



NORTH AMERICAN ELECTRIC  
RELIABILITY CORPORATION

October 14, 2009

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

**Re: NERC Omnibus Notice of Penalty  
FERC Docket No. NP10-\_\_-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides this Omnibus Notice of Penalty<sup>1</sup> (Omnibus NOP) regarding 140 Registered Entities<sup>2</sup> listed in Attachment A,<sup>3</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>4</sup>

The Registered Entities identified in Attachment A are located within the footprints of six of the eight NERC Regional Entities, including Florida Reliability Coordinating Council (FRCC), Midwest Reliability Organization (MRO), ReliabilityFirst Corporation (RFC), SERC Reliability Corporation (SERC) Southwest Power Pool Regional Entity (SPP RE) and Western Electricity Coordinating Council (WECC) (Six Regional Entities).

The Omnibus NOP resolves 564 possible violations of 54 Reliability Standards. The possible violations largely represent older violations that were discovered prior to July 3, 2008, the date the Commission issued its Guidance Order setting forth the expectations for record development in support of a NOP. In all events, the violations were discovered on or before July 31, 2008.<sup>5</sup>

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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> Corresponding NERC Registry ID Numbers for each Registered Entity are identified in Attachment A.

<sup>3</sup> Attachment A is an excel spreadsheet which consists of six tabs for the respective Six Regional Entities participating in this filing.

<sup>4</sup> *See* 18 C.F.R. § 39.7(c)(2).

<sup>5</sup> After the issuance of the Commission's July 3 Order, NERC and the Regional Entities met to discuss the guidance provided in the July 3 Order and changes to processes and procedures to address that guidance. Several weeks were

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Generally, the records for these cases do not measure up to the criteria stated in the July 3 Order. In the opinion of NERC and the Regional Entities, no significant reliability benefit would be gained by starting over to fully develop the record in each of the cases. Rather, closing out these older, relatively minor, cases will enable NERC and the Regional Entities to focus on more significant violations. This is consistent with the NERC Sanction Guidelines and the Commission's pronouncements in Order No. 693.

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\$).*<sup>6</sup>

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.

223. *By directing the ERO and Regional Entities to focus their resources on the most serious violations through the end of 2007, the ERO and Regional Entities will have the discretion necessary to assess penalties for such violations, while also having discretion to calculate a penalty without collecting the penalty if circumstances warrant.* Further, even if the ERO or a Regional Entity declines to assess a monetary penalty during the initial period, they are authorized to require remedial actions where a Reliability Standard has been violated. Furthermore, where the ERO uses its discretion and does not assess a penalty for a Reliability Standard violation, we encourage the ERO to establish a process to inform the

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required for the Regional Entities to revise the processes and procedures and to train personnel on the new requirements in response to the July 3 Order. A number of records had been under development and some were even completed or nearing completion prior to the issuance of the July 3 Order, many of which are included in this submittal. Accordingly, NERC established a July 31 date for inclusion of violations in this Omnibus filing in recognition of the additional time and effort that would be required to reopen those records.

<sup>6</sup> See NERC Sanction Guidelines (emphasis added).

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user, owner or operator of the Bulk-Power System of the violation and the potential penalty that could have been assessed to such entity and how that penalty was calculated. We leave to the ERO's discretion the parameters of the notification process and the amount of resources to dedicate to this effort. Moreover, the Commission retains its power under section 215(e)(3) of the FPA to bring an enforcement action against a user, owner or operator of the Bulk-Power System.

*224. The Commission believes that the goal should be to ensure that, at the outset, the ERO and Regional Entities can assess a monetary penalty in a situation where, for example, an entity's non-compliance puts Bulk-Power System reliability at risk. Requiring the ERO and Regional Entities to focus on the most serious violations will allow the industry time to adapt to the new regime while also protecting Bulk-Power System reliability by allowing the ERO or a Regional Entity to take an enforcement action against an entity whose violation causes a significant disturbance. Our approach strikes a reasonable balance in ensuring that the ERO and Regional Entities will be able to enforce mandatory Reliability Standards in a timely manner, while still allowing users, owners and operators of the Bulk-Power System time to acquaint themselves with the new requirements and enforcement program. In addition, our approach ensures that all users, owners and operators of the Bulk-Power System take seriously mandatory, enforceable reliability standards at the earliest opportunity and before the 2007 summer peak season.*<sup>7</sup>

