



Federal Energy Regulatory Commission
June 16, 2016
Open Commission Meeting
Staff Presentation
Items E-3 & E-4

"Good morning Chairman Bay and Commissioners,

"Today we will provide a summary of Agenda items E-3 and E-4.

"Agenda item E-3 is a draft Notice of Proposed Rulemaking (NOPR) in which the Commission proposes to amend the Commission's regulations to implement provisions of the Fixing America's Surface Transportation Act (FAST Act) that pertain to the submission, designation, protection and sharing of Critical Electric Infrastructure Information. The Commission also proposes to amend its existing regulations that pertain to Critical Energy Infrastructure Information. The amended process will be referred to as the Critical Energy/Electric Infrastructure Information process. The Commission will continue to refer to the process as "CEII" for short, although now including provisions implementing the FAST Act. The changes proposed in the draft NOPR are therefore intended to comply with the FAST Act as well as to improve the efficiency of the CEII process for information that is submitted to or is generated by the Commission.

"The FAST Act added section 215A to the Federal Power Act (FPA) to improve the security and resilience of energy infrastructure in the face of emergencies. The FAST Act directs the Commission to issue regulations aimed at securing and sharing sensitive energy infrastructure information. The draft NOPR proposes regulations to: (1) establish criteria and procedures for designating CEII; (2) prohibit unauthorized disclosure of CEII; (3) establish sanctions for unauthorized disclosures of CEII and (4) facilitate voluntary sharing of CEII between government entities, NERC, regional reliability bodies, owners operators and users of critical electric infrastructure, and other entities determined appropriate by the Commission.

"In addition to implementing the FAST Act, the draft NOPR makes proposed revisions to its existing Critical Energy Infrastructure Information regulations regarding: (1) owner-operator requests, (2) federal agency requests, (3) intervenor requests, (4) organizational requests and (5) timing requirements.

"Comments are due 45 days after the draft NOPR's publication in the Federal Register.

"Agenda item E-4 is a draft Final Rule amending the Commission's regulations to require the North American Electric Reliability Corporation to provide the Commission and Commission staff with access, on a non-public and on-going basis, to three existing NERC databases. The new regulation would apply to NERC's Transmission Availability Data System, the Generating Availability Data System, and the protection system misoperations database.

"The draft Final Rule would limit the new regulation to data that is related to U.S. facilities, as was proposed in the Notice of Proposed Rulemaking. In addition, in response to comments received on the NOPR, the new regulation would apply to data that is provided to NERC on a mandatory basis. Finally, the draft Final Rule defers the effective date of the regulation until a Final Rule is issued implementing the FAST Act provisions.

"This concludes our presentation. We are happy to take any questions you may have."