



NORTH AMERICAN ELECTRIC
RELIABILITY CORPORATION

May 14, 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 Mid-Atlantic LLC, FERC Docket No. NP09-_-
000

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides this Notice of Penalty¹ regarding Mirant Mid-Atlantic LLC, NERC Registry ID NCR00829,² 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)).³

Mirant Mid-Atlantic, LLC (Mirant) submitted on August 31, 2007 a self-certification of its non-compliance to NERC Reliability Standard PRC-005-1 Requirement (R.) 2.1, as well as a Mitigation Plan Worksheet which summarized the actions Mirant was taking to mitigate the violation, to ReliabilityFirst Corporation (ReliabilityFirst). This Notice of Penalty is being filed with the Commission because, based on information from ReliabilityFirst, Mirant does not dispute Mirant's violation of PRC-005-1 R 2.1 and the proposed financial penalty of zero dollars (\$0) to be assessed to Mirant. Accordingly, the violation identified as NERC Violation Tracking Identification Number RFC200700005 and listed below is a Confirmed Violation, as that term is defined in the NERC Rules of Procedure and the CMEP.

Statement of Findings Underlying the Violation

This Notice of Penalty incorporates by reference the findings and justifications set forth in the Notice of Confirmed Violation and Proposed Penalty or Sanction (NOCV) issued on September 16, 2008, by ReliabilityFirst to Mirant and the Supplemental Record Information notices dated November 11, 2008 and December 2, 2008. The details of the findings and basis for the penalty

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). See 18 C.F.R. § 39.7(d)(1).

² ReliabilityFirst confirmed that Mirant was included on the NERC Compliance Registry as a Generator Owner on May 30, 2007 and was subject to the requirements of NERC Reliability Standard PRC-005-1.

³ See 18 C.F.R. § 39.7(c)(2).

are set forth herein. This Notice of Penalty filing contains the basis for approval of this Notice of Penalty by the NERC Board of Trustees Compliance Committee (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 Reliability Standard at issue in this Notice of Penalty.

Region	Registered Entity	NOC ID	NERC Violation ID	Reliability Std.	Req. (R)	VRF	Total Penalty (\$)
RFC	Mirant Mid-Atlantic LLC	NOC-077	RFC200700005	PRC-005-1	2.1	High	0

PRC-005-1 Requirement 2.1 requires an entity such as Mirant that owns a generation Protection System to provide documentation of its Protection System maintenance and testing program and the implementation of that program to its Regional Reliability Organization (Regional Entity) on request within 30 calendar days. The documentation of the program implementation shall include evidence Protection System devices were maintained and tested within the defined intervals and the date each Protection System device was last tested/maintained.

On August 31, 2007, Mirant self-certified a possible violation of PRC-005-1 R2.1 to Reliability*First*. Mirant submitted a Relay Tracking Log, dated August 12, 2007, summarizing the details of each relay maintained and tested as well as a history detailing the dates of the last three calibrations. The Relay Tracking Log indicates for the time period from June 18, 2007 (when the Reliability Standard became mandatory and enforceable) to August 31, 2007, forty-one relays exceeded the four year interval of testing by one year or less. Specifically, all H1CT protective relays were over the four year calibration cycle, which was due to the lack of major outages in previous schedules.

Reliability*First* determined to exercise its discretion, for this violation that occurred and was mitigated in 2007, and assess no penalty. Reliability*First* considered the following factors in its determination: (i) the violation was a solitary violation limited to a single unit in one of Mirant's two generating facilities; (ii) the violation was deemed not to be a violation that put bulk power system reliability at serious or substantial risk, because the unit in violation would have had minimal impact on the bulk power system (147 megawatts generation), there were no mis-operations or outages during the exceeded test interval, and all relays tested successfully during the mitigation process; (iii) although Mirant had not completed relay maintenance and testing on forty-one of three hundred and fifty-five total relays within the defined four year interval, all forty-one relays had been calibrated and functionally tested since 2002 and therefore exceeded the defined testing and maintenance interval by one year or less; (iv) Mirant cooperated during the violation assessment phase; and (v) Mirant's correction of the violation within four months of discovery, a process which included taking relays offline and the acquisition of a contractor with proper equipment to complete voltage unbalance relay calibrations.

