

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Expired CEII Designation in 192 Dockets in)	
NERC Full Notice of Penalty and Spreadsheet)	
NOPs and “Find Fix Track” spreadsheets)	
Regarding “Unidentified Registered Entities”)	
		See Appendix A For Docket Numbers

REPLY COMMENTS TO THOSE OF THE TRADE ASSOCIATIONS

Submitted to FERC on May 9, 2019

Michael Mabee, a private citizen, requests the Commission’s leave to file reply comments to the Motion to Intervene of the American Public Power Association (“APPA”), the Edison Electric Institute (“EEI”), and the National Rural Electric Cooperative Association (“NRECA”), (collectively, the “Trade Associations”).

I. Background

On March 28, 2019 the Trade Association’s filed Motions to Intervene in docket no. NP19-4-000 and 192 other FERC dockets wherein the names of the Critical Infrastructure Protection (CIP) standards violators were withheld from the public by the NERC.¹ The Trade Associations’ filings were prompted by my Motions to Intervene in these 193 dockets, requesting that the Commission release the names of the standards violators to the public and not allow the industry to continue this coverup. The Trade Associations are also apparently using their motions in these dockets as a forum to fight two FOIA requests that I have pending before the Commission.²

¹ Exhibit A is a list of the 192 dockets other than NP19-4-000.

² FOIAs #2019-0019 filed December 18, 2018, amended on January 4, 2019 and #2019-0030 filed on January 12, 2019. The Trade Associations included as appendices to their filing in these 193 dockets two letters to the Commission in opposition to my FOIA requests and argue in their filing in these dockets that the Commission should deny my FOIA requests.

II. The Trade Associations Misrepresented FERC's Role in the Industry Coverup

In the Trade Associations' March 28, 2019 motions, they refer to an alleged agreement between the Commission and NERC to intentionally withhold the names of CIP violators since 2010:

*"The Trade Associations understand that in 2010 NERC and the Commission intentionally chose to post only the public versions of the Notices of Penalty without the names of the entities to address security concerns because the names, when combined with information on the violations and penalties, were considered CEII. In addition to the entity names, details on cybersecurity vulnerabilities and mitigation measures that can be used by an attacker to determine which entity to target; what device or system to target; and how to target that entity, device, or system were also intentionally left out of the public versions."*³ [Emphasis Added.]

This statement is not true. On April 1, 2019 I filed a Freedom of Information Act (FOIA) request⁴ with the Commission requesting documentation of this alleged agreement between the FERC and NERC described in the Trade Associations' motions. A copy of this request is attached hereto as Exhibit B. On April 30, 2019, The Commission responded to the FOIA request stating that there were no responsive documents. A copy of the Commission's response is attached hereto as Exhibit C.

In other words, this proves that there are no records that the Commission ever agreed with the scheme to wholesale withhold all the names of all the CIP violators in perpetuity from the public as the Trade Associations allege. Therefore, when NERC initiated this practice in 2010, they did so with no written approval from the Commission. The Trade Associations have attempted to mislead the Commission staff and the public by falsely asserting that there was an agreement by FERC to perpetuate this industry coverup.

³ Motion of Trade Associations in FERC Docket NP19-4 (as well as the 192 additional dockets listed on the motion) at page 14.

⁴ FOIA #2019-0061.

III. The Trade Associations Misrepresented FERC's Orders

The Trade Associations claim in their objections to my FOIAs which they attached as exhibits to their NP19-4 Motion to Intervene:

“For these reasons, the Commission should not release the documents requested. Also, this information has previously been protected by the Commission from public disclosure. [FN 4] As discussed below, this is not a new policy, but one carefully crafted by the Commission over nine years ago in its 2011-2012 Find, Fix, and Track and Report (“FFT”) proceeding—an open and transparent proceeding in which stakeholders and the public were able to weigh in on policy concerns, ultimately striking a careful balance between information disclosure and national security throughout the six months of that proceeding. [FN 5]

FN 5 See FFT Order, 138 FERC ¶ 61,193 (Mar. 15, 2012).

[Emphasis added.] This statement is not true. In fact, FERC’s order (138 FERC ¶ 61,193) says the opposite:

67. NERC asserts that, with regard to the FFT informational filings, the Commission’s regulations do not appear to permit public disclosure of confidential information that is not included in a Notice of Penalty. Therefore, NERC proposes that the FFT informational filings will not publicly disclose identification of registered entities.

68. *We disagree with NERC on this issue.* Section 39.7(b)(4) of our regulations provides that “[e]ach violation or alleged violation shall be treated as non-public until the matter is filed with the Commission as a notice of penalty or resolved by [an admission of violation] or a settlement or other negotiated disposition . . .” *We do not see this provision of our regulations as preventing the disclosure of the identity of an entity that is the subject of an FFT matter. First, the regulation is intended to prevent the public disclosure of an entity subject to an ongoing compliance matter. The FFT informational filing results in closure of a compliance matter before NERC. Thus, similar to the filing of a Notice of Penalty with the Commission, the submission of a FFT filing is the appropriate time for disclosure.* Moreover, it is reasonable to view the closure of a possible violation pursuant to the FFT informational filing as the product of a “negotiated disposition” that NERC may file on a public basis pursuant to the first sentence of section 39.7(b)(4). Because there may be similarly situated registered entities, public disclosure of the identity of the entity in an FFT informational filing will provide industry with valuable information on compliance issues. *Further, public disclosure will make the full information regarding an FFT matter available to state regulators and the public, thus, providing additional accountability and deterrence.*

69. However, section 39.7(b)(4) of our regulations also provides an exception that “[t]he disposition of each violation or alleged violation that relates to a Cybersecurity Incident or that would jeopardize the security of the Bulk-Power System if publicly disclosed shall be non-public unless the Commission directs otherwise.” This exception will continue to apply in the FFT context.