In order to be a candidate for inclusion in this Omnibus NOP, the possible violations are those that had a minimal to moderate impact on the reliability of the bulk power system (BPS), but in all cases are those that did not pose a serious or substantial risk to the BPS. While a zero dollar penalty was assessed with respect to a majority of the possible violations, there are some financial penalties that are assessed, as reflected in Attachment A. In all cases, the Mitigation Plans associated with the violations contained in the Omnibus NOP have been completed, certified by the Registered Entity as completed and verified by the Regional Entity as having been completed. With respect to violations that did not have completed or verified Mitigation Plans at the time of this filing, NERC anticipates submitting a future Omnibus NOP to address those violations once they have been completed and verified. This multi-phase approach is appropriate and necessary so that violations that are ready to proceed to filing can do so without the need to await those that require additional time.

This Omnibus NOP is being filed with the Commission because, based on information from the Six Regional Entities, they have respectively entered into agreements with the Registered Entities identified in Attachment A to resolve all outstanding issues arising from preliminary and non-public assessments resulting in the Six Regional Entities' determination and findings of the enforceable alleged violation of the Reliability Standards identified in Attachment A. The WECC Settlement Agreements (also referred to as Disposition Letters) permitted an entity to be

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<sup>7</sup> Order No. 693 at PP 222-224 (emphasis added).

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deemed to have accepted the agreement if it did not respond in a given time period.<sup>8</sup> This is reflected in the spreadsheet in the Executed Disposition Letter column. While the Registered Entities have neither admitted nor denied the alleged violations of the Reliability Standards, they have agreed to the proposed penalty stated in Attachment A, in addition to other remedies and mitigation actions to mitigate the instant alleged violation and ensure future compliance with the Reliability Standards. Accordingly, the alleged violations, identified as NERC Violation Tracking Identification Numbers in Attachment A, are being filed in accordance with the NERC Rules of Procedure and the CMEP.

As discussed below, this Omnibus NOP resolves 564 older violations. Completing these older, generally minor cases will help NERC and the Regional Entities focus on the more serious violations of the mandatory and enforceable NERC Reliability Standards. NERC respectfully requests that the Commission accept this Omnibus NOP.

**Statement of Findings Underlying the Alleged Violations**

The descriptions of the possible violations and related risk assessments, as well as support for the respective penalties, are set forth in Attachment A. The violation identification date corresponds to the first date that the Regional Entity was aware that there was a violation. Where a violation was discovered prior to the mandatory and enforceable date of June 18, 2007, at such time as it became a post-June 18 violation, both dates are reflected in the spreadsheet. Verification dates for all Regional Entities other than WECC are based on the date of the letter issued by the respective Regional Entity. WECC's verification date is based on the date of the Reliability Standard Audit Worksheet (RSAW) that was used to verify Mitigation Plan completion dates.

Documentation violations are noted in the column addressing additional considerations with respect to the basis of the penalty where supported by the record; however, other violations also may have been documentation related but the record did not have sufficient information to make that statement as part of this filing. NERC notes that specific facts involving violations arising from failure to complete Mitigation Plans on time and multiple violations are separately noted in Attachment A.

This Notice of Penalty filing contains the basis for approval by the NERC Board of Trustees Compliance Committee (NERC BOTCC) of the findings and penalties reflected in Attachment A of this Omnibus NOP. In accordance with Section 39.7 of the Commission's regulations, 18 C.F.R. § 39.7 (2007), each Reliability Standard at issue in this Omnibus Notice of Penalty is set forth in Attachment A.

Text of the Reliability Standards at issue in the Omnibus NOP may be found on NERC's web site at <http://www.nerc.com/page.php?cid=2|20>. For each respective possible violation, the Reliability Standard Requirement at issue and the applicable Violation Risk Factor are set forth in Attachment A.

