



NORTH AMERICAN ELECTRIC
RELIABILITY CORPORATION

June 29, 2011

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

**Re: NERC Abbreviated Notice of Penalty regarding City of Batavia Municipal Electric Utility,
FERC Docket No. NP11-__-000**

Dear Ms. Bose:

The North American Electric Reliability Corporation (NERC) hereby provides this Abbreviated Notice of Penalty (NOP) regarding City of Batavia Municipal Electric Utility (City of Batavia), with information and details regarding the nature and resolution of the violations¹ discussed in detail in the Settlement Agreement (Attachment A) and the Disposition Documents (Attachment g), in accordance with the Federal Energy Regulatory Commission's (Commission or FERC) rules, regulations and orders, as well as NERC Rules of Procedure including Appendix 4C (NERC Compliance Monitoring and Enforcement Program (CMEP)).²

This NOP is being filed with the Commission because ReliabilityFirst Corporation (ReliabilityFirst) and City of Batavia have entered into a Settlement Agreement to resolve all outstanding issues arising from ReliabilityFirst's determination and findings of the violations of CIP-001-1 Requirement (R) 1, and PRC-005-1 R1 and R2.1. According to the Settlement Agreement, City of Batavia agrees and stipulates to the Settlement Agreement in its entirety and has agreed to the assessed penalty of ten thousand dollars (\$10,000), in addition to other remedies and actions to mitigate the instant violations and facilitate future compliance under the terms and conditions of the Settlement Agreement. Accordingly, the violations identified as NERC Violation Tracking Identification Numbers RFC200900223, RFC200900224, and RFC200900225 are being filed in accordance with the NERC Rules of Procedure and the CMEP.

¹ For purposes of this document, each violation at issue is described as a "violation," regardless of its procedural posture and whether it was a possible, alleged or confirmed violation.

² *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards* (Order No. 672), III FERC Stats. & Regs. ¶ 31,204 (2006); *Notice of New Docket Prefix "NP" for Notices of Penalty Filed by the North American Electric Reliability Corporation*, Docket No. RM05-30-000 (February 7, 2008). See also 18 C.F.R. Part 39 (2011). *Mandatory Reliability Standards for the Bulk-Power System*, FERC Stats. & Regs. ¶ 31,242 (2007) (Order No. 693), *reh'g denied*, 120 FERC ¶ 61,053 (2007) (Order No. 693-A). See 18 C.F.R. § 39.7(c)(2).

Statement of Findings Underlying the Violations

This NOP incorporates the findings and justifications set forth in the Settlement Agreement executed on February 28, 2011, by and between ReliabilityFirst and City of Batavia. The details of the findings and the basis for the penalty are set forth in the Disposition Documents. This NOP filing contains the basis for approval of the Settlement Agreement by the NERC Board of Trustees Compliance Committee (NERC BOTCC). In accordance with Section 39.7 of the Commission’s regulations, 18 C.F.R. § 39.7, NERC provides the following summary table identifying each violation of a Reliability Standard resolved by the Settlement Agreement, as discussed in greater detail below.

NOC ID	NERC Violation ID	Reliability Std.	Req. (R)	VRF	Duration	Total Penalty (\$)
NOC-835	RFC200900223	CIP-001-1	1	Medium	9/17/07-9/3/08	10,000
	RFC200900224	PRC-005-1	1	High	9/17/07-TBD ³	
	RFC200900225	PRC-005-1	2.1	High	9/17/07-TBD	

The text of the Reliability Standards at issue and further information on the subject violations are set forth in the Disposition Documents.

CIP-001-1 R1 - OVERVIEW

From November 9, 2009 through November 18, 2009 ReliabilityFirst conducted an off-site Compliance Audit of City of Batavia. ReliabilityFirst determined that City of Batavia, as a Load-Serving Entity, could not produce evidence that it had procedures for the recognition of and for making its operating personnel aware of sabotage events prior to September 3, 2008.

PRC-005-1 R1 - OVERVIEW

From November 9, 2009 through November 18, 2009 ReliabilityFirst conducted an off-site Compliance Audit of City of Batavia. ReliabilityFirst determined that City of Batavia, as a Distribution Provider, could not produce evidence that it had a protection system maintenance and testing program prior to September 26, 2008. In addition, the September 26, 2008 version of the protection system maintenance and testing program did not include the basis for its maintenance and testing intervals in its Maintenance and Testing Program, and did not include a summary of maintenance and testing procedures for communications systems and DC control circuits.

PRC-005-1 R2.1 - OVERVIEW

From November 9, 2009 through November 18, 2009 ReliabilityFirst conducted an off-site Compliance Audit of City of Batavia. ReliabilityFirst determined that City of Batavia, as a Distribution Provider, failed to produce evidence that it maintained and tested protection system devices within the defined intervals of its Maintenance and Testing Program.

³ The Mitigation Plan for the PRC-005-1 R1 and R2.1 violations has an expected completion date of September 8, 2011.

Statement Describing the Assessed Penalty, Sanction or Enforcement Action Imposed⁴

Basis for Determination

Taking into consideration the Commission's direction in Order No. 693, the NERC Sanction Guidelines, the Commission's July 3, 2008, October 26, 2009 and August 27, 2010 Guidance Orders,⁵ the NERC BOTCC reviewed the Settlement Agreement and supporting documentation on June 10, 2011. The NERC BOTCC approved the Settlement Agreement, including ReliabilityFirst's assessment of a ten thousand dollar (\$10,000) financial penalty against City of Batavia and other actions to facilitate future compliance required under the terms and conditions of the Settlement Agreement. In approving the Settlement Agreement, the NERC BOTCC reviewed the applicable requirements of the Commission-approved Reliability Standards and the underlying facts and circumstances of the violations at issue.

In reaching this determination, the NERC BOTCC considered the following factors:

1. the violations constituted City of Batavia's first occurrence of violation of the subject NERC Reliability Standards;
2. ReliabilityFirst reported that City of Batavia was cooperative throughout the compliance enforcement process;
3. City of Batavia had a compliance program at the time of the violation which ReliabilityFirst considered a mitigating factor, as discussed in the Disposition Documents;
4. there was no evidence of any attempt to conceal a violation nor evidence of intent to do so;
5. ReliabilityFirst determined that the violations did not pose a serious or substantial risk to the reliability of the bulk power system (BPS), as discussed in the Disposition Documents; and
6. ReliabilityFirst reported that there were no other mitigating or aggravating factors or extenuating circumstances that would affect the assessed penalty.

For the foregoing reasons, the NERC BOTCC approved the Settlement Agreement and believes that the assessed penalty of ten thousand dollars (\$10,000) is appropriate for the violations and circumstances at issue, and is consistent with NERC's goal to promote and ensure reliability of the BPS.

Pursuant to 18 C.F.R. § 39.7(e), the penalty will be effective upon expiration of the 30 day period following the filing of this NOP with FERC, or, if FERC decides to review the penalty, upon final determination by FERC.

⁴ See 18 C.F.R. § 39.7(d)(4).

⁵ *North American Electric Reliability Corporation*, "Guidance Order on Reliability Notices of Penalty," 124 FERC ¶ 61,015 (2008); *North American Electric Reliability Corporation*, "Further Guidance Order on Reliability Notices of Penalty," 129 FERC ¶ 61,069 (2009); *North American Electric Reliability Corporation*, "Notice of No Further Review and Guidance Order," 132 FERC ¶ 61,182 (2010).

Attachments to be included as Part of this Notice of Penalty

The attachments to be included as parts of this NOP are the following documents:

- a) Settlement Agreement by and between Reliability*First* and City of Batavia executed February 28, 2011, included as Attachment a;
 - i. City of Batavia's Mitigation Plan MIT-07-3290 for CIP-001-1 R1 submitted November 15, 2010, included as Attachment A to the Settlement Agreement;
 - ii. City of Batavia's Mitigation Plan MIT-07-3291 for PRC-005-1 R1 submitted November 15, 2010, included as Attachment B to the Settlement Agreement;
 - iii. City of Batavia's Mitigation Plan MIT-07-3292 for PRC-005-1 R2.1 submitted November 15, 2010, included as Attachment C to the Settlement Agreement;
- b) Reliability*First*'s Summary for Possible Violation of CIP-001-1 R1, included as Attachment b;
- c) Reliability*First*'s Summary for Possible Violation of PRC-005-1 R1, included as Attachment c;
- d) Reliability*First*'s Summary for Possible Violation of PRC-005-1 R2, included as Attachment d;
- e) City of Batavia's Certification of Completion for CIP-001-1 R1 submitted April 11, 2011, included as Attachment e;
- f) Reliability*First*'s Verification of Mitigation Plan Completion for CIP-001-1 R1 submitted April 14, 2011, included as Attachment f;
- g) Disposition Document for Common Information included as Attachment h;
 - i. Disposition Document for CIP-001-1 R1, included as Attachment h-1;
 - ii. Disposition Document for PRC-005-1 R1 and R2.1, included as Attachment h-2.

A Form of Notice Suitable for Publication⁶

A copy of a notice suitable for publication is included in Attachment h.

⁶ See 18 C.F.R. § 39.7(d)(6).

Notices and Communications

Notices and communications with respect to this filing may be addressed to the following:

<p>Gerald W. Cauley President and Chief Executive Officer David N. Cook* Sr. Vice President and General Counsel North American Electric Reliability Corporation 116-390 Village Boulevard Princeton, NJ 08540-5721 (609) 452-8060 (609) 452-9550 – facsimile david.cook@nerc.net</p> <p>Robert Rogde* Electric Superintendent City of Batavia Municipal Electric Utility 200 N. Raddant Rd. Batavia, Illinois 60510 (630) 454-2357 rrogde@cityofbatavia.net</p> <p>Steven Allen* Sr. Project Engineer City of Batavia Municipal Electric Utility 200 N. Raddant Rd. Batavia, Illinois 60510 (630) 454-2358 sallen@cityofbatavia.net</p> <p>*Persons to be included on the Commission’s service list are indicated with an asterisk. NERC requests waiver of the Commission’s rules and regulations to permit the inclusion of more than two people on the service list.</p>	<p>Rebecca J. Michael* Associate General Counsel for Corporate and Regulatory Matters North American Electric Reliability Corporation 1120 G Street, N.W. Suite 990 Washington, DC 20005-3801 (202) 393-3998 (202) 393-3955 – facsimile rebecca.michael@nerc.net</p> <p>Robert K. Wargo* Director of Enforcement and Regulatory Affairs ReliabilityFirst Corporation 320 Springside Drive, Suite 300 Akron, OH 44333 (330) 456-2488 bob.wargo@rfirst.org</p> <p>L. Jason Blake* Corporate Counsel ReliabilityFirst Corporation 320 Springside Drive, Suite 300 Akron, OH 44333 (330) 456-2488 jason.blake@rfirst.org</p> <p>Megan E. Gambrel* Associate Attorney ReliabilityFirst Corporation 320 Springside Drive, Suite 300 Akron, OH 44333 (330) 456-2488 megan.gambrel@rfirst.org</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Conclusion

Accordingly, NERC respectfully requests that the Commission accept this Abbreviated NOP as compliant with its rules, regulations and orders.

Respectfully submitted,

Gerald W. Cauley
President and Chief Executive Officer
David N. Cook
Sr. Vice President and General Counsel
North American Electric Reliability Corporation
116-390 Village Boulevard
Princeton, NJ 08540-5721
(609) 452-8060
(609) 452-9550 – facsimile
david.cook@nerc.net

/s/ Rebecca J. Michael
Rebecca J. Michael
Associate General Counsel for Corporate
and Regulatory Matters
North American Electric Reliability
Corporation
1120 G Street, N.W.
Suite 990
Washington, DC 20005-3801
(202) 393-3998
(202) 393-3955 – facsimile
rebecca.michael@nerc.net

cc: City of Batavia Municipal Electric Utility
ReliabilityFirst Corporation

Attachments

Attachment a

**Settlement Agreement by and between
ReliabilityFirst and City of Batavia executed
February 28, 2011**



In re: CITY OF BATAVIA MUNICIPAL	)	Docket Nos. RFC200900223;
ELECTRIC UTILITY	)	RFC200900224; and
	)	RFC200900225
)	
NERC Registry ID No. NCR00711	)	NERC Reliability Standards:
	)	CIP-001-1, Requirement 1
	)	PRC-005-1, Requirement 1
	)	PRC-005-1, Requirement 2.1

**SETTLEMENT AGREEMENT
BETWEEN
RELIABILITYFIRST CORPORATION
AND
CITY OF BATAVIA MUNICIPAL ELECTRIC UTILITY**

I. INTRODUCTION

1. ReliabilityFirst Corporation (“ReliabilityFirst”) and City of Batavia Municipal Electric Utility (“City of Batavia”), enter into this Settlement Agreement (“Agreement”) to resolve alleged violations by City of Batavia of the NERC Reliability Standards CIP-001-1, R1, PRC-005-1, R1, and PRC-005-1, R2.1.

