



NORTH AMERICAN ELECTRIC  
RELIABILITY CORPORATION

November 13, 2009

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

**Re: NERC Notice of Penalty regarding Mirant Delta, LLC,  
FERC Docket No. NP10-\_-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides this Notice of Penalty<sup>1</sup> regarding Mirant Delta, LLC (MIDE), NERC Registry ID NCR05511,<sup>2</sup> 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)).<sup>3</sup>

On February 4, 2009, MIDE self-reported its non-compliance with VAR-002-1 Requirement (R) 3 for its failure to notify the Transmission Operator of a change in the status of a reactive device Power System Stabilizer within thirty (30) minutes. This Notice of Penalty is being filed with the Commission because, based on information from the Western Electricity Coordinating Council (WECC), WECC and MIDE have entered into a Settlement Agreement to resolve all outstanding issues arising from a preliminary and non-public assessment resulting in WECC's determination and findings of the enforceable alleged violation of VAR-002-1 R3. Pursuant to the Settlement Agreement, MIDE neither admits nor denies the alleged violation of VAR-002-1 R3, but MIDE has agreed to the proposed penalty of three thousand dollars (\$3,000) to be assessed to MIDE, in addition to other remedies and mitigation actions to mitigate the instant alleged violation and ensure future compliance under the terms and conditions of the Settlement Agreement. Accordingly, the alleged violation identified as NERC Violation Tracking

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<sup>1</sup> *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). See 18 C.F.R. § 39.7(c)(2).

<sup>2</sup> Western Electricity Coordinating Council confirmed that MIDE was included on the NERC Compliance Registry as a Generator Owner and Generator Operator on August 10, 2007. As a Generator Operator, MIDE was subject to the requirements of NERC Reliability Standard VAR-002-1 R3.

<sup>3</sup> See 18 C.F.R. § 39.7(c)(2).

Identification Number WECC200901297 is being filed in accordance with the NERC Rules of Procedure and the CMEP.

### Statement of Findings Underlying the Alleged Violations

This Notice of Penalty incorporates the findings and justifications set forth in the Settlement Agreement dated May 27, 2009, and executed on June 1, 2009, by and between WECC and MIDE, included as Attachment b. The details of the findings and basis for the penalty are set forth in the Settlement Agreement and herein. This Notice of Penalty filing contains the basis for approval of the Settlement Agreement by the NERC Board of Trustees Compliance Committee (NERC BOTCC). In accordance with Section 39.7 of the Commission's regulations, 18 C.F.R. § 39.7 (2007), NERC provides the following summary table identifying each alleged violation of a Reliability Standard resolved by the Settlement Agreement, as discussed in greater detail below.

Region	Registered Entity	NOC ID	NERC Violation ID	Reliability Std.	Req. (R)	VRF	Total Penalty (\$)
WECC	Mirant Delta, LLC	214	WECC200901297	VAR-002-1	3	Medium	3,000

The purpose of Reliability Standard VAR-002-1<sup>4</sup> is to ensure generators provide the reactive and voltage control necessary to ensure voltage levels, reactive flows, and that reactive resources are maintained within applicable Facility Ratings to protect equipment and the reliable operation of the Interconnection.

VAR-002-1 R3 requires each Generator Operator, such as MIDE, to notify its associated Transmission Operator as soon as practical, but within 30 minutes of any of the following: R3.1. A status or capability change on any generator Reactive Power resource, including the status of each automatic voltage regulator and power system stabilizer and the expected duration of the change in status or capability; and R3.2. A status or capability change on any other Reactive Power resources under the Generator Operator's control and the expected duration of the change in status or capability. VAR-002-1 R3, R3.1 and R3.2 all have "Medium" Violation Risk Factors (VRF).

As a result of an internal compliance review meeting on January 8, 2009, MIDE discovered that its operating personnel may not have been consistently following its procedure, the *Mirant-*

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<sup>4</sup> This alleged violation is subject to compliance with VAR-002-1 as it was the enforceable standard at the time of discovery. VAR-002-1 was approved by the Commission and became enforceable on June 18, 2007. On August 28, 2008, VAR-002-1a was approved by the Commission and became enforceable. On May 13, 2009, VAR-002-1.1a was approved by the Commission and became enforceable. An interpretation provides clarity regarding the responsibilities of a registered entity. It does not change the meaning or language of the NERC Reliability Standard and its requirements.

*California, Power System Reliability Management Plan, Procedure No. MC-AP-0010*, to notify the Transmission Operator (Pacific Gas and Electric) of a change in the status of a reactive device Power System Stabilizer (PSS) within 30 minutes, and initiated an evaluation to review historical records going back through June 18, 2007 (even though MIDE was not included on the NERC Compliance Registry until August 10, 2007). As a result of the evaluation, MIDE found four instances of non-compliance where MIDE did not notify the Transmission Operator of a PSS outage. The instances occurred on July 3, 2007 at Pittsburg Unit 7 (682 MW), August 21, 2007 at Pittsburg Unit 5 (312 MW), August 15, 2008 at Contra Costa Unit 6 (337 MW) and December 9, 2008 at Contra Costa Unit 6 (337 MW). All four events occurred during unit startups.

MIDE had previously self-certified that it was compliant with this standard in July 2008 because it had procedures in place and training had been conducted on those procedures. However, MIDE subsequently determined that it was noncompliant with this standard, and the primary cause of the suspected noncompliance was due to an insufficient understanding and training on VAR-002-1 R3.

