

September 30, 2011

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

**Re: NERC Spreadsheet Notice of Penalty  
FERC Docket No. NP11-\_\_-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides the attached Spreadsheet Notice of Penalty<sup>1</sup> (Spreadsheet NOP) in Attachment A regarding 21 Registered Entities<sup>2</sup> listed therein,<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 Spreadsheet NOP resolves 75 violations<sup>5</sup> of 19 Reliability Standards. In order to be a candidate for inclusion in the Spreadsheet NOP, the violations are those that had a minimal or moderate impact on the reliability of the bulk power system (BPS). In all cases, the NOP sets forth whether the violations have been mitigated, certified by the respective Registered Entities as mitigated, and verified by the Regional Entity as having been mitigated.

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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 (2011). *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). See also *Notice of No Further Review and Guidance Order*, 132 FERC ¶ 61,182 (2010).

<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.

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

<sup>5</sup> For purposes of this document, each violation at issue is described as a "violation," regardless of its procedural posture and whether it was a possible, alleged or confirmed violation.

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The violations at issue in the Spreadsheet NOP are being filed with the Commission because the Regional Entities have respectively entered into settlement agreements with, or have issued Notices of Confirmed Violations (NOCVs) to, the Registered Entities identified in Attachment A and have resolved all outstanding issues arising from preliminary and non-public assessments resulting in the Regional Entities' determination and findings of the enforceable violation of the Reliability Standards identified in Attachment A. As designated in the attached spreadsheet, some of the Registered Entities have admitted to the violations, while the others have indicated that they neither admit nor deny the violations and have agreed to the proposed penalty as stated in Attachment A or did not dispute the violations and proposed penalty amount stated in Attachment A, in addition to other remedies and mitigation actions to mitigate the instant violations and ensure future compliance with the Reliability Standards. Accordingly, all of the 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 Spreadsheet NOP resolves 75 violations. NERC respectfully requests that the Commission accept this Spreadsheet NOP.

### **Statement of Findings Underlying the Alleged Violations**

The descriptions of the violations and related risk assessments are set forth in Attachment A.

This 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. In accordance with Section 39.7 of the Commission's regulations, 18 C.F.R. § 39.7 (2011), each Reliability Standard at issue in this Notice of Penalty is set forth in Attachment A.

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

In approving the Spreadsheet NOP, the NERC BOTCC reviewed the applicable requirements of the Commission-approved Reliability Standards and the underlying facts and circumstances of the violations at issue. In each of the violations included in Attachment A, unless otherwise detailed within the Spreadsheet NOP, the Registered Entities were cooperative throughout the compliance enforcement process; there was no evidence of any attempt to conceal a violation or evidence of intent to do so. In accordance with the Guidance Order issued by FERC concerning treatment of repeat violations and violations of corporate affiliates, the violation history for the Registered Entities and

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affiliated entities who share a common corporate compliance program is detailed in Attachment A when that history includes violations of the same or similar Standard. Additional mitigating, aggravating, or extenuating circumstances beyond those listed above are detailed in Attachment A.

### **Status of Mitigation<sup>6</sup>**

The mitigation activities are described in Attachment A for each respective violation. Information also is provided regarding the dates of Registered Entity certification and the Regional Entity verification of such completion where applicable.

### **Statement Describing the Proposed Penalty, Sanction or Enforcement Action Imposed<sup>7</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, the October 26, 2009 Guidance Order and the August 27, 2010 Guidance Order,<sup>8</sup> the NERC BOTCC reviewed the violations in the Spreadsheet NOP on August 2, 2011 and September 19, 2011. The NERC BOTCC approved the violations in the Spreadsheet NOP, including the Regional Entities' 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.

Pursuant to Order No. 693, the penalties 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 any specific penalty, upon final determination by FERC.

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<sup>6</sup> See 18 C.F.R § 39.7(d)(7).

<sup>7</sup> See 18 C.F.R § 39.7(d)(4).

