

Federal Energy Regulatory Commission
Washington, D.C. 20426

October 29, 2021

Re: FOIA FY19-30
Thirty Fifth Determination

VIA ELECTRONIC MAIL ONLY

Michael Mabee

CivilDefenseBook@gmail.com

Dear Mr. Mabee:

This is a response to your correspondence received in January 2019, in which you requested information pursuant to the Freedom of Information Act (FOIA),¹ and the Federal Energy Regulatory Commission's (Commission) FOIA regulations, 18 C.F.R. § 388.108 (2019).

By letter dated October 19, 2021, the submitter and the concerned Unidentified Registered Entity (URE) were informed that a copy of the public version of the Notice of Penalty associated with Docket No. NP11-199, along with the name of a relevant URE inserted on the first page, would be disclosed to you no sooner than five calendar days from that date. *See* 18 C.F.R. § 388.112(e).² The five-day notice period has elapsed and the document is enclosed.

On November 18, 2019, you filed suit in the U.S. District Court for the District of Columbia asserting claims in connection with this FOIA request. *See Mabee v. Fed. Energy Reg. Comm'n.*, Civil Action No. 19-3448 (KBJ) (D.D.C.). Because this FOIA request is currently in litigation, this letter does not contain information regarding administrative appeal of the response to the FOIA request. For any further assistance or

¹ 5 U.S.C. § 552 (2018).

² This docket involved multiple UREs and notification of the FOIA request as well as the Notice of Intent to Release were only sent to the URE for whom FERC determined that disclosure of its identity was appropriate.

to discuss any aspect of your request, you may contact Assistant United States Attorney T. Anthony Quinn by email at Tony.Quinn2@usdoj.gov, by phone at (202) 252-7558, or by mail at United States Attorney's Office – Civil Division, U.S. Department of Justice, 555 Fourth Street, N.W., Washington, DC 20530.

Sincerely,

**Sarah
Venuto**

Digitally signed by
Sarah Venuto
Date: 2021.10.27
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Sarah Venuto
Director
Office of External Affairs

Enclosure

cc:

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Region	Registered Entity	NCR_ID	NERC Violation ID #	Notice of Confirmed Violation or Settlement Agreement	Description of the Violation	Reliability Standard	Req.	Violation Risk Factor	Violation Severity Level	Risk Assessment	Violation Start Date	Violation End Date	Total Penalty or Sanction (\$)	Method of Discovery	Description of Mitigation Activity	Mitigation Completion Date	Date Regional Entity Verified Completion of Mitigation	"Admits," "Neither Admits nor Denies" or "Does Not Contest"
FRCC	Central Power and Lime Company (CPL)	NCR00010	FRCC201000373	Settlement Agreement	CPL documentation was insufficient to demonstrate that from June 18, 2007 until September 13, 2010, CPL's Facility Rating Methodology included the following: 1) Both Normal and Emergency Ratings (R1.2.2) for Transmission conductors, Transformers, Breakers, Relay Protective Devices, and Switches; 2) Ratings provided by equipment manufacturers (R1.3.1) for the Relay Protective Devices and Breakers; 3) Design Criteria (R1.3.2) for the Transformers and Breakers; 4) Ambient conditions (R1.3.3) for the Transmission conductors, Transformers, Breakers, Relay Protective Devices, and Switches; 5) Operating limitations (R1.3.4) for the Transmission conductors, Transformers, Breakers, Relay Protective Devices, and Switches; and 6) Other assumptions (R1.3.5) for the Transmission conductors, Transformers, Breakers, Relay Protective Devices, and Switches.	FAC-008-1	1	Medium	Severe	This violation posed a minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system because even though CPL's documentation was not complete, it was operating its facility equipment within manufacturer's recommendations.	6/18/2007	9/13/2010	\$3,000	Audit	CPL revised the Methodology to include all applicable data, ratings, ambient and operating conditions, and other assumptions for the required facility equipment, instead of just manufacturer's recommendations alone.	9/13/2010	10/29/2010	Neither Admits nor Denies
MRO	Nebraska Public Power District (NPPD)	NCR01018	MRO201000222	Notice of Confirmed Violation	During a regularly scheduled Compliance Audit from September 7 through September 16, 2010, MRO requested maintenance and testing records for the batteries associated with the UFLS equipment for the years 2008 through 2010. NPPD stated that it was not able to provide maintenance and testing records within the defined intervals for one battery which provides energy to UFLS equipment. NPPD missed the six-month maintenance and testing interval for the battery bank by two days. Upon discovering the missed interval, MRO requested a full inventory of NPPD's UFLS maintenance and testing records. NPPD reported that it has 95 UFLS devices subject to PRC-008-0, R2. Of the 95 devices, NPPD reported that only one device (the battery), or approximately 1%, failed to meet the maintenance and testing interval in accordance with NPPD's UFLS maintenance and testing program. Therefore, NPPD failed to fully implement its UFLS equipment maintenance and testing program as required by PRC-008-0 R2.	PRC-008-0	2	Medium	Lower	MRO determined that this violation posed a minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system because NPPD only missed one maintenance and testing interval for one battery by two days. NPPD maintained and tested approximately 99% of its UFLS devices subject to PRC-008-0 R2.	12/31/2008	1/2/2009	\$0	Audit	Maintenance and testing of the battery was completed on 1/2/2009. A work management "look ahead" report was developed that will identify open maintenance and testing items that are due within a specified number of days. Maintenance personnel review this report on a regular basis to prioritize work and ensure completion due dates are met.	2/1/2011	3/31/2011	Does not contest
NPCC	New York State Electric & Gas (NYSEG)	NCR07181	NPCC201000138	Settlement Agreement	The documents provided by NYSEG to demonstrate compliance with FAC-001-0 R1 did not address or provide facility connection requirements for Transmission or End-User facilities, in violation of FAC-001-0 R1.2 and R1.3.	FAC-001-0	1	Medium	Severe	This violation posed a minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system because NYSEG did have documentation, "Transmission Services IPP Interconnections Operating Standards," which NYSEG utilized to establish facility connection and performance requirements. This documentation, however, was not a properly-documented procedure and was incomplete.	6/21/2007	12/22/2009	\$5,000 (Settlement of NPCC201000138, NPCC201000139, NPCC201000140, and NPCC201000141)	Audit	NYSEG revised its "Requirements for the Interconnection of Generation" document to include interconnection requirements for Transmission facilities and End User facilities.	12/22/2009	10/8/2010	Neither Admits nor Denies
NPCC	New York State Electric & Gas (NYSEG)	NCR07181	NPCC201000139	Settlement Agreement	NYSEG's facility connection requirements were not in a properly-documented procedure. The document did not have an approval name, a signature, or an effective date, in violation of FAC-001-0 R2.1.2. Further, NYSEG's facility connection requirements did not properly address Voltage level and MW and MVAR capacity or demand at the point of interconnection, in violation of R2.1.3, R2.1.4, and R2.1.8.	FAC-001-0	2	Medium	Severe	This violation posed a minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system because NYSEG did have documentation, "Transmission Services IPP Interconnections Operating Standards," which NYSEG utilized to establish facility connection and performance requirements. This documentation, however, was not a properly-documented procedure and was incomplete.	6/21/2007	12/22/2009	\$5,000 (Settlement of NPCC201000138, NPCC201000139, NPCC201000140, and NPCC201000141)	Audit	NYSEG revised its "Requirements for the Interconnection of Generation" document to include voltage level and MW and MVAR capacity or demand at point of connection, breaker duty and surge protection, and insulation and insulation coordination. NYSEG also revised its "Transmission Services Interconnections Operating Standards and Procedures" to include the approval name/signature line, effective date, and refer to all interconnections.	12/22/2009	10/8/2010	Neither Admits nor Denies
NPCC	New York State Electric & Gas (NYSEG)	NCR07181	NPCC201000140	Settlement Agreement	NYSEG did not include shunt capacitors in the scope of equipment of its Facility Ratings Methodology.	FAC-008-1	1	Medium	Moderate	This violation posed a minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system because the exclusion of the shunt capacitors did not directly impact the current carrying thermal rating of the system. Even without including shunt capacitors, NYSEG produced an accurate facility rating.	6/21/2007	12/21/2009	\$5,000 (Settlement of NPCC201000138, NPCC201000139, NPCC201000140, and NPCC201000141)	Audit	NYSEG revised its Facility Ratings Methodology document to include reference to the industry standards to which equipment vendors manufacture shunt capacitors.	12/21/2009	10/8/2010	Neither Admits nor Denies
NPCC	New York State Electric & Gas (NYSEG)	NCR07181	NPCC201000141	Settlement Agreement	NYSEG could not produce evidence to demonstrate that prior to November 2009, the station batteries at its Liberty Division Coopers Corner facility were tested. NYSEG also could not produce dates for such battery testing.	PRC-005-1	2	High	Lower	This violation posed a minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system because Liberty Division Coopers Corners batteries are monitored and alarmed to a 24/7 staffed NYSEG Energy Control Center. NYSEG demonstrated that its personnel have responded to individual alarms.	6/21/2007	11/20/2009	\$5,000 (Settlement of NPCC201000138, NPCC201000139, NPCC201000140, and NPCC201000141)	Audit	NYSEG performed maintenance testing on the batteries at its Coopers Corners Substation on November 20, 2009. NYSEG now includes scheduled battery testing for the Coopers Corners facility in its maintenance and testing procedures.	11/20/2009	10/8/2010	Neither Admits nor Denies