MIDE self-reported the violation on February 4, 2009. WECC's Audit Team reviewed MIDE's self-report and determined that MIDE had a possible violation. WECC Enforcement Staff confirmed the Audit Team's conclusion and determined that the duration of the violation was from August 10, 2007, when the MIDE was included on the NERC Compliance Registry and was responsible for complying with the NERC Reliability Standards, through March 23, 2009, when MIDE completed its Mitigation Plan. According to the Settlement Agreement, WECC has assessed a penalty of three thousand dollars (\$3,000) for this violation. In reaching this determination, WECC considered the following factors: (1) MIDE self reported the violation; (2) there was no serious or substantial risk to the bulk power system because there were no outages related to this violation and MIDE did have a procedure in place and had conducted some training; (3) MIDE had no violation history for this standard or any other standard; (4) MIDE cooperated with WECC Staff throughout the enforcement process; and (5) WECC found no aggravating factors. Therefore, WECC determined that, in this instance, the penalty amount of three thousand dollars (\$3,000) was appropriate and bears a reasonable relation to the seriousness and duration of the alleged violation.

### **Status of Mitigation Plan<sup>5</sup>**

MIDE's Mitigation Plan<sup>6</sup> to address its self-reported alleged violation of VAR-002-1 R3 was submitted to WECC on February 11, 2009. The Mitigation Plan was accepted by WECC on February 19, 2009 and approved by NERC on March 24, 2009. The Mitigation Plan for this alleged violation is designated as MIT-09-1513 and was submitted as non-public information to FERC on March 27, 2009 in accordance with FERC orders.

MIDE's Mitigation Plan required MIDE to conduct refresher training for all of its operating personnel on the administrative procedure *Mirant-California, Power System Reliability*

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<sup>5</sup> See 18 C.F.R § 39.7(d)(7).

<sup>6</sup> The Mitigation Plan incorrectly identified the violation start date as February 4, 2009.

*Management Plan, Procedure No. MC-AP-0010* by March 31, 2009. Additionally, to prevent future non-compliance, MIDE will repeat the training as a part of its annual training program and, since all four events occurred during unit start-up, MIDE revised its unit start-up procedures to incorporate the reporting requirement.

MIDE certified on March 30, 2009 to WECC that its Mitigation Plan was completed on March 23, 2009. MIDE submitted evidence that all operating personnel had received refresher training on the existing *Mirant - California, Power System Reliability Management Plan, Procedure No. MC-AP-0010*. Specifically, MIDE submitted a 2009 Compliance Training Outline that briefly describes the training and material provided, a 2009 Compliance Training Summary providing a summary of employees and dates of the training and a Training Evaluation Form demonstrating the record of training for each employee.

WECC reviewed MIDE's submitted evidence, and on April 11, 2009,<sup>7</sup> WECC verified that MIPO's Mitigation Plan was completed on March 23, 2009. With the completion of MIDE's Mitigation Plan verified, WECC determined that MIDE was in compliance with VAR-002-1 R3. On April 29, 2009, WECC notified MIDE that it accepted MIDE's certification of completion for the alleged violation of VAR-002-1 R3 and determined that MIDE fully mitigated VAR-002-1 R3.

### **Statement Describing the Proposed Penalty, Sanction or Enforcement Action Imposed<sup>8</sup>**

#### **Basis for Determination**

Taking into consideration the Commission's direction in Order No. 693, the NERC Sanction Guidelines and the Commission's July 3, 2008 Guidance Order,<sup>9</sup> the NERC BOTCC reviewed the Settlement Agreement and supporting documentation on September 11, 2009. The NERC BOTCC approved the Settlement Agreement, including WECC's imposition of a financial penalty of three thousand dollars (\$3,000) against MIDE and other actions to promote prospective compliance required under the terms and conditions of the Settlement Agreement. In approving the Settlement Agreement, the NERC BOTCC reviewed the applicable requirements of the Commission-approved Reliability Standards and the underlying facts and circumstances of the alleged violation at issue.

In reaching this determination, the NERC BOTCC considered the following factors:

- (1) MIDE self-reported the violation;
- (2) There was no serious or substantial risk to the bulk power system;
- (3) MIDE had no prior violation of these standards or any closely-related standards during the mandatory reliability period; and
- (4) WECC reported that MIDE was cooperative throughout the enforcement process.

<sup>7</sup> The Settlement Agreement incorrectly states the verification date as February 19, 2009.

<sup>8</sup> See 18 C.F.R § 39.7(d)(4).

<sup>9</sup> *North American Electric Reliability Corporation*, "Guidance Order on Reliability Notices of Penalty," 124 FERC ¶ 61,015 (2008).

For the foregoing reasons, the NERC BOTCC approves the Settlement Agreement and believes that the proposed three thousand dollar (\$3,000) penalty amount is appropriate for the violation and circumstances in question, and consistent with NERC's goal to promote and ensure reliability of the bulk power system.

Pursuant to Order No. 693, the penalty will be effective upon expiration of the 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.

**Attachments to be included as Part of this Notice of Penalty**

The attachments to be included as part of this Notice of Penalty are the following documents:

- a) Screenshot of MIDE's Self-Report, included as Attachment a;
- b) Settlement Agreement by and between MIDE and WECC dated May 27, 2009, included as Attachment b;
- c) Mitigation Plan designated as MIT-09-1513 submitted February 11, 2009, included as Attachment c;
- d) MIDE's Certification of Completion of the Mitigation Plan dated March 30, 2009, included as Attachment d; and
- e) WECC's Verification of Completion of the Mitigation Plan dated April 29, 2009, included as Attachment e.

**A Form of Notice Suitable for Publication<sup>10</sup>**

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

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<sup>10</sup> 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, New Jersey 08540-5721  
(609)452-8060  
(609) 452-9550 – facsimile  
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1155 Perimeter Center West  
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Director of Operations  
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\*Persons to be included on the Commission's service list are indicated with an asterisk. NERC requests waiver of the Commission's rules and regulations to permit the inclusion of more than two people on the service list.

