

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

INTERPRETATION OF PROTECTION
SYSTEM RELIABILITY
STANDARD

Docket No. RM10-5-000

**REQUEST FOR LEAVE TO SUBMIT COMMENTS
THREE BUSINESS DAYS OUT-OF-TIME AND
COMMENTS OF THE TRANSMISSION ACCESS
POLICY STUDY GROUP**

The Transmission Access Policy Study Group (“TAPS”) requests leave to submit comments three business days out-of-time on the Commission’s December 16, 2010 Notice of Proposed Rulemaking,¹ to highlight its concerns about the Commission’s proposal to approve a stakeholder-vetted, NERC-approved interpretation of Reliability Standard PRC-005-1 and to direct several modifications to the reliability standard. As discussed below, TAPS supports the Commission’s proposal to accept NERC’s interpretation of PRC-005-1, but urges the Commission not to issue its proposed directives to modify the reliability standard.

I. INTERESTS OF TAPS

TAPS is an association of transmission-dependent utilities in more than 30 states, promoting open and non-discriminatory transmission access.² As entities entirely or predominantly dependent on transmission facilities owned and controlled by others, TAPS members recognize the need to protect the reliability of the grid. At the same time,

¹ Interpretation of Protection System Reliability Standard, 75 Fed. Reg. 81,152 (proposed Dec. 27, 2010), FERC Stats. & Regs. ¶ 32,669 (2010).

² Tom Heller, Missouri River Energy Services chairs the TAPS Board. Cindy Holman, Oklahoma Municipal Power Authority is Vice Chair.

as participants in NERC's standards development process, TAPS members strongly object to the NOPR's proposal to require NERC to make several modifications to PRC-005.

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II. REQUEST FOR LEAVE TO SUBMIT COMMENTS THREE BUSINESS DAYS OUT-OF-TIME

TAPS asks leave to submit comment three business days late. It was only recently that TAPS became fully aware of the ramifications of this NOPR. We have filed three business day out-of-time because of the additional time required to coordinate comments among the TAPS membership. Because these comments are limited and are filed shortly after the due date, and in light of the absence of opportunity for reply comments, TAPS' delay in submitting its comments should prejudice no other participant, and acceptance of these comments is in the public interest.

III. THE COMMISSION SHOULD NOT DIRECT MODIFICATIONS TO A RELIABILITY STANDARD IN RESPONSE TO AN INTERPRETATION

As explained in the February 25, 2011 comments of the North American Electric Reliability Corporation (“NERC”)³ and American Public Power Association (“APPA”)⁴ in this docket, which TAPS supports, the Commission’s concerns with respect to PRC-005-1 can be more appropriately addressed in another context. The interpretation of PRC-005-1, which has been before the Commission for over a year, should be approved promptly, so that NERC, the Regional Entities, and registered entities can have certainty about registered entities’ current compliance responsibilities under PRC-005-1. The Commission’s proposal to couple acceptance of the interpretation with consideration of further directives will undermine that important goal by delaying the needed prompt action.

Second, as emphasized in the comments submitted by APPA (at 4), TAPS urges the Commission not to use its Section 215(d)(5) authority to direct NERC to file a reliability standard that “addresses a specific matter” in the context of a rulemaking to consider NERC’s proposed interpretation of a Commission-approved reliability standard. Where, as here, the Commission agrees with NERC that it has properly interpreted the existing standard, the interpretation should be accepted. The need for further directives, if any, should be considered separately.

Further, as also described in the comments of NERC and APPA, particularly given concerns raised in the recent technical conference about the need to set priorities

³ eLibrary No. 20110225-5082.

⁴ eLibrary No. 20110225-5173.

and focus resources, TAPS urges the Commission should reserve its Section 215(d)(5) authority to direct NERC to file a reliability standard that “addresses a specific matter” for circumstances where there is a clear need for such a directive. A directive issued at this juncture would be particularly disruptive to ongoing efforts to improve this standard, and therefore undermine, rather than advance, the goal of improving reliability. As noted by NERC (NERC Comments at 4) and acknowledged by the Commission (NOPR P 9 n.13), the development of PRC-005-2 is well underway. If the Commission, as proposed in the NOPR, directs specific changes to PRC-005-1, it will likely throw a monkey wrench into that effort. The Commission should therefore refrain from using its Section 215(d)(5) authority to direct changes to PRC-005-1 at this time. Rather, it should participate informally in the development of PRC-005-2, and postpone its detailed review of PRC-005 until PRC-005-2 is submitted for approval, at which time the Commission will have the benefit of the full development record of PRC-005-2 before it.

CONCLUSION

For the reasons set forth above, the Commission should accept TAPS comments and approve the interpretation of PRC-005-1, as proposed in the NOPR, but should not issue the NOPR's proposed directives to modify PRC-005-1.

Respectfully submitted,

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