

Supporting Statement  
**FERC-725M, Mandatory Reliability Standards: Generator Requirements  
at the Transmission Interface,**  
as modified in Delegated Order in Docket No. RD16-4<sup>1</sup>

**1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION  
NECESSARY**

On August 8, 2005, The Electricity Modernization Act of 2005, which is Title XII of the Energy Policy Act of 2005 (EPAAct 2005), was enacted into law.<sup>2</sup> EPAAct 2005 added a new section 215 to the Federal Power Act (FPA), which requires a Commission-certified ERO to develop mandatory and enforceable Reliability Standards<sup>3</sup>, which are subject to Commission review and approval. In 2006, the Commission established a process to select and certify an ERO and, subsequently, certified NERC as the ERO.<sup>4</sup> In 2007, as part of Order No. 693, the Commission approved 83 Reliability Standards (then covered under FERC-725A) submitted by NERC, including initial versions of Reliability Standard FAC-003.

EPAAct gave FERC new authorities (codified in 16 USC 824o) and described expectations of the Commission-approved ERO. FERC may certify one ERO if FERC determines that the ERO:

“(1)has the ability to develop and enforce ... reliability standards that provide for an adequate level of reliability of the bulk-power system; and

(2)has established rules that—

(A)assure its independence of the users and owners and operators of the bulk-power system, while assuring fair stakeholder representation ...

(C)provide fair and impartial procedures for enforcement of reliability standards ...

(D)provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards....”

FERC has jurisdiction within the U.S. over the ERO and “any regional entities, and all users, owners and operators of the bulk-power system... for purposes of approving reliability standards established under this section and enforcing compliance with this section. All users, owners and

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1 The Delegated Order was issued on 4/26/2016 and is posted at <http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=14218839>.

2 The Energy Policy Act of 2005 (EPAAct), Pub. L. No 109-58, Title XII, Subtitle A, 119 Stat. 594, 941 (2005), codified at 16 U.S.C. 824o (2000).

3 The Federal Power Act (as modified by the EPAAct) states “[t]he term “reliability standard” means a requirement, approved by the Commission under this section, to provide for reliable operation of the bulk-power system. The term includes requirements for the operation of existing bulk-power system facilities, including cybersecurity protection, and the design of planned additions or modifications to such facilities to the extent necessary to provide for reliable operation of the bulk-power system, but the term does not include any requirement to enlarge such facilities or to construct new transmission capacity or generation capacity.”

4 North American Electric Reliability Corp., 116 FERC ¶ 61,062, order on reh’g and compliance, 117 FERC ¶ 61,126 (2006), order on compliance, 118 FERC ¶ 61,190, order on reh’g, 119 FERC ¶ 61,046 (2007), aff’d sub nom. Alcoa Inc. v. FERC, 564 F.3d 1342 (D.C. Cir. 2009).

operators of the bulk-power system shall comply with reliability standards that take effect under this section.”

**FERC’s options when deciding on standards submitted by the ERO.** EAct specifies the Commission’s possible options when deciding on proposed standards submitted by the ERO for FERC review and approval.

FERC “may approve, by rule or order, a proposed reliability standard or modification to a reliability standard if it determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission shall give due weight to the technical expertise of the Electric Reliability Organization with respect to the content of a proposed standard or modification to a reliability standard ..., but shall not defer with respect to the effect of a standard on competition. A proposed standard or modification shall take effect upon approval by the Commission....

...The Commission shall remand to the Electric Reliability Organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

...The Commission, upon its own motion or upon complaint, may order the Electric Reliability Organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section....”

If approved by FERC, Reliability Standards may be enforced either by the ERO (subject to Commission oversight) or by the Commission independently.

## **2. HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED AND THE CONSEQUENCES OF NOT COLLECTING THE INFORMATION**

In general, information collection and record retention requirements related to Reliability Standards are not submitted to, or retained for audit by, FERC. Rather they are submitted to, or retained for audit by, NERC or the Compliance Enforcement Authority, as specified in each individual Reliability Standard.

