



September 15, 2008

VIA ELECTRONIC FILING

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

**Re: *North American Electric Reliability Corporation*
 Docket Nos. RR06-017, et al.**

Dear Ms. Bose:

On July 21, 2008, the North American Electric Reliability Corporation (NERC) filed a compliance filing in response to the Federal Energy Regulatory Commission's (FERC or the Commission) March 21, 2008 order.¹ NERC also submitted with the compliance filing a revised Amended and Restated *Pro Forma* Delegation Agreement with the Regional Entities; a revised NERC Uniform Compliance Monitoring and Enforcement Program (CMEP) document, including a revised Attachment 2, Hearing Procedures; revised Amended and Restated Delegation Agreements with each of the eight Regional Entities; and certain revisions to the NERC Rules of Procedure, in compliance with the directives in the March 21 Order.

On August 11, 2008, the Transmission Access Policy Study Group (TAPS) submitted comments and a conditional protest in response to NERC's July 21, 2008 compliance filing.² TAPS states that, while NERC had agreed to include in the CMEP language to address enforcement issues arising when a mitigation plan is rejected, the language addition was not expressly directed by the Commission and therefore was not included in the compliance filing. NERC supports the inclusion of the following language in Section 6.5 of the CMEP:³

The Registered Entity shall not be subject to findings of violations of Reliability Standards or to imposition of penalties or sanctions for such violations with respect to the period of time the Mitigation

¹ *North American Electric Reliability Corporation*, "Order of Compliance Filing," 122 FERC ¶ 61,246 (2008).

² *North American Electric Reliability Corporation*, "Conditional Protest of the Transmission Access Policy Study Group," Docket Nos. RR06-1-017 (August 11, 2008).

³ *Id.* at 2-3.

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Plan was under consideration by NERC and for a reasonable period following NERC's disapproval of the Mitigation Plan, so long as the Registered Entity promptly submits a modified Mitigation Plan that addresses the concerns identified by NERC.

As proposed by TAPS in its conditional protest, this language addition should be inserted in the second paragraph of Section 6.5 of the CMEP following the existing third sentence.

Respectfully submitted,

/s/ Rebecca J. Michael

Rebecca J. Michael

*Attorney for North American Electric
Reliability Corporation*

cc: Service list in RR06-1-017, *et al.*