



NORTH AMERICAN ELECTRIC
RELIABILITY CORPORATION

June 4, 2008

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

Re: NERC Notice of Penalty regarding Peabody Municipal Light Plant, FERC Docket No. NP08--000

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides this Notice of Penalty regarding Peabody Municipal Light Plant,¹ in accordance with the Federal Energy Regulatory Commission's (Commission or FERC) rules, regulations and orders, as well as NERC Rules of Procedure including Appendix 4C NERC Compliance Monitoring and Enforcement Program (CMEP).²

This Notice of Penalty is being filed with the Commission because, based on information from Northeast Power Coordinating Council, Peabody Municipal Light Plant does not dispute the violations of CIP-001-1 Requirements (R.) 1-4 and the proposed penalty of \$0 to be assessed to Peabody Municipal Light Plant at issue in this Notice of Penalty. Accordingly, the violations identified as NERC Violation Tracking Identification Numbers NPCC200700015, NPCC200700016, NPCC200700017 and NPCC200700018 are Confirmed Violations, as that term is defined in the NERC Rules of Procedure and the CMEP.

Statement of Findings Underlying the Violations

This Notice of Penalty incorporates by reference the findings and justifications set forth in the Notice of Confirmed Violation and Proposed Penalty or Sanction (NOC) issued on February 26, 2008, by Northeast Power Coordinating Council. The details of the findings and basis for the penalty are set forth in Table 1 of the NOC, as well as the determinations of the NERC Board of Trustees Compliance Committee (NERC BOTCC) in its decision. In accordance with Section

¹ *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards* (Order No. 672), III FERC Stats. & Regs. ¶ 31,204 (2006); *Notice of New Docket Prefix "NP" for Notices of Penalty Filed by the North American Electric Reliability Corporation*, Docket No. RM05-30-000 (February 7, 2008). See also 18 C.F.R. Part 39 (2008). *Mandatory Reliability Standards for the Bulk-Power System*, FERC Stats. & Regs. ¶ 31,242 (2007) (Order No. 693), *reh'g denied*, 120 FERC ¶ 61,053 (2007) (Order No. 693-A).

² See 18 C.F.R. § 39.7(c)(2).

39.7 of the Commission's regulations, 18 C.F.R. § 39.7 (2007), NERC provides the following summary table identifying each Reliability Standard violated by Peabody Municipal Light Plant.

NOP ID	Region	Registered Entity	NOC ID	NERC Violation ID	Reliability Std.	Req. (R)	VRF	Total Penalty (\$)
NOP-16	NPCC	Peabody Municipal Light Plant	NOC-22	NPCC200700015	CIP-001-1	1	Medium	0
NOP-16	NPCC	Peabody Municipal Light Plant	NOC-22	NPCC200700016	CIP-001-1	2	Medium	0
NOP-16	NPCC	Peabody Municipal Light Plant	NOC-22	NPCC200700017	CIP-001-1	3	Medium	0
NOP-16	NPCC	Peabody Municipal Light Plant	NOC-22	NPCC200700018	CIP-001-1	4	Medium	0

In summary, CIP-001-1, R. 1 requires an entity such as Peabody Municipal Light Plant to have procedures for the recognition of and for making their operating personnel aware of sabotage events on its facilities and multi-site sabotage affecting larger portions of the Interconnection.

CIP-001-1 R.2 requires Peabody Municipal Light Plant to have procedures for the communication of information concerning sabotage events to appropriate parties in the Interconnection.

CIP-001-1 R. 3 requires Peabody Municipal Light Plant to provide its operating personnel with sabotage response guidelines, including personnel to contact, for reporting disturbances due to sabotage events.

CIP-001-1 R. 4 requires Peabody Municipal Light Plant to establish communication contacts, as applicable, with local Federal Bureau of Investigation (FBI) or Royal Canadian Mounted Police (RCMP) officials and develop reporting procedures as appropriate to their circumstances.

On October 31, 2007, Peabody Municipal Light Plant reported the violations of CIP-001-1 R. 1-4 in a self-certification report that it submitted to Northeast Power Coordinating Council.³ According to Peabody Municipal Light Plant, it did not have all of its sabotage reporting procedures documented and the company stated it has had difficulty in securing an FBI contact for notification. On December 11, 2007 Peabody Municipal Light Plant submitted its mitigation plan, which included its documented operating procedure to comply with CIP-001-1. The Northeast Power Coordinating Council subsequently issued a Notice of Alleged Violation and Proposed Penalty or Sanction in which it affirmed the violations at issue based on the self-certification report. The Notice stated that no penalty was proposed to be assessed for the violations. Peabody Municipal Light Plant submitted a response to that notice and indicated that it agreed with and did not contest the findings of the violations or the proposed penalty.

³ References to November 21, 2007 in Table 1 of the Notice of Confirmed Violation and Proposed Penalty or Sanction pertain to the issuance date of the Initial Notice of Alleged Violation.

CIP-001-1 R. 1-4 have a “Medium” VRF. In its NOC, the Northeast Power Coordinating Council did not assess a Violation Severity Level (VSL) because the standards as approved utilize Levels of Non-Compliance. Per the Base Penalty Table of the NERC Sanction Guidelines the ERO base penalty range for a “Medium” VRF violation it is \$2,000 to \$335,000. However, Section 4.4.2 of the NERC Sanction Guidelines state that:

If the actual or foreseen impact of the violation is judged to be inconsequential by NERC or the regional entity and the violation is the first incidence of violation of the requirement in question by the violator, NERC or the regional entity may at its discretion: (i) set the Base Penalty Amount to a value it deems appropriate within the initial value range set above pursuant to Section 4.1, *or (ii) excuse the penalty for the violation (i.e. set the Base Penalty Amount to 0\$).*⁴

Northeast Power Coordinating Council exercised its discretion to assess no penalty for these violations because (1) they occurred during the period of transition to mandatory standards during which the Commission authorized such discretion (see Order Nos. 693 and 693-A⁵); and (2) the violations were deemed by Northeast Power Coordinating Council not to be violations that put bulk power system reliability at serious or substantial risk.

Status of Mitigation Plan⁶

Peabody Municipal Light Plant’s Mitigation Plan to address the referenced violations was accepted by Northeast Power Coordinating Council on December 11, 2007 and approved by NERC on February 20, 2008. The Mitigation Plan for the violations listed in Table 1 is designated as MIT-07-0391 and was submitted as non-public information to FERC on February 21, 2008 in accordance with FERC orders. Peabody Municipal Light Plant certified on December 11, 2007⁷ and December 27, 2007 to Northeast Power Coordinating Council that its Mitigation Plan was completed on December 10, 2007, and Northeast Power Coordinating Council verified that the Mitigation Plan was completed on December 11, 2007.

Statement Describing the Proposed Penalty, Sanction or Enforcement Action Imposed⁸

FERC Order Excerpts

In Order No. 693, the Commission provided guidance to NERC and the industry on the determination of penalties during the first six month period of mandatory and enforceable Reliability Standards:

222. . . . In light of commenters’ concerns, including the fact that there are new aspects to the Reliability Standards and the proposed compliance program that will apply to all users, owners and operators of the Bulk-Power System, *the*

⁴ *Id.* (emphasis added).

⁵ See n.1 *supra*.

⁶ See 18 C.F.R § 39.7(d)(7).

⁷ See Attachment d at 3.

⁸ See 18 C.F.R § 39.7(d)(4).

Commission directs the ERO and Regional Entities to focus their resources on the most serious violations during an initial period through December 31, 2007. This thoughtful use of enforcement discretion should apply to all users, owners and operators of the Bulk-Power System, and not just those new to the program as originally proposed in the NOPR. This approach will allow the ERO, Regional Entities and other entities time to ensure that the compliance monitoring and enforcement processes work as intended and that all entities have time to implement new processes.

223. By directing the ERO and Regional Entities to focus their resources on the most serious violations through the end of 2007, the ERO and Regional Entities will have the discretion necessary to assess penalties for such violations, while also having discretion to calculate a penalty without collecting the penalty if circumstances warrant. Further, even if the ERO or a Regional Entity declines to assess a monetary penalty during the initial period, they are authorized to require remedial actions where a Reliability Standard has been violated. Furthermore, where the ERO uses its discretion and does not assess a penalty for a Reliability Standard violation, we encourage the ERO to establish a process to inform the user, owner or operator of the Bulk-Power System of the violation and the potential penalty that could have been assessed to such entity and how that penalty was calculated. We leave to the ERO's discretion the parameters of the notification process and the amount of resources to dedicate to this effort. Moreover, the Commission retains its power under section 215(e)(3) of the FPA to bring an enforcement action against a user, owner or operator of the Bulk-Power System.

224. The Commission believes that the goal should be to ensure that, at the outset, the ERO and Regional Entities can assess a monetary penalty in a situation where, for example, an entity's non-compliance puts Bulk-Power System reliability at risk. Requiring the ERO and Regional Entities to focus on the most serious violations will allow the industry time to adapt to the new regime while also protecting Bulk-Power System reliability by allowing the ERO or a Regional Entity to take an enforcement action against an entity whose violation causes a significant disturbance. Our approach strikes a reasonable balance in ensuring that the ERO and Regional Entities will be able to enforce mandatory Reliability Standards in a timely manner, while still allowing users, owners and operators of the Bulk-Power System time to acquaint themselves with the new requirements and enforcement program. In addition, our approach ensures that all users, owners and operators of the Bulk-Power System take seriously mandatory, enforceable reliability standards at the earliest opportunity and before the 2007 summer peak season.⁹

Basis for Determination

⁹ Order No. 693 at PP 222-224 (emphasis added).

