

NERC Compliance Process Bulletin #2009-CAG-004 Extension of Self-Certification Deadlines

Version 1

May 20, 2009 | Public Process Announcement

A version of this bulletin is concurrently being issued to the public as Public Bulletin 2009-002.

The purpose of this Compliance Process Bulletin is to provide guidance concerning the ability of Regional Entities to extend the due dates for self-certifications.

Background

Self-certification is one of the eight compliance monitoring processes provided for in the Compliance Monitoring and Enforcement Program (“CMEP”) (*see* CMEP §3.2), and as such, regular self-certifications are a key part of the overall implementation of the CMEP. In its recent audit of the Regional Entity functions of Southwestern Power Pool (“SPP”), the Federal Energy Regulatory Commission (“FERC”) raised a concern about SPP’s process of extending self-certification due dates, and the FERC Staff recommended in their audit report that SPP “work with NERC and the other REs to develop a written policy on extending self-certification deadlines.” *Southwest Power Pool, Inc.*, 126 FERC ¶ 61,045, Attachment A at 17, 45-48 (2009).

Guidance

In light of FERC’s concerns about the need for a written policy on extending self-certification due dates, the following policies will apply:

1. Except as provided for below, self-certification due dates are considered fixed and may not be changed by a Regional Entity. Failure to provide a self-certification by the pre-established deadline shall be subject to NERC’s Compliance Monitoring and Enforcement Program procedures and may be deemed in violation of the requirements for which self-certification is required.
2. Recognizing that circumstances may arise that are beyond a Regional Entity’s control which may prevent the Regional Entity from receiving self-certifications from Registered Entities, or when a unique situation warrants that the Regional Entity take generic actions, a Regional Entity may extend a self-certification deadline only under the following conditions:
 - a. The Regional Entity demonstrates the following:
 - that the extension of the deadline is required due to circumstances beyond the Regional Entity’s control; and
 - that the extension will not unduly favor or discriminate against a Registered Entity.

3. The Regional Entity shall notify the Registered Entities within its footprint in writing (with copy to NERC’s Director of Regional Operations) of the extension of the deadline and the reasons for such extension. Such notification shall be provided at least five (5) days before the original deadline, except where the Regional Entity determines that a shorter period is required and explains the reasons in its notification.
4. When an individual Registered Entity seeks an extension of a self-certification deadline, a Regional Entity may grant such extension with respect to that Registered Entity, only under the following circumstances:
 - a. The Registered Entity requests in writing the extension of deadline (with reasons for such request). Such request shall be provided at least ten (10) days before the original deadline; provided that the Registered Entity may request an extension on shorter notice for good cause shown in its written request.
 - b. The Registered Entity demonstrates:
 - that the extension of the deadline is required due to circumstances beyond the Registered Entity’s control;
 - that extension of the deadline will not unduly risks the reliability of the bulk power system; and
 - that the extension will not unduly interfere with the Regional Entity’s implementation of the CMEP.
 - c. The Regional Entity shall notify NERC’s Director, Regional Operations in writing of its decision to grant the extension of the deadline and the reasons for such granting. Such notification shall be provided at least five (5) days before the original deadline, except where the Regional Entity determines that a shorter period is required and explains the reasons in its notification.

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Process disclaimer: NERC reserves the right to issue new process bulletins or modify existing process bulletins when necessary and at its discretion.

Revision History

Version.	Date	Reviewers	Revision Description
1	May 20, 2009	NERC and Regional Entity Staff	Version 1.0
1	May 19, 2010	NERC staff	Changed non-public status and posted publicly.