[Emphasis Added, internal citations omitted.] Of course, the “Cybersecurity Incident” exception does not apply here as 18 CFR § 39.1 defines “cybersecurity incident” as:

Cybersecurity Incident means a malicious act or suspicious event that disrupts, or was an attempt to disrupt, the operation of those programmable electronic devices and communications networks including hardware, software and data that are essential to the Reliable Operation of the Bulk-Power System.

There is no allegation in the NP19-4-000 NOP of a malicious act or suspicious event that disrupted or attempted to disrupt the Reliable Operation of the Bulk-Power System. This was simply a regulatory action after instances of noncompliance of CIP standards were discovered, either through self-reports or regulatory audits.⁵

If not a “Cybersecurity Incident,” the second prong of §39.7(b)(4) provides that “[t]he disposition of each violation...that would jeopardize the security of the Bulk-Power System if publicly disclosed shall be non-public unless the Commission directs otherwise” also does not apply here. First, the second prong does not apply to the names of the violators – only the dispositions. Second, for all of the reasons discussed in my Motion to Intervene⁶ it is outlandish to claim that the withholding of all the names of all the regulatory violators in perpetuity will somehow protect the security of the Bulk-Power System. This may be the way the electric utility industry would like their regulatory scheme to continue, but it is not the way that an effective regulatory system works in a free society.

⁵ The same applies to the other 192 dockets listed in Exhibit A. To my knowledge, none allege “a malicious act or suspicious event that disrupts, or was an attempt to disrupt, the operation of those programmable electronic devices and communications networks including hardware, software and data that are essential to the Reliable Operation of the Bulk-Power System.”

⁶ Motion to Intervene of Michael Mabee Filed in Docket NP19-4-000 on February 21, 2019, Accession Number: 20190221-5025.

Specifically, as discussed in my Motion to Intervene, there are no circumstances or arguments made by NERC or the Trade Associations in the NP19-4-000 NOP which would indicate that withholding the name of the violator is necessary for the security of the Bulk-Power System. In fact, customers and investors have a right to follow up with the violator. State regulators and Congress also may have an interest in following up with the violator. This is why the Commission noted that “public disclosure will make the full information regarding an FFT matter available to state regulators and the public, thus, providing additional accountability and deterrence.” The same applies to NOPs which the regulations also require to be disclosed to the public – including the names of the violators.

Thus, the Trade Associations have made two egregious misrepresentations in their filings in these dockets. I noted instances in my Motion to Intervene in Docket NP19-4-000 of NERC making similar misrepresentations of FERC orders and regulations.⁷ It appears that there may be a deliberate effort by the industry, including NERC and the Trade Associations to mislead the Commission and the public by misrepresenting Commission orders and regulations in the public dockets. Such behavior is repugnant to the public interest and should not be tolerated by the Commission.

But it gets worse.

IV. The Trade Associations Threaten the Commission with a Regulatory Mutiny

The Trade Associations’ Motions to Intervene contains a not so thinly veiled threat:

“If the Commission begins releasing entity names in addition to the information already made public in the posted Notices of Penalty, then Registered Entities may re-evaluate whether they will continue to self-report security information knowing that providing

⁷ Ibid., pages 5-9.

such information to their regulators may be disclosed to the public, including to people seeking to attack their systems. In addition, Registered Entities also may re-evaluate what information is included in their mitigation plans.”

This is an extraordinary threat that the entire industry represented by the Trade Associations, and who are subject to mandatory reliability standards under federal law,⁸ will essentially engage in a regulatory mutiny if the Commission decides to release the names of regulatory violators to the public, as its past orders and regulations require.

To justify this threat, the Trade Associations mirror NERC’s argument in the NP19-4-000 NOP that any little piece of information contributes to “information in the aggregate” which would assist hackers. Therefore, according to NERC and the Trade Associations, hiding the names of the companies will somehow thwart the Chinese and Russians (whose cyberattackers already dwell comfortably in the grid). The Trade Associations state in the appendices to their Motions to Intervene:⁹

Even information that some may deem innocuous—such as revealing the names of UREs involved in a remediated NOP—can result in unintended consequences. For example, in some instances, a URE may have remediated a particular instance of regulatory noncompliance. However, that URE may have experienced a pattern of similar noncompliance—not because of a lack of will to fix, but because there are significant other factors at play. In addition, UREs face challenges in integrating modern information technology systems with older operational technology systems that were never designed with modern cybersecurity needs in mind. Sophisticated bad actors, like the ones discussed above, may be able to discern points of attack and vulnerabilities in publicly disclosed UREs based on their patterns of NOPs. The Trade Associations recognize that public access to information is important, and appreciate the goal of

⁸ 16 U.S. Code § 824o(b)(1) (Electric reliability) provides that: “The Commission shall have jurisdiction, within the United States, over the ERO certified by the Commission under subsection (c), any regional entities, and all users, owners and operators of the bulk-power system, including but not limited to the entities described in section 824(f) of this title, for purposes of approving reliability standards established under this section and enforcing compliance with this section. All users, owners and operators of the bulk-power system shall comply with reliability standards that take effect under this section.” [Emphasis added.]

⁹ Exhibits B & C

FOIA, but believe the line must be drawn where a requested disclosure might risk the security of the Bulk-Power System.

Another very reasonable inference to draw here is that the line was already “drawn” on the wrong side. For example:

- Might disclosing the names of the violators lead the public and Congress to assess how well the regulatory system is working?
- Might this information inform the public and Congress as to whether the current regulatory system has adequately thwarted threats to the grid?
- Also, might this information lead the public and Congress to conclude that better investment in the critical infrastructures is necessary?

These are public policy questions, not CEII.

Interestingly, NERC, the Trade Associations and the regulated companies themselves put a lot of information about the companies and the industry as a whole on their websites. By their defective rationale, all this “innocuous” information should be CEII. In fact, any information whatsoever about any of NERC’s 1,500 regulated entities by this bogus argument should be considered CEII. All utility websites open to the public should be shut down, and even our electric bills should not list the name of the company we are paying, lest these small pieces of “innocuous” information in the aggregate leads hackers to realize which utility is operating in that area, and thus helps to narrow the hacker’s target list.

