

**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)	
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**MOTION TO DEFER IMPLEMENTATION OF RELIABILITY STANDARDS AND
REQUEST FOR SHORTENED RESPONSE PERIOD AND EXPEDITED ACTION**

Pursuant to Rule 212 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or the “Commission”), 18 C.F.R. 385.212 (2019), the North American Electric Reliability Corporation (“NERC”) respectfully requests 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. Specifically, NERC requests that the Commission defer the implementation of the following Reliability Standards:

- Reliability Standard CIP-005-6 – Cyber Security – Electronic Security Perimeter(s), by three months;
- Reliability Standard CIP-010-3 – Cyber Security – Configuration Change Management and Vulnerability Assessments, by three months;
- Reliability Standard CIP-013-1 – Cyber Security – Supply Chain Risk Management, by three months;
- Reliability Standard PER-006-1 – Specific Training for Personnel, by six months;

- Reliability Standard PRC-002-2 – Disturbance Monitoring and Reporting Requirements (phased-in implementation for Requirements R2-R4 and R6-R11), by six months;
- Reliability Standard PRC-025-2 – Generator Relay Loadability (phased-in implementation for Requirement R1, Attachment 1, Table 1 Relay Loadability Evaluation Criteria Options 5b, 14b, 15b, 16b), by six months; and
- Reliability Standard PRC-027-1 - Coordination of Protection Systems for Performance During Faults, by six months.

NERC files the instant motion as a measure to help ensure grid reliability amid the impacts posed by the coronavirus outbreak, a public health emergency that is unprecedented in modern times. For the reasons discussed in this motion, a delay for the implementation of these Reliability Standards under the current circumstances is just, reasonable, not unduly discriminatory, and in the public interest. To provide registered entities with regulatory certainty during these difficult times, NERC respectfully requests that the Commission shorten the period for responding to this motion and that the Commission consider this motion on an expedited timeframe, so that it may issue an order as soon as practicable.

While this motion addresses only those Reliability Standards scheduled to become effective during the remainder of 2020, NERC recognizes that there are significant uncertainties regarding the duration of the outbreak and the subsequent recovery. As such, NERC will continue to evaluate the circumstances to determine whether additional implementation delays may be warranted. NERC would submit any appropriate filings with the Commission at that time.

In addition to this motion, NERC is taking other steps that will allow registered entities to continue focusing their resources in the coming months on keeping people safe and the lights on. As discussed below, NERC will exercise its enforcement discretion with respect to certain currently effective Reliability Standards. Further, NERC will consider the coronavirus outbreak

an extenuating circumstance under its *Sanction Guidelines*¹ for all noncompliance where the impacts of the coronavirus outbreak, such as on workforce availability or supply chain resources, were a cause or contributing factor to the noncompliance.

I. BACKGROUND

On March 13, 2020, the President of the United States issued a proclamation declaring the coronavirus outbreak a national emergency.² NERC and the Commission have since taken steps in recognition of the critical importance of the reliability of the nation’s energy sector and the steps that registered entities are taking to maintain the health and safety of their workforce and communities. On March 18, 2020, NERC and the Commission issued a joint statement announcing that they “are using regulatory discretion to advise all registered entities that they will consider the impact of the coronavirus outbreak in complying with Reliability Standards” involving personnel certification and periodic actions. The statement also announced that Regional Entities will postpone on-site compliance and certification activities.³ Additionally, NERC has determined that it will consider the coronavirus 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

¹ The *Sanction Guidelines of the North American Electric Reliability Corporation*, Appendix 4B to the NERC Rules of Procedure, provide that NERC or a Regional Entity may significantly reduce or eliminate a penalty where extenuating circumstances have caused or contributed to the violation. See *Sanction Guidelines* at Sections 2.8 and 3.3.9, https://www.nerc.com/FilingsOrders/us/RuleOfProcedureDL/Appendix_4B_SanctionGuidelines_20140701.pdf.

² President Donald J. Trump, Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak (Mar. 13 2020), <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>.

³ FERC and NERC, Press Release, *FERC, NERC Provide Industry Guidance to Ensure Grid Reliability Amid Potential Coronavirus Impacts* (Mar. 18, 2020), <https://www.ferc.gov/media/news-releases/2020/2020-1/03-18-20.pdf> [hereinafter March 18 Joint Statement].

noncompliance. NERC will work with the Regional Entities and registered entities to monitor such situations and determine when a resumption of normal operations is appropriate.

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.⁴ In the March 19 Notice, 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.”⁵

The Commission has previously approved a number of Reliability Standards that are scheduled to become effective, 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 coronavirus impacts discussed above, and as explained more fully in the following section, NERC files the instant motion to delay the implementation of these Reliability Standards by three to six months.