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NPCC	Littleton Electric Light Department (LELD)	NCR00164	NPCC200900111	Notice of Confirmed Violation	LELD did not have procedures for recognizing and making operating personnel aware of sabotage events from June 10, 2008 until October 1, 2009.	CIP-001-1	1	Medium	Severe	This violation posed a minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system because LELD operates only three 115 kV to 25 kV transformers to deliver a peak load of 49 MW at a distribution voltage of 25 kV.	6/10/2008	12/14/2010	\$5,000 (Settlement of NPCC200900111, NPCC200900112, NPCC200900113, and NPCC201000213)	Audit	LELD developed formal procedures for recognizing and responding to sabotage events, including identification of the appropriate parties in the Interconnection and local law enforcement authorities to contact. LELD trained its personnel on the new procedures, and will continue to train all operations personnel on an annual basis.	12/14/2010	2/16/2011	Does Not Contest
NPCC	Littleton Electric Light Department (LELD)	NCR00164	NPCC201000213	Notice of Confirmed Violation	LELD did not have a procedure for the communication of information concerning sabotage events to appropriate parties in the Interconnection.	CIP-001-1	2	Medium	Severe	This violation posed a minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system because LELD had an Emergency Response Contact spreadsheet with the appropriate parties listed, but it did not have a procedure for the communication of emergency information. Also, LELD operates only three 115 kV to 25 kV transformers to deliver a peak load of 49 MW at a distribution voltage of 25 kV.	6/10/2008	12/14/2010	\$5,000 (Settlement of NPCC200900111, NPCC200900112, NPCC200900113, and NPCC201000213)	Audit	LELD developed formal procedures for recognizing and responding to sabotage events, including identification of the appropriate parties in the Interconnection and local law enforcement authorities to contact. LELD trained its personnel on the new procedures, and will continue to train all operations personnel on an annual basis.	12/14/2010	2/16/2011	Does Not Contest
NPCC	Littleton Electric Light Department (LELD)	NCR00164	NPCC200900112	Notice of Confirmed Violation	LELD did not provide its personnel with sabotage response guidelines from June 10, 2008 until October 12, 2009.	CIP-001-1	3	Medium	Severe	This violation posed a minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system because LELD operates only three 115 kV to 25 kV transformers to deliver a peak load of 49 MW at a distribution voltage of 25 kV.	6/10/2008	12/14/2010	\$5,000 (Settlement of NPCC200900111, NPCC200900112, NPCC200900113, and NPCC201000213)	Audit	LELD developed formal procedures for recognizing and responding to sabotage events, including identification of the appropriate parties in the Interconnection and local law enforcement authorities to contact. LELD trained its personnel on the new procedures, and will continue to train all operations personnel on an annual basis.	12/14/2010	2/16/2011	Does Not Contest
NPCC	Littleton Electric Light Department (LELD)	NCR00164	NPCC200900113	Notice of Confirmed Violation	LELD did not develop reporting procedures for communications with local law enforcement authorities.	CIP-001-1	4	Medium	Severe	This violation posed a minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system because LELD had an Emergency Response Contact spreadsheet with the appropriate parties listed, but it did not have a procedure for the communication of emergency information. Also, LELD operates only three 115 kV to 25 kV transformers to deliver a peak load of 49 MW at a distribution voltage of 25 kV.	6/10/2008	12/14/2010	\$5,000 (Settlement of NPCC200900111, NPCC200900112, NPCC200900113, and NPCC201000213)	Audit	LELD developed formal procedures for recognizing and responding to sabotage events, including identification of the appropriate parties in the Interconnection and local law enforcement authorities to contact. LELD trained its personnel on the new procedures, and will continue to train all operations personnel on an annual basis.	12/14/2010	2/16/2011	Does Not Contest
SERC	Central Electric Power Cooperative, Inc. (CEPCI)	NCR01191	SERC201000553	Notice of Confirmed Violation	CEPCI was found in violation of CIP-001-1 R1 for failing to have procedures for the recognition of and for making their operating personnel aware of sabotage events on its facilities and multi site sabotage affecting larger portions of the Interconnection as required by CIP-001-1 R1 from June 18, 2007, the beginning of the enforceable period, until March 21, 2011.	CIP-001-1	1	Medium	Severe	This violation posed minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system (BPS) because: 1. Although CEPCI's Rural Utility Service-approved Emergency Response Plan did not meet all of the specific requirements of CIP-001-1, it did provide guidance to CEPCI operating personnel on how to respond during an emergency situation; and 2. CEPCI's system is connected to the BPS via radial connections, and the entities to which it is connected have Protection System facilities that would protect the BPS, were there a problem on CEPCI's system.	6/18/2007	3/21/2011	\$5,000 (Settlement of SERC201000553, SERC201000554, SERC201000555, and SERC201000556)	Audit	To correct the violation of CIP-001-1, R1, R2, R3 and R4, CEPCI: 1. Revised its CIP-001 Sabotage Reporting Procedure (Procedure) to include the recognition of and making operating personnel aware of sabotage events on facilities and multi-site sabotage; 2. Included procedures for the communication of information concerning sabotage events to appropriate parties in the Procedure; 3. Provided operating personnel and member cooperatives with revised sabotage response guidelines, including personnel to contact, for reporting disturbances due to sabotage events; 4. Established communications contacts, as applicable, with the local FBI and developed reporting procedures as appropriate to the circumstances; and 5. Distributed the Procedure to operating personnel of the CEPCI member cooperatives.	3/21/2011	4/10/2011	Admits
SERC	Central Electric Power Cooperative, Inc. (CEPCI)	NCR01191	SERC201000554	Notice of Confirmed Violation	CEPCI was found in violation of CIP-001-1 R2 for failing to have a procedure for communicating information concerning sabotage events as required by CIP-001-1 R2 from June 18, 2007, the beginning of the enforceable period, until September 21, 2007.	CIP-001-1	2	Medium	Severe	This violation posed minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system (BPS) because: 1. Although CEPCI's Rural Utility Service-approved Emergency Response Plan did not meet all of the specific requirements of CIP-001-1, it did provide guidance to CEPCI operating personnel on how to respond during an emergency situation; and 2. CEPCI's system is connected to the BPS via radial connections, and the entities to which it is connected have Protection System facilities that would protect the BPS, were there a problem on CEPCI's system.	6/18/2007	9/21/2007	\$5,000 (Settlement of SERC201000553, SERC201000554, SERC201000555, and SERC201000556)	Audit	To correct the violation of CIP-001-1, R1, R2, R3 and R4, CEPCI: 1. Revised its CIP-001 Sabotage Reporting Procedure (Procedure) to include the recognition of and making operating personnel aware of sabotage events on facilities and multi-site sabotage; 2. Included procedures for the communication of information concerning sabotage events to appropriate parties in the Procedure; 3. Provided operating personnel and member cooperatives with revised sabotage response guidelines, including personnel to contact, for reporting disturbances due to sabotage events; 4. Established communications contacts, as applicable, with the local FBI and developed reporting procedures as appropriate to the circumstances; and 5. Distributed the Procedure to operating personnel of the CEPCI member cooperatives.	3/21/2011	4/10/2011	Admits