Obviously, the forgoing illustration of the industry argument is ridiculous as is ultimately the industry argument itself. Why? Because there is *only one piece of information* that the industry is fighting vehemently to keep from the public: The names of regulatory violators.

Why is this one piece of information so sensitive to the industry? Because the name of a standard violator is the most essential piece of information to hold that utility accountable.

For the industry to threaten the federal government with a regulatory mutiny if the names of their regulatory violators are revealed to the public is stunning. Such a threat if carried out,

would endanger the bulk power system – it is not the release of the names that would cause the danger – it is the industry’s refusal to be regulated.

For any entities that choose this route – the regulatory equivalent of a child throwing a snit in the cereal aisle – NERC and FERC should ensure that these entities enjoy the maximum benefit of the penalties using their lack of self-reporting as an aggravating factor.

V. Conclusion

The Commission should disregard the Trade Associations motions and comments in these 193 dockets and proceed to correct the industry’s cover up, starting with the name of the violator of NP19-4-000, which should be immediately disclosed in the public docket. The names of the violators in the 192 dockets with expired CEII designations should also be immediately disclosed to the public.

Neither NERC nor the Trade Associations have provided any compelling reason to withhold this information any longer from Congress, state regulators and the public.

Respectfully submitted by:



Michael Mabee

Dockets With Expired CEII Designations

Date	FERC Docket Number	Region	Registered Entity	Entities	Total Penalty (\$)	NOP	Order	A2 Spreadsheet	Years
7/6/2010	NP10-130-000	SERC	Unidentified Registered Entity	1	\$0	View NOP	View Order		8.6
7/6/2010	NP10-131-000	SERC	Unidentified Registered Entity	1	\$5,000	View NOP	View Order		8.6
7/6/2010	NP10-134-000	SPP	Unidentified Registered Entity	1	\$0	View NOP	View Order		8.6
7/6/2010	NP10-135-000	WECC	Unidentified Registered Entity	1	\$8,000	View NOP	View Order		8.6
7/6/2010	NP10-136-000	WECC	Unidentified Registered Entity	1	\$7,000	View NOP	View Order		8.6
7/6/2010	NP10-137-000	WECC	Unidentified Registered Entity	1	\$39,000	View NOP	View Order		8.6
7/6/2010	NP10-138-000	RFC	Unidentified Registered Entity	1	\$5,000	View NOP	View Order		8.6
7/6/2010	NP10-139-000	WECC	Unidentified Registered Entity	1	\$3,000	View NOP	View Order		8.6
7/6/2010	NP10-140-000	RFC	Unidentified Registered Entity	1	\$5,600	View NOP	View Order	View Data request	8.6
7/30/2010	NP10-159-000	WECC	Unidentified Registered Entity	1	\$109,000	View NOP	View Order		8.6
9/13/2010	NP10-160-000	WECC	Unidentified Registered Entity	1	\$0	View NOP	View Order 1	NERC Filing	8.4
10/7/2010	NP11-1-000	WECC	Unidentified Registered Entity	1	\$106,000	View NOP	View Order		8.4
10/7/2010	NP11-2-000	WECC	Unidentified Registered Entity	1	\$9,000	View NOP	View Order		8.4
10/7/2010	NP11-3-000	SERC	Unidentified Registered Entity	1	\$6,000	View NOP	View Order	View Data Request	8.4
10/7/2010	NP11-4-000	FRCC	Unidentified Registered Entity	1	\$250,000	View NOP	View Order		8.4