Rebecca J. Michael\*  
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Holly A. Hawkins\*  
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### 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  
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/s/ Rebecca J. Michael  
Rebecca J. Michael  
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cc: Mirant Delta, LLC  
Western Electricity Coordinating Council

Attachments

**Attachment a**

**\*\*\*\*\*Uet ggpuij qv'qhMIDE's Self-Report**

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Post June 18th Violations



Compliance and Registration Database  
**Post Violations Tracking and Reporting**

**Region:** WECC **Violation Date:** 2/4/2009 **WECC ID:** MIDE\_WECC20091435  
**Entity:** Mirant Delta, LLC **Acronym:** MIDE **Registry ID:** NCR05511 **NERC violation ID:** WECC200901297  
**Standard:** VAR-002-1 Generator Operation for Maintaining Network Voltage Schedules

Disposition Final Record	Mitigation Plan	RAD and RAD Appeal	Internal Notes	Pre-June 18
Initial Notice	NAVAPS	Proposed Sanction Penalty		Contested Hearing

**Requirement:** 3 **Repeat Alleged Violation?**

**Initial Determination by Region:** 2/19/2009

**Reporting Method:** Self-Report

**On Site Audit**  **Off Site Audit**

**Deemed Date:** 1/8/2009

**Violation Level:** VSL - Lower

**Violation Risk Factor:** MEDIUM

**Alleged Violation Time:**

**Alleged Violation End Date:**

**Violation Description:**

MIDE is in violation of R3 (specifically R3.1) due to having the PSS out of service on four generating units without having notified the Transmission Operator (PG&E).

**Regional Contact Person:** Wells, Mike

**Applicable Functions:** GOP

**Regional Determination of Impact to BPS:**

**Detailed Description of Potential Impact to BPS:**

Minimal Impact - Technical Related Issue

**ID sent to Entity:**

**Additional Comments**

Close

## **Attachment b**

# **Settlement Agreement by and between MIDE and WECC dated May 27, 2009**

**SETTLEMENT AGREEMENT**  
**OF**  
**WESTERN ELECTRICITY COORDINATING COUNCIL**  
**AND**  
**MIRANT DELTA, LLC**

Western Electricity Coordinating Council ("WECC") and Mirant Delta, LLC ("MIDE") (collectively the "Parties") hereby enter into this Settlement Agreement ("Agreement") on this 27 day of May, 2009.

**RECITALS**

A. The Parties desire to enter into this Agreement to resolve all outstanding issues between them arising from a non-public assessment of MIDE by WECC that resulted in certain WECC determinations and findings regarding an alleged MIDE violation of the following North American Electric Reliability Corporation ("NERC") Reliability Standards ("Reliability Standards"):

**VAR-002-1 Requirement 3: *Generator Operation for Maintaining Network Voltage Schedules***

B. MIDE is a Delaware limited liability company that owns and operates the Pittsburg and Contra Costa Power Plants located in Pittsburg and Antioch, California, respectively. The Pittsburg Power Plant consists of three generating units with an aggregate generating capacity of 1,311 MW. The Contra Costa Power Plant consists of two generating units with an aggregate generating capacity of 674 MW. The Pittsburg and Contra Costa Power Plants are interconnected to the transmission system operated by the California Independent System Operator Corporation through substations owned by the Pacific Gas & Electric Company. On August 10, 2007, MIDE was registered on the NERC Compliance Registry as a Generator Owner and Generator Operator.

C. WECC was formed on April 18, 2002 by the merger of the Western Systems Coordinating Council, Southwest Regional Transmission Association and Western Regional Transmission Association. WECC is one of eight regional councils in the United States responsible for coordinating and promoting electric system reliability. In addition, WECC supports efficient competitive power markets, assures open and non-discriminatory transmission access among members, provides a forum for resolving transmission access disputes, and provides an environment for coordinating the operating and planning activities of its members. WECC's region encompasses a vast area of nearly 1.8 million square miles extending from Canada to Mexico and including 14 western states. It is the largest and most diverse of the eight regional councils in the United States.

D. The Parties are entering into this Agreement to settle the disputed matters between them. It is in the Parties' and the public's best interests to resolve this matter

efficiently without the delay and burden associated with a contested proceeding. Nothing contained in this Agreement shall limit or prevent WECC from evaluating MIDE for subsequent violations of the same Reliability Standards addressed herein and taking enforcement action, if necessary. Such enforcement action may include assessing penalties against MIDE for subsequent violations of the Reliability Standard addressed herein in accordance with NERC Rules of Procedure.

NOW, THEREFORE, in consideration of the terms set forth herein, including in the Recitals, WECC and MIDE hereby agree and stipulate to the following:

## **I. Representations of the Parties**

For purposes of this Agreement, MIDE does not contest the facts set forth herein. MIDE stipulates to the Confirmed Violation, as this term is defined in the WECC Compliance and Monitoring Enforcement Program ("CMEP"), of the Reliability Standard described below in detail.

WECC has established sufficient facts, as set forth herein, to support its determination that MIDE has Confirmed Violation of the Reliability Standard described below in detail.

## **II. Confirmed Violation**

### **A. NERC Reliability Standard VAR-002-1 R3**

**VAR-002-1 R. 3:** *Each Generator Operator shall notify its associated Transmission Operator as soon as practical, but within 30 minutes of any of the following:*

**R 3.1:** *A status or capability change on any generator Reactive Power resource, including the status of each automatic voltage regulator and power system stabilizer and the expected duration of the change in status or capability.*

**R3.2:** *A status or capability change on any other Reactive Power resources under the Generator Operator's control and the expected duration of the change in status or capability.*

MIDE is subject to this Standard because it was registered on the NERC Compliance Registry on August 10, 2007 as a Generation Owner and Generation Operator. During an internal Compliance Review Meeting, MIDE discovered a potential violation of this Standard. Specifically, MIDE plant operators may not have been following the procedure to notify the Transmission Operator (PG&E) of a change in the status of a reactive device Power System Stabilizer ("PSS") within 30-minutes. MIDE initiated an evaluation going back to June 18, 2007 that resulted in the discovery of four instances of non-compliance as follows:

- 07/03/2007 Pittsburg Unit 7 – 682 MW
- 08/21/2007 Pittsburg Unit 5 – 50 MW
- 08/15/2008 Contra Costa Unit 6 – 337 MW

- 12/09/2008 Contra Costa Unit 6 – 337 MW

MIDE submitted a self-report on February 4, 2009. WECC's Audit Team reviewed MIDE's self-report and determined that MIDE had a possible violation. The Audit Team forwarded this information to the WECC Enforcement Department ("Enforcement") for its review and consideration. Enforcement reviewed MIDE's self-report and the Audit Team's findings, and determined that MIDE was in violation of VAR-002-1 R3. Based upon its independent review of the record, Enforcement concluded that the period of time for this violation was from June 18, 2007 through March 23, 2009, when MIDE completed its mitigation plan.

