

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

)
Revised Critical Infrastructure)
Protection Reliability Standards)
Docket No. RM15-14-000

MOTION FOR AN EXTENSION OF TIME AND REQUEST FOR SHORTENED COMMENT PERIOD AND EXPEDITED ACTION OF THE EDISON ELECTRIC INSTITUTE, THE AMERICAN PUBLIC POWER ASSOCIATION, ELECTRICITY CONSUMERS RESOURCE COUNCIL, ELECTRIC POWER SUPPLY ASSOCIATION, LARGE PUBLIC POWER COUNCIL, NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION, AND TRANSMISSION ACCESS POLICY STUDY GROUP

Pursuant to Rule 212¹ of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or “Commission”) and in response to Order No. 822,² the Edison Electric Institute, the American Public Power Association, Electricity Consumers Resource Council, Electric Power Supply Association, Large Public Power Council, National Rural Electric Cooperative Association, and Transmission Access Policy Study Group (collectively, the “Trade Associations”), respectfully request that the Commission: (1) grant an extension of time to defer implementation of the Critical Infrastructure Protection (“CIP”) Version 5 Reliability Standards from April 1, 2016 to July 1, 2016 to align with the effective date for the CIP Order No. 822 Reliability Standards; (2) shorten the period to respond to this motion;³ and (3) issue an order granting the extension as soon as possible to avoid unnecessary

¹ See 18 C.F.R. § 385.212.

² See *Revised Critical Infrastructure Protection Reliability Standards*, Order No. 822, 154 FERC ¶ 61,037 at P 81 (issued January 21, 2016) (“Order No. 822”).

³ For example, a five-day answer period is consistent with the Commission’s decision in Order No. 769 to modify the Commission’s regulations to establish a five day answer period for certain motions for extension of time. See

administrative burdens and related costs on industry and customers.

MOTION

In Order No. 822, the Commission approved, among other things, seven CIP Reliability Standards and also approved the implementation plan and violation risk factor and violation severity level assignments proposed by the North American Electric Reliability Corporation (“NERC”).⁴ With respect to the NERC implementation plan, the Commission made July 1, 2016, the effective date for the CIP Order No. 822 Reliability Standards. This means that Responsible Entities must implement two different versions of the standards within a few months, which unnecessarily complicates the ongoing transition to the new versions and presents a significant increase in administrative burdens with no tangible benefits to security or bulk power system reliability. At this point, Responsible Entities have invested in the hardware, software, and various other facilities and equipment to implement CIP Version 5 Standards, most of which is in the final testing stages or already in operation and yet the Responsible Entities will have the significant administrative burden of maintaining a compliance mapping exercise for a three month period.

The timing issues for implementing CIP Version 5 and CIP Order No. 822 Reliability Standards are severely problematic. Any CIP compliance audit period containing the timeframe from April 1 to July 1, 2016, will require utilities to develop and maintain two sets of processes and procedures to cover each version of the standards. This would include all supporting compliance demonstration materials, and would need to be submitted for examination by the

Filing of Privileged Materials and Answers to Motions, Order No. 769, 141 FERC ¶ 61,049 at P 85 (2012) (“five days provides a reasonable time for answers.”); *see also Revisions to Electric Reliability Organization Definition of Bulk Electric System and Rules of Procedure*, Notice Shortening Answer Period, Docket Nos. RM12-6-000, RM12-7-000 (issued May 24, 2013)(Commission granted motion to shorten the date for filing answers).

⁴ Order No. 822 at P 1.

audit team. In general, but especially for CIP audits, these submissions involve a large volume of materials. Moreover, companies would also need to show how they specifically complied with CIP Version 5 and then moved to CIP Order No. 822 Reliability Standards in the following three months. Further complicating the problem, communications to and training of company personnel and third-party vendors must take place, including documentation support for these activities. Management of two sets of changes within these administrative requirements serves only to distract personnel from important work at hand. Depending on the size of the company and the scope of its managed assets, this could involve hundreds, and for some companies thousands, of individuals. For small entities, the issues become compounded even more severely.

To cure the problem of having Responsible Entities create and maintain compliance demonstration materials for a three month period because of the timing of the Commission's issuance of Order No. 822, the Trade Associations respectfully request that the Commission grant an extension of time of the effective date of the CIP Version 5 Standards from April 1, 2016 to align with the Order No. 822 CIP Standards effective date of July 1, 2016. The Trade Associations particularly appreciate that the Commission acknowledged in Order No. 822 industry's concern with respect to implementing two versions of certain CIP Reliability Standards within a short period of time and stated that it "is willing to consider a request to align the implementation dates of certain CIP Reliability Standards"⁵ The Commission has recently granted such a request to align effective dates where industry faced multiple versions of the PRC-005 standard and affected entities had expressed concerns regarding maintaining and

⁵ See Order No. 822 at P 81; See also Comments of the Edison Electric Institute, the American Public Power Association, National Rural Electric Cooperative Association, Electric Power Supply Association, Electricity Consumers Resource Council, Transmission Access Policy Study Group, the Large Public Power Council, and the Canadian Electricity Association, Docket No. RM15-14-000 (filed September 21, 2015).

auditing multiple program versions.⁶ Moreover, the Commission has also granted an extension of time for compliance with the Version 4 CIP Reliability Standards to allow responsible entities “to more efficiently utilize resources to transition directly from the currently-effective Version 3 CIP Reliability Standards should the Commission adopt its proposal to approve the Version 5 CIP Reliability Standard.”⁷ The Trade Associations would emphasize that while this request and previous similar requests are characterized as extensions, they have and will, only serve to bolster the Standards’ compliance efficiency, rather than delay compliance.

The Trade Associations believe good cause exists for the Commission to grant this request and strongly believe that only Commission action will provide the regulatory certainty that is necessary to avoid imposing unnecessary administrative burdens and related costs on industry and customers. While NERC or the regions may seek to propose various forms of informal “compliance guidance” to address these issues, given the size, scope, and complexity of the problems, the Trade Associations strongly believe that the pressing urgency for regulatory certainty can be fully and decisively addressed only by the Commission. In addition, a definitive statement by the Commission will ensure that all NERC regions must act uniformly.

Given the upcoming April 1, 2016 implementation date for the CIP Version 5 Standards, the Trade Associations further respectfully request a shortened period for comment and for expedited action on this request to address the implementation issues discussed above.⁸

⁶ See *North American Electric Reliability Corporation*, Letter Order, Docket Nos. RM14-8-000, RD15-3-000, RM15-9-000 (issued December 4, 2015).

⁷ See *Version 4 Critical Infrastructure Protection Reliability Standards*, 144 FERC ¶ 61,123 (2013).

⁸⁸ See Order No. 822 at P 81, fn. 82. (“The Commission would be cognizant, in considering any request, of the need to provide adequate notice of any changes prior to April 1, 2016).

CONCLUSION

The Trade Associations respectfully request that the Commission grant this motion to:

(1) grant an extension of time to defer implementation of the CIP Version 5 Reliability Standards from April 1, 2016 to July 1, 2016 to align with the effective date for the Order No. 822 CIP Standards; (2) shorten the period to respond to this motion; and (3) issue an order granting the extension as soon as possible to avoid unnecessary administrative burdens and related costs on industry and their customers.

Respectfully submitted,

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