II. STIPULATION OF FACTS

2. City of Batavia and ReliabilityFirst agree and stipulate to this Agreement in its entirety. The facts stipulated herein are stipulated solely for the purpose of resolving between City of Batavia and ReliabilityFirst the subject matter of this Agreement and do not constitute admissions or stipulations for any purpose, other than City of Batavia’s admission that the facts stipulated herein constitute violations of NERC Reliability Standards CIP-001-1, R1, PRC-005-1, R1, and PRC-005-1, R2.1.

A. Background.

3. City of Batavia solely serves the customers within the city limits of the City of Batavia, a community of approximately 27,000 residents, and has a summer peak load of approximately 89 MW. City of Batavia has two interconnection points

with ComEd at the 138kV level, and operates approximately 12 miles of 138kV transmission line.

4. Reliability*First* confirmed that City of Batavia is registered on the NERC Compliance Registry as a Distribution Provider and Load Serving Entity in the Reliability*First* region with the NERC Registry Identification Number NCR00711. Therefore, City of Batavia is subject to compliance with the NERC Reliability Standards and Requirements set forth in Paragraph 1 of this Agreement.

B. Alleged Violation of CIP-001-1, R1 – RFC200900223.

5. CIP-001-1, R1 states:

R1. Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall have procedures for the recognition of and for making their operating personnel aware of sabotage events on its facilities and multi-site sabotage affecting larger portions of the Interconnection.

6. Reliability*First* conducted an off-site compliance audit of City of Batavia from November 9, 2009 to November 18, 2009.¹ City of Batavia's procedures for the communication of information concerning sabotage events to appropriate parties in the Interconnection are contained in the City of Batavia NERC Reliability Standards Sabotage Reporting Procedure, dated September 3, 2008 ("Sabotage Reporting Procedure").
7. During the audit, Reliability*First* requested City of Batavia to provide previous versions of its Sabotage Reporting Procedure. In response, City of Batavia provided a letter stating that it was unable to locate a version of its Sabotage Reporting Procedure prior to September 3, 2008.
8. Reliability*First* alleges that City of Batavia failed to provide evidence that it had procedures for the recognition of and for making its operating personnel aware of sabotage events prior to September 3, 2008, the effective date of City of Batavia's Sabotage Reporting Procedure.

¹ Reliability*First* conducted a spot check of CIP-001-1 for City of Batavia on July 10, 2009. Reliability*First* evaluated City of Batavia's Sabotage Reporting Procedure, dated September 3, 2008, and found City of Batavia to be compliant with all four requirements of CIP-001-1. Reliability*First* conducted spot checks to evaluate compliance as of the date of the spot check. Therefore, the spot check team did not review evidence of compliance prior to September 3, 2008.

C. Alleged Violation of PRC-005-1, R1 – RFC201000224.

9. PRC-005-1, R1 states:

R1. Each Transmission Owner and any Distribution Provider that owns a transmission Protection System and each Generator Owner that owns a generation Protection System shall have a Protection System maintenance and testing program for Protection Systems that affect the reliability of the BES. The program shall include:

R1.1. Maintenance and testing intervals and their basis.

R1.2. Summary of maintenance and testing procedures.

10. City of Batavia owns and operates protection system devices² that are connected to the bulk electric system, and therefore is subject to compliance with PRC-005-1, R1. ReliabilityFirst reviewed City of Batavia's PRC-005-1 Transmission Protection System Maintenance and Testing Intervals ("Maintenance and Testing Program") in order to evaluate City of Batavia's compliance with PRC-005-1, R1. The properties of the document established that City of Batavia created the document on September 26, 2008.
11. ReliabilityFirst requested City of Batavia to provide previous versions of its Maintenance and Testing Program. In response, City of Batavia provided a letter stating that City of Batavia was unable to locate previous versions of its Maintenance and Testing Program, and that it inadvertently overwrote previous versions of the Maintenance and Testing Program during the document development process.
12. ReliabilityFirst also determined that City of Batavia's Maintenance and Testing Program includes maintenance and testing intervals for protection systems that affect the reliability of the bulk electric system, but does not include the basis for these maintenance and testing intervals, as required by PRC-005-1, R1.1.
13. Finally, ReliabilityFirst determined that City of Batavia's Maintenance and Testing Program included a summary of maintenance and testing procedures, but did not include a summary of maintenance and testing procedures for communications systems and DC control circuits, as required by PRC-005-1, R1.2.
14. ReliabilityFirst alleges that City of Batavia violated PRC-005-1, R1 by failing to provide evidence that it had a protection system maintenance and testing program

² City of Batavia's protection system devices include relays, station batteries, communications systems, and DC control circuits.

prior to September 26, 2008. ReliabilityFirst also alleges that City of Batavia's Maintenance and Testing Program did not include the basis for its maintenance and testing intervals, or a summary of its maintenance and testing procedures for communications systems and DC control circuits.

D. Alleged Violation of PRC-005-1, R2.1 – RFC201000225.

15. PRC-005-1, R2.1 states:

R2. Each Transmission Owner and any Distribution Provider that owns a transmission Protection System and each Generator Owner that owns a generation Protection System shall provide documentation of its Protection System maintenance and testing program and the implementation of that program to its Regional Reliability Organization on request (within 30 calendar days). The documentation of the program implementation shall include:

R2.1. Evidence Protection System devices were maintained and tested within the defined intervals.

16. City of Batavia owns and operates protection system devices that are connected to the bulk electric system, and therefore is subject to compliance with PRC-005-1, R2.1. City of Batavia's Maintenance and Testing Program requires City of Batavia to test all protection system devices at 24 month intervals, and to perform a monthly inspection noting the overall physical condition of its protection system devices.
17. ReliabilityFirst requested City of Batavia to provide the date that each protection system device was last maintained and tested as well as evidence that City of Batavia maintained and tested protection system devices within the defined intervals of its Maintenance and Testing Program.
18. In response, City of Batavia submitted test records spanning from May 2007 to September 2007. City of Batavia also submitted monthly maintenance reports spanning from May 2007 to November 2009.³ City of Batavia provided a letter stating that City of Batavia last tested all protection systems devices during the acceptance and commissioning of its stations, which occurred between July 25, 2007 and September 17, 2007. City of Batavia could not produce documentation that it tested its protection system devices in 2009 (24 months after City of Batavia last tested its protection system devices). Therefore, ReliabilityFirst determined that City of Batavia failed to test any of its protection system devices within the defined 24 month intervals of its Maintenance and Testing Program. ReliabilityFirst also determined that City of Batavia failed to provide evidence

³ However, City of Batavia did not submit monthly maintenance reports for the months spanning from November 2007 through March 2008.

that it performed monthly inspections of its protection system devices from November 2007 to March 2008.

19. Reliability *First* alleges that City of Batavia violated PRC-005-1, R2.1 by failing to provide evidence that it maintained and tested protection system devices within the defined intervals of its Maintenance and Testing Program.

III. DURATION, RISK CONSIDERATIONS AND COMPLIANCE CULTURE

A. Duration and Risk Considerations for CIP-001-1, R1 – RFC200900223.

20. CIP-001-1, R1 has a Violation Risk Factor (“VRF”) of “Medium” consistent with the VRF Matrix promulgated by NERC. The duration of this alleged violation, for purposes of penalty determination, is from September 17, 2007, the date City of Batavia was connected to the bulk electric system, to September 3, 2008, the date City of Batavia placed its Sabotage Reporting Procedure into effect.
21. The bulk electric system was not placed at substantial risk as a result of this alleged violation because although City of Batavia did not have formal procedures for the recognition of and for making its operating personnel aware of sabotage events during the time of the alleged violation, City of Batavia was nonetheless performing these functions by performing weekly inspections of all substations for equipment condition and yard security. Should any evidence of sabotage have been discovered during weekly inspections, City of Batavia would have notified the local police department. City of Batavia substations are monitored by SCADA for equipment operations, protective device failure, and unauthorized access to the control building.
22. City of Batavia’s facilities are connected as a tap⁴ to the bulk electric system. There is no bulk power flow through the City of Batavia facilities.

B. Duration and Risk Considerations for PRC-005-1, R1 – RFC200900224.

23. PRC-005-1, R1 has a VRF of “High,” consistent with the VRF Matrix promulgated by NERC. The duration of this alleged violation, for purposes of penalty determination, is from September 17, 2007, the date City of Batavia was connected to the bulk electric system, to June 10, 2011, the date City of Batavia will complete its mitigation plan.
24. The bulk electric system was not placed at substantial risk as a result of this alleged violation because all relaying is microprocessor based, which provides self-diagnostic capabilities to alert City of Batavia of potential problems. All circuit breakers, transformers, and DC systems have monitoring to detect malfunction or abnormal conditions. All protection system devices are

⁴ City of Batavia owns radial facilities that connect to bulk electric system transmission lines.

continuously monitored *via* SCADA, which would alert City of Batavia personnel of any issues. City of Batavia personnel perform weekly visual inspections of protection system devices at all substations for signs of damage and overall condition to identify any problems as early as possible and to schedule maintenance as needed.

C. Duration and Risk Considerations for PRC-005-1, R2.1 – RFC200900225.

25. PRC-005-1, R1 has a VRF of “High,” consistent with the VRF Matrix promulgated by NERC. The duration of this alleged violation, for purposes of penalty determination, is from September 17, 2007, the date that City of Batavia was connected to the bulk electric system, to June 10, 2011, the date City of Batavia will complete its mitigation plan.
26. The bulk electric system was not placed at substantial risk as a result of this alleged violation because all relaying is microprocessor based, which provides self-diagnostic capabilities to alert City of Batavia of any potential problems. City of Batavia continuously monitors all circuit breakers, transformers, and DC systems to detect malfunction or abnormal conditions. City of Batavia also continuously monitors all of its protection system devices *via* SCADA, which would alert City of Batavia personnel of any issues. City of Batavia performs weekly visual inspections of protection system devices at all substations for signs of damage and overall condition to identify any problems as early as possible and to schedule maintenance as needed.

D. City of Batavia’s Culture of Compliance.

27. ReliabilityFirst favorably considered certain aspects of City of Batavia’s compliance program. City of Batavia’s compliance program has the support of senior management, and City of Batavia regularly reviews its internal compliance program, which includes training and self-assessments.

IV. MITIGATING ACTIONS, REMEDIES, AND SANCTIONS

A. Mitigating Actions for CIP-001-1, R1 – RFC200900223.

28. On November 15, 2010, City of Batavia submitted to ReliabilityFirst a mitigation plan to address the alleged violation of CIP-001-1, R1 set forth in this Agreement. *See*, Mitigation Plan for CIP-001-1, R1, (attached as **Attachment a**). ReliabilityFirst accepted this mitigation plan on January 13, 2011.
29. In this mitigation plan, City of Batavia outlined actions necessary to mitigate the alleged violation. City of Batavia will develop and implement a document control procedure. City of Batavia will revise its CIP-001-1, R1 procedure to comply with the new document control procedure, and will train its personnel on both procedures. City of Batavia will complete its mitigation plan by April 8, 2011.

30. Pursuant to Section 6.6 of the *ReliabilityFirst* CMEP, City of Batavia is required to certify completion of this mitigation plan and provide evidence of completion to *ReliabilityFirst*. *ReliabilityFirst* will verify City of Batavia's completion of this mitigation plan and promptly report its successful completion to NERC.

B. Mitigating Actions for PRC-005-1, R1 – RFC200900224.

31. On November 15, 2010, City of Batavia submitted to *ReliabilityFirst* a mitigation plan to address the alleged violation of PRC-005-1, R1 set forth in this Agreement. *See*, Mitigation Plan for PRC-005-1, R1, (attached as **Attachment b**).
32. In this mitigation plan, City of Batavia outlined actions necessary to mitigate the alleged violation. City of Batavia will revise its Maintenance and Testing Program to include the basis for maintenance and testing intervals, and a summary of maintenance and testing procedures for communications systems and DC control circuits. City of Batavia will train its personnel on the revised Maintenance and Testing Program, and will implement the revised Maintenance and Testing Program. As part of this implementation, City of Batavia will conduct maintenance and testing on all devices connected to the bulk electric system to establish a baseline for the maintenance and testing intervals in the revised Maintenance and Testing Program. City of Batavia will complete its mitigation plan by June 10, 2011.
33. Pursuant to Section 6.6 of the *ReliabilityFirst* CMEP, City of Batavia is required to certify completion of this mitigation plan and provide evidence of completion to *ReliabilityFirst*. *ReliabilityFirst* will verify City of Batavia's completion of this mitigation plan and promptly report its successful completion to NERC.

