

132 FERC ¶ 62,139
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

In Reply Refer To:
Office of Enforcement
Docket No. NP10-149-000
August 27, 2010

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To Whom It May Concern:

1. On July 30, 2010, the North American Electric Reliability Corporation (NERC) filed a Notice of Penalty in Docket No. NP10-149-000, regarding a \$25,000 penalty assessed by Texas Reliability Entity, Inc. (Texas RE) for a violation of FAC-003-1 R2. On August 26, 2010 NERC filed supplemental information. In the absence of Commission action within thirty (30) days, the penalty would have been affirmed by operation of law.¹

¹ 18 C.F.R. § 39.7(e) (1) (2010).

2. Pursuant to authority delegated to me in sections 375.311(u) and (v) of the Commission's regulations,² I am extending the time period for the Commission's consideration of this Notice of Penalty for the purpose of directing NERC and Texas RE to provide information they may possess that may bear on this consideration.

3. Therefore, in order to afford additional time for consideration of this Notice of Penalty, as provided for in 18 C.F.R. § 39.7(e)(1), an extended time period until October 8, 2010 is hereby ordered for the limited purpose of further consideration of the Notice of Penalty. If no further action is taken by the Commission by that date, the penalty will be deemed affirmed by operation of law. To facilitate this consideration, I direct NERC and Texas RE to file responses to the enclosed requests for data and documents by September 17, 2010. As appropriate, NERC and Texas RE may seek non-public treatment of information in the responses pursuant to sections 388.112 or 388.113 of the Commission's regulations, 18 C.F.R. §§ 388.112, 388.113 (2010).

4. If you have any questions, please contact Roger Morie at (202) 502-8446.

Sincerely,

Norman C. Bay
Director
Office of Enforcement

Enclosure

² *Delegations for Notices of Penalty*, Order No. 728, FERC Stats. & Regs. ¶ 31,298 (2009).

Enclosure

Data and Document Request to: NERC and Texas RE

- 1) Provide Kiowa's Transmission Facility Rating Methodology for its 345 kV transmission line from June 18, 2007 to the present including any changes in the Methodology.
- 2) Provide Kiowa's Transmission Facility Ratings for its 345 kV transmission line from June 18, 2007 to the present. Explain all changes in Facility Ratings during that time period and provide all documents related to changes in Facility Ratings.
- 3) Provide the actual loading on the single remaining circuit during the vegetation related outages that occurred on August 1 and 3, 2008.
- 4) If Kiowa determine the line sag of the single remaining circuit during vegetation related outages that occurred on August 1 and 3, 2008, provide that information. If Kiowa did not determine the line sag during the two outages, explain why not.
- 5) Paragraph 12 of Attachment a, of the Notice of Penalty filed in Docket No. NP10-149-000 on July 30, 2010, states that, "at an on-site investigation, after the aforementioned faults, the span in question was found to be sagging down to 22 feet above the ground, while it was designed for a clearance of 26 feet." Describe what immediate operational procedures, such as de-rating the line or limiting the output of the generator, were taken by Kiowa to correct this situation during the time period from the August 5, 2008 on-site investigation until September 12, 2008 when the additional pole was installed. Provide all documents related to these operational procedures.
- 6) Describe the "survey of installed equipment to verify locations against 'as-built' documentation" mentioned in the Mitigation Plan included as Exhibit B to the Settlement Agreement, filed as Attachment a to the Notice of Penalty filed in Docket No. NP10-149-000 on July 30, 2010. Provide all documents related to the survey.
- 7) Provide the documents reviewed by Texas RE during the November 6 and 7, 2008 Audit of Kiowa on NERC Reliability Standards FAC-008-1 and FAC-009-1.

- 8) Explain how Texas RE reached the conclusion that Kiowa was not in violation of NERC Reliability Standards FAC-008-1 or FAC-009-1 at the time of the August 1 and 3, 2008 vegetation contact faults on its 345 kV line.

Document Content(s)

NP10-149-000 Data Request.DOC.....1-4