10/7/2010	NP11-5-000	SERC	Unidentified Registered Entity	1	\$16,000	View NOP	View Order	View Data Request	8.4
11/5/2010	NP11-21-000	RFC	Unidentified Registered Entity	1	\$8,000	View NOP	View Order		8.3
11/5/2010	NP11-22-000	SERC	Unidentified Registered Entity	1	\$5,000	View NOP	View Order		8.3
11/30/2010	NP11-47-000	SERC	Unidentified Registered Entity	1	\$0	View NOP	View Order		8.2
11/30/2010	NP11-56-000	SERC	Unidentified Registered Entity	1	\$0	View NOP	View Order		8.2
12/22/2010	NP11-59-000	RFC	Unidentified Registered Entity	1	\$7,000	View NOP	View Extension		8.2
12/22/2010	NP11-63-000	WECC	Unidentified Registered Entity	1	\$80,000	View NOP	View Order		8.2
12/22/2010	NP11-64-000	WECC	Unidentified Registered Entity	1	\$38,500	View NOP	View Order		8.2
12/22/2010	NP11-70-000	WECC	Unidentified Registered Entity	1	\$55,000	View NOP	View Order		8.2
12/22/2010	NP11-72-000	SERC	Unidentified Registered Entity	1	\$2,000	View NOP	View Order		8.2
12/22/2010	NP11-76-000	SERC	Unidentified Registered Entity	1	\$0	View NOP	View Order		8.2
12/22/2010	NP11-79-000	FRCC	Unidentified Registered Entity	1	\$100,000	View NOP	View Order		8.2
12/22/2010	NP11-81-000	MRO, SPP	Unidentified Registered Entities	2	\$50,000	View NOP	View Order		8.2
1/31/2011	NP11-102-000	WECC	Unidentified Registered Entity	1	\$6,500	View NOP >>	View Order >>		8.1
1/31/2011	NP11-98-000	WECC	Unidentified Registered Entity	1	\$5,000	View NOP >>	View Order >>		8.1
2/1/2011	NP11-104-000	Various	Unidentified Registered Entities	6	\$9,300	View NOP >>	View Order >>	View A-2 Spreadsheet >>	8.1
2/23/2011	NP11-106-000	RFC	Unidentified Registered Entity	1	\$15,000	View NOP >>	View Order >>		8.0
2/23/2011	NP11-111-000	MRO	Unidentified Registered Entity	1	\$120,000	View NOP >>	View Order >>		8.0
2/23/2011	NP11-116-000	FRCC	Unidentified Registered Entity	1	\$75,000	View NOP >>	View Order >>		8.0
2/23/2011	NP11-124-000	RFC	Unidentified Registered Entity	1	\$100,000	View NOP >>	View Order >>		8.0
2/23/2011	NP11-125-000	SPP, RFC	Unidentified Registered Entity	1	\$77,000	View NOP >>	View Order >>		8.0
2/23/2011	NP11-127-000	FRCC	Unidentified Registered Entity	1	\$55,000	View NOP >>	View Order >>		8.0
2/23/2011	NP11-128-000	WECC	Unidentified Registered Entity	1	\$450,000	View NOP >>	View Order >>		8.0
2/28/2011	NP11-133-000	Various	Unidentified Registered Entities	5	\$11,500	View NOP >>	View Order >>	View A-2 Spreadsheet >>	8.0
3/30/2011	NP11-136-000	WECC	Unidentified Registered Entity	1	\$14,500	View NOP >>	View Order >>		7.9
3/30/2011	NP11-137-000	WECC	Unidentified Registered Entity	1	\$106,000	View NOP >>	View Order >>		7.9
3/30/2011	NP11-140-000	WECC	Unidentified Registered Entity	1	\$27,000	View NOP >>	View Order >>		7.9
3/30/2011	NP11-143-000	SERC	Unidentified Registered Entity	1	\$5,000	View NOP >>	View Order >>		7.9
3/30/2011	NP11-145-000	WECC	Unidentified Registered Entity	1	\$13,000	View NOP >>	View Order >>		7.9
3/30/2011	NP11-146-000	RFC	Unidentified Registered Entities	3	\$52,500	View NOP >>	View Order >>		7.9
3/30/2011	NP11-149-000	RFC	Unidentified Registered Entity	1	\$20,000	View NOP >>	View Order >>		7.9
3/30/2011	NP11-150-000	MRO	Unidentified Registered Entity	1	\$0	View NOP >>	View Order >>		7.9
3/30/2011	NP11-155-000	WECC	Unidentified Registered Entity	1	\$2,000	View NOP >>	View Order >>		7.9