MIDE submitted its mitigation plan to address this violation on February 11, 2009. It was accepted by WECC on February 19, 2009, and submitted to NERC on February 27, 2009. The completion date for the mitigation plan was March 31, 2009. To comply with this Standard, MIDE stated that it would give all plant operators refresher training on the existing *Mirant- California, Power System Reliability Management Plan, Procedure No. MC-AP-0010*.

MIDE completed its mitigation plan on March 23, 2009. On February 19, 2009, WECC reviewed MIDE's completion documentation and determined that MIDE had provided sufficient evidence to find MIDE in compliance with this Standard. In its completed mitigation plan, MIDE provided evidence that it gave all plant operators refresher training on the existing *Mirant – California, Power System Reliability Management Plan, Procedure No. MC-AP-0010*.

### **III. Settlement Terms**

A. Payment. To settle this matter, MIDE hereby agrees to pay \$3,000 to WECC via wire transfer or cashier's check. MIDE shall make the funds payable to a WECC account identified in a Notice of Payment that WECC will send to MIDE upon approval of this Agreement by NERC and the Federal Energy Regulatory Commission ("FERC"). MIDE shall issue the payment to WECC no later than twenty days after receipt of the Notice of Payment.

The terms of this Agreement, including the agreed upon payment, are subject to review and possible revision by NERC and FERC. Upon NERC approval of the Agreement, NERC will file a Notice of Penalty with FERC. If FERC approves the Agreement, NERC will post the Agreement publicly. If either NERC or FERC rejects the Agreement, then WECC will attempt to negotiate a revised settlement agreement with MIDE that includes any changes to the Agreement specified by NERC or FERC. If the Parties cannot reach a settlement agreement, the CMEP governs the enforcement process.

B. Payment Rationale. WECC's determination of penalties in an enforcement action is guided by the statutory requirement codified at 16 U.S.C. § 824o(e)(6) that any penalty imposed "shall bear a reasonable relation to the seriousness of the violation and shall take into consideration the efforts of such user, owner, or operator to remedy the violation in a timely manner". Additionally, WECC

considers the guidance provided by the NERC Sanction Guidelines and by FERC in Order No. 693 and in its July 3, 2008 Guidance Order on Reliability Notices of Penalty.

Specifically, to determine penalty assessment, WECC considers the following factors: (1) the seriousness of the violation, including the applicable Violation Risk Factor and Violation Severity Level, and the risk to the reliability of the Bulk Power System ("BPS"); (2) the violation's duration; (3) the Registered Entity's compliance history; (4) the Registered Entity's self-reports and voluntary corrective action; (5) the degree and quality of cooperation by the Registered Entity in the audit or investigation process, and in any remedial action; (6) the quality of the Registered Entity's compliance program; (7) any attempt by the Registered Entity to conceal the violation or any related information; (8) whether the violation was intentional; (9) any other relevant information or extenuating circumstances; and (10) the Registered Entity's ability to pay a penalty.

To determine the payment amount in this action and reach an agreement with MIDE, WECC considered the seriousness of the violation, including the applicable Violation Risk Factor. In accordance with NERC's VRF Matrix dated February 3, 2009, a violation of VAR-002-1 R3 as a VRF of "Medium". WECC determined that this violation posed a minimal risk to the reliability of the BPS.

In addition, WECC considered several mitigating factors. First, MIDE's violation was MIDE's first assessed noncompliance with the applicable Reliability Standard. Second, MIDE self-reported this violation. Third, MIDE mitigated the violation, thereby demonstrating a willingness to take corrective action to protect the reliability of the BPS. Fourth, MIDE has been cooperative throughout the enforcement process.

WECC determined that there were no other aggravating factors warranting a higher payment for the violation. Specifically, MIDE did not have any negative compliance history. There was no failure by MIDE to comply with applicable compliance directives, nor any evidence of an attempt by MIDE to conceal a violation. Finally, there was no evidence that MIDE's violation was intentional.

#### **IV. Additional Terms**

A. Authority. The undersigned representative of each party warrants that he or she is authorized to represent and bind the designated party.

B. Representations. The undersigned representative of each party affirms that he or she has read the Agreement, that all matters set forth in the Agreement are true and correct to the best of his or her knowledge, information, or belief, and that he or she understands that the Agreement is entered into by each party in express reliance on the representations set forth herein.

C. Review. Each party agrees that it has had the opportunity to consult with legal counsel regarding the Agreement and to review it carefully. Each party enters the Agreement voluntarily. No tender, offer or promise of any kind outside the terms of the Agreement by any member, employee, officer, director, agent, or representative of

MIDE or WECC has been made to induce the signatories or the Parties to enter into the Agreement.

D. Entire Agreement. The Agreement represents the entire agreement between the Parties. No oral representations shall be considered a part of the Agreement.

E. Effective Date. The Agreement shall become effective upon FERC's approval of the Agreement by order or operation of law.

F. Waiver of Right to Further Proceedings. MIDE agrees that the Agreement, upon approval by NERC and FERC, is a final settlement of all matters set forth herein. MIDE waives its right to further hearings and appeal, unless and only to the extent that MIDE contends that any NERC or FERC action concerning the Agreement contains one or more material modifications to the Agreement.

