

different versions of the standards within a few months, requiring “utilities to develop and maintain two sets of processes and procedures to cover each version of the standards.”

NERC appreciates the concerns expressed by the Trade Associations and agrees that entities should not be required to develop and maintain two sets of processes and procedures to map compliance to each version of the standards. Nevertheless, NERC can adequately address the Trade Associations’ concerns without delaying the implementation of the improved set of CIP Reliability Standards approved in Order No. 791. Specifically, the only modification approved in Order No. 822 that necessitates having different sets of processes and procedures is that the revised standards eliminate the “identify, assess, and correct” language in 17 of the CIP Version 5 Reliability Standards requirements.⁵ As NERC has previously stated on the record in this proceeding, “if the timing of the Commission’s order approving the [revised CIP] Reliability Standards results in the CIP Version 5 Standards with the ‘identify, assess, and correct’ language taking effect, NERC would not enforce the ‘identify, assess, and correct’ provisions during the short time that those standards would be effective.”⁶

Given the Commission’s approval of eliminating the “identify, assess, and correct” language and NERC’s commitment not to enforce that language during the three-month period it would technically be in effect, NERC expects entities to implement the CIP Version 5 Reliability Standards on April 1, 2016 without accounting for the “identify, assess, and correct” language. Entities will thus not be required to maintain two sets of processes and procedures to map

⁵ None of the other modifications approved in Order No. 822 affect existing obligations; they simply add additional obligations on top of the existing obligations. Further, with the exception of an additional training requirement for transient devices in CIP-004-6, Requirement R2, Part 2.1.9, all of those additional obligations need not be implemented for at least another nine months after July, 1 2016.

⁶ *Petition of the North American Electric Reliability Corporation for Approval of Proposed Critical Infrastructure Protection Reliability Standards CIP-003-6, CIP-004-6, CIP-006-6, CIP-007-6, CIP-009-6, CIP-010-2, and CIP-011-2* at pg. 54, fn. 70, Docket No. RM15-14-000 (Feb. 13, 2015).

compliance to two versions of the standards. NERC will provide notice to each of the eight Regional Entities that they should not review implementation of the “identify, assess, and correct” language during their compliance monitoring and enforcement activities for the CIP Reliability Standards.

Should the Commission nevertheless conclude that additional regulatory certainty is necessary and grant the requested extension, NERC will adjust its compliance monitoring and enforcement activities accordingly.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C., this 8th day of February 2016.

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