Taking into consideration the Commission's direction in Order No. 693 and the NERC Sanction Guidelines, the NERC BOTCC reviewed the NOC and supporting documentation on April 24, 2008 and May 5, 2008.

The NERC BOTCC affirmed Northeast Power Coordinating Council's determination to exercise enforcement discretion to impose a zero dollar (\$0) penalty against Peabody Municipal Light Plant, based upon the NERC BOTCC's review of the applicable requirements of the Commission-approved Reliability Standards and the underlying facts and circumstances of the violations at issue.

In reaching this determination, NERC BOTCC considered the following: (1) As to the instant violations of CIP-001-1 R. 1-4, Peabody Municipal Plant submitted a self-certification to Northeast Power Coordinating Council identifying the violations at issue. According to Peabody Municipal Light Plant, it did not have all of its sabotage reporting procedures documented and the company stated it has had difficulty in securing an FBI contact for notification. On December 11, 2007, Peabody Municipal Plant submitted a Mitigation Plan that consisted of a new procedure to address and comply with the requirements of this standard. On December 27, 2007, Peabody Municipal Plant certified completion of the Mitigation Plan. The violations were deemed by Northeast Power Coordinating Council to be a documentation issue; (2) No system disturbance occurred as a result of the violations, and the violations were deemed not to be violations that put bulk power system reliability at serious or substantial risk; (3) The violations occurred prior to January 2008 (during the period the Commission stated NERC and the Regional Entities should focus their enforcement resources on the most serious violations and those that involved a significant disturbance); (4) The violations are the first incidence of violations of the Requirement at issue by Peabody Municipal Light Plant; (5) Peabody Municipal Light Plant worked cooperatively with Northeast Power Coordinating Council; (6) Peabody Municipal Light Plant acted immediately to mitigate and/or correct the violations; (7) The violation was mitigated in accordance with the approved Mitigation Plan and Northeast Power Coordinating Council has verified Peabody Municipal Light Plant's Certification of Completion; and (8) The actions taken by Peabody Municipal Light Plant ensure that reliability is maintained.

Therefore, NERC believes that the proposed zero dollar penalty is appropriate and consistent with NERC's goal to ensure reliability of the bulk power system.

Pursuant to Order No. 693, the penalty will be effective upon expiration of the thirty (30) day period following the filing of this Notice of Penalty with FERC, or, if FERC decides to review the penalty, upon final determination by FERC.

The Record of the Proceeding¹⁰

The record of the proceeding includes the following documents and material, which are set forth in the Attachments below:

¹⁰ See 18 C.F.R § 39.7(d)(5).

- a) Peabody Municipal Light Plant's self-certification report;
- b) Notice of Alleged Violation and Penalty or Sanction and Peabody Municipal Light Plant's response thereto;
- c) Notice of Confirmed Violation and Penalty or Sanction. Peabody Municipal Light Plant did not submit a response thereto;
- d) Mitigation Plan designated as MIT-07-0391;
- e) Peabody Municipal Light Plant's certification of completion of the Mitigation Plan;
- f) Northeast Power Coordinating Council's statement of verification that the Mitigation Plan has been completed; and
- g) NERC BOTCC Decision.

A Form of Notice Suitable for Publication¹¹

A copy of a notice suitable for publication is included in Attachment h.

¹¹ See 18 C.F.R § 39.7(d)(6).

Notices and Communications

Notices and communications with respect to this filing may be addressed to the following:

Rick Sergel
President and Chief Executive Officer
David N. Cook*
Vice President and General Counsel
North American Electric Reliability Corporation
116-390 Village Boulevard
Princeton, NJ 08540-5721
(609) 452-8060
(609) 452-9550 – facsimile
david.cook@nerc.net

Rebecca J. Michael*
Assistant General Counsel
North American Electric Reliability
Corporation
1120 G Street, N.W.
Suite 990
Washington, D.C. 20005-3801
(202) 393-3998
(202) 393-3955 – facsimile
rebecca.michael@nerc.net

*Persons to be included on the
Commission's service list are indicated with
an asterisk.

Conclusion

NERC respectfully requests that the Commission accept this Notice of Penalty as compliant with its rules, regulations and orders.

Respectfully submitted,

Rick Sergel
President and Chief Executive Officer
David N. Cook
Vice President and General Counsel
North American Electric Reliability Corporation
116-390 Village Boulevard
Princeton, NJ 08540-5721
(609) 452-8060
(609) 452-9550 – facsimile
david.cook@nerc.net

/s/ Rebecca J. Michael
Rebecca J. Michael
Assistant General Counsel
North American Electric Reliability
Corporation
1120 G Street, N.W.
Suite 990
Washington, D.C. 20005-3801
(202) 393-3998
(202) 393-3955 – facsimile
rebecca.michael@nerc.net

cc: Peabody Municipal Light Plant
Northeast Power Coordinating Council

Attachment(s)

Attachment a

Peabody Municipal Light Plant's self- certification report



Logged in as:

Walter Cintron

Log Out

System Administration

Committees

Compliance

RC Forms

BA Forms

TP Forms

DP Forms

GOP Forms

PSE Forms

RS Forms

TOP Forms

PA Forms

TSP Forms

RP Forms

GO Forms

LSE Forms

TO Forms

All Forms

Historical Forms

Certification Statements

Reports

Assessments

Mitigation Plans

Plants & Generators

CIP-001-1 Self Certification (LSE) - Sabotage Reporting - 2007

Delete Item | Return To Search Results

Attachments (0)

This form has been locked due to an expired lockout date.

If you need to edit data contained in this form, please contact a NPCC Administrator.

This form was submitted on 10/31/2007.

*Required Fields

Status: Read Only

Technical Contact

* William Waters (wwaters@pmlp.com)

The information in this submittal is designated as "Confidential". As such, it may include trade secrets, commercial or financial information that the submitter believes is commercially valuable and does not customarily disclose to the public. Disclosure of this information to the public could reasonably be expected to cause substantial competitive harm to the submitter. NPCC will disclose this information to NERC and other third parties, only as required, and in accordance with established procedures pursuant to section 1500 of the NERC rules of procedure.

As a representative of Peabody Municipal Light Plant, I confirm the following:

1. I certify that Peabody Municipal Light Plant is in Full Compliance with the NERC Reliability Standard CIP-001-1.
2. I certify that Peabody Municipal Light Plant is Non-Compliant level Level 1 with the NERC Reliability Standard CIP-001-1.

Check all requirements that apply:

- R1.** Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall have procedures for the recognition of and for making their operating personnel aware of sabotage events on its facilities and multi-site sabotage affecting larger portions of the Interconnection.
- R2.** Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall have procedures for the communication of information concerning sabotage events to appropriate parties in the Interconnection.
- R3.** Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall provide its operating personnel with sabotage response guidelines, including personnel to contact, for reporting disturbances due to sabotage events.
- R4.** Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall establish communications contacts, as applicable, with local Federal Bureau of Investigation (FBI) or Royal Canadian Mounted Police (RCMP) officials and develop reporting procedures as appropriate to their circumstances.

3. The NERC Reliability Standard CIP-001-1 does not apply to Peabody Municipal Light Plant because

Additional Comments:

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Submit to NPCC (By checking this box, you will be unable to edit this form)

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Attachment b

Notice of Alleged Violation and Penalty or Sanction and Peabody Municipal Light Plant's response



CONFIDENTIAL

Notice of Alleged Violation and Proposed Penalty or Sanction

To: William Waters
Peabody Municipal Light Plant

From: Walter Cintron
Compliance Enforcement Manager

Date: February 8, 2008

Re: Notice of Alleged Violation and Proposed Penalty or Sanction

NERC\NPCC Violation Tracking Identification Number(s): NPCC200700015,
NPCC200700016, NPCC200700017, NPCC200700018

In accordance with the NERC Rules of Procedure including Appendix 4C thereto, which contains the NERC Compliance Monitoring and Enforcement Program (CMEP), NPCC hereby notifies Peabody Municipal Light Plant of an Alleged Violation of the NERC Reliability Standards and the Proposed Penalty or Sanction. In support hereof, NPCC states as follows:

On November 21, 2007 Peabody Municipal Light Plant was registered on the NERC Compliance Registry for the function(s) listed in Table A. As discussed herein, NPCC has determined to charge Peabody Municipal Light Plant with a violation based upon information available to it that Peabody Municipal Light Plant did not comply or was not in compliance with the NERC Reliability Standards listed in Table A. However, as discussed further below, NPCC has determined to exercise its discretion to assess no penalty against Peabody Municipal Light Plant for these violations at this time, unless Peabody Municipal Light Plant fails to complete and implement its Mitigation Plan as discussed in greater detail below.

I. Reliability Standard(s) and Requirement(s) Allegedly Violated and Discovery Details

The facts and evidence of each Alleged Violation, the date or period of when each Alleged Violation occurred, the date(s) each Alleged Violation was discovered and the discovery method are also listed in Table A.