Section 4.2.2 of the NERC Sanction Guidelines states 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

PRC-005-1 R2.1 has a “High” Violation Risk Factor. ReliabilityFirst exercised its discretion to assess no penalty for the violation because: (1) it occurred during the period of transition to mandatory standards during which the Commission authorized such discretion (*see* Order Nos. 693 and 693-A⁵); (2) the violation was a single violation limited to Mirant’s Dickerson Generating Facility; (3) the violation was limited to a single unit with small generation capacity (147 megawatts) and as such was determined not to pose a serious or substantial risk to the reliable operation of the bulk power system; (4) that, although forty-one of three hundred and fifty-five total relays had not completed relay maintenance and testing within the defined four year interval, all forty-one relays had been calibrated and functionally tested since 2002 and therefore exceeded the defined testing and maintenance interval by one year or less; and (5) Mirant cooperated during the violation assessment phase and the corrective actions were completed by December 5, 2007.

Status of Mitigation Plan⁶

Mirant’s Mitigation Plan to address the referenced violation was initially submitted to ReliabilityFirst via a Mitigation Plan Worksheet on August 31, 2007. This Mitigation Plan Worksheet, a feature of the initial database entry portal used by registered entities within ReliabilityFirst, was the primary mitigation plan form available at the time of Mirant’s self-certification. While this initial Mitigation Plan format did not conform to all Mitigation Plan requirements of the ReliabilityFirst Compliance Monitoring and Enforcement Program, at the request of ReliabilityFirst, Mirant resubmitted its Mitigation Plan on December 13, 2007 using the then newly available ReliabilityFirst Proposed Mitigation Plan form. This resubmitted Mitigation Plan, pre-dated to August 20, 2007, was accepted by ReliabilityFirst on December 19, 2007 and was approved by NERC on January 31, 2008. The Mitigation Plan for the violation listed in Table 1 is designated as MIT-07-0214 and was submitted as non-public information to FERC on January 31, 2008 in accordance with FERC orders. Mirant certified on February 19, 2008 to ReliabilityFirst that its Mitigation Plan was completed as of December 5, 2007. Mirant submitted as evidence, a Relay Tracking Log summarizing the details of each relay maintained and tested as well as the detailed calibration sheets for each of the relays. Mirant also submitted a copy of the Dickerson Preventative Maintenance Report as evidence that it completed a plan to prevent reoccurrence by initiating auto-generated Preventative Maintenance orders from its Central Management System.

⁴ See NERC Sanction Guidelines (emphasis added).

⁵ See n.1 *supra*.

⁶ See 18 C.F.R § 39.7(d)(7).

ReliabilityFirst verified on August 18, 2008 that the Mitigation Plan was completed. In doing so, ReliabilityFirst performed an in-depth review and analysis of the evidence Mirant submitted as part of its certification of completion of the Mitigation Plan for information that sufficiently demonstrated all actions of the Mitigation Plan were successfully completed. Specifically, ReliabilityFirst reviewed the following information: (i) the Mirant Purchase Order SVMA-21314 – the purchase order, dated September 6, 2007, authorized the vendor (CAMCO) to clean and inspect the Dickerson Generating Station H relays. The order covered the cost of manpower, tools and equipment as needed to inspect and clean the relays; (ii) the Mirant Work Order Details Report WO#:193807 – this work order summarizes the work that was completed regarding the HICT Protective Relay inspection and calibration; (iii) the CAMCO invoice number 131540 – this invoice, dated December 13, 2007, summarizes the work that was done to clean and calibrate relays from November 19, 2007 through December 5, 2007; (iv) Calibration Data Reports – detailed reports for each of the relays maintained and calibrated and the report shows the specific results of the testing and calibration including the “as found” and “as left” settings for each relay; (v) Generation Protection System Maintenance and Testing Tracking Log for the Dickerson Generation Plant – the tracking log summarizes the details contained in the Calibration Test reports discussed above and includes the three most recent calibration and testing dates for each of the relays; and (vi) MAXIMO-Preventative Maintenance (PM) – a screen shot of the Dickerson Preventative Maintenance Report that shows Mirant completed its plan to prevent a reoccurrence by initiating auto-generated “PMs” from its Central Maintenance Management System.

Statement Describing the Proposed Penalty, Sanction or Enforcement Action Imposed⁷

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 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.

⁷ See 18 C.F.R § 39.7(d)(4).

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. . . .

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.⁸

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,⁹ the NERC BOTCC reviewed the NOCV and supporting documentation on November 9, 2008. The NERC BOTCC affirmed ReliabilityFirst's findings and determination to impose a zero dollar (\$0) financial penalty against Mirant, based upon the NERC BOTCC's review of the applicable requirements of the Commission-approved Reliability Standard and the underlying facts and circumstances of the violation at issue.