<sup>8</sup> *North American Electric Reliability Corporation*, "Guidance Order on Reliability Notices of Penalty," 124 FERC ¶ 61,015 (2008); *North American Electric Reliability Corporation*, "Further Guidance Order on Reliability Notices of Penalty," 129 FERC ¶ 61,069 (2009); *North American Electric Reliability Corporation*, 132 FERC ¶ 61,182 (2010).

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

Certain portions of Attachment A 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 and confidential information regarding critical energy infrastructure.

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 information in the attached documents is 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 Spreadsheet Notice of Penalty**

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

- a) Spreadsheet Notice of Penalty, included as Attachment A;
- b) Additions to the service list, included as Attachment B; and
- c) Violation Risk Factor Revision History Applicable to the Spreadsheet Notice of Penalty, included as Attachment C.

### **A Form of Notice Suitable for Publication<sup>9</sup>**

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

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<sup>9</sup> See 18 C.F.R § 39.7(d)(6).

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**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 Spreadsheet NOP:

<p>Gerald W. Cauley                  President and Chief Executive Officer                  3353 Peachtree Road NE                  Suite 600, North Tower                  Atlanta, GA 30326-1001                  David N. Cook*                  Senior Vice President and General Counsel                  North American Electric Reliability Corporation                  1120 G Street N.W., Suite 990                  Washington, D.C. 20005-3801                  david.cook@nerc.net</p>	<p>Rebecca J. Michael*                  Associate General Counsel for Corporate and Regulatory Matters                  North American Electric Reliability Corporation                  1120 G Street, N.W.                  Suite 990                  Washington, DC 20005-3801                  (202) 393-3998                  (202) 393-3955 – facsimile                  rebecca.michael@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.</p>	

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**Conclusion**

Accordingly, NERC respectfully requests that the Commission accept this Spreadsheet Notice of Penalty as compliant with its rules, regulations and orders.

Respectfully submitted,

/s/ Rebecca J. Michael

Rebecca J. Michael  
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and Regulatory Matters  
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david.cook@nerc.net

cc: Entities listed in Attachment B

**Attachment a**

**Spreadsheet Notice of Penalty  
(Included in a Separate Document)**

## **Attachment b**

### **Additions to the service list**



**ATTACHMENT B**

**REGIONAL ENTITY SERVICE LIST FOR SEPTEMBER 2011 SPREADSHEET NOP  
INFORMATIONAL FILING**

**FOR RFC:**

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**FOR SPP RE:**

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## **Attachment c**

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

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## ATTACHMENT C

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

Some of the Violation Risk Factors in the Notice of Penalty 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. Over time, NERC has filed new Violation Risk Factors, which have been approved by FERC.

- When NERC filed Violation Risk Factors (VRF) it originally assigned CIP-002-1 R1 and R1.2 Lower VRFs. The Commission approved the VRFs as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRFs and on January 27, 2009, the Commission approved the modified Medium VRFs. Therefore, the Lower VRFs for CIP-002-1 R1 and R1.2 were in effect from June 18, 2007 until January 27, 2009 when the Medium VRFs became effective. CIP-002-1 R1 and R1.2 are each assigned a Medium VRF and CIP-002-1 R1.1, R1.2.1, R1.2.2, R1.2.3, R1.2.4, R1.2.5, R1.2.6 and R1.2.7 are each assigned a Lower VRF.
- When NERC filed VRFs 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 VRFs 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. CIP-002-1 R3 is assigned a High VRF and CIP-002-1 R3.1, R3.2 and R3.3 are each assigned a Lower VRF.
- CIP-004-1 R2, R2.2.1, R2.2.2, R2.2.3 and R2.3 each have a Lower VRF; R2.1, R2.2 and R2.2.4 each have a Medium VRF. When NERC filed VRFs 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.

