

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ELECTRIC RELIABILITY

North American Electric Reliability Corporation
Docket Nos. RR06-1-023, et al.

October 2, 2009

North American Electric Reliability Corporation
1120 G Street N.W., Suite 990
Washington, D.C. 20005-3801

Attention: Owen E. MacBride, Attorney

Reference: Compliance Filing of the North American Electric Reliability
Corporation in Response to June 1, 2009 Order

Dear Mr. MacBride:

1. On July 30, 2009, the North American Electric Reliability Corporation (NERC) submitted a compliance filing that revised section 6.5 and figure 6.1 of the NERC uniform Compliance Monitoring and Enforcement Program (CMEP), Appendix 4C to the NERC Rules of Procedure in response to the Commission's June 1, 2009 Order.¹
2. In response to the Commission's directives and the Commission's construction of the text of section 6.5 in the June 1, 2009 Order, NERC revises section 6.5 to make unambiguous that the Regional Entity is to provide the accepted Mitigation Plan to NERC within five business days after the Regional Entity accepts the Mitigation Plan. NERC's revisions to section 6.5 also clarify that the Registered Entity shall not be subject to findings of violations or to the imposition of penalties or sanctions for violations of specific requirements of Reliability Standards, that are the subject of the Mitigation Plan, during the time in which NERC is considering a Mitigation Plan and for a reasonable period of time following NERC's disapproval, so long as the Registered Entity promptly submits

¹ *Order on Compliance Filing*, 127 FERC ¶ 61,209 at PP 16-19 (2009) (June 1, 2009 Order).

a modified Mitigation Plan responsive to NERC's concerns. NERC also revises section 6.5 to provide that NERC will notify the Regional Entity and the Registered Entity contemporaneously of the approval or disapproval of a Mitigation Plan. Finally, NERC makes conforming changes to figure 6.1 to show that (1) when the Compliance Enforcement Authority (CEA) accepts a proposed Mitigation Plan, the CEA will notify both NERC and the Registered Entity of the acceptance, and (2) when NERC approves the proposed Mitigation Plan, NERC will notify the CEA and the Registered Entity.

3. Upon acceptance by the Commission of the revisions of the CMEP, NERC states that it will file with the Commission a complete, executed set of the current Delegation Agreements.

4. Notice of this filing was issued on July 31, 2009, with comments, protests or motions to intervene due on or before August 20, 2009.

5. Notices of intervention and unopposed timely filed motions to intervene are granted pursuant to the operation of Rule 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214). Any opposed or untimely filed motion to intervene is governed by the provisions of Rule 214. No protests or adverse comments were filed.

6. NERC's uncontested filing is accepted pursuant to the relevant authority delegated to the Director, Office of Electric Reliability, under 18 C.F.R. § 375.303.

7. This action shall not be construed as accepting any other contingency plan pursuant to 18 C.F.R. § 375.303(a)(1)(i) or any other data or report pursuant to 18 C.F.R. § 375.303(b)(3)(iv). This action shall not be construed as approving any other application including Electric Reliability Organization or Regional Entity Rules or procedures pursuant to 18 C.F.R. § 375.303(a)(2)(i). Such acceptance or approval shall not be deemed as recognition of any claimed right or obligation associated therewith; and such acceptance or approval is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now or pending or hereafter instituted by or against NERC.

8. This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

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Sincerely,

Joseph H. McClelland, Director
Office of Electric Reliability

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