In reaching this determination, the NERC BOTCC considered the following factors: (i) the proposed penalty and sanction is based on the violation being limited to one of Mirant's two generating facilities and to forty-one of a possible three hundred and fifty-five total relays; (ii) although Mirant had not completed relay maintenance and testing on forty-one of three hundred and fifty-five total relays within the defined four year interval, all forty-one relays had been calibrated and functionally tested since 2002 and therefore exceeded the defined testing and maintenance interval by only one year or less; (iii) Mirant's personnel cooperated with ReliabilityFirst during all aspects of the investigation during the violation assessment phase; (iv) Mirant's correction of the violation within four months of discovery, a process which included taking relays offline and the acquisition of a contractor with proper equipment to complete voltage unbalance relay calibrations, as well as the prevention of future occurrences; (v) the violation was not deemed to pose a serious or substantial risk to the reliable operation of the bulk power system because the unit in violation would have had minimal impact on the bulk power

⁸ Order No. 693 at PP 222-224 (emphasis added).

⁹ *Guidance on Filing Reliability Notices of Penalty*, 124 FERC ¶ 61,015 (2008).

system (147 megawatts generation), there were no mis-operations or outages during the exceeded test interval, and all relays tested successfully during the mitigation process; (vi) ReliabilityFirst found no repetitive violations, no negative relevant compliance history and no applicable compliance directives; (vii) ReliabilityFirst also determined that there was no evidence that Mirant tried to conceal the violation or that it committed the violation intentionally; and (viii) this violation occurred and was mitigated by December 5, 2007, thus placing the violation within the initial six-month period in which the Commission encouraged NERC and the Regional Entities to focus on the most serious violations.

Therefore, NERC believes that the proposed zero dollar (\$) financial 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.

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 and material:

- a) Self-Certification Report of Mirant dated August 31, 2007, included as Attachment a;
- b) Mirant's response to the Notice of Alleged Violation and Proposed Penalty or Sanction, included as Attachment b;
- c) Mitigation Plan designated as MIT-07-0214, included as Attachment c;
- d) Mirant's certification of completion of the Mitigation Plan dated February 19, 2008, included as Attachment d; and
- e) ReliabilityFirst's statement of verification that the Mitigation Plan has been completed, dated February 28, 2008, included as Attachment e.

A Form of Notice Suitable for Publication¹⁰

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

Notices and Communications

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

¹⁰ See 18 C.F.R § 39.7(d)(6).

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

Tim Gallagher*
President
ReliabilityFirst Corporation
320 Springside Drive
Akron, Ohio 44333
(330) 456-2488
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tim.gallagher@rfirst.org

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Manager of Compliance Enforcement
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Kandi Forte*
Director, Operations Performance Management
Mirant Mid-Atlantic, LLC
1155 Perimeter Center West
Atlanta, Georgia 30338-5416
(678) 579-5106
(678) 579-6677 facsimile
kandi.forte@mirant.com

*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*
Assistant General Counsel
Holly A. Hawkins*
Attorney
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
holly.hawkins@nerc.net

Raymond J. Palmieri*
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Akron, Ohio 44333
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Enrique Carbia*
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(678) 579-5678
(678) 579-6677 facsimile
enrique.carbia@mirant.com

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
Assistant General Counsel
Holly A. Hawkins
Attorney
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Corporation
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rebecca.michael@nerc.net
holly.hawkins@nerc.net

cc: Mirant Mid-Atlantic LLC
ReliabilityFirst Corporation

Attachment(s)

Attachment a

**Self-Certification Report of Mirant
dated August 31, 2007**

Compliance Data Management System

2007 Self-Certification Worksheet

Mirant Mid-Atlantic, LLC

<u>STANDARD</u>	PRC-005-1	Trans.and Gen. Protection System Maint. and Testing -(DP,GO,TO)		
<u>RESPONSIBLE FOR COMPLYING</u>	Yes	<u>RECEIVED_DATE</u>	08/31/2007	
	<u>DUE DATE</u>	08/31/2007	<u>COMPLIANCE LEVEL</u>	NC Level 2
	<u>MP DUE DATE</u>	10/01/2007	<u>SC_STATUS</u>	Submitted

NOT RESPONSIBLE REASON

MEMBER COMMENTS

Mirant Mid-Atlantic, LLC includes our Morgantown and Dickerson Generating Facilities.