G. Reservation of Rights. WECC reserves all of its rights to initiate enforcement, penalty or sanction actions against MIDE in accordance with the Agreement, the CMEP and the NERC Rules of Procedure. In the event that MIDE fails to comply with any of the terms of this Agreement, WECC shall have the right to pursue enforcement, penalty or sanction actions against MIDE up to the maximum penalty allowed by the NERC Rules of Procedure. MIDE shall retain all of its rights to defend against such enforcement actions in accordance with the CMEP and the NERC Rules of Procedure. Failure by WECC to enforce any provision hereof on occasion shall not constitute a waiver by WECC of its enforcement rights or be binding on WECC on any other occasion.

H. Amendments. Any amendments to the Agreement shall be in writing. No amendment to the Agreement shall be effective unless it is in writing and executed by the Parties.


I. Successors and Assigns. The Agreement shall be binding on successors or assigns of the Parties.

J. Governing Law. The Agreement shall be governed by and construed under the laws of the State of Utah.

K. Captions. The Agreement's titles, headings and captions are for the purpose of convenience only and in no way define, describe or limit the scope or intent of the Agreement.

L. Counterparts and Facsimiles. The Agreement may be executed in counterparts, in which case each of the counterparts shall be deemed to be an original. Also, the Agreement may be executed via facsimile, in which case a facsimile shall be deemed to be an original.

WESTERN ELECTRICITY COORDINATING COUNCIL

By:   
Constance B. White

Date: 6/1/09

Title: Vice President of Compliance

MIRANT DELTA, LLC

By:   
James P. Garlick

Date: 5/27/09

Title: Senior Vice President, Operations



**Attachment c**

**Mitigation Plan designated as MIT-09-1513  
submitted February 11, 2009**



## Mitigation Plan Submittal Form

New  or Revised

Date this Mitigation Plan is being submitted: 2/11/09

If this Mitigation Plan has already been completed:

- Check this box  and
- Provide the Date of Completion of the Mitigation Plan:

### **Section A: Compliance Notices & Mitigation Plan Requirements**

A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Appendix A - Compliance Notices & Mitigation Plan Requirements" to this form. **Review Appendix A and check this box  to indicate that you have reviewed and understand the information provided therein.** This Submittal Form and the Mitigation Plan submitted herein are incomplete and cannot be accepted unless the box is checked.

### **Section B: Registered Entity Information**

B.1 Identify your organization:

Registered Entity Name: Mirant Delta, LLC  
Registered Entity Address: 1155 Perimeter Center West, Atlanta, GA  
30338  
NERC Compliance Registry ID: NCR05511

B.2 Identify the individual in your organization who will be the Entity Contact regarding this Mitigation Plan. Please see Section 6.2 of the WECC Compliance Monitoring and Enforcement Program (CMEP) for a description of the qualifications required of the Entity Contact.<sup>1</sup>

Name: Enrique Carbia  
Title: Nerc Compliance Manager  
Email: Enrique.Carbia@Mirant.com

<sup>1</sup> A copy of the WECC CMEP is posted on WECC's website at <http://www.wecc.biz/documents/library/compliance/manuals/Att%20A%20-%20WECC%20CMEP.pdf>. Registered Entities are responsible for following all applicable WECC CMEP procedures. WECC strongly recommends that registered entities become familiar with the WECC CMEP and its requirements, as they may be amended from time to time.



Western Electricity Coordinating Council

Phone: 678-579-5678



**Section C: Identity of Alleged or Confirmed Reliability Standard Violations Associated with this Mitigation Plan**

This Mitigation Plan is associated with the alleged or confirmed violation(s) of the reliability standard/requirements listed below:

C.1 Standard: VAR-002-1a  
*[Identify by Standard Acronym (e.g. FAC-001-1)]*

C.2 Requirement(s) violated and violation dates:  
*[Enter information in the following Table]*

NERC Violation ID # [if known]	WECC Violation ID # [if known]	Requirement Violated (e.g. R3)	Violation Risk Factor	Alleged or confirmed Violation Date <sup>(*)</sup> (MM/DD/YY)	Method of Detection (e.g. audit, self-report, investigation)
		R3.1	Medium	2/4/09	self report

(\*) Note: The Alleged or Confirmed Violation Date shall be: (i) the date the violation occurred; (ii) the date that the violation was self-reported; or (iii) the date upon which WECC has deemed the violation to have occurred. Please contact WECC if you have questions regarding which date to use .

C.3 Identify the cause of the alleged or confirmed violation(s) identified above:

The primary cause of the suspected noncompliance was insufficient understanding and training on this requirement. In our self certifications in July 2008 we believed we were in compliance based on procedures we had in place and training that had been conducted on those procedures. During an Internal Compliance Review Meeting it was discovered that the execution of the procedure, which specifies compliance to VAR-002, potentially was not being followed in a consistent manner by plant operations.



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[Provide your response here; additional detailed information may be provided as an attachment as necessary]

- C.4 **[Optional]** Provide any relevant additional information regarding the alleged or confirmed violations associated with this Mitigation Plan:

Two of the four events were related to delays in getting the PSS in service during unit startups. See attached for details on the specific events.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

## **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 violations identified above in Part C.2 of this form:

All operating personnel will receive refresher training on the administrative procedure MC-AP-0010 Section 4.3 which addresses compliance with this requirement of VAR-002.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

**Check this box  and proceed to Section E of this form if this Mitigation Plan, as set forth in Part D.1, has already been completed; otherwise respond to Part D.2, D.3 and, optionally, Part D.4, below.**

### **Mitigation Plan Timeline and Milestones**

- D.2 Provide the 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 violations associated with this Mitigation Plan corrected: Mitigation Plan will be completed by 3/31/09



Western Electricity Coordinating Council



D.3 Enter Milestone Activities, with completion dates, that your organization is proposing for this Mitigation Plan:

Milestone Activity	Proposed Completion Date* (milestones cannot be more than 3 months apart)
Complete operator refresher training at Pittsburg Power Plant	3/31/09
Complete operator refresher training at Contra Costa Power Plant	3/31/09

(\*) Note: Implementation milestones should be no more than three (3) months apart for Mitigation Plans with expected completion dates more than three (3) months from the date of submission. As set forth in CMEP section 6.6, adverse consequences could result from failure to complete, on a timely basis, all required actions in this Mitigation Plan, including implementation of milestones. A request for an extension of the completion date of any milestone or of the Mitigation Plan must be received by WECC at least five (5) business days before the relevant milestone or completion date.