II. Proposed Penalty or Sanction

Pursuant to the Federal Energy Regulatory Commission's (FERC or Commission) regulations and orders, NERC Rules of Procedure and the NERC Sanction Guidelines, NPCC has exercised its discretion and has determined not to impose a penalty and sanction at this time. If, however, Peabody Municipal Light Plant fails to complete all or part of the approved mitigation plan for the Alleged Violation in accordance with the terms and time established by the mitigation plan, NPCC may take action to assess and collect a penalty from Peabody Municipal Light Plant. This penalty will be determined pursuant to the NERC Rules of Procedure and the NERC Sanction Guidelines. The terms of the mitigation plan and time line for completion may be modified only upon prior express written approval by NPCC and NERC, as discussed below.

III. Procedures for Response by Registered Entity to this Notice

As required by Section 5.1 of the NERC CMEP, within thirty (30) days of the date of this notification, Peabody Municipal Light Plant must notify NPCC in writing of its decision to elect one of the following options:

1. Peabody Municipal Light Plant agrees with or does not contest the Alleged Violation(s) and proposed penalty or sanction, and agrees to submit and implement a mitigation plan to correct the violation and its underlying causes;
2. Peabody Municipal Light Plant agrees to or does not contest the Alleged Violation(s) and agrees to submit and implement a mitigation plan to eliminate the violation and its underlying causes, but contests the proposed penalty or sanction; or
3. Peabody Municipal Light Plant contests both the Alleged Violation(s) and the proposed penalty or sanction for the Alleged Violation(s).

With respect to election options 1-3, Peabody Municipal Light Plant may submit a response in accordance with CMEP Section 5.2. Peabody Municipal Light Plant's statement must be on company letterhead and must include the name, title, and signature of an officer, employee, attorney or other authorized representative of Peabody Municipal Light Plant. The mitigation plan referenced in the election options above, and time line for completion must be accepted by both NPCC and NERC.

If Peabody Municipal Light Plant does not contest or does not respond to the notice of Alleged Violation within thirty (30) days of the date of this Notice, it shall be deemed to have accepted [Regional Entity's] determination of violation and proposed penalty or sanction (if applicable), in which case NPCC shall issue to Peabody Municipal Light Plant and NERC a final report of Confirmed Violation. NERC will provide a Notice of Penalty, Sanction, or Other Enforcement Action to FERC.

If Peabody Municipal Light Plant contests the Alleged Violation or the proposed sanction, Peabody Municipal Light Plant shall submit to NPCC a response explaining its position, signed by an officer, employee, attorney or other authorized representative, together with any supporting information and documents within thirty (30) days of the date of this Notice.

Peabody Municipal Light Plant shall provide a primary contact name who will be the responsible party to respond to questions regarding the above Alleged Violation(s). NPCC shall schedule a conference with Peabody Municipal Light Plant within ten (10) business days after receipt of the response. If NPCC and Peabody Municipal Light Plant are unable to resolve all issues within forty (40) days after Peabody Municipal Light Plant' response, Peabody Municipal Light Plant may request a hearing. If no hearing request is made, the violation will become a Confirmed Violation when filed by NERC with FERC or other Applicable Governmental Authority.

Upon acceptance of the Alleged Violation and proposed penalty or sanction, the final notice of the penalty or sanction or other enforcement action will then be processed and issued to Peabody Municipal Light Plant.

IV. Settlement Process

CMEP Section 5.4 governs the settlement process and provides that settlement negotiations may occur at any time including prior to the issuance of a notice of Alleged Violation and Penalty or Sanction until a Notice of Penalty, Sanction, or Other Enforcement Action is filed with FERC or other Applicable Governmental Authority.

V. Mitigation Plan Procedures and Requirements

CMEP Section 6.0 sets forth the provisions regarding the submittal of a mitigation plan. A Registered Entity found to be in violation of a Reliability Standard shall file with the applicable Regional Entity (i) a proposed Mitigation Plan to correct the violation, or (ii) a description of how the violation has been mitigated, and any requests for extensions of Mitigation Plans or a report of completed mitigation. CMEP Section 6.2 requires that a Mitigation Plan include the following information:

- (1) Peabody Municipal Light Plant' point of contact for the Mitigation Plan, who shall be a person (i) responsible for filing the Mitigation Plan, (ii) technically knowledgeable regarding the Mitigation Plan, and (iii) authorized and competent to respond to questions regarding the status of the Mitigation Plan. This person may be Peabody Municipal Light Plant' point of contact described in Section 2.0.
- (2) The Alleged or Confirmed Violation(s) of Reliability Standard(s) the Mitigation Plan will correct.
- (3) The cause of the Alleged or Confirmed Violation(s).
- (4) Peabody Municipal Light Plant' action plan to correct the Alleged or Confirmed Violation(s).
- (5) Peabody Municipal Light Plant' action plan to prevent recurrence of the Alleged or Confirmed Violation(s).

- (6) The anticipated impact of the Mitigation Plan on the bulk power system reliability and an action plan to mitigate any increased risk to the reliability of the bulk power-system while the Mitigation Plan is being implemented.
- (7) A timetable for completion of the Mitigation Plan including the completion date by which the Mitigation Plan will be fully implemented and the Alleged or Confirmed Violation(s) corrected.
- (8) Implementation milestones no more than three (3) months apart for Mitigation Plans with expected completion dates more than three (3) months from the date of submission. Additional violations could be determined for not completing work associated with accepted milestones.
- (9) Any other information deemed necessary or appropriate.

The Mitigation Plan shall be signed by an officer, employee, attorney or other authorized representative of Peabody Municipal Light Plant, which if applicable, shall be the person that signed the Self-Certification or Self Reporting submittals.

CMEP Section 6.4 provides that a Mitigation Plan may be submitted at any time but shall have been submitted by Peabody Municipal Light Plant within thirty (30) days after being served the notice of Alleged Violation and Penalty or Sanction, if Peabody Municipal Light Plant does not contest the violation and penalty or sanction. If Peabody Municipal Light Plant disputes the notice of Alleged Violation or penalty or sanction, Peabody Municipal Light Plant shall submit its Mitigation Plan within ten (10) business days following issuance of the written decision of the hearing body, unless Peabody Municipal Light Plant elects to appeal the hearing body's determination to NERC.

Peabody Municipal Light Plant may choose to submit a Mitigation Plan while it contests an Alleged Violation or penalty or sanction; such submission shall not be deemed an admission of a violation or the appropriateness of a penalty or sanction nor does the submission of a Mitigation Plan result in waiver of the Peabody Municipal Light Plant right to contest the Alleged Violation and/or the proposed penalty or sanction.

If Peabody Municipal Light Plant has not yet submitted a Mitigation Plan, or Peabody Municipal Light Plant submits a Mitigation Plan but it is rejected by the Compliance Enforcement Authority or the hearing body in accordance with section 6.5, any subsequent violations of the Reliability Standard identified by the Compliance Enforcement Authority before the hearing body renders its decision will not be held in abeyance and will be considered as repeat violations of the Reliability Standard. In addition, if a Mitigation Plan submitted by a Registered Entity is rejected by the Compliance Enforcement Authority or the hearing body in accordance with CMEP Section 6.5, Peabody Municipal Light Plant shall be subject to any findings of violation of the applicable Reliability Standards during the period the Mitigation Plan was under consideration and to imposition of any penalties or sanctions imposed for such violations.

Any violations assessed during the period of time the accepted Mitigation Plan is being implemented will be recorded by the Compliance Enforcement Authority with associated
For Public Release Dated June 3, 2008.

sanctions or penalties. NPCC will report any findings of violations recorded during this time period to NERC with the notation that Peabody Municipal Light Plant is working under an accepted Mitigation Plan with an extended completion date with penalties and sanctions held in abeyance until completion of the Mitigation Plan. Upon completion of the accepted Mitigation Plan in accordance with CMEP Section 6.6, the Compliance Enforcement Authority will notify Peabody Municipal Light Plant that any findings of violations of the applicable Reliability Standard(s) during the period that the accepted Mitigation Plan was being implemented have been waived and no penalties or sanctions will apply. Regional Entities will also notify NERC of any such waivers of violations of Reliability Standards.

A request for an extension of any milestone or the completion date of the accepted Mitigation Plan by Peabody Municipal Light Plant must be received by the Compliance Enforcement Authority at least five (5) business days before the original milestone or completion date. The terms of the mitigation plan and time line for completion may be modified only upon express written approval by NPCC and NERC.

Mitigation Plans must be submitted using the Mitigation Plan Submittal Form template located on NPCC's web site at <http://www.npcc-cbre.org/committees/Enforcement.aspx>.

VI. Mitigation Plan Status

Peabody Municipal Light Plant's mitigation plan was accepted by NPCC on December 11, 2007 and has been forwarded to NERC for its review and acceptance. NERC will review the Mitigation Plan accepted by NPCC and will notify NPCC, which will in turn notify Peabody Municipal Light Plant, as to whether the Mitigation Plan is approved or disapproved by NERC. If NERC disapproves a Mitigation Plan that was accepted by NPCC, NERC shall state its reasons for the rejection and may state the changes to the Mitigation Plan that would result in approval by NERC. NERC will submit to FERC, as non-public information, an approved Mitigation Plan relating to violations of Reliability Standards, within seven (7) business days after NERC approves the Mitigation Plan.

VII. Hearing Process

Attachment 2 to the CMEP governs the hearing process.

If Peabody Municipal Light Plant elects to contest the Alleged Violation and/or the proposed penalty or sanction, the Peabody Municipal Light Plant shall state in a written hearing request that it is electing to have a hearing conducted pursuant to either (i) the short-form procedure in CMEP Attachment 2 Section 1.3.2 or (ii) the full hearing procedure, in CMEP Attachment 2, Hearing Process. NPCC has adopted the procedures set forth in CMEP Attachment 2 in its Delegation Agreement.

