

Power Act,¹ Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2018), Order No. 679,² and the Commission's November 15, 2012 policy statement on transmission incentives,³ the New York Power Authority (NYPA or Petitioner), filed a petition for declaratory order seeking incentive rate treatments for NYPA's investment in competitively selected New York Independent System Operator, Inc. transmission projects needed to relieve severe and chronic congestion between upstate and downstate New York (AC Transmission Needs Projects or AC Projects), as more fully explained in the petition.

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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 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, DC. There is an eSubscription link on the website 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.

Dated: August 13, 2019.

Kimberly D. Bose,

Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RC11-6-009]

North American Electric Reliability Corporation; Notice of Staff Review of Enforcement Programs

Commission staff coordinated with the staff of the North American Electric Reliability Corporation (NERC) to conduct the annual oversight of the Find, Fix, Track and Report (FFT) program, as outlined in the March 15, 2012 Order,¹ and the Compliance Exception (CE) Program, as proposed by NERC's September 18, 2015 annual Compliance Filing.² The Commission supported NERC's plan to coordinate with Commission staff to review the same sample of possible violations, thereby reducing the burden on the Regional Entities of providing evidence for two different samples. Furthermore, NERC and Commission staff agreed to exclude the Florida Reliability Coordinating Council Regional Entity (FRCC) from the survey, reducing the burden on FRCC as it focuses efforts on a planned and approved termination of its responsibilities as a Regional Entity. Commission staff reviewed a sample of 27 FFT possible violations out of 47 FFT possible violations posted by NERC

between October 2017 and September 2018 and a sample of 37 CE instances of noncompliance out of 898 CE instances of noncompliance posted by NERC between October 2017 and September 2018.

Commission staff believes that the FFT and CE programs are meeting expectations, with limited exceptions. Sampling for the 2018 program year indicated that the Regional Entities appropriately included 63 of the 64 sampled possible violations in the FFT and CE programs, with only one exception, and that 62 of the 64 sampled FFTs and CEs have been adequately remediated, with the remaining two FFTs to be adequately remediated once the ongoing mitigation is completed in the coming months. Commission staff's sample analysis indicated a decreasing number of documentation concerns, particularly with regard to the clear identification of root cause in the FFT and/or CE postings. Specifically, the identification of root cause in FFTs and CEs has improved significantly over the past five years, moving from 38 percent missing an identification of root cause to all now being included in this year's sampling. Commission staff subsequently reviewed the supporting information for these FFTs or CEs and agreed with the final risk determinations for 62 of 64 samples. Commission staff also noted a significant improvement in the clear identification of factors affecting the risk prior to mitigation (such as potential and actual risk), and actual harm, which was identified in all samples. In addition, Commission staff noted that the FFTs and CEs sampled did not contain any material misrepresentations by the registered entities.

Dated: August 12, 2019.

Kimberly D. Bose,

Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

¹ 16 U.S.C. 824s (2012).

² *Promoting Transmission Investment through Pricing Reform*, Order No. 679, 71 FR 43,294 (July 31, 2006) FERC Stats. & Regs. 31,222 (2006) (Order No. 679), *order on reh'g*, Order No. 679-A, 72 FR 1152 (Jan. 10, 2007), FERC Stats & Regs. 31,236 (2006) ("Order No. 679-A"), *reh'g denied*, 119 FERC ¶ 61,062 (2007).

³ *Promoting Transmission Investment through Pricing Reform*, 141 FERC ¶ 61,129 (2012) (Incentives Policy Statement).

¹ *North American Electric Reliability Corp.*, 138 FERC 61,193, at P 73 (2012) (discussing Commission plans to survey a random sample of FFTs submitted each year to gather information on how the FFT program is working).

² *North American Electric Reliability Corp.*, Docket No. RC11-6-004, at 1 (Nov. 13, 2015) (delegated letter order) (stating NERC's intention to combine the evaluation of Compliance Exceptions with the annual sampling of FFTs to further streamline oversight of the FFT and compliance exception programs).