

Review of TOP-002-2b—Normal Operations Planning (Filing 2)

<http://www.nerc.com/files/TOP-002-2b.pdf>

VSLs for Requirement R16:

Standard, Requirement	Requirement Language	Lower	Moderate	High	Severe	Comments
TOP-002-2b, R16	<p>Subject to standards of conduct and confidentiality agreements, Transmission Operators shall, without any intentional time delay, notify their Reliability Coordinator and Balancing Authority of changes in capabilities and characteristics including but not limited to:</p> <p>R16.1. Changes in transmission facility status.</p> <p>R16.2. Changes in transmission</p>	<p>N/A<u>Subject to standards of conduct and confidentiality agreements, the Transmission Operator notified its Reliability Coordinator and Balancing Authority of changes in transmission facility status (R16.1), but there was an intentional time delay.</u></p> <p><u>OR</u></p> <p><u>Subject to standards of conduct and confidentiality</u></p>	<p>N/A<u>Subject to standards of conduct and confidentiality agreements, the Transmission Operator notified its Reliability Coordinator and Balancing Authority of changes in capability and characteristics transmission facility status (R16.1) and rating (R16.2), but there was an intentional time delay in both.</u></p>	<p>Subject to standards of conduct and confidentiality agreements, the Transmission Operator intentionally failed to notify its Reliability Coordinator and Balancing Authority of changes in transmission facility status. (R 16.1).</p> <p>OR</p> <p>Subject to standards of conduct and confidentiality agreements, the Transmission</p>	<p>Subject to standards of conduct and confidentiality agreements, the Transmission Operator intentionally failed to notify its Reliability Coordinator and Balancing Authority of changes in transmission facility status (R 16.1) and changes in transmission facility rating. (R 16.2).</p>	<p>Citing potential Guideline 1 and 3 issues, FERC was concerned that the requirements did not include any reference to intentional delay, stating that this piece of the requirement seemed important enough to incorporate into the requirement.</p> <p>NERC staff agreed that the VSLs could better match the language in the requirement and realized that</p>

	facility rating.	<u>agreements, the Transmission Operator notified its Reliability Coordinator and Balancing Authority of changes in transmission facility rating (R16.2), but there was an intentional time delay.</u>		Operator intentionally failed to notify its Reliability Coordinator and Balancing Authority of changes in transmission facility rating (R16.2).		further gradation could be incorporated.
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Original R16 Guideline Explanation in the [December 1, 2010 VSL Filing](#):

Consistent with Guidelines filed with FERC on August 10, 2009, incorporated the subrequirements into the main requirement VSL so that compliance is based on meeting criteria specified in components.

- *Guideline 1:* See P. 1014-1016 of the [Guideline 1 Analysis Filing](#).
- *Guideline 2:* The VSLs comply with Guideline 2. The requirement has gradated VSLs; therefore, Guideline 2a is not applicable. The gradated VSLs ensure uniformity and consistency among all approved Reliability Standards in the determination of penalties. Therefore, no changes to the VSL language were required for consistency with FERC Guideline 2. Additionally, the VSL DT has reviewed the VSL text and has determined that, as revised, the VSL text is clear, specific and objective and does not contain general, relative or subjective language, satisfying Guideline 2b. Therefore, the text is not subject to the possibility of multiple interpretations of the VSLs and provides the clarity needed to permit the consistent and objective application of the VSLs in the determination of penalties by the Compliance Enforcement Authority.

- *Guideline 3:* The VSL DT compared the existing VSLs to the stated requirement language to ensure the VSLs do not redefine or undermine the reliability goal of the requirement. In accordance with Guideline 3, the VSL assignments are consistent with the requirement and the degree of compliance can be determined objectively and with certainty.
- *Guideline 4:* The VSL Assignments comply with Guideline 4, because they are based on a single violation of a Reliability Standard and are not based on a cumulative number of violations of the same requirement over a period of time.

VSLs for Requirement R17:

Standard, Requirement	Requirement Language	Lower	Moderate	High	Severe	Comments
TOP-002-2b, R17	Balancing Authorities and Transmission Operators shall, without any intentional time delay, communicate the information described in the requirements R1 to R16 above to their Reliability Coordinator.	N/A	N/A	N/A	<p>The responsible entity did not communicate the information described in the requirements R1 to R16 above to its Reliability Coordinator.</p> <p>OR</p> <p>The responsible entity intentionally delayed communication of the information described in the requirements R1 to R16 to its Reliability Coordinator.</p>	<p>Citing potential Guideline 1 and 3 issues, FERC was concerned that the requirements did not include any reference to intentional delay, stating that this piece of the requirement seemed important enough to incorporate into the requirement.</p> <p>NERC staff points out that intentional delay is covered in the second half of the Severe VSL and proposed no additional change.</p>

Original R17 Guideline Explanation in the [December 1, 2010 VSL Filing](#):

The VSL was modified to be consistent with Guideline 3.

- *Guideline 1:* See P. 1014-1016 of the [Guideline 1 Analysis Filing](#).
- *Guideline 2:* The VSLs comply with Guideline 2. The requirement has a binary VSL assignment at the Severe level. This is consistent with other single VSL assignments for binary requirements, satisfying Guideline 2a. Additionally, the VSL DT has reviewed the VSL text and has determined that, as revised, the VSL text is clear, specific and objective and does not contain general, relative or subjective language, satisfying Guideline 2b. Therefore, the text is not subject to the possibility of multiple interpretations of the VSLs and provides the clarity needed to permit the consistent and objective application of the VSLs in the determination of penalties by the Compliance Enforcement Authority.
- *Guideline 3:* In accordance with Guideline 3, the VSL DT has revised the VSL assignments as noted in the redline text to be more consistent with the language of the requirement. Per stakeholder feedback, the Severe VSL was modified to reflect the components listed in the requirement. It was necessary to highlight that an entity could violate the requirement either by not communicating information or by intentionally delaying communication of that information. As revised, the VSL assignments are consistent with the requirement and the degree of compliance can be determined objectively and with certainty.
- *Guideline 4:* The VSL Assignments comply with Guideline 4, because they are based on a single violation of a Reliability Standard and are not based on a cumulative number of violations of the same requirement over a period of time.