

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

**Version 5 Critical Infrastructure
Protection Reliability Standards**)
)

Docket No. RM13-5-000

**COMMENTS OF THE
ISO/RTO COUNCIL**

The ISO/RTO Council (“IRC”) submits these comments in response to the April 18, 2013 Notice of Proposed Rulemaking (the “NOPR”)¹ in which the Federal Energy Regulatory Commission (the “Commission”) proposes to approve Version 5 of the Critical Infrastructure Protection (“CIP”) Reliability Standards, CIP-002-5 through CIP-011-1 (collectively, the “CIP 5 Standards”).

I. IDENTIFICATION OF FILING PARTY

The IRC is comprised of the Alberta Electric System Operator (“AESO”); California Independent System Operator Corporation (“CAISO”); Electric Reliability Council of Texas, Inc. (“ERCOT”); the Independent Electricity System Operator (“IESO”); ISO New England Inc. (“ISO-NE”); Midcontinent Independent System Operator, Inc. (“MISO”); New York Independent System Operator, Inc. (“NYISO”); PJM Interconnection, L.L.C. (“PJM”); and Southwest Power Pool, Inc. (“SPP”).²

II. COMMENTS

The IRC has three brief comments in response to the NOPR.

First, the IRC urges the Commission to approve the CIP 5 Standards. The IRC agrees with the Commission that the CIP 5 Standards represent a marked improvement over the CIP

¹ *Version 5 Critical Infrastructure Protection Reliability Standards*, 143 FERC ¶ 61,055 (2013).

² AESO and IESO are not FERC-jurisdictional. The AESO is not joining in these comments.

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,

/s/ **Matthew Morais**

Matthew Morais
Assistant General Counsel
Electric Reliability Council of Texas, Inc.
7620 Metro Center Drive
Austin, Texas 78744

/s/ **Theodore J. Paradise**

Raymond W. Hepper
Vice President, General
Counsel, and Secretary
Theodore J. Paradise
Assistant General Counsel - Operations and
Planning
ISO New England Inc.
One Sullivan Road
Holyoke, MA 01040-2841

/s/ Stephen G. Kozey

Stephen G. Kozey
Vice President, General Counsel, and
Secretary
**Midcontinent Independent System
Operator, Inc.**
P.O. Box 4202
Carmel, Indiana 46082-4202

/s/ Anna McKenna

Nancy Saracino
General Counsel
Roger Collanton
Deputy General Counsel
Anna A. McKenna
Assistant General Counsel-Regulatory
**California Independent System Operator
Corporation**
250 Outcropping Way
Folsom, California 95630

/s/ Craig Glazer

Craig Glazer
Vice President - Federal Government Policy
Robert Eckenrod
Assistant General Counsel
PJM Interconnection, LLC
1200 G Street, N.W. Suite 600
Washington, D.C. 20005

/s/ Paul Suskie

Paul Suskie
Sr. VP - Regulatory Policy and General Counsel
Southwest Power Pool, Inc.
415 North McKinley, Suite 140
Little Rock, AR 72205

/s/ Carl F. Patka

Carl F. Patka
Assistant General Counsel
Raymond Stalter
Director, Regulatory Affairs
**New York Independent System Operator,
Inc.**
10 Krey Blvd
Rensselaer, New York 12144

/s/ Jessica Savage

Jessica Savage
Supervisor, Regulatory Affairs
Independent Electricity System Operator
Station A, Box 4474
Toronto, Ontario M5W 4E5

Dated: June 24, 2013