Peabody Municipal Light Plant may appeal the hearing body's decision in accordance with the CMEP and the NERC Rules of Procedure.

VIII. Conclusion

Please direct any questions in response to this Notice of Alleged Violation and Proposed Penalty or Sanction to the undersigned. In your reply correspondence to this notice, please provide the name and contact information of Peabody Municipal Light Plant representative who is authorized to respond to questions regarding the above-listed Alleged Violation and who is responsible for providing the required Mitigation Plan. Please also provide the relevant NERC Violation Tracking Identification Number(s) in any correspondence.

This Notice of Alleged Violation and Proposed Penalty or Sanction is being forwarded to NERC. Within two business days of receipt, NERC will provide a copy of this Notice to FERC and any other Applicable Governmental Authority.

Respectfully submitted,



Walter Cintron

cc: NPCC Board of Directors
Edward Schwerdt, NPCC
Stanley Kopman, NPCC
Donal Kidney, NPCC
Salvatore Buffamante, NPCC
Tim Kucey, NERC
Mike DeLaura, NERC

Table A

Peabody Municipal Light Plant

Registered on the NERC Compliance Registry as: LSE

NERC Compliance Registry ID #:NCR07191

Reliability Standard(s) Allegedly Violated and Reference #'s	Requirement(s) Allegedly Violated	Discovery Method of Alleged Violation and Date of Discovery	Date or Period of Occurrence of Alleged Violation	Facts and Evidence of Alleged Violation
CIP-001 NERC Violation #:NPCC200700015 NPCC Violation#: NPCC200700015	1,	Self- certification 11/21/07	10/31/07	Peabody Municipal Light Plant self-certified non-compliance with the aforementioned standard. The Alleged Violation(s) occurred on October 31, 2007. The Alleged Violation was discovered on November 21, 2007 by self-certification.
CIP-001 NERC Violation #:NPCC200700016 NPCC Violation#: NPCC200700015	2	Self- certification 11/21/07	10/31/07	Peabody Municipal Light Plant self-certified non-compliance with the aforementioned standard. The Alleged Violation(s) occurred on October 31, 2007. The Alleged Violation was discovered on November 21, 2007 by self-certification.
CIP-001 NERC Violation #:NPCC200700017 NPCC Violation#: NPCC200700015	3	Self- certification 11/21/07	10/31/07	Peabody Municipal Light Plant self-certified non-compliance with the aforementioned standard. The Alleged Violation(s) occurred on October 31, 2007. The Alleged Violation was discovered on November 21, 2007 by self-certification.

CIP-001 NERC Violation #:NPCC200700018 NPCC Violation#: NPCC200700015	4	Self- certification 11/21/07	10/31/07	Peabody Municipal Light Plant self-certified non-compliance with the aforementioned standard. The Alleged Violation(s) occurred on October 31, 2007. The Alleged Violation was discovered on November 21, 2007 by self-certification.
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Peabody Municipal Light Plant

Warren Street Extension • Peabody, Massachusetts 01960 • Telephone: 978-531-5975 FAX: 978-531-5476

February 22, 2008

Mr. Walter Cintron
Manager, Compliance Enforcement
Northeast Power Coordinating Council, Inc.
1515 Broadway
New York, NY 10036-8901

Re: **Peabody Municipal Light Plant – Notice of Alleged Violation and Proposed Penalty or Sanction**

Dear Mr. Cintron:

The Peabody Municipal Light Plant (PMLP) has received a “Notice of Alleged Violation and Proposed Penalty or Sanction”, dated February 8, 2008, from the Northeast Power Coordinating Council, Inc. (NPCC) with regards to Critical Infrastructure Protection Standard CIP 001-1: Sabotage Reporting. As required by Sections 5.1 and 5.2 of the NERC CMEP, the PMLP agrees with and does not contest the Alleged Violation(s) and proposed penalty or sanction. In response to a similar notice received during the 2007 calendar year, the PMLP submitted a Mitigation Plan to NPCC on December 11, 2007. The plan consisted of a new PMLP procedure to address and comply with the aforementioned reliability standard, and was signed by me on December 10, 2007. I also signed and sent to NPCC a Certification Statement, dated December 27, 2007 to complete the Violation Mitigation Plan Closure Form for this standard. I sincerely hope that the PMLP has addressed this issue to the satisfaction of the NPCC. However, if you have any further questions or concerns, please do not hesitate to call. Thank you for your consideration in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "William F. Waters", with a long horizontal line extending to the right.

William F. Waters
Manager

CC: Russell Dunn, Assistant Manager
Glenn Trueira, Supervising Electrical Engineer

Attachment c

Notice of Confirmed Violation and Penalty or Sanction



NORTHEAST POWER COORDINATING COUNCIL, INC.
1515 BROADWAY, NEW YORK, NY 10036-8901 TELEPHONE: (212) 840-1070 FAX: (212) 302-2782

February 26, 2008

Peabody Municipal Light Plant

Re: Regional Entity Notice of Confirmed Violation and Proposed Penalty or Sanction regarding Peabody Municipal Light Plant, NERC Violation Tracking Identification Number(s) NPCC200700015, NPCC200700016, NPCC200700017, NPCC200700018

Dear Mr. William Waters:

NPCC hereby provides this Regional Entity Notice of Confirmed Violation and Proposed Penalty or Sanction regarding Peabody Municipal Light Plant,¹ in accordance with the Federal Energy Regulatory Commission's (Commission or FERC) rules, regulations and orders, and the NERC Rules of Procedure including Appendix 4C (NERC Compliance Monitoring and Enforcement Program (CMEP)).²

NPCC is issuing this Notice of Confirmed Violation and Proposed Penalty or Sanction, because Registered Entity does not dispute the Alleged Violation and the proposed penalty or sanction set forth in the previously issued Notice of Alleged Violation and Proposed Penalty or Sanction, or Peabody Municipal Light Plant did not respond to the previously issued Notice of Alleged Violation and Proposed Penalty or Sanction within thirty (30) days of its receipt, or a settlement has been reached with Peabody Municipal Light Plant,³ or a decision has been entered finding a violation and all appeals have been concluded. Accordingly, the violations identified by the above NERC Tracking Number(s) and listed below are Confirmed Violations, as that term is defined in the NERC Rules of Procedure and the CMEP.

In accordance with Section 39.7 of the Commission's regulations, 18 C.F.R. § 39.7 (2007), NPCC provides the following table identifying each Reliability Standard violated by Peabody Municipal Light Plant and including a statement by NPCC setting forth the findings of fact with respect to the act or practice resulting in the violation of each Reliability Standard. (See Table 1.)

NERC Process

NPCC is providing a copy of this Regional Entity Notice of Confirmed Violation and Proposed Penalty or Sanction to NERC for its review and consideration. Upon acceptance by the NERC Board of Trustees Compliance Committee, in its current form or as modified, NERC will provide the Notice of Proposed Penalty or Sanction to FERC or any other Applicable Governmental Authority, with a copy to Peabody Municipal Light Plant and NPCC. Following NERC action,

¹ See 18 C.F.R § 39.7(d)(1).

² See 18 C.F.R § 39.7(c)(2).

³ A copy of this notice shall be appended to any settlement agreement documents.

Regional Entity Notice of Confirmed Violation and Proposed Penalty or Sanction

Peabody Municipal Light Plant

February 26, 2008

Page 2

FERC and any other Applicable Governmental Authority may act to accept, reject or modify the findings and/or penalties or sanctions set forth herein.

Table 1

Table 1	
Peabody Municipal Light Plant	
Registered on the NERC Compliance Registry as: DP,LSE,GO,GOP	
NERC Compliance Registry ID #:NCR7191	
NERC Violation #: NPCC200700015	
NPCC Violation #: NPCC200700015	
Reliability Standard Violated ⁴ CIP-001-1	Sabotage Reporting
Requirement(s) Violated⁵	1
Date of Discovery	October 31, 2007
Discovery Method	Self-certification
Date or Period of Violation	November 21, 2007
Facts and Evidence of the Act or Practice Resulting in the Violation⁶	
NPCC has determined to charge Peabody Municipal Light Plant with a violation based upon the self-certification submitted by Peabody Municipal Light Plant on October 31, 2007.	
Proposed Penalty or Sanction	
NPCC has exercised its discretion and has determined not to impose a penalty and sanction at this time.	
NERC Violation #: NPCC200700016	
NPCC Violation #: NPCC200700016	
Reliability Standard Violated CIP-001-1	Sabotage Reporting
Requirement(s) Violated	2
Date of Discovery	October 31, 2007
Discovery Method	Self-certification
Date or Period of Violation	November 21, 2007
Facts and Evidence of the Act or Practice Resulting in the Violation	

⁴ See 18 C.F.R § 39.7(d)(2).

⁵ See 18 C.F.R § 39.7(d)(2).

⁶ See 18 C.F.R § 39.7(d)(3).

NPCC has determined to charge Peabody Municipal Light Plant with a violation based upon the self-certification submitted by Peabody Municipal Light Plant on **October 31, 2007**.

Proposed Penalty or Sanction

NPCC has exercised its discretion and has determined not to impose a penalty and sanction at this time.