Dickerson Generating Station:

MEMBER CONTACT

Enrique Carbia - 678-579-5678 enrique.carbia@mirant.com

Attachment b

Mirant's Response to the Notice of Alleged Violation and Proposed Penalty or Sanction

Mirant Corporation

1155 Perimeter Center West, Atlanta, Georgia 30338-5416
T 678 579 5000 F 678 579 5001 U www.mirant.com

~~CONFIDENTIAL~~

December 13, 2007

Raymond J. Palmieri
Vice President, Director of Compliance
ReliabilityFirst Corporation
320 Springdale Drive, Suite 300
Akron, OH 44333-4500



Re: RFC200700005

Dear Mr. Palmieri:

This letter is in response to the Notice of Alleged Violation and Proposed Penalty or Sanction, Docket No. RFC200700005, and is intended to inform ReliabilityFirst that Mirant Mid-Atlantic, LLC agrees with or does not contest the Alleged Violation and Proposed Penalty or Sanction, and agrees to submit and implement a mitigation plan to correct the violation and its underlying causes.

Attached is Mirant Mid-Atlantic's mitigation plan and time line for completion to correct the violation of standard PRC-005-1_R2 and its underlying causes. Should ReliabilityFirst have any questions regarding the Alleged Violation or the provided mitigation plan, please contact the following authorized representative to respond:

Jay Bellingham
Contact Number: 301-601-6521
Jay.bellingham@mirant.com

The attached document has been sent to you via e-mail and registered US mail to the above mentioned address.

Sincerely,


James P. Garlick
Senior Vice President of Operations

Enclosure

Attachment c

Mitigation Plan designated as MIT-07-0241

Compliance Data Management System

2007 Mitigation Plan Worksheet

Mirant Mid-Atlantic, LLC

<u>PROCESS TYPE</u> Self-Certification	<u>STANDARD</u> PRC-005-1
<u>DUE DATE</u> 10/01/2007	<u>STATUS</u> Submitted
<u>RECEIVED</u> 08/31/2007	<u>TIMELINESS LEVEL</u> Full
<u>ASSESSMENT DATE</u>	<u>COMPLIANCE LEVEL</u>
<u>COMPLETED DATE</u>	<u>SUBMITTED BY</u> MET
<u>CONTACT</u> Enrique Carbia	
<u>PHONE</u> 678-579-5678	<u>EXPECTED COMPLETION DATE</u> 12/31/2007
<u>EMAIL</u> enriqu.carbia@mirant.com	

Is the mitigation plan adequate/compliant? No

Is the recommendation non-compliance? No

REASON FOR MITIGATION PLAN

For the Dickerson generating facility there are a number of relays that have not completed calibration and maintenance within the four year interval defined by the previous PJM subcommittee Relay testing and maintenance practices due to delays in planned outage schedules and lack of special equipment to complete the necessary calibration for Voltage Unbalance relays. The planned outage is scheduled with PJM to take place fall 2007 and all needed calibration and testing is scheduled to occur within that outage. A contractor with proper Equipment to complete voltage unbalance relay calibrations is being sought and is expected to complete work by 12/31/07.

PLAN STEPS

The planned outage is scheduled to take place fall 2007 and all needed calibration and testing is scheduled to occur within that outage. A contractor with proper Equipment to complete voltage unbalance relay calibrations is being sought. Additionally all relay calibration and maintenance requirements will be incorporated into the station CMMS system for preventive maintenance scheduling to assure future timely compliance with scheduled maintenance requirements.

PLAN SCHEDULE

All outstanding relay calibration and maintenance is planned to be complete by 12/31/07

MEMBER COMMENTS

REVIEW COMMENTS

**Compliance Data Management System
2007 Mitigation Plan Worksheet**

Mirant Mid-Atlantic, LLC

***** End of Report *****

RELIABILITY

Proposed Mitigation Plan

Date Submitted

8/20/2007

Registered Entity Information

Company Name:

Mirant Mid-Atlantic, LLC

Company Address:

Dickerson Generating Station

21200 Martinsburg Road

Dickerson MD 20842

Mitigation Plan Contact Person & Phone Number:

Jay Bellingham

301.601.6521

Violation

Reliability Standard Number:

PRC-005-1

Requirement Number Violated:

R2.1

Cause of the Violation:

All H1CT protective relays are over the 4 year calibration cycle. This is due to the lack of major outages in previous schedules.

Plan to Correct the Violation

A Plant work order will be entered so we can schedule relay calibration during reserve shutdown periods before December 31, 2007.

RELIABILITY

Plan to Prevent Recurrence of the Violation

Initiate Preventive Maintenance Requirement auto-generated from our Centralized Management Maintenance System on a three year cycle for each unit that includes each relay so none are missed.

Mitigation Plan

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

No additional mitigation plan needed. Relay calibration was completed on 05Dec07.