On March 14, 2016, NERC filed a petition<sup>5</sup> for Commission approval of proposed Reliability Standard FAC-003-4 (Transmission Vegetation Management). NERC states in its petition that proposed Reliability Standard FAC-003-4 reflects revisions to the current Minimum Vegetation Clearance Distances (MVCDs) in Reliability Standard FAC-003-3 based on additional testing regarding the appropriate gap factor to be used to calculate clearance distances for vegetation. NERC explains that in response to the Commission’s directive as part of its approval of an

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<sup>5</sup> NERC’s petition (without exhibits) is posted at <http://elibrary-backup.ferc.gov/idmws/common/OpenNat.asp?fileID=14170574>. The proposed standard (Exhibit A) is posted at <http://elibrary-backup.ferc.gov/idmws/common/OpenNat.asp?fileID=14170575>, and the proposed implementation plan (Exhibit B) is posted at <http://elibrary-backup.ferc.gov/idmws/common/OpenNat.asp?fileID=14170576>.

earlier version of the Reliability Standard, FAC-003-2, NERC contracted with the Electric Power Research Institute (EPRI) to conduct this testing.<sup>6</sup> As NERC notes, when the Commission approved Reliability Standard FAC-003-2, the Commission stated that “it is important that NERC develop empirical evidence that either confirms assumptions used in calculating the MVCD values based on the Gallet equation, or gives reason to revisit the Reliability Standard.”<sup>7</sup>

NERC states in its petition that preliminary testing conducted by EPRI indicated that the gap factor used to calculate MVCDs should be adjusted. NERC further explains that proposed Reliability Standard FAC-003-4 proposes higher and more conservative MVCD values, and therefore maintains that these revisions will “enhance reliability and provide additional confidence by applying a more conservative approach to determining the vegetation clearing distances.”<sup>8</sup> NERC states that the revised clearances as reflected in Table 2 were moved into the text of the proposed Reliability Standard, and that MVCD values were added for elevations up to 15,000 feet, but that no other substantive changes were made to the currently-effective Reliability Standard FAC-003-3.<sup>9</sup>

The documentation related to vegetation management requirements assists respondents to manage vegetation located on rights-of-way and minimize vegetation encroachments. The documentation further provides a way for auditors to evaluate compliance with this standard. Failure to fill this reliability gap could lead to vegetation-related outages.

### **3. DESCRIBE ANY CONSIDERATION OF THE USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE THE BURDEN AND TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN**

The use of current or improved technology and the medium are not covered in Reliability Standards, and are therefore left to the discretion of each respondent. We think that nearly all of the respondents are likely to make and keep related records in an electronic format. Each of the eight Regional Entities has a well-established compliance portal for registered entities to electronically submit compliance information and reports. The compliance portals allow documents developed by the registered entities to be attached and uploaded to the Regional

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<sup>6</sup> NERC Petition at 7 (citing Order No. 777, 142 FERC ¶ 61,208 (2013)).

<sup>7</sup> Order No. 777, 142 FERC ¶ 61,208 at P 3.

<sup>8</sup> NERC Petition at 3.

NERC’s Petition also states (without footnotes) “The MVCD value reflects the minimum distance between vegetation and conductors to prevent a flash-over. This revised gap factor was developed as a result of the 2015 Technical Report prepared by EPRI entitled Supplemental Testing to Confirm or Refine Gap Factor Utilized in Calculation of Minimum Vegetation Clearance Distances (“MVCD”): Tests: Results and Analysis (“EPRI Report”) filed at the Commission in Docket No. RM12-4-000 in compliance with the Commission’s directive in Order No. 777....

These higher MVCD values will enhance reliability and provide additional confidence by applying a more conservative approach to determining the vegetation clearing distances.”

<sup>9</sup> *Id.* at 12, and n. 37 (describing certain non-substantive edits to the standard and implementation plan as compared to the currently-effective version of the standard).

Entity's portal. Compliance data can also be submitted by filling out data forms on the portals. These portals are accessible through an internet browser password-protected user interface.

**4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION AND SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSE(S) DESCRIBED IN INSTRUCTION NO. 2**

The information collection requirements are unique to these Reliability Standards and to this information collection. The Commission does not know of any duplication in the requirements.

**5. METHODS USED TO MINIMIZE THE BURDEN IN COLLECTION OF INFORMATION INVOLVING SMALL ENTITIES**

Small entities are expected to see a small increase in burden due to the revised requirements in the revised Reliability Standards.

