

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

North American Electric Reliability Corporation)
)

Docket No. RD24-5-000

**MOTION FOR LEAVE TO ANSWER AND
ANSWER OF THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION
TO THE PROTEST OF THE ISO/RTO COUNCIL**

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The North American Electric Reliability Corporation (“NERC”) submits the following answer to the Protest of the ISO/RTO Council, filed in this proceeding on March 21, 2024.¹ The ISO/RTO Council raises concerns regarding proposed generator cold weather preparedness Reliability Standard EOP-012-2. In its Protest, the ISO/RTO Council requests that the Commission deny NERC’s petition for approval of Reliability Standard EOP-012-2 and remand the proposed standard to NERC with directives to make specific changes to the standard within 120 days.

NERC shares the ISO/RTO Council’s belief that now is the time to “get it done right” with respect to cold weather preparedness. All entities, whether they are Generator Owners, Generator Operators, Balancing Authorities, Transmission Operators, or Reliability Coordinators, must do their part to ensure the reliable operation of the Bulk-Power System during extreme cold weather conditions. Past events have shown that the failure to do so can have disastrous effects, not only on reliability and on commerce, but on human lives. In determining how to “get it done right,” the EOP-012 standard drafting team considered many complex issues raised by stakeholders over two phases of development. Ultimately, the standard drafting team delivered two technically justified, consensus Reliability Standards addressing generator cold weather preparedness. The first,

¹ Protest of the ISO/RTO Council, Docket No. RD24-5-000 (Mar. 21, 2024) [hereinafter Protest of the ISO/RTO Council or Protest]. The ISO/RTO Council states that it represents independent system operators and regional transmission organizations across North America. *Id.* at n. 2.

approved Reliability Standard EOP-012-1, will impose rigorous requirements to advance generator reliability in extreme cold weather conditions. The second, proposed Reliability Standard EOP-012-2, would improve upon the approved version through important clarifications and refinements. While NERC acknowledges that *future experience* may identify a need for further work, *past experience* demonstrates that entities must begin to implement the important reliability protections proposed Reliability Standard EOP-012-2 would provide without further delay.

For the reasons stated in NERC’s Petition,² proposed Reliability Standard EOP-012-2 would meet its reliability goal of advancing generator cold weather preparedness effectively and efficiently, satisfy the criteria for Federal Energy Regulatory Commission (“FERC” or “Commission”) approval as set forth in Order No. 672,³ and address the Commission’s directives as set forth in its February 16, 2023 order approving Reliability Standard EOP-012-1.⁴ As such, the Commission should approve proposed Reliability Standard EOP-012-2 as just, reasonable, not unduly discriminatory, and in the public interest. The Commission should approve the proposed standard on an expedited basis, as requested by NERC, and should deny the relief sought by the ISO/RTO Council in its Protest.

NERC seeks leave to submit this answer and requests that the Commission waive Rule 213(a)(2)⁵ for this purpose. Although Rule 213 provides that an answer may not be made to a protest, NERC submits that there is good cause to accept this filing as it provides additional

² *Petition of NERC for Approval of Proposed Reliability Standard EOP-012-2 and Request for Expedited Action*, Docket No. RD24-5-000 (Feb. 16, 2024) [hereafter *Petition*].

³ *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards*, Order No. 672, 114 FERC ¶ 61,104, at PP 262, 321-37 [hereinafter *Order No. 672*], order on reh’g, Order No. 672-A, 114 FERC ¶ 61,328 (2006).

⁴ *N. Am. Elec. Reliability Corp.*, 182 FERC ¶ 61,094 (2023) (approving Reliability Standards EOP-011-3 and EOP-012-1 and directing further revisions) [hereinafter *February 2023 Order*], *reh’g. denied*, 183 FERC ¶ 62,034, *order addressing arguments raised on reh’g*, 183 FERC ¶ 61,222 (2023).

