

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

North American Electric Reliability Corporation            )  
and Northeast Power Coordinating Council, Inc.            )        Docket No. RC09-3-000

**SUPPLEMENTAL COMPLIANCE FILING OF THE  
NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION AND NORTHEAST  
POWER COORDINATING COUNCIL, INC.  
IN RESPONSE TO THE DECEMBER 18, 2008 COMMISSION ORDER**

In compliance with the Federal Energy Regulatory Commission’s (“FERC” or the “Commission”) December 18, 2008, order in the above-captioned proceeding (“December 18 Order”),<sup>1</sup> the North American Electric Reliability Corporation (“NERC”) and the Northeast Power Coordinating Council, Inc. (“NPCC”) (collectively “Joint Filing Parties”) respectfully submit this supplement to their February 20, 2009 compliance filing, regarding the comprehensive list of Bulk Electric System (“BES”) facilities within the United States portion of the NPCC Region and responses to the set of questions and data requests of the Commission stated in the December 18 Order. Specifically, by this filing, the Joint Filing Parties are submitting revised Attachments D2 and D4 that identify which generator stations are subject to NERC Reliability Standards.

**Documents Submitted With This Filing**

1. Revised NPCC generation list for New York, included in Attachment D2 – Rev. 1; and
2. Revised NPCC generation list for New England, included in Attachment D4 – Rev.1.

Information set forth in Attachments D2- Rev. 1 and D4- Rev. 1 to the instant filing includes confidential and privileged 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

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<sup>1</sup> *North American Electric Reliability Corporation and Northeast Power Coordinating Council, Inc.*, 125 FERC ¶ 61,295 (2008). *North American Electric Reliability Corporation and Northeast Power Coordinating Council, Inc.*, Notice of Extension of Time (Jan. 15, 2009).

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Appendix 4C to the Rules of Procedure. Specifically, the information pertains to proprietary or business design information, including design information related to vulnerabilities of critical energy infrastructure information (CEII) that is not publicly available. Accordingly, the information set forth in the Attachments D2-Rev. 1 and D4-Rev. 1 has been redacted from the public filing. 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. NERC requests that the confidential, non-public information be provided special treatment in accordance with the above regulation.

### **II. Correspondence and Communications**

Communications regarding this filing should be addressed to:

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\*Persons to be included on the Commission's service list are indicated with an asterisk. NERC and NPCC request waiver of the Commission's rules and regulations to permit the inclusion of more than two people on the service list.

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### III. Description of Generation Compliance Data Submitted

The NERC Statement of Compliance Registry Criteria (Revision 5.0) sets forth the criteria for registering Generator Owners (GOs) and Generator Operators (GOPs). It provides, in relevant part:

#### III(c) Generator Owner/Operator:

III.c.1 Individual generating unit > 20 MVA (gross nameplate rating) and is directly connected to the bulk power system, or;

III.c.2 Generating plant/facility > 75 MVA (gross aggregate nameplate rating) or when the entity has responsibility for any facility consisting of one or more units that are connected to the bulk power system at a common bus with total generation above 75 MVA gross nameplate rating, or;

III.c.3 Any generator, regardless of size, that is a blackstart unit material to and designated as part of a transmission operator entity's restoration plan, or;

III.c.4 Any generator, regardless of size, that is material to the reliability of the bulk power system.

#### *[Exclusions:*

*A generator owner/operator will not be registered based on these criteria if responsibilities for compliance with approved NERC reliability standards or associated requirements including reporting have been transferred by written agreement to another entity that has registered for the appropriate function for the transferred responsibilities, such as a load-serving entity, G&T cooperative or joint action agency as described in Sections 501 and 507 of the NERC Rules of Procedure.*

*As a general matter, a customer-owned or operated generator/generation that serves all or part of retail load with electric energy on the customer's side of the retail meter may be excluded as a candidate for registration based on these criteria if (i) the net capacity provided to the bulk power system does not exceed the criteria above or the Regional Entity otherwise determines the generator is not material to the bulk power system and (ii) standby, back-up and maintenance power services are provided to the generator or to the retail load pursuant to a binding obligation with another generator owner/operator or under terms approved by the local regulatory authority or the Federal Energy Regulatory Commission, as applicable.]*

