

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

Disturbance Monitoring and Reporting	)	Docket Nos. RM15-4-000
Requirements Reliability Standard	)	RM16-22-000
	)	RM17-13-000
Coordination of Protection Systems for	)	RD18-4-000
Performance During Faults and	)	
Specific Training for Personnel	)	
Reliability Standards	)	
	)	
Supply Chain Risk Management	)	
Reliability Standards	)	
	)	
North American Electric Reliability	)	
Corporation	)	

**MOTION TO INTERVENE AND COMMENTS OF THE ISO/RTO COUNCIL IN
SUPPORT OF NORTH AMERICAN ELECTRIC RELIABILITY
CORPORATION'S MOTION TO DEFER IMPLEMENTATION OF
RELIABILITY STANDARDS AND REQUEST FOR SHORTENED RESPONSE
PERIOD AND EXPEDITED ACTION**

Pursuant to Rules 211, 212, and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or the “Commission”),¹ the ISO/RTO Council (“IRC”) hereby moves to intervene and files the following comments in support of the North American Electric Reliability Corporation’s (“NERC”) Motion to Defer Implementation of Reliability Standards and Request for Shortened Response Period and Expedited Action submitted on April 6, 2020 in the above-referenced dockets.

I. BACKGROUND

On March 13, 2020, the President of the United States issued a proclamation declaring the coronavirus (“COVID-19”) outbreak a national emergency. Since that time,

¹ 18 C.F.R. 385.211 (2019), 18 C.F.R. 385.212 (2019), and 18 C.F.R. 385.214 (2019).

FERC and NERC have taken actions in recognition of the critical importance of the reliability of the nation's energy sector as well as the steps that registered entities (including the IRC members) are taking to maintain the health and safety of their workforce and communities.² Additionally, NERC has determined that it will consider the COVID-19 outbreak an extenuating circumstance under its Sanction Guidelines for all instances of noncompliance where the impacts of the outbreak, such as impacts on workforce availability or the supply chain, were a cause or contributing factor to the noncompliance. In its motion, NERC states that it will work with the Regional Entities and registered entities to monitor such situations and determine when a resumption of normal operations is appropriate.

As NERC explains in its motion, the Commission has previously approved a number of reliability standards that will take effect, in whole or in part, in the second half of 2020 in accordance with their respective implementation plans. Consistent with the actions taken by NERC and the Commission to address the impacts of COVID-19, on April 6, 2020, NERC requested that the Commission defer the implementation of several Commission-approved reliability standards that have effective dates or phased-in implementation dates in the second half of 2020. Those reliability standards include the supply chain risk management reliability standards (CIP-005-6 – Cyber Security – Electronic Security Perimeter(s), CIP-010-3 – Cyber Security – Configuration Change

² On March 18, 2020, NERC and the Commission issued a joint statement announcing that they will use regulatory discretion in the coming months with respect to registered entity noncompliance with certain reliability standards due to COVID-19 impacts. On March 19, 2020, the Commission issued a Notice Granting Extension of Time, extending the deadline for certain filings for entities that are unable to meet deadlines due to steps they have taken to meet the emergency conditions. Specifically, the Commission stated that entities may seek a waiver of other deadlines or Commission orders or regulations “as appropriate, to address needs resulting from steps they have taken in response to the coronavirus” and that action on such motions “will be taken as expeditiously as possible.”

Management and Vulnerability Assessments, and CIP-013-1 – Cyber Security – Supply Chain Risk Management).³

NERC filed its request as a measure to help ensure grid reliability amid the impacts posed by the COVID-19 outbreak, a public health emergency that is unprecedented in modern times.

II. MOTION TO INTERVENE

The IRC comprises the Alberta Electric System Operator (“AESO”), California Independent System Operator Corporation (“CAISO”), Electric Reliability Council of Texas, Inc. (“ERCOT”), the Independent Electricity System Operator of Ontario, Inc. (“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”).⁴

The IRC members are registered entities with NERC and, as such, they are required to comply with NERC reliability standards that apply to their registered functions, including the supply chain risk management reliability standards. The IRC members have a direct and substantial interest in the instant proceeding, and the IRC’s intervention would be in the public interest. Therefore, the IRC respectfully requests that it be permitted to intervene in this proceeding.

³ Although NERC also requested that FERC approve delayed implementation of reliability standards PER-006-1, PRC-002 (requirements R2-R4 and R6-R11), PRC-025-2 (requirement R1) and PRC-021-1, those reliability standards/requirements do not apply to the IRC members.

⁴ AESO is not subject to FERC jurisdiction and does not join this motion and comments. Although IESO is non-FERC jurisdictional, it joins this motion and comments because it is registered with NERC and automatically adopts effective reliability standards.

III. COMMENTS IN SUPPORT OF NERC'S MOTION AND REQUEST

As NERC describes in its motion, in order to establish compliance with the supply chain risk management reliability standards by their scheduled effective date of July 1, 2020, registered entities (including the IRC members) would need to expend significant effort and resources in the coming months. This effort includes establishing and implementing the necessary processes and procedures, conducting the necessary coordination, and establishing documentation of compliance.

Specifically, the FERC-approved implementation plan for the supply chain risk management standards anticipated that registered entities (including the IRC members) would have 18 months following regulatory approval to develop and implement their supply chain cyber security risk management plans under reliability standard CIP-013-1, and to implement the new controls required in reliability standards CIP-005-6 and CIP-010-3. While NERC, the Regional Entities, and registered entities (including the IRC members) have already made and continue to make significant efforts to ensure the effective implementation of these standards, the COVID-19 outbreak has introduced many uncertainties that may include supply chain and personnel disruptions.

Accordingly, the IRC supports NERC's position that extending the implementation of the supply chain risk management standards by three months (from the currently scheduled July 1, 2020 effective date to October 1, 2020) is just, reasonable, not unduly discriminatory, and in the public interest, and would not have any adverse impacts on reliability. The added flexibility provided by a three-month delay would allow registered entities (including the IRC members) to recover from the impacts of the COVID-19 outbreak before implementing new controls and new supply chain processes that may be significantly different from how procurement is currently conducted.

Moreover, the IRC fully agrees with NERC that, by providing for additional time and flexibility to establish compliance with new obligations, registered entities (including the IRC members) could continue to focus their immediate efforts and resources on maintaining the safety of their workforces and communities, and maintaining the reliability and security of the grid during the COVID-19 emergency.

Finally, the IRC agrees that the Commission should consider NERC's motion on an expedited timeframe. FERC's expedited action would provide NERC, the Regional Entities, and registered entities (including the IRC members) with needed regulatory certainty during this unprecedented public health emergency.

IV. CONCLUSION

For the reasons stated above, the IRC respectfully requests that the Commission grant the IRC's motion to intervene in this proceeding, accept the IRC's comments, and grant NERC's requested relief in its entirety.

Respectfully submitted,

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April 7, 2020.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in these proceedings.

Dated at Holyoke, MA, this 7th day of April, 2020.

/s/ Julie Horgan

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