

133 FERC ¶ 61,037
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Marc Spitzer, Philip D. Moeller,
John R. Norris, and Cheryl A. LaFleur.

North American Electric Reliability Corporation Docket No. NP10-160-000

ORDER INITIATING REVIEW OF NOTICE OF PENALTY

(Issued October 13, 2010)

1. On September 13, 2010, the North American Electric Reliability Corporation (NERC) filed a notice of penalty in Docket No. NP10-160-000 that includes proposed zero dollar (\$0) penalties against the United States Army Corps of Engineers, Tulsa District (USACE – Tulsa District), for alleged violations of Reliability Standards as determined by Southwest Power Pool Regional Entity and Texas Reliability Entity. On October 13, 2010, USACE – Tulsa District filed a request for review of the notice of penalty as to these alleged violations.
2. Pursuant to section 215(e) of the Federal Power Act,¹ and section 39.7(c) of the Commission's regulations,² NERC, as the Commission-approved Electric Reliability Organization, must file a notice of penalty with the Commission before a Regional Entity's or NERC's penalty assessment for the violation of a Reliability Standard takes effect. Each such penalty determination is subject to Commission review, on its own motion or by the filing of an application for review by the subject of a penalty within thirty days after the date NERC files the applicable notice of penalty.
3. The Commission initiates a review of the Notice of Penalty in Docket No. NP10-160-000 as to USACE – Tulsa District.³ The Commission establishes a filing deadline for any answers, interventions or comments of twenty days from this order.

¹ 16 U.S.C. § 824o(e) (2006).

² 18 C.F.R. § 39.7(c) (2010).

³ The Commission is not initiating a review of other penalties proposed against other registered entities in Docket No. NP10-160-000.

The Commission orders:

(A) The Commission, based on application by USACE – Tulsa District, initiates a review of the Notice of Penalty in Docket No. NP10-160-000 as USACE – Tulsa District.

(B) Answers, interventions and comments are due twenty days from the date of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.