

Name (13 Responses)
Organization (13 Responses)
Group Name (9 Responses)
Lead Contact (9 Responses)
IF YOU WISH TO EXPRESS SUPPORT FOR ANOTHER ENTITY'S COMMENTS WITHOUT ENTERING ANY ADDITIONAL COMMENTS, YOU MAY DO SO HERE. (1 Responses)
Comments (22 Responses)
Question 1 (21 Responses)
Question 1 Comments (21 Responses)

Group
Northeast Power Coordinating Council
Guy Zito
Yes
Individual
Nazra Gladu
Manitoba Hydro
Yes
No comment.
Individual
Thad Ness
American Electric Power
No
AEP strongly opposes the interpretation of the IDT. The standard provides a number of entities which could serve as a "Responsible Entity", a majority of which are functions such as Generator Owner, Generator Operator, etc. By allowing such functions to serve as Responsible Entities, the Standard effectively allows them to designate CIP Senior Managers as necessary. Nowhere does the Standard support the IDT's interpretation that the Registered Entity must designate a sole CIP Senior Manager. The Responsible Entity Senior CIP Manager designation, as the interpretation views it, reduces flexibility and alignment within an organization's corporate or operating structure. While the drafting team did provide some potential solutions as outlined in the unofficial comment form, changing registration to fit into the box created by this interpretation, has widespread implication outside of the CIP standards. In addition, we are concerned by the amount of supporting information included in the comment form. Though obviously well-intentioned, the information provided is, by the IDTs own admission "for discussion and demonstration purposes". Such guidance cannot be relied upon by an entity during an audit, and because of this, any information deemed worthy to support in the interpretation should be included within the official interpretation itself.
Group
ACES
Trey Cross
No
While we agree the analysis and the four examples in identifying a single CIP Senior Manager in a "Registered Entity" in concept, we believe there is a flaw in the standard that needs to be corrected. Within the standard's applicability section, "Responsible Entity" is stated to mean one of nine functional entities, NERC or Regional Entity. Thus, a requirement that states "The Responsible Entity ..." should be read as "The Reliability Coordinator, Balancing Authority, ..., NERC and Regional Entity ...". In essence, Responsible Entity is redefined in the standard for this specific use only. We can find

nothing in the Rules of Procedure that would prevent this redefinition. If this redefinition truly applies, a literal meaning could be that each RC, BA, etc. could have a single CIP manager. The solution is to strike the Responsible Entity language in the standard and replace Responsible Entity with the actual functional entities in the requirements. This would be consistent with recent NERC practice regarding using the list of applicable functional entities in the requirement rather than the term Responsible Entity.

Individual

Michael Falvo

Independent Electricity System Operator

Yes

Group

FirstEnergy Corp

Larry Raczkowski

Yes

We agree with the Interpretation Drafting Team response to the proposed SAR

Group

Dominion

Connie Lowe

Yes

For clarity, Dominion recommends the first sentence of the response be changed from "No, a Registered Entity cannot assign different CIP Senior Managers for different applicable functions for which it is registered." to "A Registered Entity cannot assign different CIP Senior Managers for different applicable functions if those functions are included under one registration (NERC ID)."

Group

Associated Electric Cooperative, Inc. - JRO00088

David Dockery

Yes

AECI agrees with this determination and its underlying rationale.

Group

Duke Energy

Greg Rowland

Yes

In order to provide more clarity and basis for the interpretation offered by the IDT, Duke Energy suggests moving the following paragraph from the Background section of this document and placing it in the actual response to the interpretation request: "In the case of CIP-003 R2 if a registered entity is scheduled for an audit and the entity is registered to perform any of the functions listed within the applicability section of CIP-003 R2 then the registered entity needs to demonstrate strict compliance with the requirements of CIP-003 R2. In order for a registered entity to demonstrate strict compliance with CIP-003 R2 they would need to provide evidence that they have assigned a single CIP Senior Manager with overall responsibility and authority for leading and managing the entity's implementation of, and adherence to, Standards CIP-002-3 through CIP-009-3." Inclusion of this paragraph will provide more focus to the fact that the word "single" is what is really driving this interpretation. For example, CIP-008 R1 states that "The Responsible Entity shall develop and maintain a Cyber Security Incident response plan...". However, if the same logic is applied to this requirement, without the word "single" in the requirement, it leaves open the flexibility for a Responsible Entity to collectively have multiple response plans.