II. MOTION

NERC respectfully requests that the Commission defer the implementation of the following Commission-approved Reliability Standards and Reliability Standard requirements as follows:

- The Supply Chain Standards, Reliability Standards CIP-005-6, CIP-010-3, and CIP-013-1, which are scheduled to become effective in the United States on July 1, 2020, by three months (to October 1, 2020);⁶
- Reliability Standards PER-006-1 – Specific Training for Personnel and PRC-027-1 – Coordination of Protection Systems for Performance During Faults, which are

⁴ *Extension of Non-Statutory Deadlines*, Notice Granting Extension of Time, Docket No. AD20-11-000 (Mar. 19, 2020) [hereinafter March 19 Notice].

⁵ *Id.* at 2.

⁶ The Commission approved the Supply Chain Standards in 2018. *See Supply Chain Risk Management Reliability Standards*, Order No. 850, 165 FERC ¶ 61,020 (2018).

scheduled to become effective in the United States on October 1, 2020, by six months (to April 1, 2021);⁷

- Reliability Standard PRC-002-2 – Disturbance Monitoring and Reporting Requirements, which became effective in the United States on July 1, 2016, but for which entities are scheduled to establish 50% compliance with Requirements R2-R4 and R6-R11 by July 1, 2020 in accordance with the phased-in implementation plan, by six months (to January 1, 2021);⁸ and
- Reliability Standard PRC-025-2 – Generator Relay Loadability, which became effective in the United States on July 1, 2018, but for which entities are scheduled to establish compliance with certain Options in Attachment 1, Table 1 Relay Loadability Evaluation Criteria by July 1, 2020 in accordance with the phased-in implementation plan, by six months (to January 1, 2021).⁹

In order to establish compliance with these Reliability Standards by their scheduled effective or phased-in implementation dates, registered entities would need to expend significant effort and resources in the coming months toward establishing and implementing the necessary processes and procedures, conducting the necessary coordination, and establishing documentation of compliance. In light of the significant uncertainties regarding the response to and recovery from the coronavirus outbreak, NERC submits that an implementation delay of three to six months for each of these standards would be just, reasonable, not unduly discriminatory, and in the public interest, and would not adversely impact reliability. By providing for additional time and flexibility to establish compliance with new obligations, entities could continue to focus their immediate efforts and resources on maintaining the safety of their workforces and communities and ensuring the reliability of the grid during this public health emergency.

⁷ The Commission approved Reliability Standards PER-006-1 and PER-027-1 (and the corresponding retirement of Reliability Standard PRC-001.1.1(ii)) in 2018. *See Coordination of Protection Systems for Performance During Faults and Specific Training for Personnel Reliability Standards*, Order No. 847, 163 FERC ¶ 61,184 (2018). In this motion, NERC also seeks to delay the implementation of the three defined terms approved in Order No. 847 for inclusion in the *Glossary of Terms used in NERC Reliability Standards: Protection System Coordination Study* (new term), Operational Planning Analysis (revised definition), and Real-time Assessment (revised definition).

⁸ The Commission approved Reliability Standard PRC-002-2 in 2015. *See Disturbance Monitoring and Reporting Requirements Reliability Standard*, Order No. 814, 152 FERC ¶ 61,198 (2015).

⁹ The Commission approved Reliability Standard PRC-025-2 in 2018. *N. Am. Elec. Reliability Corp.*, Docket No. RD18-4-000 (May 2, 2018) (delegated letter order).

NERC provides additional discussion on the need and appropriateness for the implementation delay for each standard below.

A. The Supply Chain Standards

The Commission-approved implementation plan for the Supply Chain Standards contemplates that entities 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 implement the new controls required in Reliability Standards CIP-005-6 and CIP-010-3. NERC, the Regional Entities, and registered entities have already taken, and are continuing to engage in, significant efforts to ensure the effective implementation of these standards. In light of the uncertainties and impacts of the coronavirus outbreak, which may include supply chain and personnel disruptions among other impacts, NERC submits that extending the implementation of these standards by three months, from the currently scheduled July 1, 2020 effective date to October 1, 2020, is appropriate. While entities have likely engaged in significant work to develop the necessary processes and procedures in anticipation of a July 1, 2020 effective date, the added flexibility provided by a three-month delay would allow entities to recover from the impacts of the coronavirus outbreak before implementing new controls and new supply chain processes, which may be significantly different from how an entity currently conducts its procurement.

B. Reliability Standards PER-006-1 and PRC-027-1

Reliability Standards PER-006-1 and PRC-027-1 were developed to replace currently effective Reliability Standard PRC-001-1.1(ii). As such, the implementation plans for these standards provide that currently effective Reliability Standard PRC-001-1.1(ii) will not be retired until both standards become effective. Under their respective implementation plans, Reliability Standards PER-006-1 and PRC-027-1 are scheduled to become effective in the United States on

October 1, 2020. On that date, revised definitions for the NERC Glossary terms Operational Planning Analysis and Real-time Assessment, as well the new term Protection System Coordination Study, are also scheduled to become effective.