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

Mitigation Plan Schedule

Anticipated Completion Date:

Complete 05Dec07

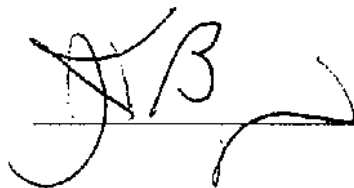
RELIABILITY

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

Complete 05Dec07

Any Additional Information

Signature



Date

12/13/07

Name:

Jay Bellingham

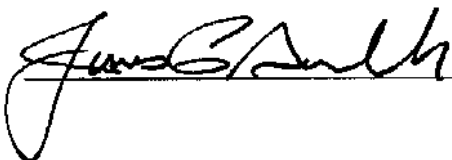
Title:

Plant Manager

Authorizing Officer: James P. Garlick

Title: Senior Vice President of Operations

Signature:



Date:

12-14-07

Attachment d

Mirant's Certification of Completion of the Mitigation Plan, dated February 19, 2008

~~CONFIDENTIAL~~



February 19, 2008

Raymond J. Palmieri
Vice President, Director of Compliance
ReliabilityFirst Corporation
320 Springside Drive, Suite 300
Akron, OH 44333-4500

Re: RFC200700005 (Notice of Alleged Violation and Proposed Penalty or Sanction)

Dear Mr. Palmieri:

Although to date, Mirant Mid-Atlantic, LLC has not received notification as to whether the Mitigation Plan submitted on December 13, 2007 has been approved or disapproved by NERC, the intent of this letter is to inform ReliabilityFirst that all required actions described in Mirant Mid-Atlantic, LLC's mitigation plan have been completed according to schedule. Attached is the updated Mitigation Plan reflecting all actions taken and their completion dates.

Sincerely,


James P. Garlick
Senior Vice President of Operations

Enclosure

Attachment e

**ReliabilityFirst Corporation's Verification of
Completion of Mitigation Plan
dated Cwi wv'3: , 2008**



August 18, 2008

Summary and Review of Evidence of Mitigation Plan Completion

NERC Violation ID #:	RFC20070005
NERC Plan ID:	MIT-07-0214
Registered Entity;	Mirant Mid-Atlantic, LLC
NERC Registry ID:	NCR00829
Standard:	PRC-005-1
Requirement:	2.1
Status:	Complete

Review Process:

Mirant Mid-Atlantic, LLC certified that this Mitigation Plan was completed on February 19, 2008. ReliabilityFirst requested and received evidence of completion for actions taken by Mirant Mid-Atlantic, LLC as specified in the Mitigation Plan. ReliabilityFirst performed an audit-like review to verify that all actions specified in the Mitigation Plan were successfully completed.

Evidence Provided:

A number of relays at the Dickerson generating facility had not been calibrated and maintained within the four year interval defined by PJM. Mirant Mid-Atlantic, LLC submitted a vendor Purchase Order (Mirant Purchase Order SVMA-21314) authorizing the cleaning and inspection of the Dickerson station H relays. A vendor Work Order (Work Order Details Report WO#:193807) and Invoice (CAMCO Invoice Number: 131540) were also submitted as evidence that the work had been completed.

Mirant Mid-Atlantic, LLC submitted a Relay Tracking Log (Mirant Dickerson Tracking Log) summarizing the details of each relay maintained and tested as well as the detailed calibration data sheets (89 pages) for each of the relays.

Mid-Atlantic, LLC also submitted a copy of the Dickerson Preventive Maintenance Report as evidence that it completed its plan to prevent reoccurrence by initiating auto-generated PMs from its Central Maintenance Management System.



Review Results:

The ReliabilityFirst Compliance Staff has reviewed the evidence discussed above that was provided by Mirant Mid-Atlantic, LLC and has determined, in their professional judgment, that Mirant Mid-Atlantic, LLC has submitted sufficient evidence to conclude that Mirant Mid-Atlantic, LLC has completed the Mitigation Plan approved by ReliabilityFirst and NERC.

Respectf

ully Submitted,

A handwritten signature in black ink that reads "Robert K. Wargo".

Robert
Manager
Reliability

K. Wargo
of Compliance Enforcement
First Corporation

Attachment f

Notice of Filing

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Mirant Mid-Atlantic LLC

Docket No. NP09-____-000

NOTICE OF FILING
May 14, 2009

Take notice that on May 14, 2009, the North American Electric Reliability Corporation (NERC) filed a Notice of Penalty regarding Mirant Mid-Atlantic LLC in the Reliability *First* Corporation 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, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: [BLANK]

Kimberly D. Bose,
Secretary