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SERC	Central Electric Power Cooperative, Inc. (CEPCI)	NCR01191	SERC201000555	Notice of Confirmed Violation	CEPCI was found in violation of CIP-001-1 R3 for failing to have a response guideline for reporting disturbances due to sabotage events as required by CIP-001-1 R3 from June 18, 2007, the beginning of the enforceable period, until March 21, 2011.	CIP-001-1	3	Medium	Severe	This violation posed minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system (BPS) because: 1. Although CEPCI's Rural Utility Service-approved Emergency Response Plan did not meet all of the specific requirements of CIP-001-1, it did provide guidance to CEPCI operating personnel on how to respond during an emergency situation; and 2. CEPCI's system is connected to the BPS via radial connections, and the entities to which it is connected have Protection System facilities that would protect the BPS, were there a problem on CEPCI's system.	6/18/2007	3/21/2011	\$5,000 (Settlement of SERC201000553, SERC201000554, SERC201000555, and SERC201000556)	Audit	To correct the violation of CIP-001-1, R1, R2, R3 and R4, CEPCI: 1. Revised its CIP-001 Sabotage Reporting Procedure (Procedure) to include the recognition of and making operating personnel aware of sabotage events on facilities and multi-site sabotage; 2. Included procedures for the communication of information concerning sabotage events to appropriate parties in the Procedure; 3. Provided operating personnel and member cooperatives with revised sabotage response guidelines, including personnel to contact, for reporting disturbances due to sabotage events; 4. Established communications contacts, as applicable, with the local FBI and developed reporting procedures as appropriate to the circumstances; and 5. Distributed the Procedure to operating personnel of the CEPCI member cooperatives.	3/21/2011	4/10/2011	Admits
SERC	Central Electric Power Cooperative, Inc. (CEPCI)	NCR01191	SERC201000556	Notice of Confirmed Violation	CEPCI was found in violation of CIP-001-1 R4 for failing to establish communications contacts with local Federal Bureau of Investigation (FBI) as required by CIP-001-1 R4 from June 18, 2007, the beginning of the enforceable period, until September 20, 2007.	CIP-001-1	4	Medium	Severe	This violation posed minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system (BPS) because: 1. Although CEPCI's Rural Utility Service-approved Emergency Response Plan did not meet all of the specific requirements of CIP-001-1, it did provide guidance to CEPCI operating personnel on how to respond during an emergency situation; and 2. CEPCI's system is connected to the BPS via radial connections, and the entities to which it is connected have Protection System facilities that would protect the BPS, were there a problem on CEPCI's system.	6/18/2007	9/20/2007	\$5,000 (Settlement of SERC201000553, SERC201000554, SERC201000555, and SERC201000556)	Audit	To correct the violation of CIP-001-1, R1, R2, R3 and R4, CEPCI: 1. Revised its CIP-001 Sabotage Reporting Procedure (Procedure) to include the recognition of and making operating personnel aware of sabotage events on facilities and multi-site sabotage; 2. Included procedures for the communication of information concerning sabotage events to appropriate parties in the Procedure; 3. Provided operating personnel and member cooperatives with revised sabotage response guidelines, including personnel to contact, for reporting disturbances due to sabotage events; 4. Established communications contacts, as applicable, with the local FBI and developed reporting procedures as appropriate to the circumstances; and 5. Distributed the Procedure to operating personnel of the CEPCI member cooperatives.	3/21/2011	4/10/2011	Admits
SERC	KGen Hot Spring LLC (KGen)	NCR09012	SERC200900432	Notice of Confirmed Violation	KGen was found in violation of PRC-005-1 R2.1 because it failed to ensure that three valve-regulated lead-acid (VRLA) batteries (out of 86 total Protection System devices) were maintained and tested within the defined intervals established by its Protection System maintenance and testing program, as required by R2.1. The duration of the violation is from June 28, 2007 until October 29, 2010, when KGen completed its Mitigation Plan.	PRC-005-1	2	High	Lower	This violation posed a minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system because KGen's Protection System has multiple levels of redundancy. The batteries that were not maintained are a fourth line of protection that provide DC power to the Protection System devices in the event of a loss of all primary, secondary, and tertiary DC power sources (Primary: station service power supplied from the grid; Secondary: from the generators when operating; and Tertiary: from backup diesel generators if neither grid power nor generator output is available).	6/28/2007	10/29/2010	\$2,000	Self-Report	KGen performed maintenance and testing on its VRLA batteries and established schedules for future maintenance and testing in its Maximo asset management and maintenance system.	10/29/2010	4/8/2011	Admits
WECC	Calpine Energy Services (CAES)	NCR10115	WECC201102401	Settlement Agreement	When CAES synchronized its Eagle Rock generation facility Unit 11 to the bulk electric system on November 13, 2010, the control room operator could not place the Power System Stabilizer (PSS) into service. CAES did not notify the Transmission Operator of the capability change of the PSS until approximately 1 hour and 40 minutes after Unit 11 was synchronized with the system, past the 30 minutes required by the Standard.	VAR-002-1.1b	3	Medium	Lower	This violation posed a minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system because Unit 11 represented approximately 4% of CAES's total generating capacity, and an even smaller portion of the capacity available to the Transmission Operator. The violation occurred while bringing the unit back online following a planned shutdown; CAES's operator maintained the appropriate voltage schedule, and returned the PSS to operation as soon as possible. Moreover, the violation related to the PSS, not the Automatic Voltage Regulator, and was limited to Unit 11.	11/13/2010	11/13/2010	\$1,000	Self-Report	CAES mitigated the violation when it notified the Transmission Operator of the capability change of the PSS and reminded its operators of the need for external communications upon changes of capability.	11/13/2010	3/22/2011	Does Not Contest