[Note: Provide your response here; additional detailed information may be provided as an attachment as necessary]

**Additional Relevant Information (Optional)**

D.4 If you have any relevant additional information that you wish to include regarding the Mitigation Plan, milestones, milestones dates and completion date proposed above you may include it here:

[Provide your response here; additional detailed information may be provided as an attachment as necessary]



## Section E: Interim and Future Reliability Risk

Check this box  and proceed and respond to Part E.2, below, if this Mitigation Plan, as set forth in Part D.1, has already been completed.

### Abatement of Interim BPS Reliability Risk

- E.1 While your organization is implementing the Mitigation Plan proposed in Part D of this form, the reliability of the Bulk Power System may remain at higher risk or be otherwise negatively impacted until the plan is successfully completed. To the extent they are known, reasonably suspected or anticipated: (i) identify any such risks or impacts; and (ii) discuss any actions that your organization is planning to take or is proposing as part of the Mitigation Plan to mitigate any increased risk to the reliability of the bulk power system while the Mitigation Plan is being implemented:

We are not aware of any measurable increase in risk to the bulk electric system reliability in the interim, therefore we are not taking any additional actions.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

### Prevention of Future BPS Reliability Risk

- E.2 Describe how successful completion of the Mitigation Plan as laid out in Part D of this form will prevent or minimize the probability that your organization will incur further violations of the same or similar reliability standards requirements in the future:

The routine refresher training is expected to significantly increase awareness, ensure compliance to the NERC standards and enhance the overall culture of compliance.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

- E.3 Your organization may be taking or planning other action, beyond that listed in the Mitigation Plan, as proposed in Part D.1, to prevent or minimize the probability of incurring further violations of the same or similar standards requirements listed in Part C.2, or of other reliability



*Western Electricity Coordinating Council*



standards. If so, identify and describe any such action, including milestones and completion dates:

Since all of these events occurred during unit start-up, we have also revised our unit start-up procedures to incorporate this reporting requirement.

We plan to provide compliance refresher training for our operating personnel as part of our annual training program.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]



## 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 the Mitigation Plan, as laid out in Section D of this form, to WECC for acceptance by WECC and approval by NERC, and
- b) If applicable, certifies that the Mitigation Plan, as laid out in Section D of this form, was completed (i) as laid out in Section D of this form and (ii) on or before the date provided as the 'Date of Completion of the Mitigation Plan' on this form, and
- c) Acknowledges:
  1. I am Director of Operations of Mirant California.
  2. I am an officer, employee, attorney or other person authorized to sign this Mitigation Plan on behalf of Mirant Delta, LLC.
  3. I understand Mirant Delta, LLC's obligations to comply with Mitigation Plan requirements and WECC or ERO remedial action directives and I have reviewed the WECC and ERO documents related to these obligations, including, but not limited to, the WECC CMEP and the NERC Rules of Procedure.
  4. I have read and am familiar with the contents of the foregoing Mitigation Plan.
  5. Mirant Delta, LLC agrees to be bound by, and comply with, the Mitigation Plan, including the timetable completion date, as approved by WECC and approved by NERC.

**Authorized Signature:** \_\_\_\_\_

(Electronic signatures are acceptable; see CMEP Section 3.0)

Name (Print): Bill Greaves  
Title: Director of Operations, California  
Date: 2/10/09





### **Section G: Comments and Additional Information**

You may use this area to provide comments or any additional relevant information not previously addressed in this form.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

### **Section H: WECC Contact and Instructions for Submission**

Please direct any questions regarding completion of this form to:

Mike Wells, Sr. Compliance Engineer

Email: [mike@wecc.biz](mailto:mike@wecc.biz)

Phone: (801) 883-6884

For guidance on submitting this form, please refer to the "*WECC Compliance Data Submittal Policy*". This policy can be found on the Compliance Manuals website as Manual 2.12:

<http://www.wecc.biz/wrap.php?file=/wrap/Compliance/manuals.html>



## **Attachment A – Compliance Notices & Mitigation Plan Requirements**

- I. Section 6.2 of the WECC CMEP 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.
  - (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 may be used to provide a required Mitigation Plan for review and approval by WECC and NERC.



*Western Electricity Coordinating Council*



- III. The Mitigation Plan shall be submitted to the WECC and NERC as confidential information in accordance with Section 9.3 of the WECC CMEP and Section 1500 of the NERC Rules of Procedure.
- IV. This Mitigation Plan 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 violations with respect to each additional Reliability Standard, as applicable.
- V. If the Mitigation Plan is approved by WECC and NERC, a copy of the Mitigation Plan will be provided to the Federal Energy Regulatory Commission in accordance with applicable Commission rules, regulations and orders.
- VI. Either WECC or NERC may reject a Mitigation Plan that it determines to be incomplete or inadequate. If the Mitigation Plan is rejected by either WECC or NERC, the Registered Entity will be notified and required to submit a revised Mitigation Plan.
- VII. In accordance with Section 7.0 of the WECC CMEP, remedial action directives also may be issued as necessary to ensure reliability of the bulk power system.

**Attachments Referenced in the Mitigation Plan  
are omitted from the filing**

## **Attachment d**

# **MIDE's Certification of Completion of the Mitigation Plan dated March 30, 2009**



## Mitigation Plan Submittal Form

New  or Revised

Date this Mitigation Plan is being submitted:

If this Mitigation Plan has already been completed:

- Check this box  and
- Provide the Date of Completion of the Mitigation Plan: 3/23/09

### Section A: Compliance Notices & Mitigation Plan Requirements

- A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Appendix A - Compliance Notices & Mitigation Plan Requirements" to this form. **Review Appendix A and check this box  to indicate that you have reviewed and understand the information provided therein.** This Submittal Form and the Mitigation Plan submitted herein are incomplete and cannot be accepted unless the box is checked.

