

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

**Version 5 Critical Infrastructure                    )                    Docket No. RM13-5-000**  
**Protection Reliability Standards                )**

**JOINT COMMENTS OF KANSAS CITY BOARD OF PUBLIC UTILITIES,  
OKLAHOMA MUNICIPAL POWER AUTHORITY, RAYBURN COUNTRY  
ELECTRIC COOPERATIVE, SOUTHWEST POWER POOL, INC., WESTAR  
ENERGY, INC., AND WESTERN FARMERS ELECTRIC COOPERATIVE**

Kansas City Board of Public Utilities (“BPU”), Oklahoma Municipal Power Authority (“OMPA”), Rayburn Country Electric Cooperative (“Rayburn”), Southwest Power Pool, Inc. (“SPP”),<sup>1</sup> Westar Energy, Inc. (“Westar”), and Western Farmers Electric Cooperative (“Western Farmers”) (collectively the “SPP Parties”) respectfully submit to the Federal Energy Regulatory Commission (“Commission”) the following comments in response to the Notice of Proposed Rulemaking (“NOPR”) issued April 18, 2013 in the above-captioned proceeding.<sup>2</sup>

**I. INTRODUCTION**

On April 18, 2013, the Commission issued the CIP version 5 NOPR proposing to approve the version 5 Critical Infrastructure Protection Reliability Standards, CIP-002-5 through CIP-011-1, submitted by the North American Electric Reliability Corporation (“NERC”). Specifically, the Commission proposes to direct NERC to develop certain

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<sup>1</sup> SPP also joins the comments submitted today by the ISO/RTO Council in this proceeding. Comments of the ISO/RTO Council, Docket No. RM13-5-000 (June 24, 2013).

<sup>2</sup> *Version 5 Critical Infrastructure Protection Reliability Standards*, Notice of Proposed Rulemaking, 143 FERC ¶ 61,055 (2013) (“CIP version 5 NOPR”).

modifications to the CIP version 5 Standards to address those matters identified by the Commission.

SPP is a Commission-approved Regional Transmission Organization. BPU, OMPA, Rayburn, Westar, and Western Farmers are members of SPP under the SPP Membership Agreement.<sup>3</sup>

SPP solicited input for these comments from individual stakeholders through SPP's Critical Infrastructure Protection Working Group ("CIPWG").<sup>4</sup> This specialized stakeholder working group is tasked with advancing the physical and cyber security of the electricity infrastructure within the SPP region.

## II. COMMENTS

### 1. "Identify, Assess, and Correct" Language

The SPP Parties recommend that the Commission direct NERC to remove the provision in seventeen of the CIP version 5 Standards (e.g., proposed CIP-003-5) requiring that the responsible entity implement the requirement in a manner to "identify, assess, and correct" deficiencies,<sup>5</sup> and, alternatively, permit continuance of the Reliability Assurance Initiative ("RAI"). The SPP Parties believe that the RAI process will prove an

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<sup>3</sup> Southwest Power Pool, Inc., Membership Agreement, First Revised Volume No. 3.

<sup>4</sup> SPP's CIPWG is composed of at least thirteen voting members and maintains a representation with SPP Member personnel directly responsible for cyber and physical security activities and programs.

<sup>5</sup> See Petition of the North American Electric Reliability Corporation for Approval of Critical Infrastructure Protection Reliability Standards Version 5, Docket No. RM13-5-000, at 33 (Feb. 1, 2013).

appropriate means of providing any benefits that would otherwise be attained by the “identify, assess and correct” language. In this spirit, the SPP Parties seek clarification as to whether the RAI process may present a favorable means of alleviating and addressing those concerns identified in the CIP version 5 NOPR.

## **2. Roadmap for Low Impact BES Cyber Systems**

The SPP Parties agree that a more precise roadmap would be helpful to ensure that audit requirements are clear; however, the SPP Parties implore the Commission to ensure that any such clarifications introduced do not impose additional requirements beyond the CIP Standards. The Commission should also be thoughtful to the fact that additional requirements at this stage in the standards development process could be costly for small entities with small budgets and staff to implement a CIP Compliance Program. A roadmap should include solid guidance, but not include an “adequacy” requirement which would leave implementation interpretation up to the opinion of the auditor. Specific technical requirements for “Low Impact” Bulk Electric System (“BES”) items should be developed by the Standards drafting process.

## **3. Inventory of Low Impact BES Cyber Systems**

The SPP Parties believe that it is not essential to require an inventory, list or discrete identification of Low Impact BES Cyber Systems, particularly as responsible entities may not have the resources to additionally track and monitor every Low Impact device. That such a device is Low Impact means it does not warrant the same compliance obligations, tracking, and monitoring as Medium and High Impact devices. Smaller entities with small compliance staffs may not have the means to manage such an

obligation, and such imposition could certainly lead to a costly implementation for smaller entities. Therefore, the SPP Parties would encourage the Commission's consideration in ensuring that an appropriate balance is realized.

#### **4. Audit Concerns**

The SPP Parties question what will be expected of entities in their next audit if they have transitioned from their Risk Based Assessment Methodology to the bright-lines of version 4 at the guidance of NERC. Will these entities be required to adhere to the requirements of CIP-002-5 sooner than they are capable? The Commission should be cautious about requiring an entity to concurrently develop a CIP program as well as a program to "identify, assess and correct". Smaller entities will not have the resources to develop programs down a dual stream approach of strict compliance and an internal controls program.

Guidance on how to appropriately navigate the three standards is critical for entities of any size and compliance posture, and guidance on how Compliance Enforcement Authorities should audit entities is also necessary. Entities should not be penalized for being early adopters of one version, or for maintaining compliance with another as they thoughtfully plan their transition if there is no clear transition plan from NERC. If NERC develops a roadmap for entities to plan their transition, this guidance should be a key factor in any audits during the transition process.

### III. CONCLUSION

The SPP Parties appreciate the opportunity to provide comments and respectfully request that the Commission formulate the final rule in this proceeding in a manner consistent with these comments.

Respectfully submitted,

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June 24, 2013