

## **MRO NSRF Comments on NERC Compliance Application Notice – 030 – Attestation**

### **NSRF Comments:**

Notarization required by the CAN is an unnecessary bureaucratic step providing no support for the underlying reliability issues, that no other NERC processes or procedures requiring such attestation, and that a simple signature represents sufficient attestation.

NSRF appreciate the clarification in the CAN regarding when attestations may be appropriate for compliance with a Reliability Standard and corroborating evidence that should accompany an attestation. We agree that an Attestation could be used in certain situations of force majeure that an entity has experienced. However, we have a few concerns:

- A RSAW approved by a senior officer should be sufficient in lieu of a separate attestation.
- The use of the attestation is questionable as it relates to a null situation. The extra effort required by registered entities to provide evidence on “proving a negative” does not enhance the reliability of the BES.
- Additionally, evidence item # 2.a. is overly restrictive when ‘proving a negative,’ such as proving that no misoperations occurred. An entity may have one or several of these types of evidence, and should have the latitude to provide what is practical (and reasonable) to obtain, and appropriate to the situation. For example, operator logs are used to enter many different items, and most entities could never produce a log (paper or electronic) that had no entries at all. For electronic logs, a search for particular words could be performed and those results presented as evidence. However, the same could not be produced for paper logs. We fail to see how evidence, such as blank log entries, which is not practical to produce, would be of value. One way to address our concern is to change the header sentence for # 2 to read as follows:

“To support a position that an event did not occur, a registered entity may provide one or more of the following, as practical and appropriate:”

- The above doesn’t even consider directives not being issued or how often an Attestation would be required. Recommend that Attestations concerning an action not occurring be deleted from this CAN.
- Notarization of an attestation is just one way to certify that a witness swears to or affirms his or her testimony. In addition, a notary validates that the specific witness signed the testimony, but a notary is not obligated to verify the authenticity of the testimony itself. So, NSRF suggests that the Background text be revised to state, “An attestation is a written statement of fact that is made voluntarily under an oath or affirmation and signed by the witness to the fact. The

authenticity of the oath or affirmation may be witnessed by a notary public or attested to by a fiduciary of the company.”

- Notarization is not required for other evidence, such as memos from the RC attesting there are no IROLs in the area, memos authorizing system operators to take any actions necessary to protect the system, etc.
- We suggest that the requirement to have signatures witnessed by a notary should be removed.
- It is not clear at what level of an Organization will need to sign an attestation? We believe any employee can sign an attestation – SME, Manager, etc. In most cases, it will likely be the SME who is most knowledgeable about the issue.