C. Mitigating Actions for PRC-005-1, R2.1 – RFC200900225.

34. On November 15, 2010, City of Batavia submitted to *ReliabilityFirst* a mitigation plan to address the alleged violation of PRC-005-1, R2.1 set forth in this Agreement. *See*, Mitigation Plan for PRC-005-1, R2.1, (attached as **Attachment c**).
35. In this mitigation plan, City of Batavia outlined actions necessary to mitigate the alleged violation. City of Batavia will develop a new maintenance and testing documentation procedure requiring documentation of maintenance and testing in accordance with City of Batavia's revised Maintenance and Testing Program. City of Batavia will conduct maintenance and testing on all devices connected to the bulk electric system to mitigate the alleged violation of PRC-005-1, R2.1 and to establish a baseline for the maintenance and testing intervals in the revised Maintenance and Testing Program. City of Batavia will train personnel on the

maintenance and testing documentation procedure. City of Batavia will complete its mitigation plan by June 10, 2011.

36. Pursuant to Section 6.6 of the Reliability*First* CMEP, City of Batavia is required to certify completion of this mitigation plan and provide evidence of completion to Reliability*First*. Reliability*First* will verify City of Batavia's completion of this mitigation plan and promptly report its successful completion to NERC.

D. Monetary Penalty.

37. Based upon the foregoing, City of Batavia shall pay a monetary penalty of \$10,000 to Reliability*First*.
38. Reliability*First* shall present an invoice to City of Batavia within 20 days after the Agreement is approved by the Commission or affirmed by operation of law. Upon receipt, City of Batavia shall have 30 days to remit payment. Reliability*First* will notify NERC if it does not timely receive the payment from City of Batavia.
39. If City of Batavia fails to timely remit the monetary penalty payment to Reliability*First*, interest will commence to accrue on the outstanding balance, pursuant to 18 C.F.R. § 35.19 (a)(2)(iii), on the earlier of (a) the 31st day after the date on the invoice issued by Reliability*First* to City of Batavia for the monetary penalty payment or (b) the 51st day after the Agreement is approved by the Commission or operation of law.
40. City of Batavia's failure to timely remit the penalty payment may subject City of Batavia, at Reliability*First*'s discretion, to new or additional enforcement, penalty, or sanction actions in accordance with the NERC Rules of Procedure. City of Batavia shall retain all rights to defend against such additional actions in accordance with the NERC Rules of Procedure.

V. ADDITIONAL TERMS

41. Reliability*First* and City of Batavia agree that this Agreement is in the best interest of bulk electric system reliability.
42. The terms and conditions of the Agreement are consistent with the regulations and orders of the Commission and the NERC Rules of Procedure.
43. Reliability*First* shall report the terms of all settlements of compliance matters to NERC. NERC will review the Agreement for the purpose of evaluating its consistency with other settlements entered into for similar violations or under similar circumstances. Based on this review, NERC will either approve or reject this Agreement. If NERC rejects the Agreement, NERC will provide specific written reasons for such rejection and Reliability*First* will attempt to negotiate

with City of Batavia a revised settlement agreement that addresses NERC's concerns. If a settlement cannot be reached, the enforcement process shall continue to conclusion. If NERC approves the Agreement, NERC will (a) report the approved settlement to the Commission for review and approval by order or operation of law and (b) publicly post the alleged violation and the terms provided for in this Agreement.

44. This Agreement shall become effective upon the Commission's approval of the Agreement by order or operation of law or as modified in a manner acceptable to the parties.
45. City of Batavia agrees that this Agreement, when approved by NERC and the Commission, shall represent a final settlement of all matters set forth herein and binds City of Batavia to perform the actions enumerated herein. City of Batavia expressly waives its right to any hearing or appeal concerning any matter set forth herein, unless and only to the extent that City of Batavia contends that any NERC or Commission action constitutes a material modification to this Agreement.
46. ReliabilityFirst reserves all rights to initiate enforcement actions against City of Batavia in accordance with the NERC Rules of Procedure in the event that City of Batavia fails to comply with any of the terms or conditions of this Agreement, including failure to timely complete mitigation plans or other remedies of this Agreement. In the event City of Batavia fails to comply with any of the terms or conditions of this Agreement, ReliabilityFirst may initiate an action or actions against City of Batavia to the maximum extent allowed by the NERC Rules of Procedure, including, but not limited to, the imposition of the maximum statutorily allowed monetary penalty. City of Batavia will retain all rights to defend against such action or actions in accordance with the NERC Rules of Procedure.
47. City of Batavia consents to ReliabilityFirst's future use of conclusions, determinations, and findings set forth in this Agreement for the purpose of assessing the factors within the NERC Sanction Guidelines and applicable Commission orders and policy statements, including, but not limited to, the factor evaluating City of Batavia's history of violations. Such use may be in any enforcement action or compliance proceeding undertaken by NERC or any Regional Entity or both, provided however that City of Batavia does not consent to the use of the conclusions, determinations, and findings set forth in this Agreement as the sole basis for any other action or proceeding brought by NERC or any Regional Entity or both, nor does City of Batavia consent to the use of this Agreement by any other party in any other action or proceeding.
48. City of Batavia affirms that all of the matters set forth in this Agreement are true and correct to the best of its knowledge, information, and belief, and that it understands that ReliabilityFirst enters into this Agreement in express reliance on the representations contained herein, as well as any other representations or

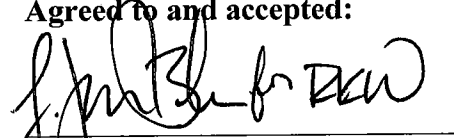
information provided by City of Batavia to Reliability*First* during any City of Batavia interaction with Reliability*First* relating to the subject matter of this Agreement.

49. Each of the undersigned warrants that he or she is an authorized representative of the entity designated below, is authorized to bind such entity, and accepts the Agreement on the entity's behalf.
50. The signatories to this Agreement agree that they enter into this Agreement voluntarily and that, other than the recitations set forth herein, no tender, offer, or promise of any kind by any member, employee, officer, director, agent, or representative of Reliability*First* or City of Batavia has been made to induce the signatories or any other party to enter into this Agreement.
51. The Agreement may be signed in counterparts.
52. This Agreement is executed in duplicate, each of which so executed shall be deemed to be an original.

[SIGNATURE PAGE TO FOLLOW]

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Agreed to and accepted:



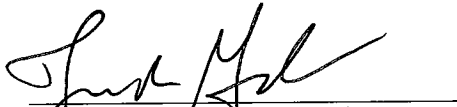
Robert K. Wargo
Director of Enforcement & Regulatory Affairs
ReliabilityFirst Corporation

1-24-11
Date

Jeffery D. Schielke
Mayor
City of Batavia

Date

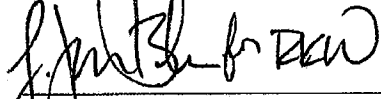
Approved:



Timothy R. Gallagher
President and Chief Executive Officer
ReliabilityFirst Corporation

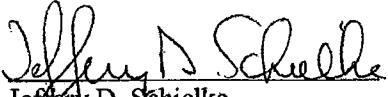
1-24-11
Date

Agreed to and accepted:



Robert K. Wargo
Director of Enforcement & Regulatory Affairs
ReliabilityFirst Corporation

1-24-11
Date



Jeffrey D. Schielke
Mayor
City of Batavia

2-28-11
Date

Approved:

Timothy R. Gallagher
President and Chief Executive Officer
ReliabilityFirst Corporation

Date

Attachment a



Mitigation Plan Submittal Form

Date this Mitigation Plan is being submitted: 11-15-2010

Section A: Compliance Notices & Mitigation Plan Requirements

- A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Attachment A - Compliance Notices & Mitigation Plan Requirements."
- A.2 This form must be used to submit required Mitigation Plans for review and acceptance by ReliabilityFirst and approval by NERC.
- A.3 I have reviewed Attachment A and understand that this Mitigation Plan Submittal Form will not be accepted unless this box is checked.

Section B: Registered Entity Information

B.1 Identify your organization.

Company Name: City of Batavia
Municipal Electric Utility

Company Address: 200 N Raddant Road
Batavia, IL 60510

NERC Compliance Registry ID: 00711

B.2 Identify the individual in your organization who will be the Entity Contact regarding this Mitigation Plan.

Name: Steven Allen

Title: Senior Project Engineer

Email: sallen@cityofbatavia.net

Phone: 630-454-2358



**Section C: Identification of Alleged or Confirmed Violation(s)
Associated with this Mitigation Plan**

C.1 This Mitigation Plan is associated with the following Alleged or Confirmed violation(s) of the reliability standard listed below.

NERC Violation ID #	Reliability Standard	Requirement Number	Violation Risk Factor	Alleged or Confirmed Violation Date ^(*)	Method of Detection (e.g., Audit, Self-report, Investigation)
RFC200900223	CIP-001-1	1	Medium	November 18, 2009	Audit

(*) Note: The Alleged or Confirmed Violation Date shall be expressly specified by the Registered Entity, and subject to modification by ReliabilityFirst, as: (i) the date the Alleged or Confirmed violation occurred; (ii) the date that the Alleged or Confirmed violation was self-reported; or (iii) the date that the Alleged or Confirmed violation has been deemed to have occurred on by ReliabilityFirst. Questions regarding the date to use should be directed to the ReliabilityFirst contact identified in Section G of this form.

C.2 Identify the cause of the Alleged or Confirmed violation(s) identified above. Additional detailed information may be provided as an attachment.

- **RFC200900223:** The ReliabilityFirst audit specifically identifies that City of Batavia Municipal Electric Utility did not supply evidence to demonstrate procedures were in place for the recognition of and for making operating personnel aware of sabotage events prior to the September 3, 2008 revision of the City of Batavia Sabotage Reporting Procedure.

Note: If a formal root cause analysis evaluation was performed, submit a copy of the summary report.

C.3 Provide any additional relevant information regarding the Alleged or Confirmed violations associated with this Mitigation Plan. Additional detailed information may be provided as an attachment.



Section D: Details of Proposed Mitigation Plan

Mitigation Plan Contents

- D.1 Identify and describe the action plan, including specific tasks and actions that your organization is proposing to undertake, or which it undertook if this Mitigation Plan has been completed, to correct the Alleged or Confirmed violations identified above in Part C.1 of this form. Additional detailed information may be provided as an attachment.
- **RFC200900223:** 1) The City of Batavia Municipal Electric Utility will be updating the methods in which documents are controlled. This will include, but is not limited to, the creation of a document control procedure. This procedure will include general formatting, document retention, and distribution guidelines. 2) The City of Batavia Municipal Electric Utility will train all Electric Utility personnel once the revision is complete.

Mitigation Plan Timeline and Milestones

- D.2 Provide the date by which full implementation of the Mitigation Plan will be, or has been, completed with respect to the Alleged or Confirmed violations identified above. State whether the Mitigation Plan has been fully implemented, and/or whether the actions necessary to assure the entity has returned to full compliance have been completed.

Please see the table in D.3 below for milestone dates.

RELIABILITY *FIRST*

- D.3 Enter Key Milestone Activities (with due dates) that can be used to track and indicate progress towards timely and successful completion of this Mitigation Plan.

Key Milestone Activity for RFC2009000223	Proposed/Actual Completion Date* (shall not be more than 3 months apart)
1. Develop document control procedure first draft and issue for comments to Electric Utility personnel and Public Works Director.	January 14, 2011
2. Receive comments from first draft and incorporate to issue subsequent drafts.	February 11, 2011
3. Finalize and issue document control procedure.	February 25, 2011
4. Revise existing CIP-001-1, R1 procedure to comply with new document control procedure and issue.	March 18, 2011
5. Train Electric Utility Personnel on new CIP-001-1, R1 procedure and document control procedure.	March 25, 2011
6. Submit proof of revised CIP-001-1, R1 procedure and training to ReliabilityFirst.	April 8, 2011

(*) Note: Additional violations could be determined for not completing work associated with accepted milestones.



Section E: Details of Proposed Mitigation Plan

Abatement of Interim BPS Reliability Risk

- E.1 While your organization is implementing this Mitigation Plan the reliability of the Bulk Power System (BPS) may remain at higher risk or be otherwise negatively impacted until the plan is successfully completed. To the extent they are, or may be, known or anticipated: (i) identify any such risks or impacts; and (ii) discuss any actions that your organization is planning to take to mitigate this increased risk to the reliability of the BPS. Additional detailed information may be provided as an attachment.
- **RFC200900223:** The City of Batavia feels that the bulk electric system is not subject to higher risk as a result of this alleged violation. Although the City of Batavia did not have formal procedures for the recognition of and for making its operating personnel aware of sabotage events during the time of the alleged violation, the City of Batavia was nonetheless performing these functions. City of Batavia performs weekly inspections of all substations for equipment condition and yard security, and should any evidence of sabotage have been discovered during weekly inspections, City of Batavia would have notified the local police department. City of Batavia substations are monitored by SCADA for equipment operations, protective device failure, and unauthorized access to the control building.