NERC Violation #: NPCC200700017

NPCC Violation #: NPCC200700017

Reliability Standard Violated CIP-001-1	Sabotage Reporting
Requirement(s) Violated	3
Date of Discovery	October 31, 2007
Discovery Method	Self-Certification
Date or Period of Violation	November 21, 2007

Facts and Evidence of the Act or Practice Resulting in the Violation

NPCC has determined to charge Peabody Municipal Light Plant with a violation based upon the self-certification submitted by Peabody Municipal Light Plant on **October 31, 2007**.

Proposed Penalty or Sanction

NPCC has exercised its discretion and has determined not to impose a penalty and sanction at this time.

NERC Violation #: NPCC200700018

NPCC Violation #: NPCC200700018

Reliability Standard Violated CIP-001-1	Sabotage Reporting
Requirement(s) Violated	4
Date of Discovery	October 31, 2007
Discovery Method	Self-Certification
Date or Period of Violation	November 21, 2007

Facts and Evidence of the Act or Practice Resulting in the Violation

NPCC has determined to charge Peabody Municipal Light Plant with a violation based upon the self-certification submitted by Peabody Municipal Light Plant on **October 31, 2007**.

Proposed Penalty or Sanction

NPCC has exercised its discretion and has determined not to impose a penalty and sanction at this time.

Statement Describing Any Proposed Penalty or Sanction Imposed⁷

NPCC has determined to exercise its discretion to assess no penalty, sanction or other enforcement action against Peabody Municipal Light Plant for the violations listed in Table 1 at this time, unless Peabody Municipal Light Plant fails to complete and implement its Mitigation Plan in accordance with the terms of the Mitigation Plan.

This proposed penalty or sanction is subject to review and possible revision by NERC and FERC. NERC will include its determination of the proposed penalty or sanction in a Notice of Proposed Penalty or Sanction to be filed with FERC.

The proposed penalty or sanction will be effective upon expiration of the thirty (30) day period following the acceptance and the filing of the Notice of Proposed Penalty or Sanction with FERC by NERC, or, if FERC decides to review the proposed penalty, or sanction, upon final determination by FERC.

Other Matters of Relevance⁸

Peabody Municipal Light Plant's mitigation plan was accepted by NPCC on December 11, 2007 and has been forwarded to NERC for its review and acceptance. NERC will review the Mitigation Plan accepted by the Regional Entity and will notify the Regional Entity, which will in turn notify the Registered Entity, as to whether the Mitigation Plan is approved or disapproved by NERC. If NERC disapproves a Mitigation Plan that was accepted by the Regional Entity, NERC shall state its reasons for the rejection and may state the changes to the Mitigation Plan that would result in approval by NERC. NERC will submit to FERC, as non-public information, an approved Mitigation Plan relating to violations of Reliability Standards, within seven (7) business days after NERC approves the Mitigation Plan.

In accordance with the NERC Rules of Procedure, Appendix 4C, no additional proposed penalties or sanctions will be assessed by NPCC unless the mitigation is not successfully completed in accordance with the timetable set forth in the mitigation plan or an agreed upon extension. An extension of time for completion of the mitigation plan requires prior express written approval by the NPCC and NERC as set forth in the CMEP.

⁷ See 18 C.F.R § 39.7(d)(4).

⁸ See 18 C.F.R § 39.7(d)(7).

Statement provided by the Registered Entity as set forth in CMEP Sections 5.6 and 8.0

In accordance with CMEP Section 8.0, the Regional Entity must report to NERC and the affected Registered Entity all Confirmed Violations of Reliability Standards including all penalties, sanctions, Mitigation Plans and schedules, and settlements, within ten (10) business days of each determination. NPCC hereby provides notice that Peabody Municipal Light Plant may provide a statement to NERC, with a copy to NPCC, within five (5) business days after the date of this Notice of Confirmed Violation and Proposed Penalty or Sanction, to accompany the report when posted by NERC. Peabody Municipal Light Plant's statement may be the same statement provided by Peabody Municipal Light Plant in response to the Notice of Alleged Violation and Proposed Penalty or Sanction. Peabody Municipal Light Plant's statement must be on Peabody Municipal Light Plant letterhead and must include the name, title, and signature of an officer, employee, attorney or other authorized representative of Peabody Municipal Light Plant.

NERC will publicly post each report of a Confirmed Violation, together with any statement submitted by Peabody Municipal Light Plant, no sooner than five (5) business days after the report is provided by NPCC to NERC and Peabody Municipal Light Plant. NERC will include, with the Notice of Penalty filed with FERC, the statement provided by Peabody Municipal Light Plant.

The Record of the Proceeding⁹

The record of the proceeding includes this Regional Entity Notice of Confirmed Violation and Proposed Penalty or Sanction and any Peabody Municipal Light Plant statement or response thereto, as well as the following documents and material (to the extent applicable), attached hereto. [Include name and date of each document listed. A complete hard copy of the record should be provided to NERC.]:

- a) Compliance monitoring document(s) that identified the alleged violation (audit report, investigation report, exception report, *etc.*), as well as supporting record evidence;
- b) Notice of Alleged Violation and Proposed Penalty or Sanction, as well as any Registered Entity's statement/response thereto;
- c) Remedial Action Directives and if contested, the Registered Entity's notice contesting the Remedial Action Directive;
- d) Registered Entity's request for a hearing if the violation was contested;
- e) The [HEARING BODY]'s final order on any contested matters, any notice of Proposed Penalty or Sanction issued therewith, and the Clerk's notice transmitting the final order to the Parties;
- f) Registered Entity's appeal to NERC, if any;

⁹ See 18 C.F.R § 39.7(d)(5).

Regional Entity Notice of Confirmed Violation and Proposed Penalty or Sanction
Peabody Municipal Light Plant
February 26, 2008
Page 7

- g) The NERC Board of Trustees Compliance Committee final determination of any appeal requests.

Conclusion

Any questions regarding this Notice of Confirmed Violation and Proposed Penalty or Sanction issued by NPCC should be directed to the undersigned.

Respectfully submitted,

Walter Cintron
Manager, Compliance Enforcement

cc: Ed Schwerdt, NPCC
Stan Kopman, NPCC
David Hilt, NERC
Tim Kucey, NERC

Attachment(s)
Peabody Municipal Light Plant's letter of acceptance

[Registered Entity Letterhead]

Statement of Peabody Municipal Light Plant
(Date)

1.

2.

3.

[etc.]

[Name]

[Title of officer, employee, attorney, or
other representative of the Registered
Entity]

cc: David Hilt, NERC
Tim Kucey, NERC
Regional Entity

Attachment d

Mitigation Plan designated as MIT-07-0391



Mitigation Plan Submittal Form

Date this Mitigation Plan is being submitted: 12/11/2007

Section A: Compliance Notices & Mitigation Plan Requirements

- A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in “Attachment A - Compliance Notices & Mitigation Plan Requirements” to this form.
- A.2 I have reviewed Attachment A and understand that this Mitigation Plan Submittal Form will not be accepted unless this box is checked.

Section B: Registered Entity Information

- B.1 Identify your organization:

Company Name: Peabody Municipal Light Plant
Company Address: 201 Warren St. Ext., Peabody, MA 01960
NERC Compliance Registry ID: NCR07191

- B.2 Identify the individual in your organization who will be the Entity Contact regarding this Mitigation Plan.

Name: Glenn Trueira
Title:
Email: gtrueira@pmlp.com
Phone: (978) 573-1230



Section C: Identification of Alleged or Confirmed Violation(s) Associated with this Mitigation Plan

C.1 This Mitigation Plan is associated with the following Alleged or Confirmed violation(s) of the reliability standard listed below.

Applicable Standard, Requirement(s) and dates:

NERC Violation ID #	Reliability Standard	Requirement Number	Violation Risk Factor	Alleged or Confirmed Violation Date ^(*)	Method of Detection (e.g., Audit, Self-report, Investigation)
NPCC200700015	CIP-001-1	R1.		11/21/2007	Self-Certification
NPCC200700016	CIP-001-1	R2.		11/21/2007	Self-Certification
NPCC200700017	CIP-001-1	R3.		11/21/2007	Self-Certification
NPCC200700018	CIP-001-1	R4.		11/21/2007	Self-Certification

(*) Note: The Alleged or Confirmed Violation Date shall be expressly specified by Registered Entity, and subject to modification by NPCC, as: (i) the date the Alleged or Confirmed violation occurred; (ii) the date that the Alleged or Confirmed violation was self-reported; or (iii) the date that the Alleged or Confirmed violation has been deemed to have occurred on by NPCC. Questions regarding the date to use should be directed to the NPCC contact identified in Section G of this form.

C.2 Identify the cause of the Alleged or Confirmed violation(s) identified above. Additional detailed information may be provided as an attachment:

[Peabody Municipal Light Plant did not have a documented procedure.](#)

C.3 Provide any additional relevant information regarding the Alleged or Confirmed violations associated with this Mitigation Plan. Additional detailed information may be provided as an attachment:

Section D: Details of Proposed Mitigation Plan

Mitigation Plan Contents

D.1 Identify and describe the action plan, including specific tasks and actions that your organization is proposing to undertake, or which it undertook if this Mitigation Plan has been completed, to correct the Alleged or Confirmed violations identified above in Part C.1 of this form. Additional detailed information may be provided as an attachment:



The plan is to develop procedures and guidelines, train operating personnel, and establish contact with the proper authorities.