**Attachment A-2 - May 26, 2011 Public Spreadsheet -
PRIVILEGED AND CONFIDENTIAL INFORMATION
HAS BEEN REMOVED FROM THIS PUBLIC VERSION**

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MRO	MRO_URE1	NCRXXXXX	MRO201100252	Notice of Confirmed Violation	During a regularly scheduled CIP Spot Check, MRO reviewed the cyber security training records for a random sample of 29 individuals, including employees and contractors. MRO_URE1 then conducted a full review of training records for all employees and contractors and determined that it was not able to provide evidence of receipt of the required annual cyber security training for one employee in 2008. This employee did receive cyber security training in 2005, prior to being added to the access list, and also received cyber security training in 2009 and 2010.	CIP-004-1	2.3	Lower	Lower	MRO determined that this violation posed a minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system because although the individual did not receive the required cyber security training in 2008, cyber security training was provided in 2005 and again in 2009 and 2010. Additionally, there was only one individual out of 268 employees and contractors for whom MRO_URE1 was not able to demonstrate receipt of the required cyber security training in 2008. MRO_URE1 was able to show the required training was provided to the other authorized individuals in 2008, 2009 and 2010. The individual, a long-standing employee, did receive training prior to having access, and also in subsequent years.	10/1/2008	7/17/2009	\$0	Spot Check	MRO_URE1 provided documentation of 2009 training for the individual not having documentation of training in 2008; provided evidence of automation of scheduling and monitoring training; and conducted a review to ensure that documentation was available for others required to have training. Through the review, MRO_URE1 provided evidence that all other required individuals received the cyber security training in 2008, 2009, and 2010.	7/17/2009	4/18/2011	Admits
NPCC	NPCC_URE1	NCRXXXXX	NPCC201000207	Settlement Agreement	An employee with approved physical access for certain Physical Security Perimeters (PSPs) was inadvertently given access to another PSP when the access was activated within the NPCC_URE1 physical security software application. This was an administrative error as one too many boxes was checked off within the software application. The inadvertent additional PSP access was granted on August 24, 2010 and revoked on August 31, 2010 after being discovered during the quarterly access list review. The NPCC_URE1 security team investigated the access records and confirmed that the employee did not access the door to the area in question.	CIP-006-2	1.5	Medium	Severe	This violation posed a minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system because the employee was not even aware of the additional PSP access. The employee had no reason to enter the PSP, and a records check by NPCC_URE1 indicated that the employee had never attempted to enter the PSP in question. Moreover, NPCC_URE1's review of its access lists identified the improper access privileges and resulted in prompt revocation of access.	8/24/2010	8/31/2010	\$3,500 (Settlement of NPCC201000207 and NPCC201000208)	Self-Report	In the very last step of the process of giving personnel access, NPCC_URE1 now requires the Security Administrator (SA) to print out the email that he receives from the Physical & Electronic Security Access (PESA) web based application which lists the doors that an individual is being approved to access. The SA is now required to compare the PESA print out with the check boxes that grant the actual access as he checks them off on the screen in the system to ensure the accuracy between the two. He will then initial the print out and keep it on file.	11/16/2010	1/14/2011	Neither Admits nor Denies
NPCC	NPCC_URE1	NCRXXXXX	NPCC201000208	Settlement Agreement	A service technician contractor that services NPCC_URE1 facilities for the physical security monitoring system (badge card readers) inappropriately granted himself additional access to a PSP on August 20, 2010. Prior to August 20, 2010, he had been granted temporary programmer rights to the physical security system by the NPCC_URE1 system administrator to address software issues. This gave him the capability to change his own PSP access rights. In anticipation of upcoming work to be performed, the technician changed his PSP access rights to a physical security perimeter without following the established access approval process. The contractor had successfully completed CIP Training and a Personnel Risk Assessment. The NPCC_URE1 security team investigated the access records to confirm that the contractor did not access the door to the area in question. The additional access was revoked on August 31, 2010 after being discovered during the quarterly access list review.	CIP-006-2	1.5	Medium	Severe	This violation posed a minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system because NPCC_URE1's review of its access lists identified the improper access privileges and resulted in prompt revocation of access. Further, a records check by NPCC_URE1 indicated that the technician had never attempted to access the PSP in question.	8/20/2010	8/31/2010	\$3,500 (Settlement of NPCC201000207 and NPCC201000208)	Self-Report	NPCC_URE1 activated a new user level that had been under development for use by service technicians. This new user level does not allow service technicians to change access rights. Only the still-existing P1 user level allows the change of access rights. NPCC_URE1 revised its applicable procedure, dated 12/1/10, which documents what actions that the existing and new levels allow the users to perform.	12/1/2010	1/14/2011	Neither Admits nor Denies
SERC	SERC_URE1	NCRXXXXX	SERC201000727	Notice of Confirmed Violation	SERC_URE1 assigned two senior managers instead of a single senior manager with overall responsibility for leading and managing SERC_URE1's implementation of, and adherence to, Standards CIP-002 through CIP-009. Thus, SERC_URE1 was in violation of CIP-003 R2 for versions 2 and 3 of the standard. The self-report was submitted in response to an inquiry from SERC Enforcement staff during an assessment of a separate enforcement action.	CIP-003-2	2	Medium	Severe	This violation posed a minimal risk and did not pose a serious or substantial risk to the reliability of the bulk power system because: 1. SERC_URE1 has no critical assets and did not own or operate any facilities that would meet any of the Critical Asset Criteria set forth in the proposed CIP-002-4; 2. SERC_URE1 is registered as a Load-Serving Entity and did not own or operate any elements of the bulk power system; and 3. SERC_URE1 had designated two senior managers, which met the requirements of version 1, instead of a single senior manager as required by version 2 and version 3 of the standard, in order to provide coverage in the absence of one of the two senior managers; and 4. One of the two designated senior managers was SERC_URE1's General Manager/CEO, to whom the other designated senior manager reported, and to whom responsibility for all NERC compliance has been assigned pursuant to SERC_URE1's NERC/SERC Reliability Standards Compliance Program since March 1, 2009.	4/1/2010	12/20/2010	\$0	Self-Report	SERC_URE1 clarified its documentation to specify a single senior manager to be responsible for compliance with CIP-002 to CIP-009, in accordance with the Standard.	12/20/2010	2/16/2011	Admits