Individual
Bill Fowler
City of Tallahassee
Yes
Individual
Michael R. Lombardi
Northeast Utilities
Yes
Individual
Chris Mattson
Tacoma Power
Yes
The explanation and examples provide the requested interpretation.
Individual
Anthony Jablonski
ReliabilityFirst
Yes
ReliabilityFirst believes the drafted interpretation correctly clarifies that each Organizational Registration can only have one CIP Senior Manager per registered organization as it relates to CIP-003-3, Requirement R3.
Individual
Andrew Gallo
City of Austin dba Austin Energy
No
Austin Energy (AE) believes an entity ought to be able to differentiate CIP Sr. Managers among various roles performed by an entity. In fact, we think we ought to be able to designate difference CIP Sr. Managers by Standard (not just by function). For example, an entity may have its SCADA/EMS personnel segregated from its I.T. personnel. That entity may want to designate its CIO as the CIP Sr. Manager for the CIP Standards for which the I.T. group is responsible while designating someone else (e.g. COO) as the CIP Sr. Manager for the CIP Standards for which the SCADA/EMS personnel are responsible. This would create better incentives for each Sr. Manager to ensure his/her personnel comply with the applicable CIP Standards.
Group
Hydro One
Sasa Maljukan
Yes
Individual
Cheryl Moseley
Electric Reliability of Texas, Inc.
No

As an initial matter, the interpretation is inconsistent with the plain language of the standard. The applicability section defines Responsible Entity in terms of specific functions, not the Registration ID of an entity. There is nothing ambiguous or unclear about that. The language specifically states that this shall apply “within the context of CIP-003-3”, which makes it crystal clear that for the purposes of this particular standard, that the term Responsible Entity is defined in terms of the listed specific functions. Accordingly, the IDT’s reliance on other documents (e.g. Rules of Procedure) to support the interpretation is, therefore, is misplaced, inappropriate and inconsistent with the plain language and scope of the standard. R2 then states the “Responsible Entity” shall assign a single manager for CIP compliance. Accordingly, a registered entity responsible for multiple functions can have a single manager for CIP compliance for each of its functions. That is a right under the standard, and the interpretation impermissibly compromises that right. This is very problematic because it will impermissibly force entities to designate a single person CIP manager for all functions, and subject the entity to compliance and penalty liability risk on the basis of an obligation that doesn’t exist under the explicit terms of the standard. Granted, R2 allows for the delegation of tasks so an entity could practically assign CIP responsibility to different people for each different function, but that requires the entity to perform additional administrative tasks to document the delegation, which would again, create a compliance/penalty risk based on an obligation that doesn’t exist under the standard. Accordingly, even though an entity could possibly comply with the inappropriate interpretation and still achieve the value of having different CIP compliance managers for different functions (if the entity believed that was the best approach for its business), it would be inappropriately subject to compliance and penalty risk if it failed to comply with the administrative requirements associated with delegation of authority. Furthermore, from a practical perspective, the interpretation makes no sense and compromises the effectiveness of CIP compliance. If an entity believes that CIP compliance is best supported by the assignment of different compliance managers for each function that it performs, then it should be allowed to implement that structure. As discussed, the standard explicitly allows for that. The interpretation would not only impermissibly restrict entities’ rights, but would also compromise the effectiveness of CIP compliance activities by preventing entities to implement compliance structures best suited for their particular circumstances. Accordingly, aside from the legal infirmities, the interpretation practically undermines CIP compliance by compromising an entity’s ability to structure its compliance program in the manner that best fits its business practices. In discussing this requirement in Order 706, FERC stated: The Commission adopts its CIP NOPR interpretation that Requirement R2 of CIP- 003-1 requires the designation of a single manager who has direct and comprehensive responsibility and accountability for implementation and ongoing compliance with the CIP Reliability Standards. The Commission’s intent is to ensure that there is a clear line of authority and that cyber security functions are given the prominence they deserve. The Commission agrees with commenters that the senior manager, by virtue of his or her position, is not a user, owner or operator of the Bulk-Power System that is personally subject to civil penalties pursuant to section 215 of FPA. The purpose of the designation of a single manager is to have direct responsibility for CIP compliance so there is a clear line of authority to ensure cyber security is adequately addressed. There is nothing inconsistent with the Commission’s position on this and allowing for the designation of different CIP compliance managers for an entity’s different functions. The effect is the same – each function has a sole designated person for CIP compliance. In fact, this is more consistent with the Commission’s intention, because it provides for focused functional compliance lying with a single person that can fully dedicate his/her time to CIP compliance for that function. If a single person was responsible for CIP compliance for numerous functions, that arguably undermines the Commission’s intent with respect to R2 because the person would be spread too thin, or may not have the expertise necessary to ensure CIP compliance for each function in the most effective/efficient manner. Furthermore, the Commission explicitly states that the manager is not a user/owner/operator of the BES. The approach proposed in the interpretation focuses on linking the manager to this status by linking it to the registration ID, which reflects being a user/owner/operator. Accordingly, the interpretation is arguably inconsistent with the Commission’s position on R2. For all the reasons discussed above, the IDT interpretation is inappropriate. The standard allows for the assignment of different managers based on function. It is not limited/determined by the number of registration IDs.

Individual

Debra Chadwick

Tampa Electric Company

Yes
Tampa Electric agrees with the response to Question 1. We have no additional comments.
Group
Southwest Power Pool Regional Entity
Emily Pennel
Yes
Individual
David Jendras
Ameren
Yes
It seems that the IDT has provided multiple options which registered entity(ies) can choose from.
Individual
Brett Holland
Kansas City Power & Light
Yes
Individual
Kim Koster
MidAmerican Energy Company
Agree
Group
Entergy
James Gower
Yes