Prevention of Future BPS Reliability Risk

- E.2 Describe how successful completion of this Mitigation Plan by your organization will prevent or minimize the probability that the reliability of the BPS incurs further risk of similar violations in the future. Additional detailed information may be provided as an attachment.

By execution of this Mitigation Plan, the probability that the reliability of the BPS will incur further risk will decrease. The City of Batavia Municipal Electric Utility will have strengthened document control and document retention guidelines. The basis for maintenance and testing intervals as well as procedures for testing all BPS apparatus and protective devices will be enhanced to cover existing gaps.



Section F: Authorization

An authorized individual must sign and date this Mitigation Plan Submittal Form. By doing so, this individual, on behalf of your organization:

- a) Submits this Mitigation Plan for acceptance by ReliabilityFirst and approval by NERC, and
- b) If applicable, certifies that this Mitigation Plan was completed on or before the date provided as the 'Date of Completion of the Mitigation Plan' on this form, and
- c) Acknowledges:
 - 1. I am the Public Works Director of the City of Batavia.
 - 2. I am qualified to sign this Mitigation Plan on behalf of the City of Batavia
 - 3. I have read and am familiar with the contents of this Mitigation Plan.
 - 4. The City of Batavia agrees to comply with, this Mitigation Plan, including the timetable completion date, as accepted by ReliabilityFirst and approved by NERC.

Authorized Individual Signature



Name (Print): Gary Holm

Title: Public Works Director

Date: November 12, 2010

Section G: Regional Entity Contact

Please direct completed forms or any questions regarding completion of this form to the ReliabilityFirst Compliance e-mail address mitigationplan@rfirst.org. Please indicate the company name and reference the NERC Violation ID # (if known) in the subject line of the e-mail. Additionally, any ReliabilityFirst Compliance Staff member is available for questions regarding the use of this form. Please see the contact list posted on the ReliabilityFirst Compliance web page.



Attachment A – Compliance Notices & Mitigation Plan Requirements

- a. Section 6.2 of the CMEP¹ sets forth the information that must be included in a Mitigation Plan. The Mitigation Plan must include:
- (1) The Registered Entity's point of contact for the Mitigation Plan, who shall be a person (i) responsible for filing the Mitigation Plan, (ii) technically knowledgeable regarding the Mitigation Plan, and (iii) authorized and competent to respond to questions regarding the status of the Mitigation Plan.
 - (2) The Alleged or Confirmed Violation(s) of Reliability Standard(s) the Mitigation Plan will correct.
 - (3) The cause of the Alleged or Confirmed Violation(s).
 - (4) The Registered Entity's action plan to correct the Alleged or Confirmed Violation(s).
 - (5) The Registered Entity's action plan to prevent recurrence of the Alleged or Confirmed violation(s).
 - (6) The anticipated impact of the Mitigation Plan on the bulk power system reliability and an action plan to mitigate any increased risk to the reliability of the bulk power-system while the Mitigation Plan is being implemented.
 - (7) A timetable for completion of the Mitigation Plan including the completion date by which the Mitigation Plan will be fully implemented and the Alleged or Confirmed Violation(s) corrected.
 - (8) Key implementation milestones no more than three (3) months apart for Mitigation Plans with expected completion dates more than three (3) months from the date of submission. Additional violations could be determined for not completing work associated with accepted milestones.
 - (9) Any other information deemed necessary or appropriate.
 - (10) The Mitigation Plan shall be signed by an officer, employee, attorney or other authorized representative of the Registered Entity, which if applicable, shall be the person that signed the Self-Certification or Self Reporting submittals.
- b. This submittal form must be used to provide a required Mitigation Plan for review and acceptance by ReliabilityFirst and approval by NERC.
- c. This Mitigation Plan is submitted to ReliabilityFirst and NERC as confidential information in accordance with Section 1500 of the NERC Rules of Procedure.
- d. This Mitigation Plan Submittal Form may be used to address one or more related Alleged or Confirmed violations of one Reliability Standard. A separate

¹ "Compliance Monitoring and Enforcement Program" of the ReliabilityFirst Corporation;" a copy of the current version approved by the Federal Energy Regulatory Commission is posted on the ReliabilityFirst website.



mitigation plan is required to address Alleged or Confirmed violations with respect to each additional Reliability Standard, as applicable.

- e. If the Mitigation Plan is accepted by ReliabilityFirst and approved by NERC, a copy of this Mitigation Plan will be provided to the Federal Energy Regulatory Commission in accordance with applicable Commission rules, regulations and orders.
- f. ReliabilityFirst or NERC may reject Mitigation Plans that they determine to be incomplete or inadequate.
- g. Remedial action directives also may be issued as necessary to ensure reliability of the BPS.



DOCUMENT CONTROL

Title: Mitigation Plan Submittal Form
Issue: Version 2.0
Date: 11 July 2008
Distribution: Public
Filename: ReliabilityFirst Mitigation Plan Submittal Form - Ver 2.DOC
Control: Reissue as complete document only

DOCUMENT APPROVAL

Prepared By	Approved By	Approval Signature	Date
Robert K. Wargo Senior Consultant Compliance	Raymond J. Palmieri Vice President and Director Compliance	<i>Raymond J. Palmieri</i>	1/2/08

DOCUMENT CHANGE/REVISION HISTORY

Version	Prepared By	Summary of Changes	Date
1.0	Robert K. Wargo	Original Issue – Replaces “Proposed Mitigation Plan” Form	1/2/08
2.0	Tony Purgar	Revised email address from compliance@rfirst.org to mitigationplan@rfirst.org	7/11/08

Attachment b



Mitigation Plan Submittal Form

Date this Mitigation Plan is being submitted: 11-15-2010

Section A: Compliance Notices & Mitigation Plan Requirements

- A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Attachment A - Compliance Notices & Mitigation Plan Requirements."
- A.2 This form must be used to submit required Mitigation Plans for review and acceptance by ReliabilityFirst and approval by NERC.
- A.3 I have reviewed Attachment A and understand that this Mitigation Plan Submittal Form will not be accepted unless this box is checked.

Section B: Registered Entity Information

- B.1 Identify your organization.

Company Name: City of Batavia
Municipal Electric Utility

Company Address: 200 N Raddant Road
Batavia, IL 60510

NERC Compliance Registry ID: 0711

- B.2 Identify the individual in your organization who will be the Entity Contact regarding this Mitigation Plan.

Name: Steven Allen

Title: Senior Project Engineer

Email: sallen@cityofbatavia.net

Phone: 630-454-2358



**Section C: Identification of Alleged or Confirmed Violation(s)
Associated with this Mitigation Plan**

C.1 This Mitigation Plan is associated with the following Alleged or Confirmed violation(s) of the reliability standard listed below.

NERC Violation ID No. (RFC Docket No.)	Reliability Standard	Requirement Number	Violation Risk Factor	Alleged or Confirmed Violation Date ^(*)	Method of Detection (e.g., Audit, Self-report, Investigation)
RFC200900 224	PRC-005-1	1	High	November 18, 2009	Audit

(*) Note: The Alleged or Confirmed Violation Date shall be expressly specified by the Registered Entity, and subject to modification by ReliabilityFirst, as: (i) the date the Alleged or Confirmed violation occurred; (ii) the date that the Alleged or Confirmed violation was self-reported; or (iii) the date that the Alleged or Confirmed violation has been deemed to have occurred on by ReliabilityFirst. Questions regarding the date to use should be directed to the ReliabilityFirst contact identified in Section G of this form.

C.2 Identify the cause of the Alleged or Confirmed violation(s) identified above. Additional detailed information may be provided as an attachment.

- **RFC200900224:** The ReliabilityFirst audit specifically identifies that City of Batavia Municipal Electric Utility did not supply evidence to demonstrate that a protection system maintenance and testing program was in place prior to September 26, 2008. The ReliabilityFirst audit also specifically identifies that the City of Batavia Municipal Electric Utility's maintenance and testing program did not include the basis for maintenance and testing intervals, or a summary of its maintenance and testing procedures for communications systems and DC control circuits.

Note: If a formal root cause analysis evaluation was performed, submit a copy of the summary report.

C.3 Provide any additional relevant information regarding the Alleged or Confirmed violations associated with this Mitigation Plan. Additional detailed information may be provided as an attachment.



Section D: Details of Proposed Mitigation Plan

Mitigation Plan Contents

- D.1 Identify and describe the action plan, including specific tasks and actions that your organization is proposing to undertake, or which it undertook if this Mitigation Plan has been completed, to correct the Alleged or Confirmed violations identified above in Part C.1 of this form. Additional detailed information may be provided as an attachment.
- **RFC200900224: 1)** The City of Batavia Municipal Electric Utility will engage an electrical testing subject matter expert to assist in the refining and expansion of our existing Maintenance and Testing Program to include the basis for maintenance intervals and the testing of DC control circuits and communication systems. The program will be based upon the City of Batavia Municipal Electric Utility document control procedure referenced in **RFC200900223**. The City of Batavia Municipal Electric Utility will utilize NERC's *Protection System Maintenance, A Technical Reference* as the basis to define the maintenance intervals. **2)** Training will be provided to Electric Utility personnel on the revised Maintenance and Testing Program.

Mitigation Plan Timeline and Milestones

- D.2 Provide the date by which full implementation of the Mitigation Plan will be, or has been, completed with respect to the Alleged or Confirmed violations identified above. State whether the Mitigation Plan has been fully implemented, and/or whether the actions necessary to assure the entity has returned to full compliance have been completed.

Please see the table in D.3 for milestone dates.



- D.3 Enter Key Milestone Activities (with due dates) that can be used to track and indicate progress towards timely and successful completion of this Mitigation Plan.

Key Milestone Activity RFC200900224	Proposed/Actual Completion Date* (shall not be more than 3 months apart)
1. Retain electrical testing subject matter expert.	December 17, 2010
2. Develop maintenance and testing requirements and intervals and their basis for all BPS apparatus first draft and issue for comments.	March 11, 2011
3. Receive comments from first draft and incorporate to issue subsequent drafts.	April 8, 2011
4. Revise new PRC-005-1, R1.1 & R1.2 Maintenance and testing Program to comply with new document control procedure and issue.	May 6, 2011
5. Train Electric Utility Personnel on new PRC-005-1, R1.1 & R1.2 Maintenance and Testing Program.	May 27, 2011
6. Complete interval baseline testing on all BES connected devices.	May 31, 2011
7. Submit proof of revised PRC-005-1, R1.1 & R1.2 Maintenance and testing Program and training ReliabilityFirst.	June 10, 2011

(*) Note: Additional violations could be determined for not completing work associated with accepted milestones.



Section E: Interim and Future Reliability Risk

Abatement of Interim BPS Reliability Risk

- E.1 While your organization is implementing this Mitigation Plan the reliability of the Bulk Power System (BPS) may remain at higher risk or be otherwise negatively impacted until the plan is successfully completed. To the extent they are, or may be, known or anticipated: (i) identify any such risks or impacts; and (ii) discuss any actions that your organization is planning to take to mitigate this increased risk to the reliability of the BPS. Additional detailed information may be provided as an attachment.
- **RFC200900224:** The City of Batavia feels that the bulk electric system is not subject to higher risk as a result of this alleged violation because all relaying is microprocessor based, which provides self-diagnostic capabilities to alert City of Batavia of any potential problems. All circuit breakers, transformers, and DC systems have monitoring to detect malfunction or abnormal conditions. All protection system devices are continuously monitored via SCADA, which would alert City of Batavia personnel of an issues. City of Batavia personnel perform weekly visual inspections of protection system devices at all substations for signs of damage, inoperability, and overall condition to identify any problems as early as possible and to schedule maintenance as needed.

Prevention of Future BPS Reliability Risk

- E.2 Describe how successful completion of this Mitigation Plan by your organization will prevent or minimize the probability that the reliability of the BPS incurs further risk of similar violations in the future. Additional detailed information may be provided as an attachment.

By execution of this Mitigation Plan, the probability that the reliability of the BPS will incur further risk will decrease. The City of Batavia Municipal Electric Utility will have strengthened document control and document retention guidelines. The basis for maintenance and testing intervals as well as procedures for testing all BPS apparatus and protective devices will be enhanced to cover existing gaps.



Section F: Authorization

An authorized individual must sign and date this Mitigation Plan Submittal Form. By doing so, this individual, on behalf of your organization:

- a) Submits this Mitigation Plan for acceptance by ReliabilityFirst and approval by NERC, and
- b) If applicable, certifies that this Mitigation Plan was completed on or before the date provided as the 'Date of Completion of the Mitigation Plan' on this form, and
- c) Acknowledges:
 - 1. I am the Public Works Director of the City of Batavia.
 - 2. I am qualified to sign this Mitigation Plan on behalf of the City of Batavia.
 - 3. I have read and am familiar with the contents of this Mitigation Plan.
 - 4. [Organization] agrees to comply with, this Mitigation Plan, including the timetable completion date, as accepted by ReliabilityFirst and approved by NERC.

