

**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, 20, 2019

I, Andrew Bumbak, a private citizen, respectfully submit the following 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 trained emergency manager who specializes in planning and preparedness for issues related to catastrophic disasters, including catastrophic electrical grid failures secondary to other incidents. Additionally, I have many years of experience as a public safety official and healthcare provider.

I have read the White Paper proposed by the Federal Energy Regulatory Commission (FERC) and the North American Electric Reliability Corporation (NERC), and am pleased to see that FERC and NERC are contemplating correcting the lack of transparency and accountability in the past practice of withholding the identities of Critical Infrastructure Protection (CIP) standards violators previous lack of transparency and accountability with regard to grid security by considering providing the name of the violator, the reliability standard(s) violated, and the penalty amount incurred. However, I do not believe that this is sufficient information to provide actual transparency and accountability. In order to provide the American people real transparency, regain their trust, and build their faith in both the electric utilities and the regulatory organizations, I respectfully suggest that FERC and NERC should include additional information, as suggested in retired U.S. Army Command Sergeant Major Michael Mabee's alternate proposal. This additional information should include:

1. All information fields that are in the present NERC "Searchable NOP spreadsheet," to include the name of the entity listed in the "Registered Entity" field
2. The date the violation in question occurred, as well as the date that it was discovered
3. How long the violation lasted
4. How the violation was discovered (e.g., audit, self-report, etc.)
5. A plain language description of each violation not using technical jargon
6. A list of mitigating and aggravating factors that were considered in assessment of the penalty
7. The settlement agreement

I fully support retired U.S. Army Command Sergeant Major Michael Mabee's alternate proposal, which he submitted to FERC on 3 September 2019. Like CSM, ret. Mabee, I do not believe that by disclosing the recommended information on CIP violations and violators that this will cause a national security issue. During my time as an emergency manager, I have worked for a number of Federal agencies and Departments, working on classified projects related to national security and endurance of constitutional

government. Therefore, I am both trained in and experienced with handling classified information. As with the penetration of the OPM e-QIP system, and numerous other systems that have been hacked by attackers in the past, disclosing that a utility's systems were hacked by a foreign power or attacker is not critical information that demands suppression, as the attacker already knows they hacked the utility. Rather, it is critical that information on the methods that the attacker used during the attack, protective actions taken in response to the attack, and existing vulnerabilities be kept confidential so as not to inform other attackers of potential vulnerabilities.

Releasing the date or the violation, its duration, how it was discovered, the penalties that the utility incurred, and the settlement agreement are not critical security information. Releasing this information does not give actual or potential attackers any information or resources which they can exploit to attack and coopt other systems. Rather, concealing these data only serves to protect the violators from public accountability and decrease the trust that the American people have in the electric utility industry and in our government regulators.

I hope that FERC gives serious consideration to CSM, ret. Mabee's alternate proposal and implements the recommendations he developed, as the security and reliability of the power grid is critical to our National Security and to the security of our Nation and its people.

The American people very much want to trust those who help consumers obtain "economically efficient, safe, reliable, and secure energy services." However, for us to do so, we the FERC to help protect the Nation and the American people by ensuring transparency and accountability in regulating the electric power industry.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew Bumbak". The signature is fluid and cursive, with a prominent initial "A" and "B".

Andrew Bumbak