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<sup>8</sup> NERC notes that WECC has made some revisions to its Disposition Letters to reflect recent dismissals of alleged violations based upon further review by WECC. These revisions are denoted by a single line through the alleged violation number and will be separately dismissed through the existing notification protocol. In addition, there are some alleged violations that have not yet been processed to completion and are denoted by the redacted text. These violations will be addressed in later Notices of Penalties.

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The Six Regional Entities' determination of penalties was 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." In all cases, the Six Regional Entities considered the direction of the Federal Energy Regulatory Commission ("Commission") set forth in Order No. 693 and the NERC Sanction Guidelines. Specifically, the Six Regional Entities considered the following twelve factors for each respective possible violation: (1) the relation of the penalty to the seriousness of the violation; (2) the violation duration; (3) the Registered Entity's compliance history; (4) the Registered Entity's self-disclosure 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 directed; (6) the presence and quality of the Registered Entity's compliance program; (7) the violation time horizon; (8) the failure of the Registered Entity to comply with compliance directives; (9) any attempt by the Registered Entity to conceal the violation or information needed to investigate the violation; (10) intentional violation; (11) any other extenuating circumstances; and (12) the Registered Entity's ability to pay a penalty.

The majority of the possible violations were identified by self-reports and self-certifications of the Registered Entities. Many of the records for the possible violations were developed, based on the NERC Sanction Guideline criteria, prior to the issuance of the July 3 Order, and do not measure up to what FERC is now requiring. However, based on the information provided by the Registered Entities and verified by the Regional Entities, the relatively minor nature of the violations and the age of the violations do not warrant spending additional time to develop the record.

Each of the factors considered by the Regional Entities is discussed in turn:

- First, the relation of the penalty to the seriousness of a respective possible violation is addressed herein generally and specifically in the column of Attachment A entitled "Basis for Penalty." In order to be a candidate for inclusion in this filing, the possible violation could have been considered to have a minimal or moderate impact on the reliability of the BPS but could not pose a serious or substantial risk to the reliability of the BPS.
- Second, the violation duration is identified for each possible violation in Attachment A and reflects the date of occurrence until completion of the associated Mitigation Plan.
- Third, the Registered Entity's compliance history is addressed in Attachment A. While a respective Registered Entity may have several possible violations included in the Omnibus NOP or even prior NOPs, Attachment A states whether the possible violations were the first occurrence of violations of the Reliability Standards at issue in this filing.
- Fourth, the method of discovery and status of Mitigation Plan activities are addressed in Attachment A.

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- Fifth, in all cases, the Registered Entities cooperated in the audit or investigation processes, and in any remedial actions that were taken.
- Sixth, the Six Regional Entities considered the presence and quality of the respective Registered Entity's compliance program and concluded that nothing with respect thereto precluded inclusion of the possible violations in the Omnibus NOP.
- Seventh, the Six Regional Entities considered the violation time horizon and concluded the possible violations were appropriate for inclusion in this Omnibus NOP.
- Eighth, the Six Regional Entities considered whether there was a the failure of the Registered Entity to comply with compliance directives or to timely complete Mitigation Plans for pre- and post-June 18, 2007 violations.
- Ninth, in all cases, the Six Regional Entities did not find any attempt by a Registered Entity to conceal the violation or information needed to investigate the violation.
- Tenth, the Six Regional Entities did not find evidence of any intentional violations.
- Eleventh, the Six Regional Entities considered whether there were any other extenuating circumstances, including whether the Registered Entity at issue was a newly registered entity and not subject to the Urgent Action 1200 requirements that preceded the mandatory and enforceable NERC Reliability Standards. In addition, the Six Regional Entities note the Commission's decision to separately address the jurisdiction issue with respect to the United States Army Corps of Engineers and Federal Entities in Docket No. NP09-26-000 and have preserved the rights of Registered Entities with respect to jurisdictional issues.
- Finally, the Six Regional Entities have taken into consideration a Registered Entity's ability to pay a penalty.

As a result, penalties were assessed accordingly and are reflected in Attachment A. Of the 564 violations addressed in this Omnibus NOP, 16 (or 2.8%) have financial penalties totaling \$ 91,000.