In general, small entities may reduce their burden by taking part in a joint registration organization or a coordinated functional registration. These options allow an entity to share its compliance burden with other entities.

**6. CONSEQUENCE TO FEDERAL PROGRAM IF COLLECTION WERE CONDUCTED LESS FREQUENTLY**

There is the potential for a reliability gap if FAC-003-3 is not modified as proposed by the ERO and approved by FERC's Delegated Order in Docket RD16-4.

Vegetation contact with transmission lines was a major factor in two significant blackouts (WECC territory in 1996, and the August 2003 Northeast blackout).<sup>10</sup>

Failure to follow requirements and compliance of FAC-003-4 could lead to additional sustained power outages due to tree-line contact. These types of failures could jeopardize system reliability.

**7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION**

Depending on the timing and details of a particular audit or investigation, some entities may have to retain information for longer than three years. Generally the requirements comply with the OMB guidelines. The requirements in the FAC-003-4 (Transmission Vegetation Management Rel. Standard) for creating and retaining records and reporting are included in Attachment A.

For instances where the evidence retention period specified is shorter than the time since the last audit, the Compliance Enforcement Authority may ask an entity to provide other evidence to

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<sup>10</sup> Additional information on Vegetation Management, and the events and reports is posted at <http://www.ferc.gov/industries/electric/indus-act/reliability/vegetation-mgt.asp>.

show that it was compliant for the full-time period since the last audit. The applicable entity shall keep data or evidence to show compliance as identified below unless directed by its Compliance Enforcement Authority to retain specific evidence for a longer period of time as part of an investigation.

## **8. DESCRIBE EFFORTS TO CONSULT OUTSIDE THE AGENCY: SUMMARIZE PUBLIC COMMENTS AND THE AGENCY'S RESPONSE**

The ERO process<sup>11</sup> to develop and establish Reliability Standards is a collaborative process between the ERO, Regional Entities and other industry stakeholders developing, discussing, and reviewing drafts, commenting and voting on the drafts, posting responses to the comments, conducting a final ballot, and submitting the standard and implementation plan to the Board of Trustees (BOT) for adoption and approval. [This process provides several opportunities for review and comment by stakeholders and interested parties.] Then the final proposed standard (if approved by the BOT) is submitted by the ERO to the FERC for review and approval. Upon approval by FERC, the standards are mandatory and enforceable.

FERC issued a 60-day notice and request for comments on 4/26/2016.<sup>12</sup> FERC received no comments.

A 30-day notice (issued 7/11/2016)<sup>13</sup> is also being published in the Federal Register.

## **9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS**

The Commission does not make payments or provide gifts for respondents related to this collection.

## **10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS**

There are no specific assurances of confidentiality mentioned to respondents.

## **11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE**

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11 Details of the ERO's standard process is available on the NERC website in the Standard Process Manual (Version 3, effective 6/26/2013) at [http://www.nerc.com/comm/SC/Documents/Appendix\\_3A\\_StandardsProcessesManual.pdf](http://www.nerc.com/comm/SC/Documents/Appendix_3A_StandardsProcessesManual.pdf) . Figure 1 (Process for Developing or Modifying a Reliability Standard) on page 15 of the NERC manual includes a diagram showing the "typical process for a project identified in the Reliability Standards Development Plan that involves a revision to an existing Reliability Standard...."

12 The 60-day Notice is posted in eLibrary at <http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=14219234>. It was published at 81FR26543, 5/3/2016.

13 The 30-day notice is posted at <http://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=14301015> .

This collection does not include any questions of a sensitive nature.

## 12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

The burden and cost estimates below are based on the number of transmission owners and generator owners as reflected in NERC’s registry (*i.e.*, updated since the Commission’s approval of earlier versions of Reliability Standard FAC-003).

Transmission owners and applicable generator owners have a one-time burden to review and modify existing documentation, plans and procedures, as well as an ongoing burden to retain records. Our estimate of the number of respondents affected is based on the NERC Compliance Registry as of February 25, 2016. According to the Compliance Registry, NERC has registered 320 transmission owners and 940 generator owners within the United States, and we estimate that approximately 10 percent (or 94) of the registered generator owners have interconnection facilities that meet the requirements for applicability under the new standard.