⁵ 18 C.F.R. 385.213(a)(2) (2023).

information and context relevant to its petition for approval of proposed Reliability Standard EOP-012-2. Specifically, NERC enhances the record by clarifying and providing context to the issues raised by the ISO/RTO Council, particularly with respect to the treatment of its concerns in the underlying proceeding and explains why the Commission should deny the relief requested in the Protest. In the past, the Commission has accepted such answers when they have provided information to assist it in its decision-making process.⁶ NERC respectfully requests that the Commission accept this answer.

I. Proposed Reliability Standard EOP-012-2 Strikes an Appropriate Balance Among Various Concerns Raised through the Commission-Approved NERC Standard Development Process, and Is Just, Reasonable, Not Unduly Discriminatory, and in the Public Interest.

Proposed Reliability Standard EOP-012-2 represents the conclusion of nearly five years of work to develop a comprehensive suite of Reliability Standards addressing all aspects of cold weather preparedness and operations. The need for such standards is well established in multiple cold weather event reliability reports issued since 2011.⁷ As NERC explained in detail in its Petition, proposed Reliability Standard EOP-012-2 would improve upon the Commission-approved, but not yet effective, Reliability Standard EOP-012-1 in several key respects. Building upon the general framework and principles established in EOP-012-1, proposed Reliability Standard EOP-012-2 would clarify the applicability of requirements for generator cold weather preparedness, further define the circumstances under which a Generator Owner may declare that constraints preclude them from implementing one or more corrective actions to address freezing issues, and shorten the implementation timeline so cold weather reliability risks would be addressed more quickly. In so doing, proposed Reliability Standard EOP-012-2 fully addresses the

⁶ See, e.g., February 2023 Order at P 33.

⁷ See Petition at Section IV, Background, for a summary of the cold weather events that precipitated the development of the cold weather Reliability Standards.

Commission’s directives from its February 2023 Order approving EOP-012-1. Proposed Reliability Standard EOP-012-2 also reflects additional improvements that would address the remaining key recommendations of the FERC, NERC, and Regional Entity Staff Joint Inquiry into the causes of the February 2021 cold weather event affecting Texas and the south-central United States.⁸

Proposed Reliability Standard EOP-012-2 is the result of robust stakeholder engagement through NERC’s Commission-approved standard development process.⁹ Proposed Reliability Standard EOP-012-2, like its predecessor Reliability Standard EOP-012-1, reflects a balanced consideration of the concerns raised during the standard development process. Throughout multiple comment periods across two phases of EOP-012 development, the standard drafting team considered comments highlighting the relevance of the different market structures and regulatory regimes governing generators across North America, as well as the technological and operational limitations and considerations associated with identifying and deploying effective generator freeze protection measures. As might be expected with a matter of such critical importance, the standard drafting team considered many viewpoints, often competing, regarding the requirements and associated implementation timeframes. Throughout this process, the standard drafting team sought to balance the need for strong winter preparedness requirements while avoiding overly burdensome or administrative measures that could lead to fewer generators participating in the winter markets, potentially lessening reliability, or otherwise distract from the goal of implementing effective freeze protection measures in a timely manner.

⁸ FERC, NERC, Regional Entity Staff Report: *The February 2021 Cold Weather Outages in Texas and the South Central United States* (Nov. 2021), <https://www.ferc.gov/media/february-2021-cold-weather-outages-texasand-south-central-united-states-ferc-nerc-and> [hereinafter February 2021 Event Joint Inquiry Report].

⁹ NERC develops Reliability Standards in accordance with Section 300 of its Rules of Procedure and Appendix 3A, *Standard Processes Manual*. See *N. Am. Elec. Reliability Corp.*, 185 FERC ¶ 61,146 (2023) (approving current versions of Section 300 and Appendix 3A to the NERC Rules of Procedure and directing further reporting).

