

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426  
OFFICE OF ELECTRIC RELIABILITY

North American Electric Reliability Corporation  
Docket Nos. RM06-16-000  
RR08-1-002

August 13, 2008

North American Electric Reliability Corporation  
1120 G Street N.W. Suite 990  
Washington, D.C. 2005-3801

Attention: Rebecca J. Michael, Attorney

Reference: Docket Nos. RM06-16-000 and RR08-1-000 – Compliance Filing of the North American Electric Reliability Corporation in Response to the Commission’s February 21, 2008 Order.

Dear Ms. Michael:

1. On May 16, 2008, the North American Electric Reliability Corporation (NERC) submitted a filing that addressed changes to the proposed section 1600 of the NERC Rules of Procedure in response to paragraphs 16-19 of the Commission’s February 21, 2008 Order.<sup>1</sup>
2. In paragraph 16 of its February 21 Order, the Commission directed NERC to clarify how it will gather time sensitive data or information and to the extent necessary amend its Rules of Procedure to provide a mechanism for time sensitive data collection. In paragraph 17, the Commission directed NERC to amend proposed section 1604 to require Regional Entities to submit their proposed data collection procedures to NERC and the Commission for approval. In paragraph 18, the Commission directed NERC to work with Bonneville Power Administration and other federal agencies listed on NERC’s compliance registry to develop procedures that would allow the review of the requested information

---

<sup>1</sup> *Mandatory Reliability Standards for the Bulk-Power System*, 122 FERC ¶ 61,142 (2008) (February 21 Order).

without risking waiver of FOIA protection. In paragraph 19, the Commission directed NERC to notify the Commission of, and to provide, any proposed request for data or information at least 21 days prior to its posting for public comment.

3. Notice of this filing was issued on May 16, 2008, with comments, protests or motions to intervene due on or before June 20, 2008.
4. 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.
5. NERC's filing satisfactorily responds to the Commission's directives, in the February 21 Order. The Commission accepts the status report that was provided for paragraph 18 as compliant, and agrees to accept NERC's proposal to file revisions to section 1600 of the Rules of Procedure or an alternative solution to the FOIA protection issue on or before August 14, 2008.<sup>2</sup>
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. § 375.314.
7. This action shall not be construed as accepting any contingency plan pursuant to 18 C.F.R. § 375.314(a)(1)(i) or any data or report pursuant to C.F.R. 375.314(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. § 375.314(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.

---

<sup>2</sup> Compliance Filing of the North American Electric Reliability Corporation in Response to the Commission's February 21, 2008 Order, at 12.

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.

Sincerely,

Joseph H. McClelland, Director  
Office of Electric Reliability

Document Content(s)

RM06-16-000.DOC.....1-3