

April 24, 2020

**VIA ELECTRONIC FILING**

Kirsten Walli, Board Secretary  
Ontario Energy Board  
P.O Box 2319  
2300 Yonge Street  
Toronto, Ontario, Canada  
M4P 1E4

Re: *North American Electric Reliability Corporation COVID-19 Compliance Response*

Dear Ms. Walli:

In recent weeks, the North American Electric Reliability Corporation (NERC) and the Regional Entities have taken a series of measures to help ensure grid reliability amid the impacts posed by the coronavirus (COVID-19) outbreak, a public health emergency that is unprecedented in modern times. These measures have been taken in recognition of the critical importance of the reliability of the North American energy sector and the steps that registered entities are taking to maintain the health and safety of their workforce and communities.

On March 18, 2020, NERC, with the U.S. Federal Energy Regulatory Commission (FERC), issued a statement stating that they would use regulatory discretion to consider the impact of the coronavirus outbreak in complying with Reliability Standards involving personnel certification and periodic actions and postponing on-site compliance and certification activities.<sup>1</sup> On April 2, 2020, the Northeast Power Coordinating Council (NPCC) notified the Independent Electricity System Operator (IESO) that it intends to provide the IESO with this regulatory discretion in Ontario.<sup>2</sup> Additionally, NERC has determined that it will consider the coronavirus outbreak an extenuating circumstance under its *Sanction Guidelines* for all instances of noncompliance where the impacts of the outbreak, such as impacts on workforce availability or the supply chain, were a cause or contributing factor to the noncompliance.

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<sup>1</sup> See Joint U.S. Federal Energy Regulatory Commission and NERC Press Release, *FERC, NERC Provide Industry Guidance to Ensure Grid Reliability Amid Potential Coronavirus Impacts* (Mar. 18, 2020), <https://www.ferc.gov/media/news-releases/2020/2020-1/03-18-20.pdf>.

<sup>2</sup> See April 2, 2020 email from Director, Enforcement at NPCC to Compliance Assurance, Operations at IESO.

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In addition to these measures, NERC filed a motion with the FERC on April 6, 2020 to defer the implementation of the following Reliability Standards scheduled to become effective in the United States during the second half of 2020:<sup>3</sup>

- The Supply Chain Standards, Reliability Standards CIP-005-6, CIP-010-3, and CIP-013-1, which are scheduled to become effective in the United States on July 1, 2020, by three months (to October 1, 2020);
- Reliability Standards PER-006-1 – Specific Training for Personnel and PRC-027-1 – Coordination of Protection Systems for Performance During Faults, along with the revised definitions of Real-time Assessment and Operational Planning Analysis, which are scheduled to become effective in the United States on October 1, 2020, by six months (to April 1, 2021);
- Reliability Standard PRC-002-2 – Disturbance Monitoring and Reporting Requirements, which became effective in the United States on July 1, 2016, but for which entities are scheduled to establish 50% compliance with Requirements R2-R4 and R6-R11 by July 1, 2020 in accordance with the phased-in implementation plan, by six months (to January 1, 2021); and
- Reliability Standard PRC-025-2 – Generator Relay Loadability, which became effective in the United States on July 1, 2018, but for which entities are scheduled to establish compliance with certain Options in Attachment 1, Table 1 Relay Loadability Evaluation Criteria by July 1, 2020 in accordance with the phased-in implementation plan, by six months (to January 1, 2021).

FERC granted NERC's motion on April 17, 2020.

In its April 6 Motion to the FERC, NERC stated that in order to establish compliance with these Reliability Standards by their scheduled effective or phased-in implementation dates, registered entities would need to expend significant effort and resources in the coming months toward establishing and implementing the necessary processes and procedures, conducting the necessary coordination, and establishing documentation of compliance. In some cases, supply chain, travel, or workforce disruptions may have temporarily impacted an entity's ability to perform the work or conduct any needed training. By providing for additional time and flexibility to establish compliance with new obligations, entities could continue to focus their immediate efforts and resources on maintaining the safety of their workforces and communities and ensuring the reliability of the grid during this public health emergency.

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<sup>3</sup> See *NERC, Motion to Defer Implementation of Reliability Standards and Request for Shortened Response Period and Expedited Action*, filed in U.S. FERC Docket Nos. RM15-4-000, RM16-22-000, RM17-13-000, and RD18-4-000 (Apr. 6, 2020), available at <https://www.nerc.com/FilingsOrders/us/NERC%20Filings%20to%20FERC%20DL/Motion%20to%20Defer%20Implementation%20of%20Reliability%20Standards.pdf>.

NERC provides notice of this April 6 Motion on an informational basis to the Ontario Energy Board. NERC is willing to assist in the event the Ontario Energy Board would like to consider a similar delay for the above-listed Reliability Standards in Ontario.<sup>4</sup>

NERC requests, to the extent necessary, a waiver of any applicable filing requirements with respect to this filing. Please contact Lauren Perotti, NERC Senior Counsel (lauren.perotti@nerc.net) or Marisa Hecht, NERC Counsel, (marisa.hecht@nerc.net) if you have any questions.

Respectfully submitted,

/s/ Lauren Perotti

Lauren Perotti  
*Senior Counsel for the North American  
Electric Reliability Corporation*

cc: Mr. Damase Hebert, Director, Enforcement  
Northeast Power Coordinating Council

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<sup>4</sup> On this date, NERC has also submitted to each of the other relevant Canadian provincial authorities a letter identifying Reliability Standards coming into effect in their respective province in the second half of 2020 and offering assistance in considering a three-to-six month delay, or other delay it deems appropriate.