

CAN Comment Form Compliance Application Notice – 0010

Please complete the CAN Comment Form and email it to cancomments@nerc.net.

Commenter Information

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Entity Represented: MRO NERC Standards Review Forum (NSRF) represented by: Madison Gas and Electric Company (MGE), Alliant Energy (ALT), Western Area Power Administration (WAPA), Great River Energy (GRE), Xcel Energy (XCEL), Rochester Public Utilities (RPU), Basin Electric Power Cooperative (BEPC), Lincoln Electric System (LES), American transmission Company, (ATC) Wisconsin Public Service (WPS), Omaha Public Power District (OPPD), Minnkota Power Cooperative (MPC), Midwest ISO (MISO), Otter Tail Power Company (OTP), Muscatine Power and Water (MPW), Nebraska Public Power District (NPPD)

Region: MRO

Primary Interest Groups

Are you suggesting a change to the groups mentioned? **No**

If yes, explain what change and why:

Issue

Are you suggesting a change to the issue statement of the CAN? **No**

If yes, explain what change and why:

Background

Are you suggesting a change to the background statement of the CAN? **No**

If yes, explain what change and why:

Compliance Application

Are you suggesting a change to the compliance application section of the CAN? **Yes**

If yes, explain what change and why:

The issue the NSRF has is with the use of 'Calendar Year' as the base definition. It seems like a logical concept, however, it puts entities who perform their activity (maintenance, model building, etc.) later in the 'calendar year' at a disadvantage.

Item c): "...However, CEAs are to verify that any alternative documented method demonstrates that the required activity was conducted at least once every Calendar Year."

For example: If an entity performs their maintenance in March, using the calendar year definition, they would have until December the following year (21 months) to complete their 'annual' maintenance. However, if an entity performed their maintenance in November, they would only have until December the following year (13 months) to complete. They are in effect penalized for performing maintenance later in the 'Calendar Year'.

The 'Calendar Year' base definition allows for the possibility of 23 month intervals for annual activities. It also forces entities to 'front load' their schedules when an entities particular situation may be better suited for 3rd or 4th quarter activities.

The NSRF believes that CEAs should not be 'locked-in' to the concept of 'Calendar Year' when assessing whether an entity conducted their activity annually.

The NSRF proposes the following changes to Option A:

- Replace the text, "find a Possible Violation", with "find a potential non-compliance" because the formal status of Possible Violation is determined after the identification of potential non-compliance.
- The text, "but this may invoke questions about a registered entity's culture of compliance" is conjecture, not compliance application guidance, and should be removed.

Effective Period for CAN

Are you suggesting a change to the effective period of the CAN? **Yes**

If yes, explain what change and why:

NERC continues to ignore industry and EEI comments that CANs cannot and should not use retroactive compliance dates. Because any clarification changes, at a minimum how NERC standards are applied, entities must be allowed time to review and change their practices if needed. It is wrong to used retroactive dates.

Evidence of Compliance

Are you suggesting a change to the evidence of compliance mentioned in the CAN? **No**

If yes, explain what change and why:

The NSRF proposes the following changes:

- In bullet #1, replace the text, “find noncompliance or a possible violation”, with “find a potential non-compliance” because the formal status of Non-Compliance is determined after the identification of potential non-compliance.
- In bullet #2, replace the text, “find the registered entity non-compliant”, with “find a potential non-compliance” because the formal status of Non-Compliance is determined after the identification of potential non-compliance.