

ERO Enterprise CMEP Practice Guide:

Deference for Implementation Guidance

March 25, 2016

Background

In support of successful implementation of and compliance with the NERC Reliability Standards, the Electric Reliability Organization (ERO) Enterprise¹ adopted the Compliance Guidance Policy.² The Compliance Guidance Policy outlines the purpose, development, use, and maintenance of guidance for implementing NERC Reliability Standards. According to the Compliance Guidance Policy, Compliance Guidance includes two types of guidance – Implementation Guidance and Compliance Monitoring and Enforcement Program (CMEP) Practice Guides.³

Purpose

The purpose of this CMEP Practice Guide is to address how ERO Enterprise CMEP staff will provide deference to ERO Enterprise endorsed Implementation Guidance. ERO Enterprise CMEP staff will follow the guidance outlined below when a registered entity follows endorsed Implementation Guidance in order to be compliant with a NERC Reliability Standard.

Considerations for Providing Deference to Implementation Guidance

During compliance monitoring and enforcement activities, where a registered entity is following ERO Enterprise endorsed Implementation Guidance, CMEP staff will consider such guidance as a possible method to achieve compliance. Compliance determinations will be made on the basis of the specific facts and circumstances of each case and the specific language of the NERC Reliability Standard and Requirement.

CMEP staff will consider the following in making determinations around compliance with a NERC Reliability Standard or Requirement:

- The example or approach in the Implementation Guidance is appropriate for the registered entity based on entity-specific information (e.g., facts, circumstances, system configurations, etc.).
- The registered entity followed the example approach provided in the Implementation Guidance and can provide sufficient and appropriate evidence to CMEP staff demonstrating how the registered entity followed the Implementation Guidance.
- If CMEP staff determines the registered entity was found in non-compliance with a NERC Reliability Standard or Requirement, but in good faith, relied on Implementation Guidance, CMEP

¹ The ERO Enterprise consists of NERC and the eight Regional Entities.

² The ERO Enterprise Compliance Guidance Policy is located on the NERC website at:

http://www.nerc.com/pa/comp/Resources/ResourcesDL/Compliance_Guidance_Policy_FINAL_Board_Accepted_Nov_5_2015.pdf

³ **Implementation Guidance** provides a means for registered entities to develop examples or approaches to illustrate how registered entities could comply with a standard that are vetted by industry and endorsed by the ERO Enterprise. **CMEP Practice Guides** differ from Implementation Guidance in that they address how ERO Enterprise CMEP staff executes compliance monitoring and enforcement activities, rather than examples of how to implement the standard.

staff will consider the reliance as a mitigating factor in any resulting compliance enforcement actions.