Dockets With Expired CEII Designations

Date	FERC Docket Number	Region	Registered Entity	Entities	Total Penalty (\$)	NOP	Order	A2 Spreadsheet	Years
3/30/2011	NP11-156-000	SERC	Unidentified Registered Entity	1	\$12,500	View NOP >>	View Order >>		7.9
3/30/2011	NP11-157-000	SERC	Unidentified Registered Entity	1	\$7,000	View NOP >>	View Order >>		7.9
3/30/2011	NP11-161-000	WECC	Unidentified Registered Entity	1	\$35,000	View NOP >>	View Order >>		7.9
3/31/2011	NP11-162-000	TRE, NPCC	Unidentified Registered Entities	2	\$10,500	View NOP >>	View Order >>	View A-2 Spreadsheet >>	7.9
4/29/2011	NP11-166-000	SPP, TRE	Unidentified Registered Entity	1	\$50,000	View NOP >>	View Order >>		7.8
4/29/2011	NP11-167-000	WECC	Unidentified Registered Entity	1	\$89,000	View NOP >>	View Order >>		7.8
4/29/2011	NP11-174-000	RFC	Unidentified Registered Entity	1	\$15,000	View NOP >>	View Order >>		7.8
4/29/2011	NP11-175-000	WECC	Unidentified Registered Entity	1	\$32,000	View NOP >>	View Order >>		7.8
4/29/2011	NP11-176-000	WECC	Unidentified Registered Entity	1	\$80,000	View NOP >>	View Order >>		7.8
4/29/2011	NP11-178-000	WECC	Unidentified Registered Entity	1	\$35,000	View NOP >	View Order >>		7.8
4/29/2011	NP11-179-000	MRO	Unidentified Registered Entity	1	\$10,000	View NOP >>	View Order >>		7.8
4/29/2011	NP11-180-000	WECC	Unidentified Registered Entity	1	\$71,500	View NOP >>	View Order >>		7.8
4/29/2011	NP11-181-000	FRCC, NPCC	Unidentified Registered Entities	6	\$39,500	View NOP >>	View Order >>	View A-2 Spreadsheet >>	7.8
5/26/2011	NP11-182-000	WECC	Unidentified Registered Entity	1	\$59,000	View NOP >>	View Order >>		7.7
5/26/2011	NP11-184-000	RFC	Unidentified Registered Entity	1	\$70,000	View NOP >>	View Order >>	View Data Request >>	7.7
5/26/2011	NP11-188-000	SPP	Unidentified Registered Entity	1	\$16,860	View NOP >>	View Order >>		7.7
5/26/2011	NP11-189-000	FRCC	Unidentified Registered Entity	1	\$17,000	View NOP >>	View Order >>		7.7
5/26/2011	NP11-192-000	WECC	Unidentified Registered Entity	1	\$12,200	View NOP >>	View Order >>		7.7
5/26/2011	NP11-193-000	WECC	Unidentified Registered Entity	1	\$60,000	View NOP >>	View Order >>		7.7
5/26/2011	NP11-198-000	SPP	Unidentified Registered Entity	1	\$17,860	View NOP >>	View Order >>		7.7
5/26/2011	NP11-199-000	Various	Unidentified Registered Entities	3	\$3,500	View NOP >>	View Order >>	View A-2 Spreadsheet >>	7.7
6/29/2011	NP11-204-000	WECC	Unidentified Registered Entity	1	\$37,500	View NOP >>	View Order >>		7.6
6/29/2011	NP11-205-000	WECC	Unidentified Registered Entity	1	\$22,000	View NOP >>	View Order >>		7.6
6/29/2011	NP11-206-000	NPCC	Unidentified Registered Entity	3	\$80,000	View NOP >>	View Order >>	View Supplemental >>	7.6
6/29/2011	NP11-211-000	WECC	Unidentified Registered Entity	1	\$14,000	View NOP >>	View Order >>		7.6
6/29/2011	NP11-212-000	WECC	Unidentified Registered Entity	1	\$381,600	View NOP >>	View Order >>		7.6
6/29/2011	NP11-213-000	WECC	Unidentified Registered Entity	1	\$143,500	View NOP >>	View Order >>	View Supplemental >>	7.6
6/29/2011	NP11-218-000	WECC	Unidentified Registered Entity	1	\$130,000	View NOP >>	View Order >>		7.6
6/29/2011	NP11-223-000	SPP	Unidentified Registered Entity	1	\$30,000	View NOP >>	View Order >>		7.6
6/29/2011	NP11-225-000	RFC	Unidentified Registered Entity	1	\$10,000	View NOP >>	View Order >>		7.6
6/29/2011	NP11-226-000	RFC	Unidentified Registered Entity	1	\$85,000	View NOP >>	View Order >>		7.6
7/28/2011	NP11-229-000	WECC	Unidentified Registered Entity	1	\$75,000	View NOP >>	View Order >>		7.6
7/28/2011	NP11-230-000	RFC	Unidentified Registered Entity	1	\$18,000	View NOP >>	View Order >>		7.6
7/28/2011	NP11-233-000	WECC	Unidentified Registered Entity	1	\$70,000	View NOP >>	View Order >>		7.6
7/28/2011	NP11-234-000	WECC	Unidentified Registered Entity	1	\$35,000	View NOP >>	View Order >>		7.6
7/28/2011	NP11-237-000	RFC	Unidentified Registered Entity	3	\$180,000	View NOP >>	View Order >>		7.6
7/28/2011	NP11-243-000	RFC	Unidentified Registered Entity	1	\$20,000	View NOP >>	View Order >>		7.6
7/28/2011	NP11-247-000	RFC	Unidentified Registered Entity	1	\$15,000	View NOP >>	View Order >>		7.6
7/28/2011	NP11-248-000	WECC	Unidentified Registered Entity	1	\$5,000	View NOP >>	View Order >>		7.6
7/28/2011	NP11-249-000	WECC	Unidentified Registered Entity	1	\$18,000	View NOP >>	View Order >>		7.6
7/28/2011	NP11-250-000	WECC	Unidentified Registered Entity	1	\$12,600	View NOP >>	View Order >>		7.6
7/28/2011	NP11-251-000	WECC	Unidentified Registered Entity	1	\$7,000	View NOP >>	View Order >>		7.6
7/29/2011	NP11-253-000	Various	Unidentified Registered Entities	8	\$26,500	View NOP >>	View Order >>	View A-2 Spreadsheet >>	7.6
8/31/2011	NP11-261-000	RFC	Unidentified Registered Entity	1	\$70,000	View NOP >>	View Order >>		7.5
8/31/2011	NP11-262-000	SPP	Unidentified Registered Entity	1	\$12,000	View NOP >>	View Order >>		7.5
8/31/2011	NP11-263-000	TRE	Unidentified Registered Entity	1	\$11,000	View NOP >>	View Order >>		7.5
8/31/2011	NP11-264-000	SPP	Unidentified Registered Entity	1	\$8,000	View NOP >>	View Order >>		7.5
8/31/2011	NP11-266-000	Various	Unidentified Registered Entities	5	\$63,500	View NOP >>	View Order >>	View A-2 Spreadsheet >>	7.5