Claiborne Electric Cooperative, Inc.



NORTH AMERICAN ELECTRIC
RELIABILITY CORPORATION

May 26, 2011

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**Re: NERC Administrative Citation Notice of Penalty
FERC Docket No. NP11-__-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides the attached Administrative Citation Notice of Penalty for May 2011¹ (May 2011 Administrative Citation NOP) in Attachment A regarding 8 Registered Entities² listed therein,³ in accordance with the Federal Energy Regulatory Commission's (Commission or FERC) rules, regulations and orders, as well as NERC Rules of Procedure including Appendix 4C (NERC Compliance Monitoring and Enforcement Program (CMEP)).⁴

The May 2011 Administrative Citation NOP resolves 20 violations⁵ of 9 Reliability Standards. The violations in this NOP did not have a serious or substantial impact on the reliability of the bulk power system (BPS). In all cases, the violations contained in this NOP have been fully mitigated.

Some of the violations at issue in the May 2011 Administrative Citation NOP are being filed with the Commission because the Regional Entities have respectively entered into agreements with the Registered Entities identified in Attachment A to resolve all outstanding issues arising from preliminary and non-public assessments resulting in the Regional Entities' determination

¹ *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards* (Order No. 672), III FERC Stats. & Regs. ¶ 31,204 (2006); *Notice of New Docket Prefix "NP" for Notices of Penalty Filed by the North American Electric Reliability Corporation*, Docket No. RM05-30-000 (February 7, 2008). See also 18 C.F.R. Part 39 (2010). *Mandatory Reliability Standards for the Bulk-Power System*, FERC Stats. & Regs. ¶ 31,242 (2007) (Order No. 693), *reh'g denied*, 120 FERC ¶ 61,053 (2007) (Order No. 693-A). See 18 C.F.R. § 39.7(c)(2). See also *Notice of No Further Review and Guidance Order*, 132 FERC ¶ 61,182 (2010).

² Corresponding NERC Registry ID Numbers for each Registered Entity are identified in Attachment A.

³ Attachment A is an Excel spreadsheet.

⁴ See 18 C.F.R. § 39.7(c)(2).

⁵ For purposes of this document, each violation at issue is described as a "violation," regardless of its procedural posture and whether it was a possible, alleged or confirmed violation.

NERC Administrative Citation Notice of Penalty

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and findings of the enforceable violation of the Reliability Standards identified in Attachment A. In some of those settlement agreements, as designated in the attached spreadsheet, some of the Registered Entities have admitted to the violations, while the others have indicated that they neither admit nor deny or do not contest the violations. While some of the Registered Entities have neither admitted nor denied or do not contest the violations of the Reliability Standards, they have agreed to the proposed penalty stated in Attachment A, in addition to other remedies and mitigation actions to mitigate the instant violation and ensure future compliance with the Reliability Standards. Accordingly, all of the violations, identified as NERC Violation Tracking Identification Numbers in Attachment A, are being filed in accordance with the NERC Rules of Procedure and the CMEP.