The proposed standard reflects the consensus approach to addressing the Commission’s directives from the February 2023 Order, along with the remaining key recommendations of the February 2021 Event Joint Inquiry Report. While it is the consensus approach, as measured by the approval vote of the ballot body, it is by no means a “lowest common dominator” approach. As discussed more fully in NERC’s Petition, NERC expects that this consensus approach will help accomplish the reliability goals of the standard—advancing generator cold weather preparedness—effectively and efficiently.¹⁰

As provided in Section 215 of the Federal Power Act, the Commission is to evaluate a proposed Reliability Standard under the “just and reasonable” standard,¹¹ affording “due weight to the technical expertise of the Electric Reliability Organization with respect to the content” of the proposed Reliability Standard.¹² NERC has amply demonstrated the technical foundations

¹⁰ In Order No. 672, the Commission provided certain criteria it would consider in determining if a proposed standard is just and reasonable. Exhibit D to NERC’s Petition identifies each of the criteria for approving Reliability Standards from Order No. 672 and explains how proposed Reliability Standard EOP-012-2 meets or exceeds the criteria.

Among other things, the Commission stated it would consider whether the standard would achieve its reliability goals effectively and efficiently. *See* Order No. 672, *supra* note 3, at P 328 (“The proposed Reliability Standard does not necessarily have to reflect the optimal method, or ‘best practice,’ for achieving its reliability goal without regard to implementation cost or historical regional infrastructure design. It should however achieve its reliability goal effectively and efficiently.”) The Commission has also stated, “The proposed Reliability Standard must not simply reflect a compromise in the ERO’s Reliability Standard development process based on the least effective North American practice—the so-called “lowest common dominator”—if such practice does not adequately protect Bulk-Power System reliability.” *Id.* at P 329.

¹¹ *Id.* at P 328. *Cf.*, *Midcontinent Indep. Sys. Operator, Inc.*, 180 FERC ¶ 61,141, at P 79 (2022) (regional transmission organization bears the burden of showing that proposal under Federal Power Act Section 205 is a just and reasonable proposal, but not that is the best or most just and reasonable option); *Petal Gas Storage, LLC v. FERC*, 496 F.3d 695, 703, 378 U.S. App. D.C. 104 (D.C. Cir. 2007) (“[The Commission] is not required to choose the best solution, only a reasonable one.”); *ExxonMobil Oil Corp. v. FERC*, 487 F.3d 945, 955, 376 U.S. App. D.C. 259 (D.C. Cir. 2007) (“We need not decide whether the Commission has adopted the best possible policy as long as the agency has acted within the scope of its discretion and reasonably explained its actions.”).

¹² 16 U.S.C. § 824o(d)(2) (“The Commission 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.”)

underpinning the proposed Reliability Standard EOP-012-2 and the reasons why the proposed standard is just, reasonable, not unduly discriminatory, and in the public interest.

II. The Commission Should Deny the ISO/RTO Council's Protest and Decline to Grant the Requested Relief.

In its Protest, the ISO/RTO Council asserts deficiencies in proposed Reliability Standard EOP-012-2 and proposes that the Commission remand the standard to NERC with directives to implement its desired language within 120 days. At the outset, NERC notes that each of the ISO/RTO Council's concerns were given fulsome consideration in open standard development meetings and were afforded the proper treatment under NERC's Commission-approved standard development process. To the extent that the ISO/RTO Council asserts or implies that the standard drafting team had the burden to dissuade the ISO/RTO Council or any commenter of its position,¹³ NERC notes that no such obligation or requirement exists. Indeed, under the standard of review established under Section 215 of the Federal Power Act and the Commission's implementing regulations,¹⁴ NERC is not required to prove that a proposed Reliability Standard represents the *best* option or the *most* just and reasonable options among alternatives, only that its proposed approach is just and reasonable.¹⁵ And, as noted above, proposed Reliability Standard EOP-012-2 is just and reasonable as written.

