

April 30, 2018

**VIA ELECTRONIC SUBMISSION**

Mr. Leonard M. Tao  
Director  
Office of External Affairs  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

**Re: Response to FOIA-2018-75 (Docket No. NP18-7-000)**

Dear Ms. Bose:

The North American Electric Reliability Corporation (“NERC”) hereby objects to release of the identity of the Unidentified Registered Entity (“URE”) subject to the NERC Notice of Penalty filed in Docket No. NP18-7-000, as sought in Freedom of Information Act (“FOIA”) Request FOIA-2018-75.

NERC is compelled to object to this FOIA Request, because the Federal Energy Regulatory Commission (“Commission”) has instructed NERC not to divulge the identity of entities that have violated NERC Critical Infrastructure Protection (“CIP”) Reliability Standards. The Commission’s expectation that NERC should not identify entities violating CIP Reliability Standards is longstanding but is most recently reflected in FERC’s 2014 *Order on the Electric Reliability Organization’s Five-Year Performance Assessment*. In that order, the Commission stated that, “[w]ith respect to concerns and questions raised regarding NERC’s protection of information deemed to be confidential, particularly as related to cybersecurity incidents or CIP violations, we believe that NERC currently has adequate rules and procedures in place to protect against improper disclosure of sensitive information (...).” *Order on the Electric Reliability Organization’s Five-Year Performance Assessment*, 149 FERC ¶ 61,141, at n. 55, P 47, and n. 65 (2014) (in response to a commenter referencing a prior inadvertent disclosure of the identity of a URE sanctioned for violations of CIP Reliability Standards).

Respectfully submitted,

/s/ Edwin G. Kichline

Edwin G. Kichline

*Senior Counsel and Director of Enforcement  
Oversight*

*North American Electric Reliability Corporation*

cc. Ms. Toyia Johnson, FERC