Mitigation Plan Timeline and Milestones

D.2 Provide the date by which full implementation of the Mitigation Plan will be, or has been, completed with respect to the Alleged or Confirmed violations identified above. State whether the Mitigation Plan has been fully implemented: [The plan was completed on 12/11/2007.](#)

D.3 Enter Milestone Activities, with due dates, that your organization is proposing, or has completed, for this Mitigation Plan:

Milestone Activity	Proposed/Actual Completion Date* (shall not be more than 3 months apart)
N/A	12/11/07

(*) Note: Implementation milestones no more than three (3) months apart are permissible only for Mitigation Plans with expected completion dates more than three (3) months from the date of submission. Additional violations could be determined for not completing work associated with accepted milestones.



Section E: Interim and Future Reliability Risk

Abatement of Interim BPS Reliability Risk

- E.1 While your organization is implementing this Mitigation Plan the reliability of the Bulk Power System (BPS) may remain at higher risk or be otherwise negatively impacted until the plan is successfully completed. To the extent they are, or may be, known or anticipated: (i) identify any such risks or impacts; and (ii) discuss any actions that your organization is planning to take to mitigate this increased risk to the reliability of the BPS. Additional detailed information may be provided as an attachment:

Abatement of interim BPS reliability risk is not applicable as the plan has been completed and Peabody Municipal Light Plant is in full compliance with the referenced standard.

Prevention of Future BPS Reliability Risk

- E.2 Describe how successful completion of this Mitigation Plan will prevent or minimize the probability that your organization incurs further risk or Alleged violations of the same or similar reliability standards requirements in the future. Additional detailed information may be provided as an attachment:

Retention with updating and retraining as necessary should prevent further risk or alleged violations of the same or similar reliability standards requirements in the future.



Section F: Authorization

An authorized individual must sign and date this Mitigation Plan Submittal Form. By doing so, this individual, on behalf of your organization:

- a) Submits this Mitigation Plan for acceptance by NPCC and approval by NERC, and
- b) If applicable, certifies that this Mitigation Plan was completed on or before the date provided as the 'Date of Completion of the Mitigation Plan' on this form, and
- c) Acknowledges:
 1. I am the **Manager** of **Peabody Municipal Light Plant**.
 2. I am qualified to sign this Mitigation Plan on behalf of **Peabody Municipal Light Plant**.
 3. I understand **Peabody Municipal Light Plant**'s obligations to comply with Mitigation Plan requirements and ERO remedial action directives as well as ERO documents, including, but not limited to, the NERC Rules of Procedure, including Appendix 4(C) (Compliance Monitoring and Enforcement Program of the North American Electric Reliability Corporation" (NERC CMEP)).
 3. I have read and am familiar with the contents of this Mitigation Plan.
 4. **Peabody Municipal Light Plant** agrees to comply with, this Mitigation Plan, including the timetable completion date, as accepted by NPCC and approved by NERC.

Authorized Individual Signature _____

Name (Print): **William F. Waters**

Title: **Manager**

Date: **12/10/2007**



Section G: Regional Entity Contact

Please direct any questions regarding completion of this form to:

Walter Cintron
Manager, Compliance Enforcement
1515 Broadway, 43rd Floor
New York, NY 10036
Phone: (212) 840-1070
Email: wcintron@npcc.org



Attachment A – Compliance Notices & Mitigation Plan Requirements

- I. Section 6.2 of the CMEP¹ sets forth the information that must be included in a Mitigation Plan. The Mitigation Plan must include:
- (1) The Registered Entity's point of contact for the Mitigation Plan, who shall be a person (i) responsible for filing the Mitigation Plan, (ii) technically knowledgeable regarding the Mitigation Plan, and (iii) authorized and competent to respond to questions regarding the status of the Mitigation Plan. This person may be the Registered Entity's point of contact described in Section 2.0.
 - (2) The Alleged or Confirmed Violation(s) of Reliability Standard(s) the Mitigation Plan will correct.
 - (3) The cause of the Alleged or Confirmed Violation(s).
 - (4) The Registered Entity's action plan to correct the Alleged or Confirmed Violation(s).
 - (5) The Registered Entity's action plan to prevent recurrence of the Alleged or Confirmed violation(s).
 - (6) The anticipated impact of the Mitigation Plan on the bulk power system reliability and an action plan to mitigate any increased risk to the reliability of the bulk power-system while the Mitigation Plan is being implemented.
 - (7) A timetable for completion of the Mitigation Plan including the completion date by which the Mitigation Plan will be fully implemented and the Alleged or Confirmed Violation(s) corrected.
 - (8) Implementation milestones no more than three (3) months apart for Mitigation Plans with expected completion dates more than three (3) months from the date of submission. Additional violations could be determined for not completing work associated with accepted milestones.
 - (9) Any other information deemed necessary or appropriate.
 - (10) The Mitigation Plan shall be signed by an officer, employee, attorney or other authorized representative of the Registered Entity, which if applicable, shall be the person that signed the Self-Certification or Self Reporting submittals.
- II. This submittal form must be used to provide a required Mitigation Plan for review and acceptance by NPCC and approval by NERC.

¹ "Uniform Compliance Monitoring and Enforcement Program of the North American Electric Reliability Corporation;" a copy of the current version approved by the Federal Energy Regulatory Commission is posted on NERC's website.



- III. This Mitigation Plan is submitted to the regional entity(ies) and NERC as confidential information in accordance with Section 1500 of the NERC Rules of Procedure.
- IV. This Mitigation Plan Submittal Form may be used to address one or more related Alleged or Confirmed violations of one Reliability Standard. A separate mitigation plan is required to address Alleged or Confirmed violations with respect to each additional Reliability Standard, as applicable.
- V. If the Mitigation Plan is accepted by NPCC and approved by NERC, a copy of this Mitigation Plan will be provided to the Federal Energy Regulatory Commission in accordance with applicable Commission rules, regulations and orders.
- VI. NPCC or NERC may reject Mitigation Plans that they determine to be incomplete or inadequate.
- VII. Remedial action directives also may be issued as necessary to ensure reliability of the BPS.



Mitigation Plan

Registered Entity Information

Company Name:

Company Address:

Mitigation Plan Point of Contact Person & Phone Number:

Date Submitted: |

Functions for Which Entity is Registered

Alleged or Confirmed Violation

Reliability Standard Number:

Requirement Number Violated with Corresponding Violation Risk Factor:

Requirement Number	Violation Risk Factor
<u>R1</u>	
<u>R2</u>	
<u>R3</u>	
<u>R4</u>	

Additional Detail or Description of Reliability Standard:

Sabotage Reporting

Cause of Alleged or Confirmed Violation:

The PMLP did not have all of its Sabotage Reporting Procedures documented, and the company has had difficulty in securing an FBI contact for notification.

Action Plan to Correct the Alleged or Confirmed Violation:

Attached is the documented PMLP Operating Procedure for Compliance with Critical Infrastructure Protection Standard CIP-001-1: Sabotage Reporting

Action Plan to Prevent Recurrence of the Alleged or Confirmed Violation:

The aforementioned plan will be used for training of PMLP personnel, and will be reviewed and approved annually.

Anticipated Impact of the Mitigation Plan on the Bulk Power System Reliability:

The implementation of the aforementioned procedure could mitigate any affects on the Bulk Electric Power System caused by an act of sabotage on PMLP assets.

Action Plan to Mitigate Any Increased Risk to the Reliability of the Bulk Power-System while the Mitigation Plan is Being Implemented:

The procedure is documented and followed.

Timetable for Completion:

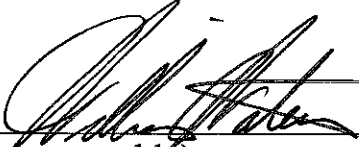
Anticipated Completion Date:

December 11, 2007

Implementation Milestones & Due Dates (no more than three (3) months apart):

Milestone Activity	Milestone Due Date

Any Additional Information:

Officer Signature 
(Electronic signature acceptable)

Date 12/10/07

Name:

Title:

**FOR (REGIONAL RELIABILITY ORGANIZATION)
STAFF USE ONLY**

ENTITY NERC ID

VIOLATION ID

COMMENTS:

DATE APPROVED

APPROVED BY _____

DATE REJECTED

REJECTED BY _____

REASON REJECTED:

For Regional entity Recordkeeping

Date of Violation

Method by which violation was detected:

Date of notification and sanction:

Data submitted as evidence of completion

Attachment e

Peabody Municipal Light Plant's certification of completion of the Mitigation Plan

Print on Registered Entity's Corporate Letterhead

To Close Out a Completed Mitigation Plan, fill out this form, save and email it to wcintron@npcc.org

[NOTE – Closure Form should be signed by same individual that signed Mitigation Plan]

Certification of a Completed Mitigation Plan

NPCC

Violation Mitigation Plan Closure Form

Name of registered entity submitting certification: Peabody Municipal Light Plant

Date of Certification: December 27, 2007

Name of Standard and the Requirement of which a violation was mitigated: CIP-001-1, R1, R2, R3, & R4

Date of completion of the mitigation plan: December 10, 2007

I certify that the mitigation plan for the above named violation has been completed on the date shown above and that all submitted information is complete and correct to the best of my knowledge.

