# Review of TOP-002-2b—Normal Operations Planning (Filing 2)

http://www.nerc.com/files/TOP-002-2b.pdf

## **VSLs for Requirement R16:**

Standard,	Requirement	Lower	Moderate	High	Severe	Comments
Requirement	Language					
TOP-002-2b, R16	Subject to	N/ASubject to	N/ASubject to standards of	Subject to	Subject to	Citing potential
	standards of	standards of	conduct and	standards of	standards of	Guideline 1 and
	conduct and	conduct and	<u>confidentiality</u>	conduct and	conduct and	3 issues, FERC
	confidentiality	<u>confidentiality</u>	agreements, the	confidentiality	confidentiality	was concerned
	agreements,	agreements, the	<u>Transmission Operator</u>	agreements, the	agreements, the	that the
	Transmission	<u>Transmission</u>	notified its Reliability	Transmission	Transmission	requirements
	Operators shall,	<u>Operator</u>	Coordinator and Balancing	Operator	Operator	did not include
	without any	notified its	Authority of changes in	intentionally	intentionally	any reference to
	intentional time	Reliability	capability and	failed to notify	failed to notify	intentional
	delay, notify	<b>Coordinator and</b>	<u>characteristics</u> transmission	its Reliability	its Reliability	delay, stating
	their Reliability	<u>Balancing</u>	facility status (R16.1) and	Coordinator and	Coordinator and	that this piece of
	Coordinator and	Authority of	rating (R16.2), but there	Balancing	Balancing	the requirement
	Balancing	changes in	was an intentional time	Authority of	Authority of	seemed
	Authority of	<u>transmission</u>	delay in both.	changes in	changes in	important
	changes in	facility status		transmission	transmission	enough to
	capabilities and	(R16.1), but		facility status- (R	facility status (R	incorporate into
	characteristics	there was an		16.1) <u>.</u>	16.1) and	the
	including but not	intentional time			changes in	requirement.
	limited to:	<u>delay.</u>		OR	transmission	
					facility rating. (R	NERC staff
	R16.1. Changes	<u>OR</u>		Subject to	16.2).	agreed that the
	in transmission			standards of		VSLs could
	facility status.	Subject to		conduct and		better match the
		standards of		confidentiality		language in the
	R16.2. Changes	conduct and		agreements, the		requirement and
	in transmission	confidentiality		Transmission		realized that

facility rating.	agreements, the	Operator	further
	<u>Transmission</u>	intentionally	gradation could
	<u>Operator</u>	failed to notify	be incorporated.
	notified its	its Reliability	
	Reliability	Coordinator ar	nd
	Coordinator and	Balancing	
	Balancing	Authority of	
	Authority of	changes in	
	changes in	transmission	
	transmission	facility rating	
	facility rating	(R16.2).	
	(R16.2), but	,	
	there was an		
	intentional time		
	delay.		

#### Original R16 Guideline Explanation in the **December 1, 2010 VSL Filing**:

Consistent with Guidelines filed with FERC on August 10, 2009, incorporated the subrequirements into the main requirement VSL so that compliance is based on meeting criteria specified in components.

- Guideline 1: See P. 1014-1016 of the Guideline 1 Analysis Filing.
- Guideline 2: The VSLs comply with Guideline 2. The requirement has gradated VSLs; therefore, Guideline 2a is not applicable. The gradated VSLs ensure uniformity and consistency among all approved Reliability Standards in the determination of penalties. Therefore, no changes to the VSL language were required for consistency with FERC Guideline 2. Additionally, the VSL DT has reviewed the VSL text and has determined that, as revised, the VSL text is clear, specific and objective and does not contain general, relative or subjective language, satisfying Guideline 2b. Therefore, the text is not subject to the possibility of multiple interpretations of the VSLs and provides the clarity needed to permit the consistent and objective application of the VSLs in the determination of penalties by the Compliance Enforcement Authority.

- Guideline 3: The VSL DT compared the existing VSLs to the stated requirement language to ensure the VSLs do not redefine or undermine the reliability goal of the requirement. In accordance with Guideline 3, the VSL assignments are consistent with the requirement and the degree of compliance can be determined objectively and with certainty.
- Guideline 4: The VSL Assignments comply with Guideline 4, because they are based on a single violation of a Reliability Standard and are not based on a cumulative number of violations of the same requirement over a period of time.

### **VSLs for Requirement R17:**

Standard,	Requirement	Lower	Moderate	High	Severe	Comments
Requirement	Language					
TOP-002-2b, R17	Balancing	N/A	N/A	N/A	The responsible	Citing potential
	Authorities and				entity did not	Guideline 1 and 3
	Transmission				communicate the	issues, FERC was
	Operators shall,				information	concerned that
	without any				described in the	the requirements
	intentional time				requirements R1	did not include
	delay,				to R16 above to	any reference to
	communicate the				its Reliability	intentional delay,
	information				Coordinator.	stating that this
	described in the					piece of the
	requirements R1				OR	requirement
	to R16 above to					seemed important
	their Reliability				The responsible	enough to
	Coordinator.				entity	incorporate into
					intentionally	the requirement.
					delayed	
					communication of	NERC staff points
					the information	out that
					described in the	intentional delay
					requirements R1	is covered in the
					to R16 to its	second half of the
					Reliability	Severe VSL and
					Coordinator.	proposed no
						additional change.

#### Original R17 Guideline Explanation in the **December 1, 2010 VSL Filing**:

The VSL was modified to be consistent with Guideline 3.

- Guideline 1: See P. 1014-1016 of the Guideline 1 Analysis Filing.
- Guideline 2: The VSLs comply with Guideline 2. The requirement has a binary VSL assignment at the Severe level. This is consistent with other single VSL assignments for binary requirements, satisfying Guideline 2a. Additionally, the VSL DT has reviewed the VSL text and has determined that, as revised, the VSL text is clear, specific and objective and does not contain general, relative or subjective language, satisfying Guideline 2b. Therefore, the text is not subject to the possibility of multiple interpretations of the VSLs and provides the clarity needed to permit the consistent and objective application of the VSLs in the determination of penalties by the Compliance Enforcement Authority.
- Guideline 3: In accordance with Guideline 3, the VSL DT has revised the VSL assignments as noted in the redline text to be more consistent with the language of the requirement. Per stakeholder feedback, the Severe VSL was modified to reflect the components listed in the requirement. It was necessary to highlight that an entity could violate the requirement either by not communicating information or by intentionally delaying communication of that information. As revised, the VSL assignments are consistent with the requirement and the degree of compliance can be determined objectively and with certainty.
- Guideline 4: The VSL Assignments comply with Guideline 4, because they are based on a single violation of a Reliability Standard and are not based on a cumulative number of violations of the same requirement over a period of time.