The two revised NPCC Attachments, which consist of Attachment D2-Rev. 1 and Attachment D4-Rev.1, identify generation assets in both the New York and New England footprint that are either tied to the 100 kV system (individual unit greater than 20 MVA gross

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nameplate rating or station greater than 75 MVA gross aggregate nameplate rating) or part of the Balancing Authorities' restoration plan for generation blackstart. NPCC has amended these attachments by adding a new column that identifies which of these generators is currently registered as a GO and/or a GOP and therefore are responsible for meeting applicable FERC approved NERC Reliability Standards for a GO and/or a GOP.

With respect to the New York data contained in Attachment D2 –Rev. 1, 92% of the total gross MVA are covered by the NERC Reliability Standards. For the New England Data contained in Attachment D4- Rev. 1, 97% of the total gross MVA are covered by NERC Reliability Standards.

NPCC continues to review and modify the NPCC Compliance Registry and submits revisions thereto to NERC so NERC can update the NERC Compliance Registry to ensure that appropriate functional entities are registered and responsible for compliance with the NERC Reliability Standards.

Toward this end, in the second part of 2008, NPCC conducted a re-verification of the NPCC Compliance Registry by sending out new surveys to all current registered entities. In addition to the survey, NPCC continued to investigate the need for new additional entities to register. This continued investigatory work includes meetings and phone calls with various identified entities. The surveys and results of other entity contact are currently being reviewed by the NPCC compliance staff. As individual registration reviews are completed, NPCC is sending out confirmation and revision letters to NERC to verify the status of the registration of these entities. NERC, in turn, will send out official registration letters, as applicable, to these registered entities. NPCC plans to have the verification of the generation entities completed by the end of May 2009 and will notify NERC of the results. This will include adding or modifying

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the few remaining generator owners and operators in NPCC, with updates to NERC that should be made to the NERC Compliance Registry, so that all generation assets listed are covered.

NPCC has been working closely with newly identified entities to ensure that they are assessing the NERC Reliability Standards to which they will be required to comply and to ensure that they have identified any gaps and developed appropriate mitigation plans prior to registration. NPCC will approve and monitor compliance to these mitigation plans pursuant to the Compliance Monitoring and Enforcement Program.

### **IV. Review of Attachment A to Identify Additional Transmission Facilities to be Included in an Approved BES Listing.**

NPCC's present BES list was developed over the forty-three plus years since the Northeast blackout in November 1965, utilizing a reliability impact based approach. During the course of the years that followed, the BES facility list and NPCC's reliability criteria have evolved to keep current with changes to the power system and to address lessons learned from other major system events. However, to better address concerns that the Commission may have regarding the completeness of NPCC's BES facility listing going forward, NPCC is presently undertaking a detailed review of the implementation of a 100 kV bright line test within the United States portion of NPCC. This review will: (1) identify and evaluate the issues associated with utilizing, for applicability of NERC Reliability Standards within the United States portion of NPCC, the interpretation of the NERC definition of "bulk electric system," which includes facilities generally operated at voltages of 100 kV or higher and excludes radial transmission facilities; and (2) assess the possible incremental reliability benefits and potential negative impacts related to the adoption of such a bright line definition within NPCC (U.S.), including the international impact if there were to be different BES definitions across the U.S. and Canadian

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portions of the NPCC Region. NPCC's committees and task forces are working aggressively to complete this assessment and submit its findings to the Commission by September 20, 2009.

**V. Conclusion**

The Joint Filing Parties respectfully request that the Commission accept this supplemental filing and Attachments as compliant with its December 18 Order.

Respectfully submitted,

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April 21, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing document upon all parties listed on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C. this 21st day of April, 2009.

*/s/ Rebecca J. Michael*  
Rebecca J. Michael

*Attorney for North American Electric  
Reliability Corporation*

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**Attachments**