Authorized Individual Signature _____

Name (Print): Gary Holm
Title: Public Works Director
Date: November 12, 2010

Section G: Regional Entity Contact

Please direct completed forms or any questions regarding completion of this form to the ReliabilityFirst Compliance e-mail address mitigationplan@rfirst.org.

Please indicate the company name and reference the NERC Violation ID # (if known) in the subject line of the e-mail. Additionally, any ReliabilityFirst Compliance Staff member is available for questions regarding the use of this form. Please see the contact list posted on the ReliabilityFirst Compliance web page.



Attachment A – Compliance Notices & Mitigation Plan Requirements

- I. Section 6.2 of the CMEP¹ sets forth the information that must be included in a Mitigation Plan. The Mitigation Plan must include:
- (1) The Registered Entity's point of contact for the Mitigation Plan, who shall be a person (i) responsible for filing the Mitigation Plan, (ii) technically knowledgeable regarding the Mitigation Plan, and (iii) authorized and competent to respond to questions regarding the status of the Mitigation Plan.
 - (2) The Alleged or Confirmed Violation(s) of Reliability Standard(s) the Mitigation Plan will correct.
 - (3) The cause of the Alleged or Confirmed Violation(s).
 - (4) The Registered Entity's action plan to correct the Alleged or Confirmed Violation(s).
 - (5) The Registered Entity's action plan to prevent recurrence of the Alleged or Confirmed violation(s).
 - (6) The anticipated impact of the Mitigation Plan on the bulk power system reliability and an action plan to mitigate any increased risk to the reliability of the bulk power-system while the Mitigation Plan is being implemented.
 - (7) A timetable for completion of the Mitigation Plan including the completion date by which the Mitigation Plan will be fully implemented and the Alleged or Confirmed Violation(s) corrected.
 - (8) Key implementation milestones no more than three (3) months apart for Mitigation Plans with expected completion dates more than three (3) months from the date of submission. Additional violations could be determined for not completing work associated with accepted milestones.
 - (9) Any other information deemed necessary or appropriate.
 - (10) The Mitigation Plan shall be signed by an officer, employee, attorney or other authorized representative of the Registered Entity, which if applicable, shall be the person that signed the Self-Certification or Self Reporting submittals.
- II. This submittal form must be used to provide a required Mitigation Plan for review and acceptance by ReliabilityFirst and approval by NERC.
- III. This Mitigation Plan is submitted to ReliabilityFirst and NERC as confidential information in accordance with Section 1500 of the NERC Rules of Procedure.
- IV. This Mitigation Plan Submittal Form may be used to address one or more related Alleged or Confirmed violations of one Reliability Standard. A separate

¹ "Compliance Monitoring and Enforcement Program" of the ReliabilityFirst Corporation;" a copy of the current version approved by the Federal Energy Regulatory Commission is posted on the ReliabilityFirst website.



mitigation plan is required to address Alleged or Confirmed violations with respect to each additional Reliability Standard, as applicable.

- V. If the Mitigation Plan is accepted by ReliabilityFirst and approved by NERC, a copy of this Mitigation Plan will be provided to the Federal Energy Regulatory Commission in accordance with applicable Commission rules, regulations and orders.
- VI. ReliabilityFirst or NERC may reject Mitigation Plans that they determine to be incomplete or inadequate.
- VII. Remedial action directives also may be issued as necessary to ensure reliability of the BPS.



DOCUMENT CONTROL

Title: Mitigation Plan Submittal Form
Issue: Version 2.0
Date: 11 July 2008
Distribution: Public
Filename: ReliabilityFirst Mitigation Plan Submittal Form - Ver 2.DOC
Control: Reissue as complete document only

DOCUMENT APPROVAL

Prepared By	Approved By	Approval Signature	Date
Robert K. Wargo Senior Consultant Compliance	Raymond J. Palmieri Vice President and Director Compliance	<i>Raymond J. Palmieri</i>	1/2/08

DOCUMENT CHANGE/REVISION HISTORY

Version	Prepared By	Summary of Changes	Date
1.0	Robert K. Wargo	Original Issue – Replaces “Proposed Mitigation Plan” Form	1/2/08
2.0	Tony Purgar	Revised email address from compliance@rfirst.org to mitigationplan@rfirst.org	7/11/08

Attachment c



Mitigation Plan Submittal Form

Date this Mitigation Plan is being submitted: 11-15-2010

Section A: Compliance Notices & Mitigation Plan Requirements

- A.1 Notices and requirements applicable to Mitigation Plans and this Submittal Form are set forth in "Attachment A - Compliance Notices & Mitigation Plan Requirements."
- A.2 This form must be used to submit required Mitigation Plans for review and acceptance by ReliabilityFirst and approval by NERC.
- A.3 I have reviewed Attachment A and understand that this Mitigation Plan Submittal Form will not be accepted unless this box is checked.

Section B: Registered Entity Information

- B.1 Identify your organization.

Company Name:	City of Batavia Municipal Electric Utility
Company Address:	200 N Raddant Road Batavia, IL 60510
NERC Compliance Registry ID:	0711

- B.2 Identify the individual in your organization who will be the Entity Contact regarding this Mitigation Plan.

Name:	Steven Allen
Title:	Senior Project Engineer
Email:	sallen@cityofbatavia.net
Phone:	630-454-2358



**Section C: Identification of Alleged or Confirmed Violation(s)
Associated with this Mitigation Plan**

C.1 This Mitigation Plan is associated with the following Alleged or Confirmed violation(s) of the reliability standard listed below.

NERC Violation ID No. (RFC Docket No.)	Reliability Standard	Requirement Number	Violation Risk Factor	Alleged or Confirmed Violation Date ^(*)	Method of Detection (e.g., Audit, Self-report, Investigation)
RFC200900225	PRC-005-1	2.1	High	November 18, 2009	Audit

(*) Note: The Alleged or Confirmed Violation Date shall be expressly specified by the Registered Entity, and subject to modification by ReliabilityFirst, as: (i) the date the Alleged or Confirmed violation occurred; (ii) the date that the Alleged or Confirmed violation was self-reported; or (iii) the date that the Alleged or Confirmed violation has been deemed to have occurred on by ReliabilityFirst. Questions regarding the date to use should be directed to the ReliabilityFirst contact identified in Section G of this form.

C.2 Identify the cause of the Alleged or Confirmed violation(s) identified above. Additional detailed information may be provided as an attachment.

- **RFC200900225:** The ReliabilityFirst audit specifically identifies that City of Batavia Municipal Electric Utility did not supply evidence to demonstrate that protection system devices were maintained and tested within the defined intervals of our maintenance and testing program..

Note: If a formal root cause analysis evaluation was performed, submit a copy of the summary report.

C.3 Provide any additional relevant information regarding the Alleged or Confirmed violations associated with this Mitigation Plan. Additional detailed information may be provided as an attachment.



Section D: Details of Proposed Mitigation Plan

Mitigation Plan Contents

- D.1 Identify and describe the action plan, including specific tasks and actions that your organization is proposing to undertake, or which it undertook if this Mitigation Plan has been completed, to correct the Alleged or Confirmed violations identified above in Part C.1 of this form. Additional detailed information may be provided as an attachment.
- **RFC200900225: 1)** The City of Batavia Municipal Electric Utility will engage an electrical testing subject matter expert to assist in the development of a BPS apparatus maintenance and testing documentation procedure. This procedure will be based upon the revised City of Batavia Municipal Electric Utility Maintenance and Testing Program as discussed in **RFC200900224** and the document control procedure referenced in **RFC200900223**. This procedure will include general formatting, document retention, and distribution guidelines. **2)** The City of Batavia Municipal Electric Utility will train all Electric Utility personnel once the revision is complete.

Mitigation Plan Timeline and Milestones

- D.2 Provide the date by which full implementation of the Mitigation Plan will be, or has been, completed with respect to the Alleged or Confirmed violations identified above. State whether the Mitigation Plan has been fully implemented, and/or whether the actions necessary to assure the entity has returned to full compliance have been completed.

Please see the table in D.3 for milestone dates.



- D.3 Enter Key Milestone Activities (with due dates) that can be used to track and indicate progress towards timely and successful completion of this Mitigation Plan.

Key Milestone Activity RFC200900225	Proposed/Actual Completion Date* (shall not be more than 3 months apart)
1. Retain electrical testing subject matter expert.	December 17, 2010
2. Develop maintenance and testing documentation procedure for all BPS apparatus first draft and issue for comments.	March 11, 2011
3. Receive comments from first draft and incorporate to issue subsequent drafts.	April 8, 2011
4. Revise existing PRC-005-1, R2.1 to comply with new document control procedure and issue.	May 6, 2011
5. Train Electric Utility Personnel on new PRC-005-1, R2.1 BPS maintenance and testing documentation procedure.	May 27, 2011
6. Complete interval baseline testing on all BES connected devices.	May 31, 2011
7. Submit proof of revised PRC-005-1, R1.1 & R1.2 Maintenance and testing Program and training ReliabilityFirst.	June 10, 2011

(* Note: Additional violations could be determined for not completing work associated with accepted milestones.



Section E: Interim and Future Reliability Risk

Abatement of Interim BPS Reliability Risk

- E.1 While your organization is implementing this Mitigation Plan the reliability of the Bulk Power System (BPS) may remain at higher risk or be otherwise negatively impacted until the plan is successfully completed. To the extent they are, or may be, known or anticipated: (i) identify any such risks or impacts; and (ii) discuss any actions that your organization is planning to take to mitigate this increased risk to the reliability of the BPS. Additional detailed information may be provided as an attachment.
- **RFC200900225:** The City of Batavia feels that the bulk electric system is not placed at higher risk as a result of this alleged violation because all relaying is microprocessor based, which provides self-diagnostic capabilities to alert City of Batavia of any potential problems. City of Batavia continuously monitors all circuit breakers, transformers, and DC systems to detect malfunction or abnormal conditions. City of Batavia also continuously monitors via SCADA, all of its protection system devices, which would alert City of Batavia personnel of any issues. City of Batavia performs weekly visual inspections of protection system devices at all substations for signs of damage, inoperability, and overall condition to identify any problems as early as possible and to schedule maintenance as needed.

Prevention of Future BPS Reliability Risk

- E.2 Describe how successful completion of this Mitigation Plan by your organization will prevent or minimize the probability that the reliability of the BPS incurs further risk of similar violations in the future. Additional detailed information may be provided as an attachment.

By execution of this Mitigation Plan, the probability that the reliability of the BPS will incur further risk will decrease. The City of Batavia Municipal Electric Utility will have strengthened document control and document retention guidelines. The basis for maintenance and testing intervals as well as procedures for testing all BPS apparatus and protective devices will be enhanced to cover existing gaps.



Section F: Authorization

An authorized individual must sign and date this Mitigation Plan Submittal Form. By doing so, this individual, on behalf of your organization:

- a) Submits this Mitigation Plan for acceptance by ReliabilityFirst and approval by NERC, and
- b) If applicable, certifies that this Mitigation Plan was completed on or before the date provided as the 'Date of Completion of the Mitigation Plan' on this form, and
- c) Acknowledges:
 - 1. I am the Public Works Director of the City of Batavia.
 - 2. I am qualified to sign this Mitigation Plan on behalf of the City of Batavia.
 - 3. I have read and am familiar with the contents of this Mitigation Plan.
 - 4. [Organization] agrees to comply with, this Mitigation Plan, including the timetable completion date, as accepted by ReliabilityFirst and approved by NERC.

Authorized Individual Signature _____

Name (Print): Gary Holm
Title: Public Works Director
Date: November 12, 2010

Section G: Regional Entity Contact

Please direct completed forms or any questions regarding completion of this form to the ReliabilityFirst Compliance e-mail address mitigationplan@rfirst.org.

Please indicate the company name and reference the NERC Violation ID # (if known) in the subject line of the e-mail. Additionally, any ReliabilityFirst Compliance Staff member is available for questions regarding the use of this form. Please see the contact list posted on the ReliabilityFirst Compliance web page.