### **Status of Mitigation Plan<sup>9</sup>**

The status of each Mitigation Plan to address the possible violations is identified in Attachment A. The Mitigation Plans have all been accepted by the Regional Entity and approved by NERC. The Mitigation Plan number for each possible violation is identified in Attachment A, and each Mitigation Plan has been submitted to FERC as non-public information in accordance with FERC orders.

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<sup>9</sup> See 18 C.F.R § 39.7(d)(7).

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Information also is provided regarding the dates of a Registered Entity's certification of completion of its Mitigation Plan and Regional Entity verification of such completion. As evidence of completion of its Mitigation Plan, each Registered Entity submitted a signed, formal document and procedure assigning and identifying a senior manager by name, title, business address and date of designation as required.

### **Statement Describing the Proposed Penalty, Sanction or Enforcement Action Imposed<sup>10</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>11</sup> the NERC BOTCC reviewed the Omnibus NOP and the attachments thereto, as well as underlying Settlement Agreements and supporting documentation on September 11, 2009 and October 13, 2009. The NERC BOTCC approved the Settlement Agreements, including the Six Regional Entity's imposition of financial penalties as reflected in Attachment A based upon its findings and determinations, the NERC BOTCC's review of the applicable requirements of the Commission-approved Reliability Standards and the underlying facts and circumstances of the violations at issue.

In reaching this determination, the NERC BOTCC considered the twelve factors discussed above and concluded that, while the records would need to be more developed to meet the requirements of the July 3 Order, sufficient information has been provided by the Registered Entities and the Regional Entities to conclude that the findings and proposed penalties are appropriate. The NERC BOTCC has determined that the submission of this Omnibus NOP is an appropriate vehicle to closing out these older, relatively minor, cases.

For the foregoing reasons, the NERC BOTCC approves the findings and proposed penalties included in the Omnibus NOP and the underlying agreements and believes that the proposed penalties are appropriate for the violation and circumstances in question, and consistent with NERC's goal to promote and ensure reliability of the BPS.

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.

#### **Request for Confidential Treatment of Certain Attachments**

Certain attachments to the instant Notice of Penalty include confidential information as defined by the Commission's regulations at 18 C.F.R. Part 388 and orders, as well as NERC Rules of Procedure including the NERC CMEP Appendix 4C to the Rules of Procedure. This includes non-public information related to certain Reliability Standard violations, certain Regional Entity investigative files, Registered Entity sensitive business information and confidential information

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<sup>10</sup> See 18 C.F.R § 39.7(d)(4)

<sup>11</sup> *North American Electric Reliability Corporation*, "Guidance Order on Reliability Notices of Penalty," 124 FERC ¶ 61,015 (2008).

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regarding critical energy infrastructure, as well as alleged violations that have not yet been processed to completion.

In accordance with the Commission's Rules of Practice and Procedure, 18 C.F.R. § 388.112, a non-public version of the information redacted from the public filing is being provided under separate cover.

Because certain of the attached documents are deemed "confidential" by NERC, Registered Entities and Regional Entities, NERC requests that the confidential, non-public information be provided special treatment in accordance with the above regulation.

### **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) Excel spreadsheet, organized by each Regional Entity, included as Attachment A; and
- b) Additions to the service list, included as Attachment B.
- c) VRF Revision History Applicable to the Omnibus NOP, included as Attachment C.

### **A Form of Notice Suitable for Publication<sup>12</sup>**

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

### **Notices and Communications**

Notices and communications with respect to this filing may be addressed to the following as well as to the entities included in Attachment B to this Omnibus NOP:

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<sup>12</sup> See 18 C.F.R § 39.7(d)(6).

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<p>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 david.cook@nerc.net</p> <p>*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. <i>See also</i> Attachment B for additions to the service list.</p>	<p>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</p>
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**Conclusion**

As discussed above, this Omnibus NOP resolves a number of older violations. Completing these cases will help NERC and the Regional Entities focus on the more serious violations of the mandatory and enforceable NERC Reliability Standards. Accordingly, NERC respectfully requests that the Commission accept this Omnibus Notice of Penalty as compliant with its rules, regulations and orders.