Name: William F. Waters

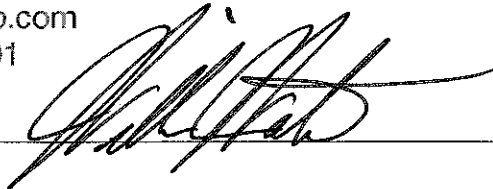
Title: Manager

Entity: Peabody Municipal Light Plant

Email: wwaters@pmlp.com

Phone: (978)-573-1201

Executive Signature



Date

12/26/07

Attachment f

**Northeast Power Coordinating Council's
statement of verification that the Mitigation
Plan has been completed**



Confidential

Statement of Certification Completion

To: Tim Kucey

From: Walter Cintron
Manager, Compliance Enforcement

Date: 5/23/08

Re: Peabody Municipal Light Plant NOC

Please accept this letter to confirm the following:

- 1) NPCC has confirmed that Peabody Municipal Light Plant did not have documentation as required by CIP-001 requirements R1,R2,R3 and R4 and that was the basis for issuing the notices of violation .
- 2) Accordingly Peabody Municipal Light Plan submitted a mitigation plan that was completed and provided evidence to verify completion of the mitigation plan. This evidence was verified by NPCC staff on December 11, 2007.

If you have any questions please call me at 212 840-1070.

Thank you,

Walter Cintron
Manager, Compliance Enforcement

Attachment g
NERC BOTCC Decision

**Board of Trustees Compliance Committee
Decision on Notices of Penalty
(Issued May 21, 2008)**

The North American Electric Reliability Corporation (NERC) Board of Trustees Compliance Committee approves for filing with the Federal Energy Regulatory Commission (Commission) the following Notices of Penalty in accordance with the NERC *Rules of Procedure* and the Commission's orders and regulations.¹

In each of the Notices identified below, the Board of Trustees Compliance Committee affirms the Regional Entity's determination to exercise its enforcement discretion, in accordance with Order No. 693, to impose a zero dollar penalty against the respective registered entities, based on the Committee's review of the applicable requirements of the Commission-approved Reliability Standards and the underlying facts and circumstances of the violations represented below.²

While certain of the Reliability Standards associated with the violations below have "Medium" or "High" Violation Risk Factors, and the non-compliance level could reach a "Severe" level based on the duration of the violation, most of these violations involved situations where processes, procedures or plans were in place but documentation of one or more elements was lacking. In the case of NOC-16 below, where an entity failed to perform relay maintenance and testing of certain of its facilities due to an administrative oversight, the entity self-reported the violation and expedited completion of the work. In all cases, there was no actual impact on the reliability of the bulk power system.

In reaching this determination, NERC and the Regional Entities considered the following: (1) The violations occurred prior to January 2008 (during the period the Commission stated NERC and the Regional Entities should focus their enforcement resources on the most serious violations); (2) The registered entities worked cooperatively with the Regional Entities; (3) The registered entities acted immediately to mitigate and/or correct the violations; (4) The violations were mitigated in accordance with the approved Mitigation Plans and have been verified as mitigated by the respective Regional Entities; and (5) The actions taken by the registered entities ensure that reliability is maintained.

Therefore, the NERC Board of Trustees Compliance Committee finds that the proposed zero dollar penalty is appropriate and consistent with NERC's goal to ensure reliability of the bulk power system.

¹ *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards* (Order No. 672), III FERC Stats. & Regs. ¶ 31,204 (2006); *Notice of New Docket Prefix "NP" for Notices of Penalty Filed by the North American Electric Reliability Corporation*, Docket No. RM05-30-000 (February 7, 2008). See also 18 C.F.R. Part 39 (2008).

² *Mandatory Reliability Standards for the Bulk-Power System*, FERC Stats. & Regs. ¶ 31,242 (2007) (Order No. 693).

NOP ID ³	Region	Registered Entity	NOC ID	NERC Violation ID	Reliability Std.	Req. (R)	VRF	Total Penalty (\$)
NOP-01	TRE	Denton Municipal Electric (TDSP)	NOC-01	TRE200700001	PRC-008-0	1	Medium	0
	TRE	Denton Municipal Electric (TDSP)	NOC-01	TRE200700002	PRC-008-0	2	Medium	0
NOP-02	TRE	Bandera Electric Cooperative, Inc	NOC-02	TRE200700003	PRC-005-1	2	Lower/High ⁴	0
NOP-03	TRE	Exelon Generation Company, LLC	NOC-03	TRE200700004	PRC-005-1	2	Lower/High	0
NOP-05	TRE	Suez Energy Marketing NA Inc	NOC-05	TRE200700011	CIP-001-1	1	Medium	0
	TRE	Suez Energy Marketing NA Inc	NOC-05	TRE200700012	CIP-001-1	2	Medium	0
	TRE	Suez Energy Marketing NA Inc	NOC-05	TRE200700013	CIP-001-1	3	Medium	0
	TRE	Suez Energy Marketing NA Inc	NOC-05	TRE200700014	CIP-001-1	4	Medium	0
	TRE	Suez Energy Marketing NA Inc	NOC-05	TRE200700015	IRO-004-1	4	High	0
NOP-06	TRE	Wise County Power Company, LP	NOC-06	TRE200700016	FAC-008-1	1	Lower/Medium	0
	TRE	Wise County Power Company, LP	NOC-06	TRE200700017	FAC-008-1	2	Lower	0
	TRE	Wise County Power Company, LP	NOC-06	TRE200700018	FAC-008-1	3	Lower	0
	TRE	Wise County Power Company, LP	NOC-06	TRE200700019	FAC-009-1	1	Medium	0
	TRE	Wise County Power Company, LP	NOC-06	TRE200700020	FAC-009-1	2	Medium	0
	TRE	Wise County Power Company, LP	NOC-06	TRE200700021	IRO-004-1	4	High	0

³ Document numbers for each of these notices will be assigned by the Commission as NP08-_-000.

⁴ All VRFs for requirements and sub-requirements are identified in this table for the violations at issue.

NOP ID	Region	Registered Entity	NOC ID	NERC Violation ID	Reliability Std.	Req. (R)	VRF	Total Penalty (\$)
NOP-07	SERC	City of Columbia, MO	NOC-07	SERC200700002	PER-002-0	3	High/ Medium	0
	SERC	City of Columbia, MO	NOC-07	SERC200700003	TPL-001-0	1	High/ Medium	0
	SERC	City of Columbia, MO	NOC-07	SERC200700004	TPL-002-0	1	High/ Medium	0
	SERC	City of Columbia, MO	NOC-07	SERC200700005	TPL-003-0	1	High/ Medium	0
	SERC	City of Columbia, MO	NOC-07	SERC200700006	TPL-004-0	1	Medium	0
NOP-08	SERC	Old Dominion Electric Cooperative	NOC-08	SERC200700010	FAC-008-1	1	Lower/ Medium	0
	SERC	Old Dominion Electric Cooperative	NOC-08	SERC200700011	PRC-005-1	1	High	0
NOP-09	SERC	Doyle I, LLC	NOC-09	SERC200700012	CIP-001-1	4	Medium	0
NOP-10	SERC	Illinois Municipal Electric Agency	NOC-11	SERC200700058	CIP-001-1	1	Medium	0
	SERC	Illinois Municipal Electric Agency	NOC-11	SERC200700059	CIP-001-1	2	Medium	0
	SERC	Illinois Municipal Electric Agency	NOC-11	SERC200700060	CIP-001-1	3	Medium	0
	SERC	Illinois Municipal Electric Agency	NOC-11	SERC200700061	CIP-001-1	4	Medium	0
NOP-11	MRO	Northern States Power	NOC-13	MRO200700004	CIP-001-1	2	Medium	0
NOP-12	MRO	Rochester Public Utilities	NOC-14	MRO200700005	PER-002-0	3	High/ Medium	0
	MRO	Rochester Public Utilities	NOC-14	MRO200700006	PRC-004-1	2	High	0
	MRO	Rochester Public Utilities	NOC-14	MRO200700007	VAR-001-1	6	Medium	0
NOP-13	MRO	Tri-State G&T – Merchant	NOC-15	MRO200700008	INT-004-1	2	Lower	0
NOP-14	MRO	American Transmission Co., LLC	NOC-16	MRO200700009	PRC-005-1	2	Lower/ High	0

NOP ID	Region	Registered Entity	NOC ID	NERC Violation ID	Reliability Std.	Req. (R)	VRF	Total Penalty (\$)
NOP-15	NPCC	The City of Holyoke Gas and Electric Department	NOC-19	NPCC200700011	CIP-001-1	1	Medium	0
	NPCC	The City of Holyoke Gas and Electric Department	NOC-19	NPCC200700012	CIP-001-1	2	Medium	0
	NPCC	The City of Holyoke Gas and Electric Department	NOC-19	NPCC200700013	CIP-001-1	3	Medium	0
	NPCC	The City of Holyoke Gas and Electric Department	NOC-19	NPCC200700014	CIP-001-1	4	Medium	0
NOP-16	NPCC	Peabody Municipal Light Plant	NOC-22	NPCC200700015	CIP-001-1	1	Medium	0
	NPCC	Peabody Municipal Light Plant	NOC-22	NPCC200700016	CIP-001-1	2	Medium	0
	NPCC	Peabody Municipal Light Plant	NOC-22	NPCC200700017	CIP-001-1	3	Medium	0
	NPCC	Peabody Municipal Light Plant	NOC-22	NPCC200700018	CIP-001-1	4	Medium	0
NOP-17	NPCC	Norwich Public Utilities	NOC-23	NPCC200700019	CIP-001-1	1	Medium	0
	NPCC	Norwich Public Utilities	NOC-23	NPCC200700020	CIP-001-1	2	Medium	0
	NPCC	Norwich Public Utilities	NOC-23	NPCC200700021	CIP-001-1	3	Medium	0
	NPCC	Norwich Public Utilities	NOC-23	NPCC200700022	CIP-001-1	4	Medium	0
NOP-18	SERC	City of Orangeburg Department of Public Utilities	NOC-26	SERC200700016	PRC-005-1	1	High	0
NOP-19	SERC	West Georgia Generating Company, LLC	NOC-27	SERC200700048	PRC-005-1	2	Lower/High	0
	SERC	West Georgia Generating Company, LLC	NOC-27	SERC200700064	PRC-005-1	1	High	0
	SERC	West Georgia Generating Company, LLC	NOC-27	SERC200700065	CIP-001-1	4	Medium	0