Dockets With Expired CEII Designations

Date	FERC Docket Number	Region	Registered Entity	Entities	Total Penalty (\$)	NOP	Order	A2 Spreadsheet	Years
9/30/2011	NP11-269-000	WECC	Unidentified Registered Entity	1	\$225,000	View NOP >>	View Order >>		7.4
9/30/2011	NP11-270-000	Various	Unidentified Registered Entities	21	\$193,900	View NOP >>	View Order >>	View A-2 Spreadsheet >>	7.4
9/30/2011	RC11-6-000	Various	Unidentified Registered Entities	59	\$0	View Filing >>	View Order >>	View A-1 Spreadsheet >>	7.4
10/31/2011	NP12-1-000	RFC	Unidentified Registered Entities	3	\$275,000	View Filing >>	View Order >>	View A-2 Corrected Spreadsheet >>	7.3
10/31/2011	NP12-2-000	Various	Unidentified Registered Entities	16	\$184,200	View Filing >>	View Order >>	View A-2 Spreadsheet >>	7.3
10/31/2011	RC12-1-000	Various	Unidentified Registered Entities	33	\$0	View Filing >>	View Order >>	View A-1 Spreadsheet >>	7.3
11/30/2011	NP12-3-000	WECC	Unidentified Registered Entity	1	\$125,000	View NOP >>	View Order >>		7.2
11/30/2011	NP12-4-000	WECC	Unidentified Registered Entity	1	\$160,000	View NOP >>	View Order >>		7.2
11/30/2011	NP12-5-000	RF, WECC	Unidentified Registered Entities	12	\$89,000	View Filing >>	View Order >>	View A-2 Spreadsheet >>	7.2
11/30/2011	RC12-2-000	Various	Unidentified Registered Entities	30	\$0	View Filing >>	View Order >>	View A-1 Spreadsheet >>	7.2
12/30/2011	NP12-10-000	Various	Unidentified Registered Entities	21	\$109,600	View Filing >>	View Order >>	View A-2 Corrected Spreadsheet >>	7.1
12/30/2011	NP12-9-000	RFC	Unidentified Registered Entity	1	\$60,000	View NOP >>	View Order >>		7.1
12/30/2011	RC12-6-000	Various	Unidentified Registered Entities	40	\$0	View Filing >>	View Order >>	View A-1 Spreadsheet >>	7.1
1/31/2012	NP12-11-000	WECC	Unidentified Registered Entity	1	\$135,000	View NOP >>	View Order >>		7.1
1/31/2012	NP12-12-000	Various	Unidentified Registered Entities	18	\$160,500	View Filing >>	View Order >>	View A-2 Spreadsheet >>	7.1
1/31/2012	RC12-7-000	Various	Unidentified Registered Entities	30	\$0	View Filing >>	View Order >>		7.1
2/29/2012	NP12-16-000	WECC	Unidentified Registered Entity	1	\$80,000	View Filing >>			7.0
2/29/2012	NP12-17-000	SPP RE	Unidentified Registered Entity	1	\$40,000	View Filing >>			7.0
2/29/2012	NP12-18-000	Various	Unidentified Registered Entities	23	\$222,900	View Filing >>	View Order >>	View A-2 Spreadsheet >>	7.0
2/29/2012	RC12-8-000	Various	Unidentified Registered Entities	24	\$0	View Filing >>	View Order >>	View A-1 Spreadsheet >>	7.0
3/30/2012	NP12-20-000	WECC	Unidentified Registered Entity	1	\$60,000	View NOP >>	View Order >>		6.9
3/30/2012	NP12-22-000	Various	Unidentified Registered Entities	15	\$42,000	View NOP >>	View Order >>	View A-2 Spreadsheet >>	6.9
3/30/2012	RC12-10-000	Various	Unidentified Registered Entities	12	\$0	View Filing >>		View A-2 Spreadsheet >>	6.9
4/30/2012	NP12-25-000	RFC	Unidentified Registered Entity	1	\$115,000	View NOP >>	View Order >>		6.8
4/30/2012	NP12-26-000	Various	Unidentified Registered Entities	18	\$95,300	View NOP >>	View Order >>	View A-2 Spreadsheet >>	6.8
4/30/2012	RC12-11-000	Various	Unidentified Registered Entities	18	\$0	View Supplemental Filing >>		View A-2 Spreadsheet >>	6.8
5/30/2012	NP12-27-000	Various	Unidentified Registered Entities	20	\$48,600	View NOP >>	View Order >>	View A-2 Spreadsheet >>	6.7
5/30/2012	NP12-29-000	WECC	Unidentified Registered Entity	1	\$162,200	View NOP >>	View Order >>		6.7
5/30/2012	RC12-12-000	Various	Unidentified Registered Entities	40	\$0	View Filing >>		View A-2 Spreadsheet >>	6.7
6/29/2012	NP12-36-000	Various	Unidentified Registered Entities	15	\$121,900	View NOP >>	View Order >>	View A-2 Spreadsheet >>	6.6
6/29/2012	RC12-13-000	Various	Unidentified Registered Entities	40	\$0	View Filing >>		View A-2 Spreadsheet >>	6.6
7/31/2012	NP12-37-000	WECC	Unidentified Registered Entities	4	\$134,350	View NOP >>	View Order >>		6.6
7/31/2012	NP12-38-000	WECC	Unidentified Registered Entity	1	\$72,000	View Filing >>	View Order >>		6.6
7/31/2012	NP12-40-000	Various	Unidentified Registered Entities	15	\$101,100	View Filing >>	View Order >>	View A-2 Spreadsheet >>	6.6
7/31/2012	RC12-14-000	Various	Unidentified Registered Entities	30	\$0	View Filing >>		View A-2 Spreadsheet >>	6.6
8/31/2012	NP12-43-000	WECC	Unidentified Registered Entity	1	\$70,000	View NOP >>	View Order >>		6.5
8/31/2012	NP12-44-000	Various	Unidentified Registered Entities	16	\$182,800	View NOP >>	View Order >>	View A-2 Spreadsheet >>	6.5
8/31/2012	RC12-15-000	Various	Unidentified Registered Entities	38	\$0	View Filing >>	View Order >>	View A-2 Spreadsheet >>	6.5
9/28/2012	NP12-45-000	FRCC	Unidentified Registered Entity	1	\$150,000	View NOP >>	View Order >>		6.4
9/28/2012	NP12-46-000	WECC	Unidentified Registered Entity	1	\$200,000	View NOP >>	View Order >>		6.4
9/28/2012	NP12-47-000	Various	Unidentified Registered Entities	14	\$113,400	View NOP >>	View Order >>	View A-2 Spreadsheet >>	6.4
9/28/2012	RC12-16-000	Various	Unidentified Registered Entities	41	\$0	View Filing >>		View A-2 Spreadsheet >>	6.4
10/31/2012	NP13-1-000	WECC	Unidentified Registered Entity	1	\$200,000	View NOP >>	View Order >>		6.3
10/31/2012	NP13-4-000	RFC	Unidentified Registered Entities	3	\$725,000	View NOP >>	View Order >>		6.3
10/31/2012	NP13-5-000	Various	Unidentified Registered Entities	19	\$216,000	View NOP >>	View Order >>	View A-2 Spreadsheet >>	6.3
10/31/2012	RC13-1-000	Various	Unidentified Registered Entities	44	\$0	View Filing >>		View A-2 Spreadsheet >>	6.3
11/30/2012	NP13-6-000	WECC	Unidentified Registered Entity	1	\$62,500	View NOP >>	View Order >>		6.2
11/30/2012	RC13-2-000	Various	Unidentified Registered Entities	25	\$0	View Filing >>		View A-2 Spreadsheet >>	6.2

