

Federal Energy Regulatory Commission  
Washington, DC 20426

May 19, 2020

Re: FOIA FY19-30  
Notice of Intent to Release

**VIA ELECTRONIC MAIL**

Sônia Mendonça  
Senior Vice President, General Counsel, and Corporate Secretary  
North American Electric Reliability Corporation  
1325 G Street N.W. Suite 600  
Washington, D.C. 20005  
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Edwin G. Kichline  
Senior Counsel and Director of Enforcement Oversight  
North American Electric Reliability Corporation  
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Dear Ms. Mendonça and Mr. Kichline:

Pursuant to the Federal Energy Regulatory Commission's (Commission or FERC) regulations, 18 C.F.R. § 388.112(e) (2019), you are hereby notified that the Commission intends to release, in part, material requested by Mr. Michael Mabee pursuant to the Freedom of Information Act (FOIA).<sup>1</sup> In this regard, Mr. Mabee is seeking the names of Unidentified Registered Entities (UREs) associated with various FERC dockets including, among others dockets: NP11-3.

On March 2, 2020, Commission staff notified you, as well as the relevant URE associated with NP11-3, of the request and provided an opportunity to comment pursuant to 18 C.F.R. § 388.112. No formal comments were provided to FERC.

Identities of UREs

A case-by-case assessment of the requested information must consider: the nature of the CIP violation(s); whether mitigation is complete; the content of the public and non-

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<sup>1</sup> 5 U.S.C. § 552, *as amended* by the FOIA Improvement Act of 2016, Pub. L. No. 114-185, 130 Stat. 538 (2016).

public versions of the Notice of Penalty; the extent to which the disclosure of the pertinent URE identity would be useful to someone seeking to cause harm; whether an audit has occurred since the violation(s); whether the violation(s) was administrative or technical in nature; and the length of time that has elapsed since the filing of the public Notice of Penalty. An application of these factors will dictate whether a particular FOIA exemption, including 7(F) and/or Exemption 3, is appropriate. *See Garcia v. U.S. DOJ*, 181 F. Supp. 2d 356, 378 (S.D.N.Y. 2002) (“In evaluating the validity of an agency’s invocation of Exemption 7(F), the court should within limits, defer to the agency’s assessment of danger.”) (citations and internal quotations omitted).

Based on application of the various factors discussed above and in consultation with FERC technical staff, I determine that the disclosure of the name of the URE associated with NP11-3 is appropriate. A copy of the public version of the Notice of Penalty with the name of the URE inserted on the first page will be disclosed to the requestor no sooner than five calendar days from the date of this letter. *See* 18 C.F.R. § 388.112(e).

Sincerely,

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Date: 2020.05.19  
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Lindsee Gentry  
Director  
Office of External Affairs

Enclosure

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Bcc URE