Attachment A – Compliance Notices & Mitigation Plan Requirements

- I. Section 6.2 of the CMEP¹ sets forth the information that must be included in a Mitigation Plan. The Mitigation Plan must include:
- (1) The Registered Entity's point of contact for the Mitigation Plan, who shall be a person (i) responsible for filing the Mitigation Plan, (ii) technically knowledgeable regarding the Mitigation Plan, and (iii) authorized and competent to respond to questions regarding the status of the Mitigation Plan.
 - (2) The Alleged or Confirmed Violation(s) of Reliability Standard(s) the Mitigation Plan will correct.
 - (3) The cause of the Alleged or Confirmed Violation(s).
 - (4) The Registered Entity's action plan to correct the Alleged or Confirmed Violation(s).
 - (5) The Registered Entity's action plan to prevent recurrence of the Alleged or Confirmed violation(s).
 - (6) The anticipated impact of the Mitigation Plan on the bulk power system reliability and an action plan to mitigate any increased risk to the reliability of the bulk power-system while the Mitigation Plan is being implemented.
 - (7) A timetable for completion of the Mitigation Plan including the completion date by which the Mitigation Plan will be fully implemented and the Alleged or Confirmed Violation(s) corrected.
 - (8) Key implementation milestones no more than three (3) months apart for Mitigation Plans with expected completion dates more than three (3) months from the date of submission. Additional violations could be determined for not completing work associated with accepted milestones.
 - (9) Any other information deemed necessary or appropriate.
 - (10) The Mitigation Plan shall be signed by an officer, employee, attorney or other authorized representative of the Registered Entity, which if applicable, shall be the person that signed the Self-Certification or Self Reporting submittals.
- II. This submittal form must be used to provide a required Mitigation Plan for review and acceptance by ReliabilityFirst and approval by NERC.
- III. This Mitigation Plan is submitted to ReliabilityFirst and NERC as confidential information in accordance with Section 1500 of the NERC Rules of Procedure.
- IV. This Mitigation Plan Submittal Form may be used to address one or more related Alleged or Confirmed violations of one Reliability Standard. A separate

¹ "Compliance Monitoring and Enforcement Program" of the ReliabilityFirst Corporation;" a copy of the current version approved by the Federal Energy Regulatory Commission is posted on the ReliabilityFirst website.



mitigation plan is required to address Alleged or Confirmed violations with respect to each additional Reliability Standard, as applicable.


- V. If the Mitigation Plan is accepted by ReliabilityFirst and approved by NERC, a copy of this Mitigation Plan will be provided to the Federal Energy Regulatory Commission in accordance with applicable Commission rules, regulations and orders.
- VI. ReliabilityFirst or NERC may reject Mitigation Plans that they determine to be incomplete or inadequate.
- VII. Remedial action directives also may be issued as necessary to ensure reliability of the BPS.



DOCUMENT CONTROL

Title: Mitigation Plan Submittal Form
Issue: Version 2.0
Date: 11 July 2008
Distribution: Public
Filename: ReliabilityFirst Mitigation Plan Submittal Form - Ver 2.DOC
Control: Reissue as complete document only

DOCUMENT APPROVAL

Prepared By	Approved By	Approval Signature	Date
Robert K. Wargo Senior Consultant Compliance	Raymond J. Palmieri Vice President and Director Compliance		1/2/08

DOCUMENT CHANGE/REVISION HISTORY

Version	Prepared By	Summary of Changes	Date
1.0	Robert K. Wargo	Original Issue – Replaces “Proposed Mitigation Plan” Form	1/2/08
2.0	Tony Purgar	Revised email address from compliance@rfirst.org to mitigationplan@rfirst.org	7/11/08

Attachment b

ReliabilityFirst's Summary for Possible Violation of CIP-001-1 R1



Summary for Possible Violation (PV)

This document is to be completed and sent to the Compliance Director, Manager of Enforcement, Manager of Compliance Audits, Bob Berglund, and Abby Sheatzley, upon confirmation of a Possible Violation.

Registered Entity: City of Batavia Municipal Electric Utility

NERC ID#: NCR00711

Compliance Monitoring Process: Compliance Audits

Standard and Requirement: CIP-001-1 R1.

Registered Function(s) in Violation: LSE

Initial PV Date: 11/18/2009

Date for Determination of Penalty/Sanction: 6/18/2007

Violation Risk Factor: VRF - Medium

Violation Severity Level: VSL - Level 4

Violation Reported By: George P. Spila

Basis for the PV:

R1. The City of Batavia did not provide evidence that they had procedures for the recognition of and for making its operating personnel aware of sabotage events prior to the August 2008 version of the Sabotage Reporting Procedure provided.

Facts and Evidence pertaining to the PV: See Basis for PV

Impact to Bulk Electrical System (BES): Minimal

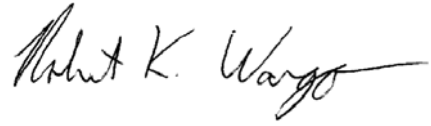
- **Provide Explanation for Impact to BES:** The City of Batavia Municipal Electric Utility has 2 interconnection points with ComEd at the 138kV level. The

Electric Utility operates approximately 12 miles of 138kV transmission line. The City of Batavia Municipal Electric Utility has a peak load of 89 MW with no customers directly connected to the 138kV system. There is no generation connected to The City of Batavia Municipal Electric Utility System. The City of Batavia Municipal Electric Utility has minimal impact on the BES only materially affecting the buses to which it is interconnected. Since the violation occurred in the past and Sabotage Procedures are currently in place the violation has minimal impact on the BES.

REVISION HISTORY

Revision	Prepared By	Approved By	Date	Comments
Rev. 0	Renata Fellmeth	Gary Campbell	7/1/2009	New Document
Rev. 1	Renata Fellmeth	Gary Campbell	9/3/2009	Changed PAV to PV. Removed the word "Alleged."

Approved:

A handwritten signature in black ink that reads "Robert K. Wargo". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Robert K. Wargo
Director of Enforcement & Regulatory Affairs
ReliabilityFirst Corporation

Date: April 14, 2011

Attachment c

ReliabilityFirst's Summary for Possible Violation of PRC-005-1 R1



Summary for Possible Violation (PV)

This document is to be completed and sent to the Compliance Director, Manager of Enforcement, Manager of Compliance Audits, Bob Berglund, and Abby Sheatzley, upon confirmation of a Possible Violation.

Registered Entity: City of Batavia Municipal Electric Utility

NERC ID#: NCR00711

Compliance Monitoring Process: Compliance Audits

Standard and Requirement: PRC-005-1 R1.

Registered Function(s) in Violation: DP

Initial PV Date: 11/18/2009

Date for Determination of Penalty/Sanction: 6/18/2007

Violation Risk Factor: VRF - High

Violation Severity Level: VSL - Level 4

Violation Reported By: George P. Spila

Basis for the PV:

R1. The City of Batavia did not provide evidence that they had a Protection System maintenance and testing program for Protection Systems that affect the reliability of the BES prior to the version of the document provided that was created September 26, 2008.

R1.1. The City of Batavia Protection System maintenance and testing program does not include the basis for the maintenance and testing intervals for Protection Systems that affect the reliability of the BES.

R1.2. The City of Batavia Protection System maintenance and testing program does not include maintenance and testing procedures for DC control circuits and communications systems.

Facts and Evidence pertaining to the PV: See Basis for PV

Impact to Bulk Electrical System (BES): Minimal

- **Provide Explanation for Impact to BES:** The City of Batavia Municipal Electric Utility has 2 interconnection points with ComEd at the 138kV level. The Electric Utility operates approximately 12 miles of 138kV transmission line. The City of Batavia Municipal Electric Utility has a peak load of 89 MW with no customers directly connected to the 138kV system. There is no generation connected to The City of Batavia Municipal Electric Utility System. The City of Batavia Municipal Electric Utility has minimal impact on the BES only materially affecting the buses to which it is interconnected.

REVISION HISTORY

Revision	Prepared By	Approved By	Date	Comments
Rev. 0	Renata Fellmeth	Gary Campbell	7/1/2009	New Document
Rev. 1	Renata Fellmeth	Gary Campbell	9/3/2009	Changed PAV to PV. Removed the word "Alleged."

Attachment d

ReliabilityFirst's Summary for Possible Violation of PRC-005-1 R2



Summary for Possible Violation (PV)

This document is to be completed and sent to the Compliance Director, Manager of Enforcement, Manager of Compliance Audits, Bob Berglund, and Abby Sheatzley, upon confirmation of a Possible Violation.

Registered Entity: City of Batavia Municipal Electric Utility

NERC ID#: NCR00711

Compliance Monitoring Process: Compliance Audits

Standard and Requirement: PRC-005-1 R2.

Registered Function(s) in Violation: DP

Initial PV Date: 11/18/2009

Date for Determination of Penalty/Sanction: 6/18/2007

Violation Risk Factor: VRF - High

Violation Severity Level: VSL - Level 4

Violation Reported By: George P. Spila

Basis for the PV:

R2.1- The City of Batavia did not provide evidence that their Protection System devices were maintained and tested within the defined intervals.

Facts and Evidence pertaining to the PV: The City of Batavia provided evidence of last test date, but did not test within the defined interval as stated in their maintenance and testing procedure.

Impact to Bulk Electrical System (BES): Minimal

- **Provide Explanation for Impact to BES:** The City of Batavia Municipal Electric Utility has 2 interconnection points with ComEd at the 138kV level. The Electric Utility operates approximately 12 miles of 138kV transmission line. The City of Batavia Municipal Electric Utility has a peak load of 89 MW with no customers directly connected to the 138kV system. There is no generation connected to The City of Batavia Municipal Electric Utility System. The City of Batavia Municipal Electric Utility has minimal impact on the BES only affecting the buses to which it is interconnected.

REVISION HISTORY

Revision	Prepared By	Approved By	Date	Comments
Rev. 0	Renata Fellmeth	Gary Campbell	7/1/2009	New Document
Rev. 1	Renata Fellmeth	Gary Campbell	9/3/2009	Changed PAV to PV. Removed the word "Alleged."

Attachment e

City of Batavia's Certification of Completion for CIP-001-1 R1 submitted April 11, 2011



Certification of Mitigation Plan Completion

Submittal of a Certification of Mitigation Plan Completion shall include data or information sufficient for ReliabilityFirst Corporation to verify completion of the Mitigation Plan. ReliabilityFirst Corporation may request additional data or information and conduct follow-up assessments, on-site or other Spot Checking, or Compliance Audits as it deems necessary to verify that all required actions in the Mitigation Plan have been completed and the Registered Entity is in compliance with the subject Reliability Standard. (CMEP Section 6.6)

Registered Entity Name: City of Batavia Municipal Electric Utility

NERC Registry ID:00711

Date of Submittal of Certification:April 11, 2011

NERC Violation ID No(s):RFC200900223

Reliability Standard and the Requirement(s) of which a violation was mitigated:CIP-001-1, R1

Date Mitigation Plan was scheduled to be completed per accepted Mitigation Plan:April 8, 2011

Date Mitigation Plan was actually completed:April 8, 2011

Additional Comments (or List of Documents Attached):

I certify that the Mitigation Plan for the above named violation has been completed on the date shown above and that all submitted information is complete and correct to the best of my knowledge.

Name:Steven Allen

Title:Senior Project Engineer

Email:sallen@cityofbatavia.net

Phone:630-454-2358

Authorized Signature

DateApril 11, 2011



Please direct completed forms or any questions regarding completion of this form to the ReliabilityFirst Compliance e-mail address mitigationplan@rfirst.org.

Please indicate the company name and reference the NERC Violation ID # (if known) in the subject line of the e-mail. Additionally, any ReliabilityFirst Compliance Staff member is available for questions regarding the use of this form. Please see the contact list posted on the ReliabilityFirst Compliance web page.

DOCUMENT CONTROL

Title: Certification of Mitigation Plan Completion
Issue: Version 1
Date: 5 January 2008
Distribution: Public
Filename: Certification of a Completed Mitigation Plan_Ver1.doc
Control: Reissue as complete document only

DOCUMENT APPROVAL

Prepared By	Approved By	Approval Signature	Date
Robert K. Wargo Manager of Compliance Enforcement	Raymond J. Palmieri Vice President and Director Compliance	<i>Raymond J. Palmieri</i>	1/5/2009

DOCUMENT CHANGE/REVISION HISTORY

Version	Prepared By	Summary of Changes	Date
1.0	Robert K. Wargo	Original Issue	1/5/2009

Attachment f

ReliabilityFirst's Verification of Mitigation Plan Completion for CIP-001-1 R1 submitted April 14, 2011



In re: CITY OF BATAVIA)	
MUNICIPAL ELECTRIC UTILITY	)	Docket No. RFC200900223
)	
NERC Registry ID No. NCR00711	)	NERC Reliability Standard:
	)	CIP-001-1, Requirement 1
)	

**VERIFICATION OF MITIGATION PLAN COMPLETION
FOR MIT-07-3290**

I. RELEVANT BACKGROUND

ReliabilityFirst Corporation (“ReliabilityFirst”) conducted a compliance audit of City of Batavia Municipal Electric Utility (“Batavia”) from November 9 through 18, 2009 during which ReliabilityFirst identified a possible violation of Reliability Standard CIP-001-1, Requirement 1. ReliabilityFirst reviewed The City of Batavia NERC Reliability Standards Sabotage Reporting Procedure, dated September 3, 2008. ReliabilityFirst requested Batavia provide versions of their Sabotage Reporting Procedure in effect prior to September 3, 2008. In response, Batavia provided a letter from a Senior Project Engineer which stated Batavia was unable to locate a Sabotage Reporting Procedure in effect prior to September 3, 2008. ReliabilityFirst determined Batavia did not provide evidence that it had procedures for the recognition of, and for making its operating personnel aware of, sabotage events prior to its September 3, 2008, Sabotage Reporting Procedure. Batavia submitted a proposed mitigation plan to ReliabilityFirst on November 15, 2010, whereby stating Batavia would complete all mitigating actions on April 8, 2011. ReliabilityFirst accepted this mitigation plan, designated MIT-07-3290, on January 18, 2011, and the North American Electric Reliability Corporation (“NERC”) approved it on February 18, 2011.