Dockets With Expired CEII Designations

Date	FERC Docket Number	Region	Registered Entity	Entities	Total Penalty (\$)	NOP	Order	A2 Spreadsheet	Years
12/31/2012	NP13-11-000	SPP	Unidentified Registered Entity	1	\$107,000	View NOP >>	View NOP >>		6.1
12/31/2012	NP13-12-000	Various	Unidentified Registered Entities	21	\$214,000	View Filing >>	View Order >>	View A-2 Spreadsheet >>	6.1
12/31/2012	NP13-16-000	WECC	Unidentified Registered Entity	1	\$207,000	View NOP >>	View NOP >>		6.1
12/31/2012	NP13-17-000	RFC	Unidentified Registered Entities	3	\$80,000	View NOP >>	View Order >>		6.1
12/31/2012	NP13-18-000	SPP	Unidentified Registered Entity	1	\$153,000	View NOP >>	View NOP >>		6.1
12/31/2012	NP13-19-000	SERC	Unidentified Registered Entity	1	\$950,000	View NOP >>	View NOP >>		6.1
12/31/2012	RC13-3-000	Various	Unidentified Registered Entities	25	\$0	View Filing >>		View A-2 Spreadsheet >>	6.1
1/31/2013	NP13-22-000	WECC	Unidentified Registered Entity	1	\$115,000	View NOP >>	View Order >>		6.1
1/31/2013	NP13-23-000	Various	Unidentified Registered Entities	22	\$73,000	View Filing >>	View Order >>	View A-2 Spreadsheet >>	6.1
1/31/2013	RC13-5-000	Various	Unidentified Registered Entities	22	\$0	View Filing >>		View A-2 Spreadsheet >>	6.1
2/28/2013	NP13-24-000	WECC	Unidentified Registered Entity	3	\$151,500	View NOP >>	View Order >>		6.0
2/28/2013	NP13-27-000	Various	Unidentified Registered Entities	14	\$53,000	View Filing >>	View Order >>	View A-2 Spreadsheet >>	6.0
2/28/2013	RC13-6-000	Various	Unidentified Registered Entities	27	\$0	View Filing >>		View A-2 Spreadsheet >>	6.0
3/27/2013	NP13-30-000	RFC	Unidentified Registered Entity	3	\$120,000	View NOP >>	View Order >>	View Errata>>	5.9
3/27/2013	NP13-28-000	Various	Unidentified Registered Entity	1	\$90,000	View NOP >>	View Order >>		5.9
3/27/2013	NP13-29-000	Various	Unidentified Registered Entities	10	\$80,000	View Filing >>	View Order >>	View A-2 Spreadsheet >>	5.9
4/30/2013	NP13-32-000	NERC	Unidentified Registered Entity	1	\$40,000	View NOP >>	View Order >>		5.8
4/30/2013	NP13-33-000	Various	Unidentified Registered Entities	18	\$315,250	View Filing >>	View Order >>	View A-2 Spreadsheet >>	5.8
4/30/2013	RC13-8-000	Various	Unidentified Registered Entities	50	\$0	View Filing >>		View A-2 Spreadsheet >>	5.8
5/30/2013	NP13-34-000	Texas RE	Unidentified Registered Entity	1	\$137,000	View NOP >>	View Order >>	View Errata >>	5.7
5/30/2013	NP13-38-000	WECC	Unidentified Registered Entity	1	\$291,000	View NOP >>	View Order >>		5.7
5/30/2013	NP13-39-000	Various	Unidentified Registered Entities	16	\$67,500	View Filing >>	View Order >>	View A-2 Spreadsheet >>	5.7
5/30/2013	RC13-9-000	Various	Unidentified Registered Entities	53	\$0	View Filing >>		View A-2 Spreadsheet >>	5.7
6/27/2013	NP13-41-000	Various	Unidentified Registered Entities	20	\$198,000	View Filing >>	View Order >>	View A-2 Spreadsheet >>	5.7
6/27/2013	RC13-10-000	Various	Unidentified Registered Entities	52	\$0	View Filing >>		View A-2 Spreadsheet >>	5.7
7/31/2013	NP13-45-000	WECC	Unidentified Registered Entity	1	\$198,000	View NOP >>	View Order>>		5.6
7/31/2013	NP13-46-000	Various	Unidentified Registered Entities	18	\$112,000	View Filing >>	View Order>>	View A-2 Spreadsheet >>	5.6
7/31/2013	NP13-47-000	RFC, SERC	Unidentified Registered Entities	2	\$350,000	View NOP >>	View Order>>		5.6
8/30/2013	NP13-51-000	Various	Unidentified Registered Entities	18	\$98,000	View Filing >>	View Order>>		5.5
9/30/2013	NP13-55-000	WECC	Unidentified Registered Entity	1	\$150,000	View NOP>>	View Order>>		5.4
9/30/2013	NP13-57-000	Various	Unidentified Registered Entities	12	\$189,000	View Filing >>	View Order>>	View A-2 Spreadsheet >>	5.4
10/30/2013	NP14-4-000	RF, SERC	Unidentified Registered Entities	16	\$55,000	View Filing >>	View Order>>	View A-2 Spreadsheet >>	5.3
10/30/2013	NP14-5-000	RFC	Unidentified Registered Entity	1	\$0	View NOP>>	View Order>>		5.3
11/27/2013	NP14-6-000	Various	Unidentified Registered Entities	14	\$142,000	View Filing >>	View Order >>	View A-2 Spreadsheet >>	5.2
12/30/2013	NP14-14-000	Various	Unidentified Registered Entities	18	\$276,500	View Filing >>	View Order>>	View A-2 Spreadsheet >>	5.1
12/30/2013	NP14-16-000	SERC	Unidentified Registered Entity	1	\$50,000	View NOP>>	View Order>>		5.1
12/30/2013	NP14-17-000	WECC	Unidentified Registered Entity	1	\$144,000	View NOP>>	View Order>>		5.1
12/30/2013	NP14-18-000	SERC	Unidentified Registered Entity	1	\$110,000	View NOP>>	View Order>>		5.1
12/30/2013	NP14-19-000	WECC	Unidentified Registered Entity	1	\$185,000	View NOP>>	View Order>>	View Errata>>	5.1
12/30/2013	NP14-20-000	SERC	Unidentified Registered Entity	1	\$198,000	View NOP>>	View Order>>		5.1
12/30/2013	NP14-22-000	WECC	Unidentified Registered Entity	1	\$150,000	View NOP>>	View Order>>		5.1
12/31/2013	NP14-21-000	SERC	Unidentified Registered Entity	1	\$175,000	View NOP>>	View Order>>		5.1
12/31/2013	NP14-23-000	SPP RE	Unidentified Registered Entity	1	\$100,000	View NOP>>	View Order>>		5.1
12/31/2013	NP14-24-000	SERC	Unidentified Registered Entity	1	\$350,000	View NOP>>	View Order>>		5.1
12/31/2013	NP14-25-000	SERC	Unidentified Registered Entity	1	\$250,000	View NOP>>	View Order>>		5.1
12/31/2013	NP14-26-000	SERC	Unidentified Registered Entity	1	\$120,000	View NOP>>	View Order>>		5.1
1/30/2014	NP14-29-000	WECC	Unidentified Registered Entity	1	\$109,000	View NOP	View Order		5.1
1/30/2014	NP14-30-000	RFC	Unidentified Registered Entity	1	\$75,000	View NOP	View Order		5.1

