changeout occurred at all levels and all levels of BRE personnel, including Owner (asset management), corporate operator oversight, as well as a new site Compliance Manager. All have received detailed and specific training as they were assigned their NERC responsibilities under the new management. An updated GADS Flow Chart was hung in the Control Room to assist with decision-making in the reporting process. Each month the Plant Manager sent a reminder to plant employees of their responsibilities for outage reporting under NERC, with each employee confirming receipt. The Best Management Practice of a Monthly Log Book review was implemented and performed each month by the Compliance Manager to insure proper reporting and identify any potential issues. In addition, a Quarterly Log Book review was performed by a corporate GADS expert to insure proper reporting was performed and identify any issues. Revisions were made to the employee incentive plan to ensure NERC Reliability Standards were incorporated into the matrix. The NERC Compliance Manager received training on a quarterly basis.

Description of the information provided to SERC for their evaluation *

Evidence of the above activities has been provided in the form of: an attestation by the Primary Compliance Officer; Emails confirming monthly and quarterly log book reviews outlining their findings and including backup documentation, copies of Emails from the plant manager and sign off sheets by BRE employees; proof of training activities at all levels; copy of the updated GADS Flow Chart, as well as the new incentive tracker matrix.

I certify that the Mitigation Plan for the above-named violation has been completed on the date shown above. In doing so, I certify that all required Mitigation Plan actions described in Part D of the relevant Mitigation Plan have been completed, compliance has been restored, the above-named entity is currently compliant with all of the requirements of the referenced standard, and that all information submitted is complete, true and correct to the best of my knowledge.