

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

North American Electric Reliability Corporation)
)

Docket No. RR19-7-000

MOTION FOR EXTENSION OF COMPLIANCE FILING DEADLINE OF THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION IN RESPONSE TO THE ORDER ON THE FIVE-YEAR PERFORMANCE ASSESSMENT

On January 23, 2020, the Federal Energy Regulatory Commission (“Commission”) issued an order on the North American Electric Reliability Corporation’s (“NERC”) Five-Year Performance Assessment (“Order”).¹ In this Order, the Commission accepted NERC’s Performance Assessment and directed NERC to submit two compliance filings. The first compliance filing is due April 22, 2020 and the second compliance filing is due July 21, 2020 (“July Compliance Filing”). The July Compliance Filing requires NERC to submit revisions to its Rules of Procedure (“ROP”) to correct inconsistent E-ISAC terminology,² to provide more transparency in its sanction guidelines,³ and to address various elements of the certification program.⁴

Pursuant to Rules 212 and 2008 of the Commission’s Rules of Practice and Procedure,⁵ NERC submits this motion requesting extension of the July Compliance Filing deadline. Specifically, NERC requests that the Commission extend the deadline of the July Compliance Filing from July 21, 2020 to August 28, 2020. Extending the compliance filing deadline to August

¹ See *Order on Five-Year Performance Assessment*, 170 FERC ¶ 61,029 (2020) (“Order”).

² *Id.* at PP 73-74.

³ *Id.* at PP 77-80.

⁴ *Id.* at PP 84-87.

⁵ 18 C.F.R. §§ 385.212 & 385.2008 (2019); *NERC Rules of Procedure*, <https://www.nerc.com/AboutNERC/Pages/Rules-of-Procedure.aspx> (effective January 29, 2019).

28, 2020 would provide NERC with sufficient time to follow its procedure to post proposed ROP revisions for public comment, as required in the NERC Bylaws.⁶ An extension of the deadline would also allow NERC to include the Commission-directed ROP changes related to the certification program to an ongoing ROP project examining enhancements to the registration and certification program.

I. Motion for Extension of Time

NERC respectfully requests an extension of the July Compliance Filing deadline from July 21, 2020 to August 28, 2020, to comply with the Commission’s directive to enhance provisions of the ROP relating to the E-ISAC, the sanction guidelines, and the certification program. Good cause exists to grant this extension. In particular, the requested extension of time will allow NERC to follow its internal notice and comment procedures prior to submitting the proposed ROP revisions to the NERC Board of Trustees (“Board”). The extension of time will also allow NERC to present a complete set of registration and certification ROP revisions, which were in development prior to the Commission’s issuance of the Order.

Extending the deadline for the July Compliance Filing will allow NERC sufficient time to ensure transparency in developing revisions to the ROP. After NERC completes the drafting of its revisions, NERC will provide notice to stakeholders by posting the revisions on the NERC website. Once proposed revisions are posted, stakeholders are given a 45-day comment period to provide feedback on the ROP revisions. After the 45-day comment period, NERC may post the revisions for additional comment based on the nature and quantity of the revisions. NERC must justify its response to stakeholder comments, including when NERC chooses not to accept a revision

⁶ See *NERC Bylaws*, https://www.nerc.com/gov/Annual%20Reports/NERC%20Bylaws_Effective%20September%2025,%202018.pdf (effective September 25, 2018).

suggested by a stakeholder. NERC's responses to comments are posted on the NERC website. NERC must then provide the Board with sufficient time, generally 15 days, to review the proposed ROP revisions (including the consideration of comments) before the Board meeting. The current compliance deadline would require NERC to complete its ROP revisions and its notice and comment procedure for the May 13, 2020 Board meeting. NERC believes that it is more feasible to complete its process and submit the proposed revisions for the August 20, 2020 Board meeting.

Also, prior to the Commission's issuance of the Order, NERC was working on a broader scope of ROP changes to its registration and certification program. Particularly, NERC was working with the Regional Entities, stakeholders, and the Compliance and Certification Committee ("CCC") to enhance the registration and certification sections of the ROP. These ROP enhancements were initiated in response to the implementation of risk-based registration five years ago. This ongoing ROP project addresses a much wider scope of registration and certification changes than the Commission's directive. NERC will continue to develop ROP revisions to address the Commission-directed certification program in coordination with the Regional Entities, stakeholders and the CCC.

II. Conclusion

For the forgoing reasons, NERC respectfully requests that the Commission grant this motion and extend the deadline for NERC's July Compliance Filing to August 28, 2020.

Respectfully submitted,

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