### Section B: Registered Entity Information

- B.1 Identify your organization:

Registered Entity Name: Mirant Delta, LLC

Registered Entity Address: 1155 Perimeter Center West, Atlanta, GA  
30338

NERC Compliance Registry ID: NCR05511

- B.2 Identify the individual in your organization who will be the Entity Contact regarding this Mitigation Plan. Please see Section 6.2 of the WECC Compliance Monitoring and Enforcement Program (CMEP) for a description of the qualifications required of the Entity Contact.<sup>1</sup>

Name: Enrique Carbia  
Title: Nerc Compliance Manager  
Email: Enrique.Carbia@Mirant.com

<sup>1</sup> A copy of the WECC CMEP is posted on WECC's website at <http://www.wecc.biz/documents/library/compliance/manuals/Att%20A%20-%20WECC%20CMEP.pdf>. Registered Entities are responsible for following all applicable WECC CMEP procedures. WECC strongly recommends that registered entities become familiar with the WECC CMEP and its requirements, as they may be amended from time to time.



Western Electricity Coordinating Council

Phone: 678-579-5678



**Section C: Identity of Alleged or Confirmed Reliability Standard Violations Associated with this Mitigation Plan**

This Mitigation Plan is associated with the alleged or confirmed violation(s) of the reliability standard/requirements listed below:

C.1 Standard: VAR-002-1a  
*[Identify by Standard Acronym (e.g. FAC-001-1)]*

C.2 Requirement(s) violated and violation dates:  
*[Enter information in the following Table]*

NERC Violation ID # [if known]	WECC Violation ID # [if known]	Requirement Violated (e.g. R3)	Violation Risk Factor	Alleged or confirmed Violation Date <sup>(*)</sup> (MM/DD/YY)	Method of Detection (e.g. audit, self-report, investigation)
		R3.1	Medium	2/4/09	self report

(\*) Note: The Alleged or Confirmed Violation Date shall be: (i) the date the violation occurred; (ii) the date that the violation was self-reported; or (iii) the date upon which WECC has deemed the violation to have occurred. Please contact WECC if you have questions regarding which date to use.

C.3 Identify the cause of the alleged or confirmed violation(s) identified above:

The primary cause of the suspected noncompliance was insufficient understanding and training on this requirement. In our self certifications in July 2008 we believed we were in compliance based on procedures we had in place and training that had been conducted on those procedures. During an Internal Compliance Review Meeting it was discovered that the execution of the procedure, which specifies compliance to VAR-002, potentially was not being followed in a consistent manner by plant operations.



Western Electricity Coordinating Council



[Provide your response here; additional detailed information may be provided as an attachment as necessary]

- C.4 **[Optional]** Provide any relevant additional information regarding the alleged or confirmed violations associated with this Mitigation Plan:

Two of the four events were related to delays in getting the PSS in service during unit startups.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

## **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 violations identified above in Part C.2 of this form:

All Mirant Delta operating personnel have received refresher training on Mirant California procedure MC-AP-0010 Power System Reliability Management Plan Section 4.3 Voltage and Reactive Power Management. Mirant Delta is made up of two power plants: Contra Costa Power Plant and Pittsburg Power Plant. We are submitting a 2009 Compliance Training Outline for each plant (pages 11 & 12), that briefly describe the training material / information covered. A 2009 Compliance Training Summary for each plant (pages 13, 14 & 15) is also submitted as a summary of the employees & dates of the training. Lastly a Training Evaluation Form (employee signed record) for each employee is submitted (pages 16 - 57)

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

**Check this box  and proceed to Section E of this form if this Mitigation Plan, as set forth in Part D.1, has already been completed; otherwise respond to Part D.2, D.3 and, optionally, Part D.4, below.**

### **Mitigation Plan Timeline and Milestones**





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D.2 Provide the 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 violations associated with this Mitigation Plan corrected:

D.3 Enter Milestone Activities, with completion dates, that your organization is proposing for this Mitigation Plan:

Milestone Activity	Proposed Completion Date* (milestones cannot be more than 3 months apart)

(\* Note: Implementation milestones should be no more than three (3) months apart for Mitigation Plans with expected completion dates more than three (3) months from the date of submission. As set forth in CMEP section 6.6, adverse consequences could result from failure to complete, on a timely basis, all required actions in this Mitigation Plan, including implementation of milestones. A request for an extension of the completion date of any milestone or of the Mitigation Plan must be received by WECC at least five (5) business days before the relevant milestone or completion date.

[Note: Provide your response here; additional detailed information may be provided as an attachment as necessary]

**Additional Relevant Information (Optional)**

D.4 If you have any relevant additional information that you wish to include regarding the Mitigation Plan, milestones, milestones dates and completion date proposed above you may include it here:

[Provide your response here; additional detailed information may be provided as an attachment as necessary]



## **Section E: Interim and Future Reliability Risk**

**Check this box  and proceed and respond to Part E.2, below, if this Mitigation Plan, as set forth in Part D.1, has already been completed.**

### **Abatement of Interim BPS Reliability Risk**

- E.1 While your organization is implementing the Mitigation Plan proposed in Part D of this form, the reliability of the Bulk Power System may remain at higher risk or be otherwise negatively impacted until the plan is successfully completed. To the extent they are known, reasonably suspected or anticipated: (i) identify any such risks or impacts; and (ii) discuss any actions that your organization is planning to take or is proposing as part of the Mitigation Plan to mitigate any increased risk to the reliability of the bulk power system while the Mitigation Plan is being implemented:

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

### **Prevention of Future BPS Reliability Risk**

- E.2 Describe how successful completion of the Mitigation Plan as laid out in Part D of this form will prevent or minimize the probability that your organization will incur further violations of the same or similar reliability standards requirements in the future:

The routine refresher training is expected to significantly increase awareness, ensure compliance to the NERC standards and enhance the overall culture of compliance.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

- E.3 Your organization may be taking or planning other action, beyond that listed in the Mitigation Plan, as proposed in Part D.1, to prevent or minimize the probability of incurring further violations of the same or similar standards requirements listed in Part C.2, or of other reliability standards. If so, identify and describe any such action, including milestones and completion dates:



Mirant Delta unit start up procedures have also been updated to incorporate this reporting requirement.