NERC provides the following comments to clarify the record regarding how the ISO/RTO Council's suggestions were considered throughout the standard development process and to place them in the broader context in which they were considered, as well as explain why NERC believes

¹³ See Protest of the ISO/RTO Council, at 5-6 ("As will be detailed below, while the Standard Drafting Team responded to the IRC's comments, the responses either did not address the specific IRC proposal in any detail *or did not provide sufficient grounds for the IRC to conclude that its concerns and alternative proposals should no longer be pursued*" (emphasis added)). See also *id.* at 6 n. 8 ("For the Commission's convenience, the IRC includes summaries of the Standard Drafting Team's responses *and the reasons the IRC finds those responses unpersuasive.*")

¹⁴ 18 C.F.R. § 39.5 (2023).

¹⁵ See discussion in *supra* notes 10-11.

the Commission should not direct the changes urged by the ISO/RTO Council in its Protest. To the extent the ISO/RTO Council believes that new facts or information from the implementation of the EOP-012 standard warrant further consideration of its proposed changes, NERC encourages the ISO/RTO Council to submit a Standards Authorization Request so that these changes may be considered through NERC's Commission-approved standard development process.

A. The Commission Should Not Direct NERC to Revise the Generator Cold Weather Constraint Definition to Exclude Cost-Based Constraint Criteria.

1. Summary of ISO/RTO Council Protest

In its Protest, the ISO/RTO Council expresses concern with two aspects of the proposed definition of Generator Cold Weather Constraint used in proposed Reliability Standard EOP-012-2.¹⁶ Proposed Reliability Standard EOP-012-2 provides that a Generator Owner may decline to implement one or more actions in a Corrective Action Plan to address freeze protection issues if certain constraints on implementation—defined as a Generator Cold Weather Constraint—are present. The ISO/RTO Council's first concern, which relates to excessive and burdensome costs,

¹⁶ As discussed on page 28 of NERC's Petition, NERC proposes to define this term as follows:

Generator Cold Weather Constraint – Any condition that would preclude a Generator Owner from implementing freeze protection measures on one or more Generator Cold Weather Critical Components using the criteria below. Freeze protection measures are not intended to be limited to optimum practices, methods, or technologies, but are also intended to include acceptable practices, methods, or technologies generally implemented by the electric industry in areas that experience similar winter climate conditions. Criteria used to determine a constraint include practices, methods, or technologies which, given the exercise of reasonable judgment in light of the facts known at the time the decision to declare the constraint was made:

- Were not broadly implemented at generating units for comparable unit types in regions that experience similar winter climate conditions to provide reasonable assurance of efficacy;
- Could not have been expected to accomplish the desired result; or
- Could not have been implemented at a reasonable cost consistent with good business practices, reliability, or safety. A cost may be deemed "unreasonable" when implementation of selected freeze protection measure(s) are uneconomical to the extent that they would require prohibitively expensive modifications or significant expenditures on equipment with minimal remaining life.

is discussed in this section; the second concern, relating to technological limitations, is addressed in the following section.

In summary, the ISO/RTO Council expresses concern that the proposed definition of Generator Cold Weather Constraint includes a cost element; namely, that Generator Owners may choose not to implement one or more freeze protection measures when the cost of doing so is “uneconomical to the extent that they would require prohibitively expensive modifications or significant expenditures on equipment with minimal remaining life.” The ISO/RTO Council asserts that this provision is vague, un-auditable, and could result in a “race to the bottom” as generators seek to lower their costs.¹⁷ The ISO/RTO Council notes the importance of cost recovery, but states that such matters are outside the scope of Reliability Standards. The ISO/RTO Council urges the Commission to adopt its proposed solution, which is to direct NERC to remove the concept of cost entirely from the proposed definition of Generator Cold Weather Constraint, and to undertake other activity to address cost recovery issues.¹⁸

2. *NERC’s Response*

The Commission should deny the ISO/RTO Council’s request to direct NERC to make this revision. As NERC explained in its Petition, the proposed definition of Generator Cold Weather Constraint reflects the standard drafting team’s concern that EOP-012 requirements, intended to provide a high bar for generators that operate in cold weather, could inadvertently lead to fewer generators choosing to operate in cold weather due to prohibitive costs or technical inability to meet the operational capability requirements of the proposed standard.¹⁹ In drafting this definition,

¹⁷ See Protest of the ISO/RTO Council at 6-10.