NOP ID	Region	Registered Entity	NOC ID	NERC Violation ID	Reliability Std.	Req. (R)	VRF	Total Penalty (\$)
NOP-20	SERC	Caledonia Generating, LLC	NOC-28	SERC200700052	FAC-008-1	1	Lower/ Medium	0
NOP-21	SERC	City of Orangeburg Department of Public Utilities	NOC-29	SERC200700054	CIP-001-1	1	Medium	0
	SERC	City of Orangeburg Department of Public Utilities	NOC-29	SERC200700055	CIP-001-1	2	Medium	0
	SERC	City of Orangeburg Department of Public Utilities	NOC-29	SERC200700056	CIP-001-1	3	Medium	0
	SERC	City of Orangeburg Department of Public Utilities	NOC-29	SERC200700057	CIP-001-1	4	Medium	0
NOP-22	SPP	Southwestern Public Service Co. (SPS- XCEL)	NOC-30	SPP200700002	EOP-001-0	3.4	Medium	0
	SPP	Southwestern Public Service Co. (SPS- XCEL)	NOC-30	SPP200700003	EOP-001-0	4.4	Medium	0
	SPP	Southwestern Public Service Co. (SPS- XCEL)	NOC-30	SPP200700004	EOP-001-0	5	Medium	0
	SPP	Southwestern Public Service Co. (SPS- XCEL)	NOC-30	SPP200700005	EOP-005-1	1	Medium	0
	SPP	Southwestern Public Service Co. (SPS- XCEL)	NOC-30	SPP200700006	CIP-001-1	2	Medium	0
NOP-23	SERC	East Texas Electric Cooperative, Inc.	NOC-31	SERC200700017	PRC-005-1	1	High	0
	SERC	East Texas Electric Cooperative, Inc.	NOC-31	SERC200700025	FAC-008-1	1	Lower/ Medium	0
	SERC	East Texas Electric Cooperative, Inc.	NOC-31	SERC200700031	CIP-001-1	1	Medium	0
	SERC	East Texas Electric Cooperative, Inc.	NOC-31	SERC200700032	CIP-001-1	2	Medium	0
	SERC	East Texas Electric Cooperative, Inc.	NOC-31	SERC200700033	CIP-001-1	3	Medium	0
	SERC	East Texas Electric Cooperative, Inc.	NOC-31	SERC200700034	CIP-001-1	4	Medium	0

NOP ID	Region	Registered Entity	NOC ID	NERC Violation ID	Reliability Std.	Req. (R)	VRF	Total Penalty (\$)
NOP-24	SERC	Sam Rayburn G&T Electric Cooperative, Inc.	NOC-32	SERC200700018	PRC-005-1	1	High	0
	SERC	Sam Rayburn G&T Electric Cooperative, Inc.	NOC-32	SERC200700024	FAC-008-1	1	Lower/Medium	0
	SERC	Sam Rayburn G&T Electric Cooperative, Inc.	NOC-32	SERC200700027	CIP-001-1	1	Medium	0
	SERC	Sam Rayburn G&T Electric Cooperative, Inc.	NOC-32	SERC200700028	CIP-001-1	2	Medium	0
	SERC	Sam Rayburn G&T Electric Cooperative, Inc.	NOC-32	SERC200700029	CIP-001-1	3	Medium	0
	SERC	Sam Rayburn G&T Electric Cooperative, Inc.	NOC-32	SERC200700030	CIP-001-1	4	Medium	0
NOP-25	SERC	Tex-LA Electric Coop of Texas, Inc.	NOC-33	SERC200700020	PRC-005-1	1	High	0
	SERC	Tex-LA Electric Coop of Texas, Inc.	NOC-33	SERC200700026	FAC-008-1	1	Lower/Medium	0
	SERC	Tex-LA Electric Coop of Texas, Inc.	NOC-33	SERC200700035	CIP-001-1	1	Medium	0
	SERC	Tex-LA Electric Coop of Texas, Inc.	NOC-33	SERC200700036	CIP-001-1	2	Medium	0
	SERC	Tex-LA Electric Coop of Texas, Inc.	NOC-33	SERC200700037	CIP-001-1	3	Medium	0
	SERC	Tex-LA Electric Coop of Texas, Inc.	NOC-33	SERC200700038	CIP-001-1	4	Medium	0
NOP-26	SERC	The Dow Chemical Company	NOC-35	SERC200700022	IRO-004-1	4	High	0
	SERC	The Dow Chemical Company	NOC-35	SERC200700023	TOP-003-0	1	Medium	0
	SERC	The Dow Chemical Company	NOC-35	SERC200700053	PRC-005-1	2	Lower/High	0
	SERC	The Dow Chemical Company	NOC-35	SERC200700069	FAC-009-1	1	Medium	0
	SERC	The Dow Chemical Company	NOC-35	SERC200700070	FAC-009-1	2	Medium	0
	SERC	The Dow Chemical Company	NOC-35	SERC200700072	PRC-004-1	2	High	0
	SERC	The Dow Chemical Company	NOC-35	SERC200700073	PRC-004-1	3	Lower	0

NOP ID	Region	Registered Entity	NOC ID	NERC Violation ID	Reliability Std.	Req. (R)	VRF	Total Penalty (\$)
NOP-27	SERC	City of North Little Rock, AR (DENL)	NOC-37	SERC200700041	PER-002-0	3.1	Medium	0
NOP-28	SERC	Cottonwood Energy, LP	NOC-42	SERC200700047	PRC-005-1	1	High	0
NOP-29	SERC	Reliant Energy Wholesale Generation, LLC	NOC-43	SERC200700049	PRC-005-1	1	High	0
NOP-30	SERC	Prairie Power, Inc.	NOC-44	SERC200700050	FAC-008-1	1	Lower/Medium	0
NOP-31	SERC	Mt. Carmel Public Utility Co.	NOC-45	SERC200700062	CIP-001-1	4	Medium	0
NOP-32	SERC	Craven County Wood Energy, LP	NOC-46	SERC200700063	PRC-005-1	1	High	0
NOP-33	SERC	City of Benton	NOC-47	SERC200700066	PER-002-0	3.1	Medium	0
NOP-34	SERC	Elizabethtown Power, LLC	NOC-48	SERC200700067	IRO-004-1	4	High	0
	SERC	Elizabethtown Power, LLC	NOC-48	SERC200700074	CIP-001-1	1	Medium	0
	SERC	Elizabethtown Power, LLC	NOC-48	SERC200700075	CIP-001-1	2	Medium	0
	SERC	Elizabethtown Power, LLC	NOC-48	SERC200700076	CIP-001-1	3	Medium	0
	SERC	Elizabethtown Power, LLC	NOC-48	SERC200700077	CIP-001-1	4	Medium	0
	SERC	Elizabethtown Power, LLC	NOC-48	SERC200700078	PRC-005-1	1	High	0
	SERC	Elizabethtown Power, LLC	NOC-48	SERC200700084	FAC-008-1	1	Lower/Medium	0
	SERC	Elizabethtown Power, LLC	NOC-48	SERC200700085	FAC-009-1	1	Medium	0
NOP-35	SERC	Lumberton Power, LLC	NOC-49	SERC200700068	IRO-004-1	4	High	0
	SERC	Lumberton Power, LLC	NOC-49	SERC200700079	CIP-001-1	1	Medium	0
	SERC	Lumberton Power, LLC	NOC-49	SERC200700080	CIP-001-1	2	Medium	0
	SERC	Lumberton Power, LLC	NOC-49	SERC200700081	CIP-001-1	3	Medium	0
	SERC	Lumberton Power, LLC	NOC-49	SERC200700082	CIP-001-1	4	Medium	0
	SERC	Lumberton Power, LLC	NOC-49	SERC200700083	PRC-005-1	1	High	0
	SERC	Lumberton Power, LLC	NOC-49	SERC200700086	FAC-008-1	1	Lower/Medium	0
	SERC	Lumberton Power, LLC	NOC-49	SERC200700087	FAC-009-1	1	Medium	0

NOP ID	Region	Registered Entity	NOC ID	NERC Violation ID	Reliability Std.	Req. (R)	VRF	Total Penalty (\$)
NOP-36	TRE	TOPAZ POWER MANAGEMENT LP (QSE)	NOC-53	TRE200800028	CIP-001-1	1	Medium	0
NOP-37	SERC	Associated Electric Cooperative Inc.	NOC-24	SERC200700001	FAC-003-1	2	High	0

By the Board of Trustees Compliance Committee

Attachment h

Notice of Filing

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Peabody Municipal Light Plant

Docket No. NP08-____-000

NOTICE OF FILING
(DATE)

Take notice that on [DATE], the North American Electric Reliability Corporation (NERC), filed a Notice of Penalty regarding Peabody Municipal Light Plant in the Northeast Power Coordinating Council.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, D.C. There is an "eSubscription" link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: [BLANK]

Kimberly D. Bose,
Secretary