- CIP-004-1 R3 has a Medium VRF; R3.1, R3.2 and R3.3 each have a Lower VRF. When NERC filed VRFs 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.
- CIP-004-1 R4 and R4.1 each have a Lower VRF; R4.2 has a Medium VRF. When NERC filed VRFs, it originally assigned CIP-004-1 R4.2 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 R4.2 was in effect from June 18, 2007 until January 27, 2009 when the Medium VRF became effective. The VRFs for CIP-004-3 R4 were not changed when CIP-004-3 went into effect on October 1, 2010.
- CIP-005-1 R1, R1.1, R1.2, R1.3, R1.4 and R1.5 each have a Medium VRF; R1.6 has a Lower VRF. CIP-005-1 R1.1, R1.2, R1.3, R1.4 and R1.5 When NERC filed VRFs it originally assigned CIP-005-1 R1.1, R1.2, R1.3, R1.4 and R1.5 Lower VRFs. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRF and on February 2, 2009 the Commission approved the modified Medium VRFs for CIP-005-1 R1.1, R1.2, R1.3, and R1.4 and on August 20, 2009, the Commission approved the modified Medium VRF for CIP-005-1 R1.5. Therefore, the Lower VRFs for CIP-005-1 R1.1, R1.2, R1.3, and R1.4 were in effect from June 18, 2007 until February 2, 2009 when the Medium VRFs became effective and the Lower VRF for CIP-005-1 R1.5 was in effect from June 18, 2007 until August 20, 2009 when the Medium VRF became effective.
- CIP-005-1 R2, R2.1, R2.2, R2.3 and R2.4 each have a Medium VRF; R2.5 and its sub-requirements and R2.6 each have a Lower VRF. When NERC filed VRFs it originally assigned CIP-005-1 R2 and R2.4 Lower VRFs. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRF and on February 2, 2009, the Commission approved the modified Medium VRF. Therefore, the Lower VRFs for CIP-005-1 R2 and R2.4 were in effect from June 18, 2007 until February 2, 2009 when the Medium VRFs became effective.
- CIP-005-1 R3, R3.1 and R3.2 each have a Medium VRFs. When NERC filed VRFs it originally assigned CIP-005-1 R3, R3.1 and R3.2 Lower VRFs. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRF and on February 2, 2009, the Commission approved the modified Medium VRF. Therefore, the

Lower VRFs for CIP-005-1 R3, R3.1 and R3.2 were in effect from June 18, 2007 until February 2, 2009 when the Medium VRFs became effective.

- CIP-006-1 R1, R1.1, R1.2, R1.3, R1.4, R1.5 and R1.6 each have a Medium VRF; R1.7, R1.8 and R1.9 each have a Lower VRF. When NERC filed VRFs it originally assigned CIP-006-1 R1.5 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 2, 2009, the Commission approved the modified Medium VRF. Therefore, the Lower VRF for CIP-006-1 R1.5 was in effect from June 18, 2007 until February 2, 2009 when the Medium VRF became effective.
- CIP-006-1 R6 and R6.1 each have a Medium VRF and CIP-006-1 R6.2 and R6.3 each have a Lower VRF. When NERC filed VRFs it originally assigned CIP-006-1 R6.1 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 February 2, 2009, the Commission approved the modified Medium VRF. Therefore, the Lower VRF for CIP-006-1 R6.1 was in effect from June 18, 2007 until February 2, 2009 when the Medium VRF became effective.
- When NERC filed VRFs it originally assigned CIP-007-1 R2 and R2.3 Lower VRFs. The Commission approved the VRFs as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRFs and on February 2, 2009, the Commission approved the modified Medium VRFs. Therefore, the Lower VRFs for CIP-007-1 R2 and R2.3 were in effect from June 18, 2007 until February 2, 2009, when the Medium VRFs became effective.
- CIP-007-1 R5, R5.1.1, R5.1.2, R5.2, R5.2.2, R5.3, R5.3.1 and R5.3.2 each have a Lower VRF; R5.1, R5.1.3, R5.2.1 and R5.2.3 each have a Medium VRF. When NERC originally filed VRFs it originally assigned CIP-005-1 R5.1 and R5.3.3 Lower VRFs. The Commission approved the VRFs as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRFs and on August 20, 2009, the Commission approved the modified Medium VRFs. Therefore, the Lower VRFs for CIP-005-1 R5.1 and R5.3.3 were in effect from June 18, 2007 until August 20, 2009, when the Medium VRFs became effective. When NERC originally filed VRFs it originally assigned CIP-005-1 R5.1.3, R5.2.1 and R5.2.3 Lower VRFs. The Commission approved the VRFs as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRFs and on February 2, 2009, the Commission approved the modified Medium VRFs. Therefore, the Lower VRFs for CIP-005-1 R5.1.3, R5.2.1 and R5.2.3 were in effect from June 18, 2007 until February 2, 2009, when the Medium VRFs became effective. The VRFs for CIP-007-2 R5 were not changed when CIP-007-2 went into effect on April 1, 2010.