The estimated annual burden and cost of the new standard follow.<sup>14</sup>

| <b>FERC-725M, changes due to FAC-003-4 in Docket No. RD16-4-000</b> |   |   |  |  |  |   |
|---|---|---|--|--|--|---|
| <b>Requirements /Measures</b><br><small>15</small>                  | <b>Number of Respondents</b><br><small>16</small><br><b>(1)</b> | <b>Number of Responses per Respondent</b><br><b>(2)</b> | <b>Total Number of Responses</b><br><b>(1)*(2)=(3)</b> | <b>Average Burden Hrs. and Cost per Response</b><br><b>(4)</b> | <b>Total Annual Burden Hrs. and Cost</b><br><b>(3)*(4)=(5)</b> | <b>Total Annual Cost per Respondent</b><br><b>(6)</b> |
| Strategies,   | 414   | 1   | 414  | 4 hrs.;  | 1,656 hrs.;  | \$248.64  |

<sup>14</sup> The estimates for cost per hour (for salary plus benefits) are derived from the Bureau of Labor and Statistics’ figures for May 2015 (at [http://www.bls.gov/oes/current/naics2\\_22.htm#11-0000](http://www.bls.gov/oes/current/naics2_22.htm#11-0000) and benefits [updated March 10, 2016] at <http://www.bls.gov/news.release/ecec.nr0.htm>), as follows:

- \$62.16/hour for salary plus benefits [based on the average for an electrical engineer (code 17-2071, at \$64.20/hour), a first-line supervisor of forestry workers (code 45-1011, at \$33.34/hour), and a manager (code 11-0000, at \$88.94/hour)]
- \$31.76/hour, salary plus benefits for an information and record clerk (code 43-4000).

<sup>15</sup> The Order in Docket No. RD16-4 does not modify the following requirements. However, due to normal fluctuations in industry, the number of respondents (TOs and GOs), in the submittal to OMB will be updated as follows.

- The Quarterly Reporting (Compliance 1.4) is required of 102 respondents (94 GOs and 8 Regional Entities), rather than 96 respondents.
- The requirements for Annual Vegetation Inspection Document (M6), annual vegetation work plan (M7), evidence of management of vegetation (M1 and M2), confirmed vegetation condition (M4), and corrective action (M5) are required of 94 respondents (rather than 88).

<sup>16</sup> We estimate a total of 414 respondents (320 TOs and 94 GOs) are affected.

|  |     |   |     |                   |  |         |
|--|-----|---|-----|-------------------|--|---------|
| documentation, processes, & procedures (M3) [one-time] |     |   |     | \$248.64          | \$102,936.96<br>[@\$62.16/hr.]             |         |
| Record Retention (Compliance 1.2) [ongoing]            | 414 | 1 | 414 | 1 hr.;<br>\$31.76 | 414 hrs.;<br>\$13,148.64<br>[@\$31.76/hr.] | \$31.76 |
| <b>Total Net Change, due to RD16-4</b>                 |     |   |     |                   | 2,070 hrs.;<br>\$116,085.60 <sup>17</sup>  |         |

**Annual estimates, averaging one-time implementation over 3 years.** For the submittal to OMB for review under the PRA, we will average the one-time implementation over Years 1-3. When averaging the one-time implementation over 3 years, we estimate 552 hours per year of burden and \$34,312.32 annually related to implementation. After year three, the one-time burden hours and associated cost would be removed, leaving only the new ongoing or recurring burden for records retention(414 hrs. and \$13,148.64) per year, related to RD16-4.

Averaging one-time implementation over Years 1-3, the estimates for reginfo.gov and ROCIS will be:

- Years 1-3, average for each year: 966 hrs. [552 hrs.+414 hrs.], and \$47,460.96 [\$34,312.32+\$13,148.64]
- Year 4 and each subsequent year: 414 hrs. and \$13,148.64

### 13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS

There is no start-up or other non-labor hour cost associated with RD16-4.

### 14. ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT

The Regional Entities and NERC do most of the data processing, monitoring and compliance work for Reliability Standards. The associated burden hours, related to this data processing, monitoring, and compliance work performed by NERC and the Regional Entities, is included in FERC-725, OMB Control No. 1902-0225. Any involvement by the Commission is covered under the FERC-725 collection and is not part of this request or package.