As discussed below, this May 2011 Administrative Citation NOP resolves 20 violations. The Commission has encouraged the use of a streamlined enforcement process that could avoid the filing of individual notices of penalty for violations that did not pose a serious or substantial risk to the BPS.⁶ Completing these non-serious violations will help NERC and the Regional Entities focus on the more serious violations of the mandatory and enforceable NERC Reliability Standards. NERC respectfully requests that the Commission accept this May 2011 Administrative Citation NOP.

Statement of Findings Underlying the Alleged Violations

The descriptions of the violations and related risk assessments are set forth in Attachment A.

This filing contains the basis for approval by the NERC of the findings and penalties reflected in Attachment A. In accordance with Section 39.7 of the Commission's regulations, 18 C.F.R. § 39.7 (2010), each Reliability Standard at issue in this Notice of Penalty is set forth in Attachment A.

Text of the Reliability Standards at issue in the May 2011 Administrative Citation NOP may be found on NERC's web site at <http://www.nerc.com/page.php?cid=2|20>. For each respective violation, the Reliability Standard Requirement at issue and the applicable Violation Risk Factor are set forth in Attachment A.

Status of Mitigation⁷

As noted above and reflected in Attachment A, the respective Regional Entities have determined that the violations identified in Attachment A have been mitigated. The mitigation activities have all been accepted by the Regional Entity and verified as completed. These activities are described in Attachment A for each respective violation. Information also is provided regarding the dates of Regional Entity verification of such completion.

⁶ See *North American Electric Reliability Corporation, Reliability Standards Development and NERC and Regional Entity Enforcement*, 132 FERC ¶ 61,217 at P 218 (2010) (encouraging streamlined administrative processes aligned with the significance of the subject violations).

⁷ See 18 C.F.R § 39.7(d)(7).

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Statement Describing the Proposed Penalty, Sanction or Enforcement Action Imposed⁸**Basis for Determination**

Taking into consideration the Commission's direction in Order No. 693, the NERC Sanction Guidelines and the Commission's July 3, 2008 Guidance Order, the October 26, 2009 Guidance Order and the August 27, 2010 Guidance Order,⁹ NERC reviewed the May 2011 Administrative Citation NOP and the attachments thereto. NERC approved the Administrative Citation Spreadsheet, including the Regional Entities' imposition of financial penalties as reflected in Attachment A, based upon its findings and determinations, NERC's review of the applicable requirements of the Commission-approved Reliability Standards, and the underlying facts and circumstances of the violations at issue.

Pursuant to Order No. 693, the penalty will be effective upon expiration of the 30-day period following the filing of this Notice of Penalty with FERC, or, if FERC decides to review any specific penalty, upon final determination by FERC.

Request for Confidential Treatment of Certain Attachments

Certain portions of Attachment A include confidential information as defined by the Commission's regulations at 18 C.F.R. Part 388 and orders, as well as NERC Rules of Procedure including the NERC CMEP Appendix 4C to the Rules of Procedure. This includes non-public information related to certain Reliability Standard violations and confidential information regarding critical energy infrastructure.

In accordance with the Commission's Rules of Practice and Procedure, 18 C.F.R. § 388.112, a non-public version of the information redacted from the public filing is being provided under separate cover.

Because certain of the information in the attached documents is deemed "confidential" by NERC, Registered Entities and Regional Entities, NERC requests that the confidential, non-public information be provided special treatment in accordance with the above regulation.

⁸ See 18 C.F.R § 39.7(d)(4).

⁹ *North American Electric Reliability Corporation*, "Guidance Order on Reliability Notices of Penalty," 124 FERC ¶ 61,015 (2008); *North American Electric Reliability Corporation*, "Further Guidance Order on Reliability Notices of Penalty," 129 FERC ¶ 61,069 (2009); *North American Electric Reliability Corporation*, 132 FERC ¶ 61,182 (2010).

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Attachments to be included as Part of this Notice of Penalty

The attachments to be included as part of this Notice of Penalty are the following documents and material:

- a) Administrative Citation Spreadsheet, included as Attachment A;
- b) Additions to the service list, included as Attachment B; and
- c) VRF Revision History Applicable to the Administrative Citation NOP, included as Attachment C.

A Form of Notice Suitable for Publication¹⁰

A copy of a notice suitable for publication is included in Attachment D.

Notices and Communications

Notices and communications with respect to this filing may be addressed to the following as well as to the entities included in Attachment B to this Administrative Citation NOP:

<p>Gerald W. Cauley President and Chief Executive Officer David N. Cook* Senior Vice President and General Counsel North American Electric Reliability Corporation 116-390 Village Boulevard Princeton, New Jersey 08540-5721 (609)452-8060 (609) 452-9550 – facsimile david.cook@nerc.net</p>	<p>Rebecca J. Michael* Associate General Counsel for Corporate and Regulatory Matters North American Electric Reliability Corporation 1120 G Street, N.W. Suite 990 Washington, D.C. 20005-3801 (202) 393-3998 (202) 393-3955 – facsimile rebecca.michael@nerc.net</p>
<p>*Persons to be included on the Commission's service list are indicated with an asterisk. NERC requests waiver of the Commission's rules and regulations to permit the inclusion of more than two people on the service list. <i>See also</i> Attachment B for additions to the service list.</p>	

¹⁰ See 18 C.F.R § 39.7(d)(6).

