

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

Version 4 Critical Infrastructure)	Docket No. RM11-11-000
Protection Reliability Standards)	
Version 5 Critical Infrastructure)	Docket No. RM13-5-000
Protection Reliability Standards)	

**COMMENTS OF THE ISO/RTO COUNCIL IN SUPPORT OF
EMERGENCY REQUEST FOR DELAY OF COMPLIANCE DEADLINE**

Pursuant to Rule 213 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission¹ (the “Commission”), the ISO/RTO Council (“IRC”) submits these comments in support of the Emergency Request for Delay of Compliance Deadline filed on July 17, 2013 by the American Public Power Association, the Edison Electric Institute, the Electricity Consumers Resource Council, the Electric Power Supply Association, the Large Public Power Council, the National Rural Electric Cooperative Association and the Transmission Access Policy Study Group (the “Emergency Request”).

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

¹ 18 C.F.R. § 385.213 (2013).

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

II. COMMENTS

The Emergency Request asks the Commission to delay the deadline for complying with Version 4 of the Critical Infrastructure Protection (“CIP”) Reliability Standards (“CIP Version 4”) of the North American Electric Reliability Corporation (“NERC”), which are currently scheduled to become effective on April 1, 2014, pending action in a rulemaking proceeding on a proposed Version 5 of the CIP Reliability Standards (“CIP Version 5”). As the Emergency Request explains, absent such relief, entities registered with NERC will need to begin expending substantial time and resources this summer in order to meet the current April 1, 2014 deadline for complying with CIP Version 4, even though CIP Version 4 is expected to be retired before it takes effect, enabling registered entities to transition directly from Version 3 of the CIP Reliability Standards (“CIP Version 3”) to CIP Version 5.³

The IRC supports the Emergency Request, for many of the reasons set forth therein. With the existing effective date of April 1, 2014 for CIP Version 4, registered entities, including the ISOs and RTOs, are required to prepare for compliance with CIP Version 4 despite the Commission’s proposal to move directly from CIP Version 3 to CIP Version 5. This is an inefficient and ineffective outcome resulting solely from a potential timing gap between the effective dates of CIP Versions 4 and 5.⁴ Accordingly, to prevent this unproductive result from occurring, the IRC supports the Emergency Request to delay CIP Version 4 from becoming effective.

³ As indicated in its earlier comments in Docket No. RM13-5-000, the IRC agrees with the Commission that CIP Version 5 represents a marked improvement over CIP Version 3, and - given the superiority of CIP Version 5 to CIP Version 4 - concurs with the Commission that it is appropriate to retire CIP Version 4 without its ever going into effect.

⁴ Registered entities will be required to prepare for compliance with CIP Version 4. Although the degree of preparation that has and/or will be required to prepare for CIP Version 4 will differ between entities, it seems wasteful to require any further preparation for compliance with CIP Version 4 given the Commission’s proposal to move straight from CIP Version 3 to CIP Version 5.

More specifically, and as noted in the Emergency Request, CIP Version 4, with its “bright line” criteria, is premised on a significantly different approach from CIP Version 5, which uses a more granular approach that assigns each BES Cyber System a low, medium or high impact (with compliance requirements corresponding to each of those categories). Thus, the implementation of CIP Version 5 following the implementation of CIP Version 4 may result in modifications to the critical asset identification and the compliance obligations that would flow from those changes for facilities that may be deemed critical assets under CIP Version 4, but under CIP Version 5 will only be low or medium impact BES Cyber Systems. By granting the Emergency Request and thereby delaying the implementation of CIP Version 4, the Commission will enable organizations to better focus their resources and more rapidly achieve the enhanced security gains associated with CIP Version 5.

III. CONCLUSION

For the foregoing reasons, the IRC respectfully requests that the Commission expeditiously grant the Emergency Request.

Respectfully submitted,

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