

**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 28, 2019

I am Dennis P. Burke, Sr. As a concerned private citizen I respectfully submit the following comments on the captioned FERC Docket.

I have read the White Paper proposal by the Federal Energy Regulatory Commission (FERC) and the North American Electric Reliability Corporation (NERC). It proposes some modifications to the existing Critical Infrastructure Protection Notice of Penalty (CIP NOP) system. The proposed changes involve the submittal by NERC of a cover letter plus confidential attachments to report violations. The cover letter, intended for public use, will identify the violator. This will increase transparency since most violators have heretofore enjoyed anonymity. The cover letter will also cite the Standard violated and the penalty amount. The confidential attachments will keep the necessary Critical Electric Infrastructure Information (CEII) from being made public since such information, if it falls into the wrong hands, would make our electric grid more vulnerable to attack.

It is reasonable to expect that grid safety will improve as regulated entities strive more diligently to avoid violations that will become more costly (in several ways) with increased transparency and public scrutiny. Hence, appropriate transparency enhances the safety of the grid. My definition of appropriate transparency is transparency which does not compromise safety.

Given the overarching importance of safeguarding the nation's electric power grid, should not appropriate transparency be increased to the maximum extent possible to maximize grid safety?

The White Paper proposal is a step in the right direction.

However, I have read the "Alternate Proposal" by U.S. Army Command Sergeant Major Michael Mabee which he submitted to FERC on 3 September 2019 and I believe his "Alternate Proposal" is an even greater step in the right direction and will lead to greater grid safety when compared to the White Paper proposal.

Here is an excerpt from Mabee's "Alternate":

**The White Paper proposal does not contain enough public information to allow for public, investor, Congressional and state scrutiny and evaluation of the violators and the regulatory system – activities that are critical to the security of the bulk power system.**

Please note that he does not consider the White Paper proposal as generating sufficient appropriate transparency for “...**activities that are critical to the security of the bulk power system.**” This is extremely important if the safety of the grid is of paramount importance.

I trust his judgment in this matter. Another excerpt from his “Alternate” will explain why:

**I have done a great deal of research, analysis and public dissemination of information about CIP violators and therefore believe I am well qualified to propose an alternate approach that will satisfy the public interest as well as protect the security interest of the critical infrastructure. In fact, you will note from my work that my primary interest and goal is the security of the electric grid.**

The following excerpt from the “Alternate Proposal” outlines what the Critical Infrastructure Protection Notice of Penalty (CIP NOP) system should report **to provide the appropriate transparency to activities that are critical to the security of the bulk power system:**

**I propose that the information required by the public, investors, Congress and state regulators consists of:**

- 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**

Please see the “Alternate” for a more detailed description of each of the above. Also included there is the reason each is *needed* by the public, investors, Congress and state regulators.

In light of the above, I respectfully request that the “Alternate Proposal” by U.S. Army Command Sergeant Major Michael Mabee, submitted to FERC on 3 September 2019, be accepted and implemented by FERC in lieu of the proposed “White Paper” in order to increase the safety of the national power grid. Increasing the safety of the national power grid is crucial to the security of our country.

Respectfully submitted by:

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