

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Docket No. AD19-18-000

JOINT STAFF WHITE PAPER ON NOTICES OF PENALTY PERTAINING TO
VIOLATIONS OF CRITICAL INFRASTRUCTURE PROTECTION RELIABILITY
STANDARDS.

Comments of Dr. Fred A. Reitman
September 9, 2019

My name is Dr. Fred A Reitman, a United States citizen residing in Houston, Texas. I am writing as a private citizen very concerned about the vulnerability of our electric grid. I hold a Ph.D. in Environmental Health and a Board-Certified Toxicologist. I first heard about grid vulnerability about 8-9 years ago and while certainly no expert I have learned enough to recognize that it poses an existential threat to our nation and is putting the lives of all Americans at risk. I am also aware and am flabbergasted that even though this threat has been known since the 1960s and highlighted with declassification and publication of the Congressional EMP Commission Reports in 2004 and 2008 very little has been done to mitigate the threat. I am out of patience.

Therefore, it should come as no surprise that I am extremely concerned on learning that power companies are often in violation of the agreed Critical Infrastructure Protection (CIP) Reliability Standards. I am further concerned that with the lack of transparency in the current Notice of Penalty (NOP) reporting process. The public must have enough information to be confident the grid is adequately protected. But it does not. FERC has the necessary information but designates this information as confidential and does not make it available to the public. It does not even provide the name of company violating the standard.

In response to public criticism NERC and FERC have acknowledged the need to improve disclosure. They propose in a White Paper a revised and more transparent NOP submission format that would disclose more information to the public.

I have reviewed this White Paper. FERC and NERC propose to make public the names of the violating company as well as which CIP standards were violated and the amount of the fine. This would be an improvement, but it doesn't go far enough. What I find striking is that "NERC would provide details on the nature of the violation, mitigation activity, and potential vulnerabilities to cyber systems *in a confidential attachment*". This again is insufficient transparency. While some of this may properly need to be kept confidential, certainly some can and should be disclosed to the public.

Under this NERC proposal the public wouldn't know how severe the violation was, i.e. how much vulnerability and to what risk was the public exposed owing to violation of this standard. Nor would the public know if the "mitigation activity" been completed, which I take to mean has the company come into compliance? Nor would the public be able to understand why this violation and other violations could be occurring in the first place.

Having learned of this public comment request I also learned that Mr. Michael Mabee planned to submit comments to this docket. He has submitted and I have reviewed those comments and particularly his 'alternate proposal' to what FERC and NERC have proposed in the White Paper. I agree with his proposal, which would address my stated concerns with the FERC/NERC White Paper process. I strongly endorse Mr. Mabee's submittal to this docket.

Document Content(s)

FERC submittal.DOCX.....1-2