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Conclusion

Handling these violations in a streamlined process will help NERC and the Regional Entities focus on the more serious violations of the mandatory and enforceable NERC Reliability Standards. Accordingly, NERC respectfully requests that the Commission accept this Administrative Citation Notice of Penalty as compliant with its rules, regulations and orders.

Respectfully submitted,

/s/ Rebecca J. Michael

Rebecca J. Michael
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and Regulatory Matters
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cc: Entities listed in Attachment B



Attachment A

Administrative Citation Spreadsheet (Included in a Separate Document)



Attachment B

Additions to the service list

ATTACHMENT B**REGIONAL ENTITY SERVICE LIST FOR MAY 2011 ADMINISTRATIVE CITATION
NOTICE OF PENALTY****FOR FRCC:**

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Attachment C

VRF Revision History Applicable to the Administrative Citation NOP

ATTACHMENT C

Violation Risk Factor Revision History Applicable to the Administrative Citation Notice of Penalty

Some of the Violation Risk Factors in the Administrative Citation spreadsheet can be attributed to the violation being assessed at a main requirement or sub-requirement level. Also, some of the Violation Risk Factors were assigned at the time of discovery. Over time, NERC has filed new Violation Risk Factors, which have been approved by FERC.

- When NERC filed Violation Risk Factors (VRF) it originally assigned CIP-003-1 R2 a Lower VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRF and on January 27, 2009, the Commission approved the modified Medium VRF. Therefore, the Lower VRF for CIP-003-1 R2 was in effect from June 18, 2007 until January 27, 2009 when the Medium VRF became effective. CIP-003-1 R2.1, R2.2 and R2.3 have Lower VRFs. The VRFs for CIP-003-2 R2.3 and R2.4 were changed when CIP-003-2 went into effect on April 1, 2010; the VRFs were changed from Medium to Lower.
- When NERC filed VRFs it originally assigned CIP-004-1 R2.1, R2.2 and R2.2.4 Lower VRFs. The Commission approved the VRFs as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRFs and on January 27, 2009, the Commission approved the modified Medium VRFs. Therefore, the Lower VRFs for CIP-004-1 R2.1, R2.2 and R2.2.4 were in effect from June 18, 2007 until January 27, 2009 when the Medium VRFs became effective. CIP-004-1 R2, R2.2.1, R2.2.2 and R2.3 have Lower VRFs.
- When NERC filed VRFs it originally assigned CIP-006-1 R1.5 a Lower VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified Medium VRF and on February 2, 2009, the Commission approved the modified Medium VRF. Therefore, the Lower VRF for CIP-006-1 R1.5 was in effect from June 18, 2007 until February 2, 2009 when the Medium VRF became effective. CIP-006-1 R1, 1.1, 1.2, 1.3, 1.4, 1.6 have Medium VRFs and CIP-006-1 R1.7, 1.8 and 1.9 have Lower VRFs. The VRFs for CIP-006-2 R1 were not changed when CIP-006-2 went into effect on April 1, 2010.
- When NERC filed VRFs for FAC-008-1, NERC originally assigned Lower VRFs to FAC-008-1 R1.1, R1.2, R1.2.1 and R1.2.2. The Commission approved the VRFs but directed modifications. On December 19, 2007, NERC filed the modified Medium VRFs for FAC-008-1 R1.1, R1.2, R1.2.1 and R1.2.2 for approval. On February 6, 2008, the Commission issued an Order approving the modified VRFs. Therefore, the Lower VRFs for FAC-008-1 R1.1, R1.2, R1.2.1 and R1.2.2 were in effect from June 18, 2007 until February 6, 2008 and the Medium VRFs has been in effect since February 6, 2008. FAC-008-1 R1, R1.3

and R1.3.5 have Lower VRFs and R1.3.1, R1.3.2, R1.3.3 and R1.3.4 have Medium VRFs.

- When NERC filed VRFs it originally assigned PRC-005-1 R1 a Medium VRF. The Commission approved the VRF as filed; however, it directed NERC to submit modifications. NERC submitted the modified High VRF and on August 9, 2007, the Commission approved the modified High VRF. Therefore, the Medium VRF for PRC-005-1 R1 was in effect from June 18, 2007 until August 9, 2007 when the High VRF became effective.
- PRC-005-1 R2 has a Lower VRF; R2.1 and R2.2 each have a High VRF. During a final review of the standards subsequent to the March 23, 2007 filing of the Version 1 VRFs, NERC identified that some standards requirements were missing VRFs; one of these include PRC-005-1 R2.1. On May 4, 2007, NERC assigned PRC-005-1 R2.1 a High VRF. In the Commission's June 26, 2007 Order on Violation Risk Factors, the Commission approved the PRC-005-1 R2.1 High VRF as filed.

NERC

NORTH AMERICAN ELECTRIC
RELIABILITY CORPORATION

Attachment D

Notice of Filing

ATTACHMENT DUNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

North American Electric Reliability Corporation

Docket No. NP11-____-000

NOTICE OF FILING
May 26, 2011

Take notice that on May 26, 2011, the North American Electric Reliability Corporation (NERC) filed an Administrative Citation Notice of Penalty regarding eight (8) Registered Entities in five (5) Regional Entity footprints.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, D.C. There is an "eSubscription" link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: [BLANK]

Kimberly D. Bose,
Secretary

Document Content(s)

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