II. MITIGATION PLAN COMPLETION REVIEW PROCESS

On April 8, 2011, Batavia certified it completed the mitigation plan for CIP-001-1, Requirement 1, as of April 8, 2011. ReliabilityFirst requested and received evidence of completion for actions taken by Batavia as specified in the mitigation plan. ReliabilityFirst performed an in depth review of the information provided to verify that Batavia successfully completed all actions specified in the mitigation plan.

A. Evidence Reviewed per Standard and Requirement.

	<u>Evidence Reviewed</u>	<u>Applicable Standard and Requirement</u>
1.	City of Batavia NERC Reliability Standard – Sabotage Reporting Procedure, September 3, 2008, Rev. 09122008.	CIP-001-1, R 1
2.	NERC Reliability Standards – CIP Series Training – City of Batavia, Illinois, August 2008.	CIP-001-1, R 1
3.	CIP-001-1 – Sabotage Reporting Procedure- Revision: 3, March 14, 2011.	CIP-001-1, R 1
4.	Training Documentation Form dated March 23, 2011.	CIP-001-1, R 1

B. Verification of Mitigation Plan Completion.

CIP-001-1, Requirement 1 states:

R1. Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall have procedures for the recognition of and for making their operating personnel aware of sabotage events on its facilities and multi-site sabotage affecting larger portions of the Interconnection.

City of Batavia NERC Reliability Standard – Sabotage Reporting Procedure, September 3, 2008, Rev. 09122008.

In this document, Batavia describes its sabotage reporting procedures in effect since September 3, 2008.

NERC Reliability Standards – CIP Series Training – City of Batavia, Illinois, August 2008.

Batavia conducted training on September 24, 2008, which focused on Reliability Standard CIP-001-1, its associated requirements, and its applicability to Batavia. In its training document, Batavia included; 1) the Sabotage Reporting Procedure, 2) CIP-001 Submittal and Approval Record, 3) Security Letter, 4) IMPA LSE Member Contact Information, 5) Staff Training Review Records, and 6) Potential Sabotage Event Evaluation Form.

CIP-001-1 – Sabotage Reporting Procedure- Revision: 3, March 14, 2011.

Batavia provided its most recent version of the Sabotage Reporting Procedure.

Training Documentation Form dated March 23, 2011.

In this document, Batavia included the names of personnel trained, and the signatures of all personnel present, at the CIP Series Training.

III. CONCLUSION

Reliability*First* reviewed the evidence Batavia submitted in support of its Certification of Completion and determined the evidence demonstrates Batavia successfully completed the mitigating activities in mitigation plan MIT-07-3290, associated with Reliability Standard CIP-001-1, Requirement 1.

Reliability*First* hereby verifies that Batavia completed the mitigation plan associated with the alleged violation of the aforementioned Reliability Standard in accordance with its terms and conditions.

Accepted:



David J. Coyle
Compliance Specialist
Reliability*First* Corporation

Date: April 12, 2011

Attachment i

Disposition Document for Common Information

II. PENALTY INFORMATION

TOTAL ASSESSED PENALTY OR SANCTION OF \$10,000 FOR THREE VIOLATIONS OF RELIABILITY STANDARDS.

(1) REGISTERED ENTITY'S COMPLIANCE HISTORY

PREVIOUSLY FILED VIOLATIONS OF ANY OF THE INSTANT RELIABILITY STANDARD(S) OR REQUIREMENT(S) THEREUNDER
YES NO

LIST VIOLATIONS AND STATUS

ADDITIONAL COMMENTS

PREVIOUSLY FILED VIOLATIONS OF OTHER RELIABILITY STANDARD(S) OR REQUIREMENTS THEREUNDER
YES NO

LIST VIOLATIONS AND STATUS

ADDITIONAL COMMENTS

(2) THE DEGREE AND QUALITY OF COOPERATION BY THE REGISTERED ENTITY (IF THE RESPONSE TO FULL COOPERATION IS "NO," THE ABBREVIATED NOP FORM MAY NOT BE USED.)

FULL COOPERATION YES NO
IF NO, EXPLAIN

(3) THE PRESENCE AND QUALITY OF THE REGISTERED ENTITY'S COMPLIANCE PROGRAM

IS THERE A DOCUMENTED COMPLIANCE PROGRAM
YES NO UNDETERMINED
EXPLAIN

ReliabilityFirst favorably considered certain aspects of City of Batavia's compliance program and gave City of Batavia mitigating credit. Specifically, City of Batavia's compliance program was in

place at the time of the violations and has the support of senior management. City of Batavia regularly reviews its internal compliance program, which includes training and self-assessments.

EXPLAIN SENIOR MANAGEMENT’S ROLE AND INVOLVEMENT WITH RESPECT TO THE REGISTERED ENTITY’S COMPLIANCE PROGRAM, INCLUDING WHETHER SENIOR MANAGEMENT TAKES ACTIONS THAT SUPPORT THE COMPLIANCE PROGRAM, SUCH AS TRAINING, COMPLIANCE AS A FACTOR IN EMPLOYEE EVALUATIONS, OR OTHERWISE.

See above.

(4) ANY ATTEMPT BY THE REGISTERED ENTITY TO CONCEAL THE VIOLATION(S) OR INFORMATION NEEDED TO REVIEW, EVALUATE OR INVESTIGATE THE VIOLATION.

YES NO
IF YES, EXPLAIN

(5) ANY EVIDENCE THE VIOLATION(S) WERE INTENTIONAL (IF THE RESPONSE IS “YES,” THE ABBREVIATED NOP FORM MAY NOT BE USED.)

YES NO
IF YES, EXPLAIN

(6) ANY OTHER MITIGATING FACTORS FOR CONSIDERATION

YES NO
IF YES, EXPLAIN

(7) ANY OTHER AGGRAVATING FACTORS FOR CONSIDERATION

YES NO
IF YES, EXPLAIN

(8) ANY OTHER EXTENUATING CIRCUMSTANCES

YES NO
IF YES, EXPLAIN

OTHER RELEVANT INFORMATION:

NOTICE OF ALLEGED VIOLATION AND PROPOSED PENALTY OR SANCTION ISSUED

DATE: OR N/A

SETTLEMENT REQUEST DATE

DATE: 10/12/10 OR N/A

NOTICE OF CONFIRMED VIOLATION ISSUED

DATE: OR N/A

SUPPLEMENTAL RECORD INFORMATION

DATE(S) OR N/A

REGISTERED ENTITY RESPONSE CONTESTED

FINDINGS PENALTY BOTH DID NOT CONTEST

HEARING REQUESTED

YES NO

DATE

OUTCOME

APPEAL REQUESTED

Disposition Document for CIP-001-1 R1

DISPOSITION OF VIOLATION

Dated June 10, 2011

NERC TRACKING NO.	REGIONAL ENTITY TRACKING NO.
RFC200900223	RFC200900223

I. VIOLATION INFORMATION

RELIABILITY STANDARD	REQUIREMENT(S)	SUB-REQUIREMENT(S)	VRF(S)	VSL(S)
CIP-001-1	1		Medium	Severe

VIOLATION APPLIES TO THE FOLLOWING FUNCTIONS:

BA	DP	GO	GOP	IA	LSE	PA	PSE	RC	RP	RSG	TO	TOP	TP	TSP
					X									

PURPOSE OF THE RELIABILITY STANDARD AND TEXT OF RELIABILITY STANDARD AND REQUIREMENT(S)/SUB-REQUIREMENT(S)

The purpose statement of CIP-001-1 provides: “Disturbances or unusual occurrences, suspected or determined to be caused by sabotage, shall be reported to the appropriate systems, governmental agencies, and regulatory bodies.”

CIP-001-1 R1 provides: “Each Reliability Coordinator, Balancing Authority, Transmission Operator, Generator Operator, and Load Serving Entity shall have procedures for the recognition of and for making their operating personnel aware of sabotage events on its facilities and multi-site sabotage affecting larger portions of the Interconnection.”

VIOLATION DESCRIPTION

From November 9, 2009 through November 18, 2009 ReliabilityFirst conducted an off-site Compliance Audit of City of Batavia.¹ City of Batavia’s procedures for the communication of information concerning sabotage events to appropriate parties in the Interconnection and for making operating personnel aware of sabotage events are contained in the City of Batavia NERC Reliability Standards Sabotage Reporting Procedure, dated September 3, 2008 (Sabotage Reporting Procedure).

ReliabilityFirst requested a previous version of City of Batavia’s Sabotage Reporting Procedure. City of Batavia provided a letter in response which stated

¹ ReliabilityFirst previously conducted a Spot-Check of CIP-001-1 for City of Batavia on July 10, 2009. At that time ReliabilityFirst evaluated City of Batavia’s Sabotage Reporting Procedure, dated September 3, 2008, and did not identify noncompliance with respect to the four requirements of CIP-001-1 based on the evidence reviewed. Therefore, the Spot-Check team did not review evidence of compliance prior to September 3, 2008 at that time.

that City of Batavia was unable to locate a version of its Sabotage Reporting Procedure prior to the September 3, 2008 version. City of Batavia was in violation of CIP-001-1 R1 because it could not produce evidence that it had procedures for the recognition of and for making its operating personnel aware of sabotage events prior to September 3, 2008.

RELIABILITY IMPACT STATEMENT- POTENTIAL AND ACTUAL

ReliabilityFirst determined that the violation did not pose a serious or substantial risk to the reliability of the bulk power system (BPS) because City of Batavia's substations are monitored by a Supervisory Control and Data Acquisition (SCADA) system for equipment operations, protective device failure, and unauthorized access to the control building. Although City of Batavia did not have formal procedures for recognizing and/or making its operating personnel aware of sabotage events, City of Batavia was performing these functions by conducting weekly inspections of all substations for equipment condition and security. Finally, City of Batavia's facilities are connected as a tap² to the BPS.

II. DISCOVERY INFORMATION

METHOD OF DISCOVERY

- SELF-REPORT
- SELF-CERTIFICATION
- COMPLIANCE AUDIT
- COMPLIANCE VIOLATION INVESTIGATION
- SPOT CHECK
- COMPLAINT
- PERIODIC DATA SUBMITTAL
- EXCEPTION REPORTING

DURATION DATE(S) **9/17/07 (when City of Batavia was connected to the BPS) through 9/3/08 (when City of Batavia placed its Sabotage Reporting Procedure into effect)**

DATE DISCOVERED BY OR REPORTED TO REGIONAL ENTITY **11/18/09**

IS THE VIOLATION STILL OCCURRING YES NO
 IF YES, EXPLAIN

REMEDIAL ACTION DIRECTIVE ISSUED YES NO
 PRE TO POST JUNE 18, 2007 VIOLATION YES NO

² City of Batavia owns radial facilities that connect to BPS transmission lines.

III. MITIGATION INFORMATION

FOR FINAL ACCEPTED MITIGATION PLAN:

MITIGATION PLAN NO.	MIT-07-3290
DATE SUBMITTED TO REGIONAL ENTITY	11/15/10³
DATE ACCEPTED BY REGIONAL ENTITY	1/18/11⁴
DATE APPROVED BY NERC	2/18/11
DATE PROVIDED TO FERC	2/18/11

IDENTIFY AND EXPLAIN ALL PRIOR VERSIONS THAT WERE ACCEPTED OR REJECTED, IF APPLICABLE

MITIGATION PLAN COMPLETED YES NO

EXPECTED COMPLETION DATE	4/8/11
EXTENSIONS GRANTED	
ACTUAL COMPLETION DATE	4/8/11
DATE OF CERTIFICATION LETTER	4/11/11
CERTIFIED COMPLETE BY REGISTERED ENTITY AS OF	4/8/11
DATE OF VERIFICATION LETTER	4/14/11
VERIFIED COMPLETE BY REGIONAL ENTITY AS OF	4/8/11

ACTIONS TAKEN TO MITIGATE THE ISSUE AND PREVENT RECURRENCE

City of Batavia developed and implemented a document control procedure and revised its CIP-001-1 R1 procedure to comply with the new document control procedure and trained its personnel on both procedures.