We plan to provide compliance refresher training for our operating personnel as part of our annual training program.

Note: One operating employee at Pittsburg Power Plant is currently off work indefinitely. As noted (on page 14), this employee will receive this refresher training when or if he returns to work.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]



**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 the Mitigation Plan, as laid out in Section D of this form, to WECC for acceptance by WECC and approval by NERC, and
- b) If applicable, certifies that the Mitigation Plan, as laid out in Section D of this form, was completed (i) as laid out in Section D of this form and (ii) on or before the date provided as the 'Date of Completion of the Mitigation Plan' on this form, and
- c) Acknowledges:

- 1. I am Senior Vice President, Operations of Mirant.
- 2. I am an officer, employee, attorney or other person authorized to sign this Mitigation Plan on behalf of Mirant Potrero, LLC.
- 3. I understand Mirant Potrero, LLC's obligations to comply with Mitigation Plan requirements and WECC or ERO remedial action directives and I have reviewed the WECC and ERO documents related to these obligations, including, but not limited to, the WECC CMEP and the NERC Rules of Procedure.
- 4. I have read and am familiar with the contents of the foregoing Mitigation Plan.
- 5. Mirant Potrero, LLC agrees to be bound by, and comply with, the Mitigation Plan, including the timetable completion date, as approved by WECC and approved by NERC.

**Authorized Signature:**   
(Electronic signatures are acceptable; see CMEP Section 3.0)

Name (Print): James P. Garlick  
Title: Senior Vice President, Operations  
Date: 3/30/09



### **Section G: Comments and Additional Information**

You may use this area to provide comments or any additional relevant information not previously addressed in this form.

[Provide your response here; additional detailed information may be provided as an attachment as necessary]

### **Section H: WECC Contact and Instructions for Submission**

Please direct any questions regarding completion of this form to:

Mike Wells, Sr. Compliance Engineer

Email: [mike@wecc.biz](mailto:mike@wecc.biz)

Phone: (801) 883-6884

For guidance on submitting this form, please refer to the "*WECC Compliance Data Submittal Policy*". This policy can be found on the Compliance Manuals website as Manual 2.12:

<http://www.wecc.biz/wrap.php?file=/wrap/Compliance/manuals.html>



## **Attachment A – Compliance Notices & Mitigation Plan Requirements**

- I. Section 6.2 of the WECC CMEP 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.
  - (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 may be used to provide a required Mitigation Plan for review and approval by WECC and NERC.



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- III. The Mitigation Plan shall be submitted to the WECC and NERC as confidential information in accordance with Section 9.3 of the WECC CMEP and Section 1500 of the NERC Rules of Procedure.
- IV. This Mitigation Plan 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 violations with respect to each additional Reliability Standard, as applicable.
- V. If the Mitigation Plan is approved by WECC and NERC, a copy of the Mitigation Plan will be provided to the Federal Energy Regulatory Commission in accordance with applicable Commission rules, regulations and orders.
- VI. Either WECC or NERC may reject a Mitigation Plan that it determines to be incomplete or inadequate. If the Mitigation Plan is rejected by either WECC or NERC, the Registered Entity will be notified and required to submit a revised Mitigation Plan.
- VII. In accordance with Section 7.0 of the WECC CMEP, remedial action directives also may be issued as necessary to ensure reliability of the bulk power system.

**Attachments Referenced in the Certification  
of Completion are omitted from the filing**



## **Attachment e**

# **WECC's Verification of Completion of the Mitigation Plan dated April 29, 2009**

**CONFIDENTIAL**



**Laura Scholl**  
Managing Director of Compliance

801.819.7619  
[lscholl@wecc.biz](mailto:lscholl@wecc.biz)

April 29, 2009

Kandi Forte  
Director of Operations  
Mirant Delta, LLC  
1155 Perimeter Center West  
Atlanta, Georgia 30338

NERC Registration ID: NCR05511

Subject: Certification of Completion Response Letter

Dear Kandi Forte,

The Western Electricity Coordinating Council (WECC) received the Certification of Completion and supporting evidence of Mirant Delta, LLC (MIDE) on 3/30/2009 for the alleged violation of Reliability Standard VAR-002-1 and Requirement(s) 3. Listed below is the outcome of WECC's official review.

WECC has accepted the Certification of Completion for Requirement(s) 3 of the Reliability Standard VAR-002-1 and have found these requirements to be fully mitigated. No further mitigation of these requirements will be required at this time.

If you have any questions or concerns, please contact Mike Wells at [mike@wecc.biz](mailto:mike@wecc.biz). Thank you for your assistance in this effort.

Sincerely,

*Laura Scholl*

Laura Scholl  
Managing Director of Compliance

LS:cm

cc: Enrique Carbia, MIDE NERC Compliance Manager  
Lisa Milanese, WECC Manager of Compliance Program Administration  
Mike Wells, WECC Senior Compliance Engineer

**Attachment f**

**Notice of Filing**

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Mirant Delta, LLC

Docket No. NP10-\_\_\_\_-000

NOTICE OF FILING  
November 13, 2009

Take notice that on November 13, 2009, the North American Electric Reliability Corporation (NERC) filed a Notice of Penalty regarding Mirant Delta, LLC in the Western Electricity Coordinating Council region.

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](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: [BLANK]

Kimberly D. Bose,  
Secretary