Respectfully submitted,

/s/ Rebecca J. Michael

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cc: Entities listed in Attachment B  
Attachments

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## Attachment A

Excel spreadsheet, organized by each Regional Entity

Privileged and Confidential Information and  
Critical Energy Infrastructure Information Has Been Removed  
From This Public Version

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## Attachment B

### Additions to the service list

**FRCC Omnibus Filing Service List**

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## Attachment C

### VRF Revision History Applicable to the Omnibus NOP

## Attachment C

### Violation Risk Factor Revision History Applicable to the Omnibus Notice of Penalty

Some of the Violation Risk Factors in the Omnibus spreadsheet can be attributed to the violation being assessed at a main requirement or sub-requirement level. Also, some of the Violation Risk Factors were assigned at the time of discovery and overtime NERC has filed new Violation Risk Factors, which have been approved by FERC.

- When NERC filed Violation Risk Factors (VRF) it originally assigned BAL-002-0 R2 a Lower VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRF and on February 6, 2008, the Commission approved the modified Medium VRF. Therefore, the Lower VRF for BAL-002-0 R2 was in effect from June 18, 2007 until February 6, 2008 when the Medium VRF became effective.
- When NERC filed Violation Risk Factors (VRF) it originally assigned BAL-005-0 R2 a Lower VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified High VRF and on February 6, 2008, the Commission approved the modified High VRF. Therefore, the Lower VRF for BAL-005-0 R2 was in effect from June 18, 2007 until February 6, 2008 when the High VRF became effective.
- When NERC filed Violation Risk Factors (VRF) it originally assigned BAL-005-0 R7 a Lower VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRF and on February 6, 2008, the Commission approved the modified Medium VRF. Therefore, the Lower VRF for BAL-005-0 R7 was in effect from June 18, 2007 until February 6, 2008 when the Medium VRF became effective.
- When NERC filed Violation Risk Factors (VRF) it originally assigned BAL-005-0 R17 a Lower VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRF and on February 6, 2008, the Commission approved the modified Medium VRF. Therefore, the Lower VRF for BAL-005-0 R17 was in effect from June 18, 2007 until February 6, 2008 when the Medium VRF became effective.
- When NERC filed Violation Risk Factors (VRF) it originally assigned CIP-002-1 R1 a Lower VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRF and on January 27, 2009, the Commission approved the modified Medium VRF. Therefore, the Lower VRF for CIP-002-1 R1 was in effect from June 18, 2007 until January 27, 2009 when the Medium VRF became effective.
- When NERC filed Violation Risk Factors (VRF) it originally assigned CIP-002-1 R2 a Lower VRF. The Commission approved the VRF as filed; however, it

- directed NERC to submit modifications. NERC submitted the modified High VRF and on January 27, 2009, the Commission approved the modified High VRF. Therefore, the Lower VRF for CIP-002-1 R2 was in effect from June 18, 2007 until January 27, 2009 when the High VRF became effective.
- When NERC filed Violation Risk Factors (VRF) it originally assigned CIP-002-1 R3 a Medium VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified High VRF and on January 27, 2009, the Commission approved the modified High VRF. Therefore, the Medium VRF for CIP-002-1 R3 was in effect from June 18, 2007 until January 27, 2009 when the High VRF became effective.
  - When NERC filed Violation Risk Factors (VRF) it originally assigned CIP-003-1 R1 a Lower VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRF and on January 27, 2009, the Commission approved the modified Medium VRF. Therefore, the Lower VRF for CIP-002-1 R2 was in effect from June 18, 2007 until January 27, 2009 when the Medium VRF became effective.
  - When NERC filed Violation Risk Factors (VRF) it originally assigned CIP-004-1 R2.1 a Lower VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRF and on January 27, 2009, the Commission approved the modified Medium VRF. Therefore, the Lower VRF for CIP-004-1 R2.1 was in effect from June 18, 2007 until January 27, 2009 when the Medium VRF became effective.
  - When NERC filed Violation Risk Factors (VRF) it originally assigned CIP-004-1 R3 a Lower VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRF and on January 27, 2009, the Commission approved the modified Medium VRF. Therefore, the Lower VRF for CIP-004-1 R3 was in effect from June 18, 2007 until January 27, 2009 when the Medium VRF became effective.
  - When NERC filed Violation Risk Factors (VRF) it originally assigned COM-002-2 R1 a Medium VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified High VRF and on August 9, 2007, the Commission approved the modified High VRF. Therefore, the Lower VRF for COM-002-2 R1 was in effect from June 18, 2007 until August 9, 2007 when the High VRF became effective.
  - When NERC filed Violation Risk Factors (VRF) it originally assigned EOP-005-1 R6 a Medium VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified High VRF and on February 6, 2008, the Commission approved the modified High VRF. Therefore, the Medium VRF for EOP-005-1 R6 was in effect from June 18, 2007 until February 6, 2008 when the High VRF became effective.