LIST OF EVIDENCE REVIEWED BY REGIONAL ENTITY TO EVALUATE COMPLETION OF MITIGATION PLAN OR MILESTONES (FOR CASES IN WHICH MITIGATION IS NOT YET COMPLETED, LIST EVIDENCE REVIEWED FOR COMPLETED MILESTONES)

- **City of Batavia NERC Reliability Standard – Sabotage Reporting Procedure, September 3, 2008, Rev. 09122008.**
- **NERC Reliability Standards – CIP Series Training – City of Batavia, Illinois, August 2008.**
- **CIP-001-1 – Sabotage Reporting Procedure- Revision: 3, March 14, 2011.**
- **Training Documentation Form dated March 23, 2011.**

³ The Mitigation Plan was signed on November 12, 2010.

⁴ The Settlement Agreement contains a typographical error listing the Acceptance Date by the Regional Entity as January 13, 2011.

EXHIBITS:

SOURCE DOCUMENT

ReliabilityFirst's Summary of Possible Violation for CIP-001-1 R1

MITIGATION PLAN

City of Batavia's Mitigation Plan MIT-07-3290 for CIP-001-1 R1 submitted November 15, 2010

CERTIFICATION BY REGISTERED ENTITY

City of Batavia's Certification of Completion for CIP-001-1 R1 submitted April 11, 2011.

VERIFICATION BY REGIONAL ENTITY

ReliabilityFirst's Verification of Mitigation Plan Completion for CIP-001-1 R1 submitted April 14, 2011.⁵

⁵ The Verification of Mitigation Plan Completion incorrectly states that City of Batavia submitted its Certification of Completion on April 8, 2011.

Disposition Document for PRC-005-1 R1 and R2.1

DISPOSITION OF VIOLATION

Dated June 10, 2011

NERC TRACKING NO.	REGIONAL ENTITY TRACKING NO.
RFC200900224	RFC200900224
RFC200900225	RFC200900225

I. VIOLATION INFORMATION

RELIABILITY STANDARD	REQUIREMENT(S)	SUB-REQUIREMENT(S)	VRF(S)	VSL(S)
PRC-005-1	1		High	Severe
PRC-005-1	2	2.1	High	Severe

VIOLATION APPLIES TO THE FOLLOWING FUNCTIONS:

BA	DP	GO	GOP	IA	LSE	PA	PSE	RC	RP	RSG	TO	TOP	TP	TSP
	X													

PURPOSE OF THE RELIABILITY STANDARD AND TEXT OF RELIABILITY STANDARD AND REQUIREMENT(S)/SUB-REQUIREMENT(S)

The purpose statement of PRC-005-1 provides: “To ensure all transmission and generation Protection Systems^[1] affecting the reliability of the Bulk Electric System (BES) are maintained and tested.” Footnote added.

PRC-005-1 provides:

R1. Each Transmission Owner and any Distribution Provider that owns a transmission Protection System and each Generator Owner that owns a generation Protection System shall have a Protection System maintenance and testing program for Protection Systems that affect the reliability of the BES. The program shall include:

R1.1. Maintenance and testing intervals and their basis.

R1.2. Summary of maintenance and testing procedures.

R2. Each Transmission Owner and any Distribution Provider that owns a transmission Protection System and each Generator Owner that owns a generation Protection System shall provide documentation of its Protection System maintenance and testing

¹ *The NERC Glossary of Terms Used in Reliability Standards* defines Protection System as “Protective relays, associated communication systems, voltage and current sensing devices, station batteries and DC control circuitry.”

program and the implementation of that program to its Regional Reliability Organization^[2] on request (within 30 calendar days). The documentation of the program implementation shall include:

R2.1. Evidence Protection System devices were maintained and tested within the defined intervals.

(Footnote added).

VIOLATION DESCRIPTION

From November 9, 2009 through November 18, 2009 ReliabilityFirst conducted an off-site Compliance Audit of City of Batavia. City of Batavia owns radial facilities and operates protection system devices³ that connect to bulk power system (BPS) transmission lines.

PRC-005-1 R1

ReliabilityFirst reviewed City of Batavia's PRC-005-1 Transmission Protection System Maintenance and Testing Intervals, created on September 26, 2008 (Maintenance and Testing Program), in order to evaluate City of Batavia's compliance with the Standard. City of Batavia was unable to locate previous versions of its Maintenance and Testing Program, and stated in a letter that it had inadvertently overwrote the previous version of the Maintenance and Testing Program during the document development process.

ReliabilityFirst determined that the Maintenance and Testing Program did include maintenance and testing intervals for protection systems that affect the reliability of the BPS, but did not include the basis for those maintenance and testing intervals as required by PRC-005-1 R1.1. ReliabilityFirst also determined that City of Batavia's Maintenance and Testing Program included a summary of maintenance and testing procedures, but did not include a summary of those procedures for communications systems and DC control circuits as required by PRC-005-1 R1.2. Batavia owns and operates 44 protection system devices that are connected to the BES.

Communications systems and DC control circuitry make up approximately 14% of the total number of Protection System devices.

PRC-005-1 R2.1

City of Batavia's Maintenance and Testing Program requires City of Batavia to test all protection system devices at 24-month intervals, and to perform a monthly inspection noting the overall physical condition of its protection system devices. ReliabilityFirst requested the dates that each protection system device was last

² Consistent with applicable FERC precedent, the term "Regional Reliability Organization" in this context refers to ReliabilityFirst.

³ City of Batavia's protection system devices include relays, station batteries, communications systems, and DC control circuits.

maintained and tested, as well as evidence that City of Batavia maintained and tested protection system devices within the defined intervals of its Maintenance and Testing Program.

City of Batavia submitted test records spanning from May 2007 through September 2007. City of Batavia submitted monthly maintenance reports from May 2007 to November 2007 and from March 2008 to November 2009. City of Batavia provided a letter stating that it had last tested all protection systems devices between July 25, 2007 and September 17, 2007. City of Batavia failed to provide evidence that it performed monthly inspections of its protection system devices from November 2007 to March 2008, and could not produce documentation that it tested its protection system devices in 2009 (24 months after it last tested its protection system devices). Therefore, ReliabilityFirst determined that City of Batavia failed to test any of its Protection System devices within the defined 24 month interval of its Maintenance and Testing Program and failed to perform the monthly inspections from November 2007 through March 2008.

RELIABILITY IMPACT STATEMENT- POTENTIAL AND ACTUAL

ReliabilityFirst determined that the violation did not pose a serious or substantial risk to the reliability of the BPS because all circuit breakers, transformers, and DC systems have monitoring to detect malfunction or abnormal conditions. All relaying is microprocessor-based and has self-diagnostic capabilities to alert City of Batavia of potential problems. All protection system devices are continuously monitored via SCADA, which would alert City of Batavia personnel of any issues. City of Batavia personnel perform weekly visual inspections of protection system devices at all substations to look for signs of damage and overall conditions, to identify any problems as early as possible, and to schedule maintenance as needed. Finally, City of Batavia’s facilities are connected as a tap⁴ to the BPS.

II. DISCOVERY INFORMATION

METHOD OF DISCOVERY

- SELF-REPORT
- SELF-CERTIFICATION
- COMPLIANCE AUDIT
- COMPLIANCE VIOLATION INVESTIGATION
- SPOT CHECK
- COMPLAINT
- PERIODIC DATA SUBMITTAL
- EXCEPTION REPORTING

⁴ City of Batavia owns radial facilities that connect to BPS transmission lines.

DURATION DATE(S) **9/17/07 (when City of Batavia was connected to the BPS)
through TBD (Mitigation Plan completion)⁵**
DATE DISCOVERED BY OR REPORTED TO REGIONAL ENTITY **11/18/09**

IS THE VIOLATION STILL OCCURRING YES NO
IF YES, EXPLAIN

REMEDIAL ACTION DIRECTIVE ISSUED YES NO
PRE TO POST JUNE 18, 2007 VIOLATION YES NO

III. MITIGATION INFORMATION

PRC-005-1 R1

FOR FINAL ACCEPTED MITIGATION PLAN:

MITIGATION PLAN NO.	MIT-07-3291
DATE SUBMITTED TO REGIONAL ENTITY	11/15/10⁶
DATE ACCEPTED BY REGIONAL ENTITY	1/18/11
DATE APPROVED BY NERC	2/18/11
DATE PROVIDED TO FERC	2/18/11

IDENTIFY AND EXPLAIN ALL PRIOR VERSIONS THAT WERE ACCEPTED OR REJECTED, IF APPLICABLE

MITIGATION PLAN COMPLETED YES NO

EXPECTED COMPLETION DATE	9/8/11⁷
EXTENSIONS GRANTED	1
ACTUAL COMPLETION DATE	TBD

DATE OF CERTIFICATION LETTER	TBD
CERTIFIED COMPLETE BY REGISTERED ENTITY AS OF	TBD

DATE OF VERIFICATION LETTER	TBD
VERIFIED COMPLETE BY REGIONAL ENTITY AS OF	TBD

ACTIONS TAKEN TO MITIGATE THE ISSUE AND PREVENT RECURRENCE

City of Batavia revised its Maintenance and Testing Program to include the basis for maintenance and testing intervals, and a summary of maintenance

⁵ The Mitigation Plan has an expected completion date of September 8, 2011.

⁶ The Mitigation Plan was signed on November 12, 2010.

⁷ On May 17, 2011, City of Batavia requested an extension until September 8, 2011 to complete its PRC-005-1 R1 Mitigation Plan and on May 20, 2011, ReliabilityFirst granted City of Batavia's extension request.

and testing procedures for communications systems and DC control circuits. City of Batavia trained its personnel on the revised Maintenance and Testing Program. As a part of this implementation, City of Batavia conducted maintenance and testing on all devices connected to the BPS to establish a baseline for the maintenance and testing intervals.

LIST OF EVIDENCE REVIEWED BY REGIONAL ENTITY TO EVALUATE COMPLETION OF MITIGATION PLAN OR MILESTONES (FOR CASES IN WHICH MITIGATION IS NOT YET COMPLETED, LIST EVIDENCE REVIEWED FOR COMPLETED MILESTONES)

TBD

PRC-005-1 R2.1

FOR FINAL ACCEPTED MITIGATION PLAN:

MITIGATION PLAN NO.	MIT-07-3292
DATE SUBMITTED TO REGIONAL ENTITY	11/15/10⁸
DATE ACCEPTED BY REGIONAL ENTITY	1/18/11
DATE APPROVED BY NERC	2/18/11
DATE PROVIDED TO FERC	2/18/11

IDENTIFY AND EXPLAIN ALL PRIOR VERSIONS THAT WERE ACCEPTED OR REJECTED, IF APPLICABLE

MITIGATION PLAN COMPLETED YES NO

EXPECTED COMPLETION DATE	9/8/11⁹
EXTENSIONS GRANTED	1
ACTUAL COMPLETION DATE	TBD

DATE OF CERTIFICATION LETTER	TBD
CERTIFIED COMPLETE BY REGISTERED ENTITY AS OF	TBD

DATE OF VERIFICATION LETTER	TBD
VERIFIED COMPLETE BY REGIONAL ENTITY AS OF	TBD

ACTIONS TAKEN TO MITIGATE THE ISSUE AND PREVENT RECURRENCE

City of Batavia developed a new maintenance and testing documentation procedure requiring documentation of maintenance and testing in accordance with City of Batavia's revised Maintenance and Testing Program. City of Batavia conducted maintenance and testing on all devices

⁸ *Id.*

⁹ On May 17, 2011, City of Batavia requested an extension until September 8, 2011 to complete its PRC-005-1 R2 Mitigation Plan and on May 20, 2011, ReliabilityFirst granted City of Batavia's extension request.

connected to the BPS and established a baseline for the maintenance and testing intervals in the revised Maintenance and Testing Program. Finally, City of Batavia trained personnel on the maintenance and testing documentation procedure.

LIST OF EVIDENCE REVIEWED BY REGIONAL ENTITY TO EVALUATE COMPLETION OF MITIGATION PLAN OR MILESTONES (FOR CASES IN WHICH MITIGATION IS NOT YET COMPLETED, LIST EVIDENCE REVIEWED FOR COMPLETED MILESTONES)

TBD

EXHIBITS:

SOURCE DOCUMENT

ReliabilityFirst's Summary of Possible Violations for PRC-005-1 R1

ReliabilityFirst's Summary of Possible Violations for PRC-005-1 R2.1

MITIGATION PLAN

City of Batavia's Mitigation Plan MIT-07-3291 for PRC-005-1 R1 submitted November 15, 2010

City of Batavia's Mitigation Plan MIT-07-3292 for PRC-005-1 R2.1 submitted November 15, 2010

Attachment j

Notice of Filing

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

City of Batavia Municipal Electric Utility

Docket No. NP11-____-000

NOTICE OF FILING
June 29, 2011

Take notice that on June 29, 2011, the North American Electric Reliability Corporation (NERC) filed a Notice of Penalty regarding City of Batavia Municipal Electric Utility in the Reliability *First* Corporation region.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, D.C. There is an "eSubscription" link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: [BLANK]

Kimberly D. Bose,
Secretary