

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Joint Staff White Paper on Notices of)
Penalty Pertaining to Violations of Critical) Docket No. AD19-18-000
Infrastructure Protection Reliability Standards)

Comments on Transparency

Submitted to FERC on September 16, 2019

Dale D. Rowley, a private citizen, respectfully submits comments on FERC Docket No. AD19-18-000, Joint Staff White Paper on Notices of Penalty Pertaining to Violations of Critical Infrastructure Protection Reliability Standards.

I am a County Emergency Management Director tasked with preparing my community to respond and recover to major emergencies and disasters by protecting from and preventing against great harm and destruction to our residents and their property. When analyzing all of the natural and manmade hazards that we might face, we have determined that the greatest impact we see is from long-term, regional power outages, especially in the wintertime. As such, my primary focus is to improve our preparedness for and mitigation of loss of the power grid.

In my County, my Emergency Management program has a very well developed professional relationship with our partners in our regional electric utility company. We work together on emergency planning, mutual aid agreements, resourcing, event management, training and exercising. We have had difficulties in the past, but through our State Public Utilities Commission, we have found inclusive and comprehensive solutions that have benefited both the community and the power company. Recently, State Emergency Management and the Power Utility Companies worked with the Maine Legislature to develop state statute that requires all power utilities to have an emergency plan that will be shared with State and County Emergency Management Agencies, but will be kept secure from general observation. We can work together. However, this process needs to be a two-way street.

The public and public officials need to be able to trust and respect that those responsible for the most important community lifeline in our society are being open, trustworthy and sincere when it comes to the public good and safety. All other community lifelines are totally dependent on the reliability and availability of a continuous supply of electrical power.

Unfortunately, the national level Electric Grid Industry and North American Electric Reliability Corporation (NERC) officials do not feel the need for transparency and accountability when it comes to Grid Security. The past practice of withholding the identities of Critical Infrastructure Protection (CIP) standards violators did not lend itself to transparency and accountability. I am pleased that FERC and NERC are considering correcting the process by providing the name of the violator, the Reliability Standard(s) violated, and the penalty amount. However, for true accountability and transparency, more information needs to be provided in order to build trust with the American people. Additional information, as indicated in Michael Mabee's Alternate Proposal, should include:

1. All information fields contained in the present NERC "Searchable NOP spreadsheet" including the name of the entity disclosed in the "Registered Entity" field.
2. Date violation discovered.
3. Duration of violation
4. How violation was discovered (e.g., self-report, audit, etc.)
5. A plain English (non-technical) description of each violation.
6. Aggravating and mitigating factors in penalty assessment
7. Settlement agreement

I support retired U.S. Army Command Sergeant Major Michael Mabee's "Alternate Proposal" that he submitted to FERC on 3 September 2019. I do not feel that by disclosing the recommended information on CIP violators that this is a national security issue. I am a retired Lieutenant Colonel from the U.S. Air Force and was trained and experienced in handling classified information. The fact that a utility company was hacked by a foreign power or aggressor is not critical information that must be protected. The aggressor already knows they hacked the utility. Releasing information on the means and methods relating to the attack would be critical information that should be secured. Information on security and protective actions implemented would also be confidential information. The date and duration of the violation, process it was discovered, penalties, and settlement agreements are not critical information for security purposes. They only serve to hide the violators and do nothing for accountability or trustworthiness.

I sincerely hope that the Federal Energy Regulatory Commission (FERC) strongly considers Michael Mabee's alternate Proposal and implements the recommendations that he has submitted. The security and reliability of the National Power Grid is critical to the safety and security of our Nation and its people. We want to trust in those who provide for the "Economically Efficient, Safe, Reliable, and Secure Energy for Consumers." We need the FERC to help protect America, by regulating the electric power industry with transparency and accountability.

Respectfully submitted by:



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Citizen, United State of America

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