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<sup>17</sup>This is the estimate for Year 1 (including one-time implementation cost plus ongoing record retention costs). In subsequent years, only the record retention costs (\$13,148.64, annual total for all respondents) will continue.

The Commission does incur the costs associated with obtaining OMB clearance for FERC-725M under the Paperwork Reduction Act (PRA) for this Collection. FERC estimates the annual cost for this effort to be \$5,481.00.<sup>18</sup>

## **15. REASONS FOR CHANGES IN BURDEN INCLUDING THE NEED FOR ANY INCREASE**

In its Petition proposing the revised Rel. Std., NERC states in part (footnotes omitted) that:

“The purpose of proposed Reliability Standard FAC-003-4 is to require entities to manage vegetation located on transmission rights of way (ROW) and minimize encroachments from vegetation located adjacent to the ROW to reduce the risk of vegetation-related outages that could lead to Cascading. Proposed Reliability Standard FAC-003-4 reflects revisions developed under Project 2010-07.1 Vegetation Management to provide a revised gap factor applied in the Gallet equation supporting the appropriate Alternating Current Minimum Vegetation Clearance Distances (referred to herein as “MVCD values”) stated under the Reliability Standard.<sup>6</sup> The MVCD value reflects the minimum distance between vegetation and conductors to prevent a flash-over. This revised gap factor was developed as a result of the 2015 Technical Report prepared by EPRI entitled *Supplemental Testing to Confirm or Refine Gap Factor Utilized in Calculation of Minimum Vegetation Clearance Distances (“MVCD”): Tests: Results and Analysis* (“EPRI Report”), filed at the Commission in Docket No. RM12-4-000 in compliance with the Commission’s directive in Order No. 777. ...

As reflected in this Petition and the attached exhibits, the EPRI test results indicated that MVCD values under currently effective Reliability Standard FAC-003-3 might not be suitable or sufficiently conservative in all situations. The EPRI testing revealed that the gap factor used to determine those MVCD values under the Gallet equation was too high for all situations with varying tree and conductor configurations. The gap factor is a multiplier that adjusts MVCD values for different configurations of vegetation and conductors to avoid flashover (a lower gap factor correlates to higher MVCD values). The EPRI tests thus led to the conclusion that MVCD values under existing Reliability Standard FAC-003-4 appeared low. The EPRI test results demonstrated the Gallet equation should apply a more conservative, lower, gap factor of 1.0 to calculate MVCD values for Reliability Standard FAC-003-4. Proposed Reliability Standard FAC-003-4, therefore proposes higher and more conservative MVCD values. These higher MVCD values will enhance reliability and provide additional confidence by applying a more conservative approach to determining the vegetation clearing distances.”

In the Delegated Order in Docket RD16-4, FERC approves the revised Reliability Standard proposed by NERC.

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<sup>18</sup>The PRA Administrative Cost is a Federal Cost associated with preparing, issuing, and submitting materials necessary to comply with the PRA for rulemakings, orders, or any other vehicle used to create, modify, extend, or discontinue an information collection. This average annual cost includes requests for extensions, all associated rulemakings and orders, and other changes to the collection.

The following table shows the estimated annual burden inventory (averaging one-time implementation over 3 years) for FERC-725M.

| <b>FERC-725M</b>           | <b>Total Request</b> | <b>Previously Approved</b> | <b>Change due to Adjustment in Estimate</b> | <b>Change Due to Agency Discretion</b> |
|----------------------------|----------------------|----------------------------|---|--|
| Annual Number of Responses | 510                  | 96                         | -   | +414 <sup>19</sup>                     |
| Annual Time Burden (Hr.)   | 2,296                | 1,330                      | -   | +966                                   |
| Annual Cost Burden (\$)    | -                    | -                          | -   | -                                      |

#### **16. TIME SCHEDULE FOR PUBLICATION OF DATA**

There are no data publications as part of this collection

#### **17. DISPLAY OF EXPIRATION DATE**

The expiration dates are post on ferc.gov at <http://www.ferc.gov/docs-filing/info-collections.asp>.

#### **18. EXCEPTIONS TO THE CERTIFICATION STATEMENT**

There are no exceptions.

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<sup>19</sup>The 414 respondents each have a one-time implementation requirement (response) as well as ongoing record retention requirements.

