

Official Comment Form for Draft 2 of the VSLs for the Emergency Operations Standards

Please use this form to submit comments on the proposed Violation Severity Levels (VSLs) for the Emergency Operations series of standards.

Comments must be submitted by May 8, 2009. You may submit the completed form by e-mail to sarcomm@nerc.net with the words "EOP VSLs" in the subject line. If you have any questions on the subject information please contact Al Calafiore at Al.Calafiore@nerc.net.

http://www.nerc.com/filez/standards/EOP_VSLs_Project_2008-08.html

Individual Commenter Information	
(Complete this page for comments from one organization or individual.)	
Name:	
Organization:	
Telephone:	
E-mail:	
NERC Region (check all Regions in which your company operates)	Registered Ballot Body Segment (check all industry segments in which your company is registered)
<input type="checkbox"/> ERCOT <input type="checkbox"/> FRCC <input type="checkbox"/> MRO <input type="checkbox"/> NPCC <input type="checkbox"/> RFC <input type="checkbox"/> SERC <input type="checkbox"/> SPP <input type="checkbox"/> WECC <input type="checkbox"/> NA – Not Applicable	<input type="checkbox"/> 1 — Transmission Owners
	<input type="checkbox"/> 2 — RTOs and ISOs
	<input type="checkbox"/> 3 — Load-serving Entities
	<input type="checkbox"/> 4 — Transmission-dependent Utilities
	<input type="checkbox"/> 5 — Electric Generators
	<input type="checkbox"/> 6 — Electricity Brokers, Aggregators, and Marketers
	<input type="checkbox"/> 7 — Large Electricity End Users
	<input type="checkbox"/> 8 — Small Electricity End Users
	<input type="checkbox"/> 9 — Federal, State, Provincial Regulatory or other Government Entities
	<input type="checkbox"/> 10 — Regional Reliability Organizations and Regional Entities
<input type="checkbox"/> Not Applicable	

**Comment Form for Second Draft of VSLs for the Emergency Operations Standards
(Project 2008-08)**

*If more than one Region or Segment applies, please list all that apply. Regional acronyms and segment numbers are shown on prior page.

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Background Information:

The Emergency Operations Violation Severity Level Drafting Team (EOP VSL DT) was formed to revise the set of EOP VSLs that was not approved by its ballot pool. The EOP VSL DT posted a set of proposed changes to the EOP VSLs for stakeholder comment early in 2008. Following that posting, FERC issued a Violation Severity Level Order that identified the following guidelines FERC is using to determine whether to approve VSLs:

1. VSLs should not have the unintended consequence of lowering the current level of compliance (what was specified in any prior Levels of Non-compliance)
2. VSLs should ensure uniformity and consistency in the determination of penalties
 - a. Be consistent — “Binary” VSLs must be Severe
 - b. Don’t use ambiguous language such as “minor” or “significant” to describe noncompliant performance
3. VSLs should not expand on what is required in the requirement.
4. VSLs should be based on a single violation, not an a cumulative number of violations

In addition, several stakeholders suggested making modifications to all of the VSLs associated with requirements that include subrequirements to avoid double jeopardy. The drafting team considered FERC’s guidelines and stakeholder comments and modified the VSLs as follows:

1. Where there was a VSL that included generic language, either the generic language was replaced with specific language, or the VSL was removed.
2. Where FERC directed NERC to modify a specific VSL, the drafting team has provided the FERC-directed VSL and its own proposed VSL. In some cases, there are minor modifications to the FERC-directed VSLs, but in all situations the drafting team agreed that the FERC-directed VSLs were an improvement over the originally proposed VSLs.
3. Where there was a requirement that contained multiple subrequirements – and each subrequirement described a distinct task or activity, then the drafting team assigned a set of VSLs to each of the separate subrequirements. If such a requirement were written today, the requirement would be separated into individual requirements without separate subrequirements.
4. Where there was a requirement that contained multiple subrequirements, and each subrequirement contributed to achieving the main requirement, then the subrequirements were “rolled up” into the main requirement and a single set of VSLs that address the “total” requirement was developed. The single set of VSLs references each of the subrequirements so that if an entity is noncompliant with a specific subrequirement, there is an associated VSL for that noncompliant performance.
5. Note that the drafting team reviewed each subrequirement to ascertain the impact of a violation of that subrequirement in meeting the intent of the requirement. There are some situations where the subrequirements are all of equal or almost equal weight in contribution to the intent of the requirement this is reflected in the revised set of VSLs. Where subrequirements are of “unequal” weight in contributing to the intent of the requirement this is reflected in the revised VSLs.

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- 9. If you have any other comments on the proposed VSLs for the EOP standards that you haven't covered in your recommendations above, please provide them here.**

Comments: The MRO NSRS commends the EOP VSL drafting team on their efforts with the EOP VSLs.