Michael Mabee
[REDACTED]
(516) 808-0883
CivilDefenseBook@gmail.com

April 1, 2019

Leonard Tao,
Director and Chief FOIA Officer
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Subject: Request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

Dear Mr. Tao:

I request records under the Freedom of Information Act, which are described below. Further, as more fully set forth below, I also request a fee waiver as I have no commercial interest in the described records and it is in the public interest for the Federal Energy Regulatory Commission (FERC) to disclose these records to the public.

Description of records sought:

On March 28, 2019, three electric industry trade associations¹ filed a Motion to Intervene in numerous FERC dockets including NP19-4-000. In this filing, the following agreement between the FERC and the North American Electric Reliability Corporation (NERC) is described on page 14:

The Trade Associations understand that in 2010 NERC and the Commission intentionally chose to post only the public versions of the Notices of Penalty without the names of the entities to address security concerns because the names, when combined with information on the violations and penalties, were considered CEII. In addition to the entity names, details on

I request copies of any documents that describe such agreement, understanding or arrangement between FERC and NERC in or about 2010 including any memos, directives, reports, emails, notes, FERC/NERC quarterly meeting minutes or any other documents in any way describing this arrangement to withhold the names of entities in Notices of Penalty.

¹ The American Public Power Association (APPA), the Edison Electric Institute (EEl), and the National Rural Electric Cooperative Association (NRECA).

Request for Waiver of Fees:

I am a private citizen with expertise in emergency preparedness and critical infrastructure protection. I maintain a blog where I intend to disseminate this information². I have no commercial interest in the requested information.

The Commission has previously found that I am entitled to a waiver of fees as I meet all the requirements of 18 C.F.R. §388.109(c).³ Should you need more specifics, let me know and I will be happy to provide them.

The records may be provided to me electronically at this email address: CivilDefenseBook@gmail.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'mabe', is positioned above the printed name.

Michael Mabee

² <https://michaelmabee.info/category/mikes-blog/> (accessed April 1, 2019).

³ See for example FOIA 2018-75, FOIA 2019-19 and FOIA 2019-30.

Federal Energy Regulatory Commission
Washington, D.C. 20426

APR 30 2019

Re: FOIA No. FY19-61,
Response Letter

VIA ELECTRONIC AND REGULAR MAIL

Michael Mabee



CivilDefenseBook@gmail.com

Dear Mr. Mabee:

This is a response to your correspondence received on April 3, 2019, in which you requested information pursuant to the Freedom of Information Act (FOIA), and the Federal Energy Regulatory Commission's (Commission) FOIA regulations, 18 C.F.R. § 388.108 (2019). Specifically, you requested:

...copies of any documents that describe such agreement,¹ understanding or arrangement between FERC and NERC in or about 2010 including any memos, directives, reports, emails, notes, FERC/NERC quarterly meeting minutes or any other document in any way describing this arrangement to withhold the names of entities in Notices of Penalty.

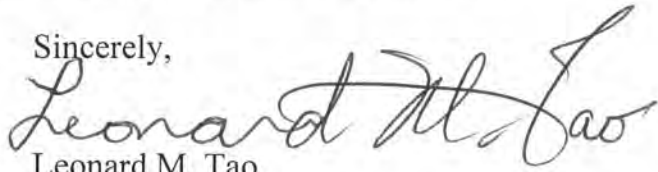
A search of the Commission's non-public files identified no documents responsive to this request. As provided by the FOIA and 18 C.F.R. §388.110(a)(1) of the Commission's regulations, any appeal from this determination must be filed within 90 days of the date of this letter. The appeal must be in writing, addressed to James P. Danly, General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426, and clearly marked "Freedom of Information Act Appeal." Please include a copy to Charles A. Beamon, Associate General Counsel, General and Administrative Law, at the same address.

You have the right to seek dispute resolution services from the FOIA Public Liaison of the agency or the Office of Government Information Services (OGIS). Using OGIS services does not affect your right to pursue your appeal. You may contact OGIS by email at ogis@nara.gov; telephone at (877) 684-6448; facsimile at (301) 837-0348; or by mail to

¹ You explain the agreement is indicated on page 14 of FERC Docket NP19-4-000 and reads as follows: "The Trade Associations understand that in 2010, NERC and the Commission intentionally chose to post only the public versions of the Notices of Penalty without the names of the entities to address security concerns because the names, when combined with the information on the violations and penalties, were considered CEII."

the Office of Government Information Services, National Archives and Records Administration, Room 2510, Adelphi Road, College Park, MD 20740-6001.

Sincerely,

A handwritten signature in cursive script, reading "Leonard M. Tao". The signature is written in dark ink and is positioned above the printed name and title.

Leonard M. Tao
Director
Office of External Affairs