The implementation plans for Reliability Standard PER-006-1 and PRC-027-1 contemplate that entities would have 24 months following regulatory approval to: (1) develop and implement the generator plant staff training program required under Reliability Standard PER-006-1; (2) integrate the functions and limitations of Protection Systems and Remedial Action Schemes into their Operational Planning Analyses and Real-Time Assessments conducted under the TOP and IRO Reliability Standards, in accordance with the revised *Glossary* definitions of those terms; and (3) develop and implement the process for developing new and revised Protection System settings for BES Elements required by Reliability Standard PRC-027-1. NERC submits that, under the circumstances, a six-month delay in implementation for these Reliability Standards, as well as the new and revised *Glossary* definitions, is appropriate.

With respect to Reliability Standard PER-006-1, Generator Owners may have been in the process of scheduling and providing the required training in anticipation of a scheduled October 1, 2020 standard effective date. In light of the potential impacts of the coronavirus outbreak on staff availability in the coming months, NERC submits that a six-month delay for this training standard would be appropriate and generally consistent with the March 18 Joint Statement, in which FERC and NERC afforded entities flexibility with respect to existing requirements for maintaining and obtaining personnel certification in Reliability Standard PER-003-2.

With respect to Reliability Standard PRC-027-1 and the new and revised *Glossary* definitions, NERC submits that a six-month delay in implementation is also appropriate. Such a delay would provide entities with flexibility to complete the work needed to implement the new

and enhanced requirements under the PRC-027-1 standard and to incorporate the additional information on Protection System functions and limitations into the Operational Planning Analyses and Real-time Assessments required under the TOP and IRO standards.

C. Reliability Standard PRC-002-2

The purpose of Reliability Standard PRC-002-2 is to have adequate data available to facilitate analysis of Bulk Electric System (“BES”) Disturbances. The standard became effective in the United States on July 1, 2016, with several phased-in implementation dates intended to reduce disruption and in recognition of the fact that registered entities may need to schedule outages in order to install equipment with the required data collection capabilities. Under the implementation plan, entities would be required to demonstrate 50 percent compliance with Requirements R2-R4 and R6-R11, relating to the types of data the entity must have, by July 1, 2020. In this motion, NERC submits that it is appropriate to defer this phased-in implementation date by six months, to January 1, 2021. While entities have likely engaged in significant efforts to date in order to meet the scheduled July 1, 2020 deadline, the impacts of the coronavirus outbreak may have affected an entity’s ability to schedule outages or take other necessary steps in order to install the required data collection capabilities and meet the required 50 percent compliance threshold. A six-month delay would provide entities with flexibility to complete this work. Under this proposal, the scheduled phased-in implementation date by which entities must demonstrate full compliance (July 1, 2022) would remain unchanged.

D. Reliability Standard PRC-025-2

The purpose of Reliability Standard PRC-025-2 is to set load-responsive protective relays associated with generation Facilities at a level to prevent unnecessary tripping of generators during a system disturbance for conditions that do not pose a risk of damage to the associated equipment.

Reliability Standard PRC-025-2 became effective in 2018 with a phased-in implementation schedule. Under the implementation plan, entities would be required to demonstrate compliance with Attachment 1: Relay Settings, Table 1 Options 5b, 14b, 15b, and 16b within 24 months of the effective date of the standard, or by July 1, 2020, where the entity has determined that replacement or removal of the applicable relay is not needed. This timeframe was established in consideration that the revisions to these Options in Reliability Standard PRC-025-2 may give entities reason to re-evaluate their settings for load-responsive protective relays. Because an entity's ability to complete this resource-intensive work may be affected by the impacts of the coronavirus outbreak, NERC submits that it is reasonable to delay the phased-in implementation date for these Options by six months, to January 1, 2021. Under NERC's proposal, the remaining phased-in implementation dates for this standard would remain unchanged.

III. REQUEST FOR SHORTENED RESPONSE PERIOD AND EXPEDITED ACTION

In light of the pending July 1, 2020 effective or phased-in implementation dates for several of the standards that are the subject of this motion, NERC respectfully requests that the Commission shorten the period to respond to this motion and act in an expedited timeframe, so that it may issue an order as soon as practicable. Such expedited action would provide NERC, the Regional Entities, and registered entities with needed regulatory certainty during this unprecedented public health emergency.

IV. CONCLUSION

For the reasons stated above, NERC respectfully requests that the Commission:

- defer, as proposed herein, the implementation of Commission-approved Reliability Standards CIP-005-6, CIP-010-3, CIP-013-1, PER-006-1, PRC-002-2 (phased-in implementation dates for Requirements R2-R4 and R6-R11), PRC-025-2 (phased-in implementation dates for Requirement R1, Attachment 1, Table 1 Relay Loadability Evaluation Criteria Options 5b, 14b, 15b, 16b), and PRC-027-1;
- shorten the period for responding to this motion; and
- consider this motion on an expedited timeframe, so that it may issue an order as soon as practicable.

Respectfully submitted,

/s/ Lauren A. Perotti

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon all parties listed on the official service lists compiled by the Secretary in these proceedings. Dated at Washington, D.C. this 6th day of April, 2020.

/s/ Lauren A. Perotti

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