- CIP-007-1 R1 has a Medium VRF and CIP-007-1 R1.2 and R1.3 each have a Lower VRF. When NERC filed VRFs it originally assigned CIP-007-1 R1.1 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-007-1 R1.1 was in effect from June 18, 2007 until January 27, 2009 when the Medium VRF became effective.
- CIP-007-1 R6, R6.4 and R6.5 each have a Lower VRF and R6.1, R6.2 and R6.3 each have a Medium VRF. When NERC filed VRFs it originally assigned CIP-007-1 R6.1, R6.2 and R6.3 Lower VRFs. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRF and on February 2, 2009, the Commission approved the modified Medium VRF. Therefore, the Lower VRF for CIP-007-1 R6.1, R6.2 and R6.3 were in effect from June 18, 2007 until February 2, 2009 when the Medium VRFs became effective.
- When NERC filed VRFs 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.
- FAC-008-1 R1, R1.3 and R1.3.5 each have a Lower VRF; R1.1, R1.2, R1.2.1, R1.2.2, R1.3.1-4 each have a Medium VRF. When NERC filed VRFs it originally assigned FAC-008-1 R1.1, R1.2, R1.2.1 and R1.2.2 Lower VRFs. The Commission approved the VRFs as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRFs and on February 6, 2008, the Commission approved the modified Medium VRFs. Therefore, the Lower VRFs for FAC-008-1 R1.1, R1.2, R1.2.1 and R1.2.2 were in effect from June 18, 2007 until February 6, 2008 when the Medium VRFs became effective.
- When NERC filed VRFs for PRC-001-1, NERC originally assigned a Medium VRF to PRC-001-1 R1. In the Commission's May 18, 2007 Order on Violation Risk Factors, the Commission approved the VRF as filed but directed modifications. On June 1, 2007, NERC filed a modified High VRF for PRC-001-1 R1 for approval. On August 9, 2007, the Commission issued an Order approving the modified VRF. Therefore, the Medium VRF was in effect from June 18, 2007 until August 9, 2007 and the High VRF has been in effect since August 9, 2007.
- When NERC filed VRFs 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 9, 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 9, 2007 when the <blank> VRF became effective.

- When NERC filed 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 9, 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 9, 2007 when the High VRF became effective.
- PRC-005-1 R2 has a Lower VRF; R2.1 and R2.2 each have a High VRF. During a final review of the standards subsequent to the March 23, 2007 filing of the Version 1 VRFs, NERC identified that some standards requirements were missing VRFs; one of these include PRC-005-1 R2.1. On May 4, 2007, NERC assigned PRC-005 R2.1 a High VRF. In the Commission's June 26, 2007 Order on Violation Risk Factors, the Commission approved the PRC-005-1 R2.1 High VRF as filed. Therefore, the High VRF was in effect from June 26, 2007.

**Attachment d**  
**Notice of Filing**

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## ATTACHMENT D

### UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

North American Electric Reliability Corporation

Docket No. NP11-\_\_\_\_-000

#### NOTICE OF FILING September 30, 2011

Take notice that on September 30, 2011, the North American Electric Reliability Corporation (NERC) filed a Spreadsheet Notice of Penalty regarding twenty-one (21) Registered Entities in three (3) 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