

version 3 Standards, and – given the superiority of the CIP 5 Standards to the CIP version 4 standards – concurs with the Commission that it is appropriate to retire the CIP version 4 Standards without ever going into effect.

Second, the IRC acknowledges the “identify, assess, and correct” (“IAC”)-related and other concerns raised by the Commission in the NOPR, and urges the Commission to direct NERC to take appropriate action to address those concerns, provided that such action is consistent with moving forward with the CIP 5 Standards.³ Consistent with this position, the IRC respectfully submits that the technical and substantive cyber security improvements and benefits represented in the CIP 5 Standards (relative to both versions 3 and 4) should not be delayed. The benefits of prompt implementation of the CIP 5 Standards with a direction to NERC to make supplemental filings, after an appropriate stakeholder process, to address the Commission’s concerns clearly outweigh the cost of delaying the entirety of the CIP 5 Standards while these matters are further clarified. Moreover, the public interest clearly lies with the Commission authorizing the industry to begin taking steps to implement the CIP 5 Standards expeditiously as an improved means to address cyber security, as opposed to allowing the IAC issues noted by the Commission to delay implementation entirely. Thus, the Commission should direct to NERC to take appropriate action, prospectively, to address its concerns related to the IAC requirements while implementation of the CIP 5 Standards is underway.

Taking action consistent with the IRC request would: (i) allow implementation of the CIP 5 Standards without unnecessary delay, achieving the relative improved technical

³ The IRC takes no position on the timing of any such action, but notes that the more timely such matters are addressed, the less likely it is that the Commission’s IAC concerns would arise in administration of Compliance Monitoring and Enforcement Program (“CMEP”) activities.

substantive benefits of the CIP 5 Standards in a timely manner, and (ii) provide a path forward to address the Commission's concerns related to the IAC requirements.

Third, the IRC recognizes that if the Commission adopts the IRC's recommended course of action, the CIP 5 Standards may, pending Commission action on a curative NERC filing, be in effect for an interim period in a form that encompasses the IAC ambiguities and other elements about which the Commission expresses concern. To minimize the potential for these circumstances to result in ineffective CMEP administration and enforcement related to the IAC requirements and to ensure that the Commission's concerns regarding the unresolved ambiguities are promptly and appropriately mitigated, the Commission should include, in its order on the NOPR, a directive that NERC submit a compliance filing to the Commission addressing the Commission's concerns regarding the IAC language contained in the CIP 5 Standards, and detailing how it and the Regional Entities intend to monitor and enforce the IAC requirements in the CIP 5 Standards in the interim period.

III. CONCLUSION

The IRC respectfully requests that the Commission proceed in a manner consistent with the comments submitted herein.

Respectfully submitted,

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