**ATTACHMENT A**

**The following is excerpted (without footnotes) from the FAC-003-4 Transmission Vegetation Management Rel. Standard.**

**M1.** Each applicable Transmission Owner and applicable Generator Owner has evidence that it managed vegetation to prevent encroachment into the MVCD as described in R1. Examples of acceptable forms of evidence may include dated attestations, dated reports containing no Sustained Outages associated with encroachment types 2 through 4 above, or records confirming no Real-time observations of any MVCD encroachments. (R1)

**M2.** Each applicable Transmission Owner and applicable Generator Owner has evidence that it managed vegetation to prevent encroachment into the MVCD as described in R2. Examples of acceptable forms of evidence may include dated attestations, dated reports containing no Sustained Outages associated with encroachment types 2 through 4 above, or records confirming no Real-time observations of any MVCD encroachments. (R2)

**R3.** Each applicable Transmission Owner and applicable Generator Owner shall have documented maintenance strategies or procedures or processes or specifications it uses to prevent the encroachment of vegetation into the MVCD of its applicable lines that accounts for the following: *[Violation Risk Factor: Lower] [Time Horizon: Long Term Planning]*:

**3.1.** Movement of applicable line conductors under their Rating and all Rated Electrical Operating Conditions;

**3.2.** Inter-relationships between vegetation growth rates, vegetation control methods, and inspection frequency.

**M3.** The maintenance strategies or procedures or processes or specifications provided demonstrate that the applicable Transmission Owner and applicable Generator Owner can prevent encroachment into the MVCD considering the factors identified in the requirement. (R3)

**R4.** Each applicable Transmission Owner and applicable Generator Owner, without any intentional time delay, shall notify the control center holding switching authority for the associated applicable line when the applicable Transmission Owner and applicable Generator Owner has confirmed the existence of a vegetation condition that is likely to cause a Fault at any moment *[Violation Risk Factor: Medium] [Time Horizon: Realtime]*.

**M4.** Each applicable Transmission Owner and applicable Generator Owner that has a confirmed vegetation condition likely to cause a Fault at any moment will have evidence that it notified the control center holding switching authority for the associated transmission line without any intentional time delay. Examples of evidence may include control center logs, voice recordings, switching orders, clearance orders and subsequent work orders. (R4)

**M5.** Each applicable Transmission Owner and applicable Generator Owner has evidence of

the corrective action taken for each constraint where an applicable transmission line was put at potential risk. Examples of acceptable forms of evidence may include initially-planned work orders, documentation of constraints from landowners, court orders, inspection records of increased monitoring, documentation of the de-rating of lines, revised work orders, invoices, or evidence that the line was de-energized. (R5)

**M6.** Each applicable Transmission Owner and applicable Generator Owner has evidence that it conducted Vegetation Inspections of the transmission line ROW for all applicable lines at least once per calendar year but with no more than 18 calendar months between inspections on the same ROW. Examples of acceptable forms of evidence may include completed and dated work orders, dated invoices, or dated inspection records. (R6)

**R7.** Each applicable Transmission Owner and applicable Generator Owner shall complete 100% of its annual vegetation work plan of applicable lines to ensure no vegetation encroachments occur within the MVCD. Modifications to the work plan in response to changing conditions or to findings from vegetation inspections may be made (provided they do not allow encroachment of vegetation into the MVCD) and must be documented. The percent completed calculation is based on the number of units actually completed divided by the number of units in the final amended plan (measured in units of choice - circuit, pole line, line miles or kilometers, etc.). Examples of reasons for modification to annual plan may include [*Violation Risk Factor: Medium*] [*Time Horizon: Operations Planning*]:

- 7.1. Change in expected growth rate/environmental factors
- 7.2. Circumstances that are beyond the control of an applicable Transmission Owner or applicable Generator Owner<sup>15</sup>
- 7.3. Rescheduling work between growing seasons
- 7.4. Crew or contractor availability/Mutual assistance agreements
- 7.5. Identified unanticipated high priority work
- 7.6. Weather conditions/Accessibility
- 7.7. Permitting delays
- 7.8. Land ownership changes/Change in land use by the landowner
- 7.9. Emerging technologies

**M7.** Each applicable Transmission Owner and applicable Generator Owner has evidence that it completed its annual vegetation work plan for its applicable lines. Examples of acceptable forms of evidence may include a copy of the completed annual work plan (as finally modified), dated work orders, dated invoices, or dated inspection records. (R7)

## **C. Compliance**

### **1. Compliance Monitoring Process**

#### **1.1. Compliance Enforcement Authority:**

“Compliance Enforcement Authority” means NERC or the Regional Entity, or any entity as otherwise designated by an Applicable Governmental Authority, in their respective roles of monitoring and/or enforcing compliance with mandatory and enforceable Reliability Standards in their respective

jurisdictions.