- When NERC filed Violation Risk Factors (VRF) it originally assigned EOP-005-1 R7 a Medium VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified High VRF and on February 6, 2008, the Commission approved the modified High VRF. Therefore, the Medium VRF for EOP-005-1 R7 was in effect from June 18, 2007 until February 6, 2008 when the High VRF became effective.
- When NERC filed Violation Risk Factors (VRF) it originally assigned EOP-008-0 R1 a Medium VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified High VRF and on February 6, 2008, the Commission approved the modified High VRF. Therefore, the Medium VRF for EOP-008-0 R1 was in effect from June 18, 2007 until February 6, 2008 when the High VRF became effective.
- When NERC filed Violation Risk Factors (VRF) it originally assigned PRC-001-1 R2 a Medium VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified High VRF and on August 6, 2007, the Commission approved the modified High VRF. Therefore, the Medium VRF for PRC-001-1 R2 was in effect from June 18, 2007 until August 6, 2007 when the High VRF became effective.
- When NERC filed Violation Risk Factors (VRF) it originally assigned PRC-001-1 R3 a High VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified <blank> VRF and on August 6, 2007, the Commission approved the modified <blank> VRF. Therefore, the High VRF for PRC-001-1 R3 was in effect from June 18, 2007 until August 6, 2007 when the <blank> VRF became effective.
- When NERC filed Violation Risk Factors (VRF) it originally assigned PRC-001-1 R6 a Medium VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified High VRF and on August 6, 2007, the Commission approved the modified High VRF. Therefore, the Medium VRF for PRC-001-1 R6 was in effect from June 18, 2007 until August 6, 2007 when the High VRF became effective.
- When NERC filed Violation Risk Factors (VRF) it originally assigned PRC-005-1 R1 a Medium VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified High VRF and on August 6, 2007, the Commission approved the modified High VRF. Therefore, the Medium VRF for PRC-005-1 R1 was in effect from June 18, 2007 until August 6, 2007 when the High VRF became effective.
- When NERC filed Violation Risk Factors (VRF) it originally assigned TOP-003-0 R1 a Medium VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified <blank> VRF and on August 6, 2007, the Commission approved the modified <blank>

VRF. Therefore, the Medium VRF for TOP-003-0 R1 was in effect from June 18, 2007 until August 6, 2007 when the <blank> VRF became effective.

- When NERC filed Violation Risk Factors (VRF) it originally assigned TOP-006-1 R3 a Lower VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRF and on February 6, 2008, the Commission approved the modified Medium VRF. Therefore, the Lower VRF for TOP-006-1 R3 was in effect from June 18, 2007 until February 6, 2008 when the Medium VRF became effective.
- When NERC filed Violation Risk Factors (VRF) it originally assigned TPL-002-0 R1 a Medium VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified High VRF and on August 6, 2007, the Commission approved the modified High VRF. Therefore, the Medium VRF for RPL-002-0 R1 was in effect from June 18, 2007 until August 6, 2007 when the High VRF became effective.

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## Attachment D

### Notice of Filing

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Omnibus Notice of Penalty ) Docket No. NP10-\_\_\_\_-000

NOTICE OF FILING  
October 14, 2009

Take notice that on October 14, 2009, the North American Electric Reliability Corporation (NERC) filed an Omnibus Notice of Penalty regarding 140 Registered Entities in six Regional Entity footprints.

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