### **1.2. Evidence Retention:**

The following evidence retention period(s) identify the period of time an entity is required to retain specific evidence to demonstrate compliance. For instances where the evidence retention period specified below is shorter than the time since the last audit, the Compliance Enforcement Authority may ask an entity to provide other evidence to show that it was compliant for the full-time period since the last audit.

The applicable entity shall keep data or evidence to show compliance as identified below unless directed by its Compliance Enforcement Authority to retain specific evidence for a longer period of time as part of an investigation.

- The applicable Transmission Owner and applicable Generator Owner retains data or evidence to show compliance with Requirements R1, R2, R3, R5, R6 and R7, for three calendar years.
- The applicable Transmission Owner and applicable Generator Owner retains data or evidence to show compliance with Requirement R4, Measure M4 for most recent 12 months of operator logs or most recent 3 months of voice recordings or transcripts of voice recordings, unless directed by its Compliance Enforcement Authority to retain specific evidence for a longer period of time as part of an investigation.
- If an applicable Transmission Owner or applicable Generator Owner is found non-compliant, it shall keep information related to the non-compliance until found compliant or for the time period specified above, whichever is longer.

### **1.3. Compliance Monitoring and Enforcement Program**

As defined in the NERC Rules of Procedure, “Compliance Monitoring and Enforcement Program” refers to the identification of the processes that will be used to evaluate data or information for the purpose of assessing performance or outcomes with the associated Reliability Standard.

### **1.4. Additional Compliance Information**

**Periodic Data Submittal:** The applicable Transmission Owner and applicable Generator Owner will submit a quarterly report to its Regional Entity, or the Regional Entity’s designee, identifying all Sustained Outages of applicable lines operated within their Rating and all Rated Electrical Operating Conditions as determined by the applicable Transmission Owner or applicable Generator Owner to have been caused by vegetation, except as excluded in footnote 2, and including as a minimum the following:

- The name of the circuit(s), the date, time and duration of the outage; the voltage of the circuit; a description of the cause of the outage; the category associated with the Sustained Outage; other pertinent comments; and any countermeasures taken by the applicable Transmission Owner or applicable Generator Owner.

A Sustained Outage is to be categorized as one of the following:

- Category 1A — Grow-ins: Sustained Outages caused by vegetation growing into applicable lines, that are identified as an element of an IROL or Major

WECC Transfer Path, by vegetation inside and/or outside of the ROW;

- Category 1B — Grow-ins: Sustained Outages caused by vegetation growing into applicable lines, but are not identified as an element of an IROL or Major WECC Transfer Path, by vegetation inside and/or outside of the ROW;
- Category 2A — Fall-ins: Sustained Outages caused by vegetation falling into applicable lines that are identified as an element of an IROL or Major WECC Transfer Path, from within the ROW;
- Category 2B — Fall-ins: Sustained Outages caused by vegetation falling into applicable lines, but are not identified as an element of an IROL or Major WECC Transfer Path, from within the ROW;
- Category 3 — Fall-ins: Sustained Outages caused by vegetation falling into applicable lines from outside the ROW;
- Category 4A — Blowing together: Sustained Outages caused by vegetation and applicable lines that are identified as an element of an IROL or Major WECC Transfer Path, blowing together from within the ROW;
- Category 4B — Blowing together: Sustained Outages caused by vegetation and applicable lines, but are not identified as an element of an IROL or Major WECC Transfer Path, blowing together from within the ROW.

The Regional Entity will report the outage information provided by applicable Transmission Owners and applicable Generator Owners, as per the above, quarterly to NERC, as well as any actions taken by the Regional Entity as a result of any of the reported Sustained Outages.