¹⁸ Protest at 7-8.

¹⁹ Petition at 58-59. See also *Petition of NERC for Approval of Proposed Reliability Standards EOP-011-3 and EOP-012-1 and Request for Expedited Action*, Docket No. RD23-1-000 (Oct. 28, 2022) [hereinafter EOP-012-1 Petition] at Exhibit F, Summary of Development History and Complete Record of Development item 28, August 2022

the standard drafting team was less concerned about cost recovery specifically, and more concerned about the *reliability impacts* that may follow from a mandate to retrofit a generator at any cost when many generators have significant discretion regarding whether and when they will participate in the markets.

The ISO/RTO Council does not acknowledge these potential reliability impacts, instead focusing their Protest on what they perceive is a potential for gamesmanship in the proposed definition of Generator Cold Weather Constraint and a competitive “race to the bottom” as entities forego investments in cold weather reliability.²⁰ The standard drafting team did in fact consider such concerns in developing the overall framework of proposed Reliability Standard EOP-012-2, to include the proposed definition. The standard drafting team: (1) defined the high bar entities must meet for establishing a cost as “unreasonable,” consistent with the Commission’s directive to clarify such constraints in the February 2023 Order; (2) clarified that generators are still required to implement other reasonable corrective actions that may improve their operational capability, even if not to the full extent required by the standard; and (3) established a framework for periodic

Summary Response to Comments at 10 (p. 1013 of PDF). The standard drafting team explained its determination that a “commercial constraint” was necessary to include in the initial draft of the EOP-012-1 standard as follows:

The [standard drafting team] SDT believes commercial (e.g., a unit is due to be retired soon) and operational (e.g., a unit is unable to obtain an outage in a timely manner) to be valid constraints and allow for [Generator Owners] GO’s to have flexibility around performing [Corrective Action Plans] CAPs. It is not the intention of this Reliability Standard or the SDT to provide an avenue for GOs to opt out at will. The SDT was presented with real world examples of situations where commercial constraints exist (i.e., units designated for retirement) for whom it is not commercially feasible to upgrade existing freeze protection measures. The SDT discussed “commercial constraints” at length and is expressing confidence in the integrity of applicable GOs to make appropriate decisions regarding declarations of commercial constraints. The inclusion of commercial constraints was primarily driven by concerns regarding decreased system reliability resulting from new regulations have the potential to drive premature retirements of generating unit(s) that otherwise would have continued operating.”

²⁰ See Protest of ISO/RTO Council at 9 (“In this instance, including cost-based constraints in the standard drives a ‘race to the bottom’ to spend as little as possible on winterization in order to remain economically competitive instead of a ‘race to the top’ to achieve superior performance.”)

review of declared Generator Cold Weather Constraints.²¹ The notion that a generator may simply “opt out” of compliance with Reliability Standard EOP-012-2 is incorrect. Further, while the proposed Reliability Standard sets a high floor to support the reliable operation of the Bulk-Power System, it would not preclude other entities, such as the states or the members of the ISO/RTO Council, from implementing additional rules that may be permitted under their authorities.

With respect to the ISO/RTO Council’s concern about auditability, NERC responds that the proposed definition is auditable. In its comments, the ISO/RTO Council appears to conflate the concepts of “auditability” and “flexibility.” In the February 2023 Order, FERC expressed auditability concerns based on the perceived “ambiguity” of the language used to describe constraints.²² The revisions in Reliability Standard EOP-012-2, including the proposed definition of Generator Cold Weather Constraint, address the Commission’s concerns. The majority of commenters participating in NERC’s standard development process agreed the proposed definition is sufficiently clear and auditable.²³ While the proposed definition of Generator Cold Weather Constraint would provide a level of flexibility in determining whether a constraint would apply, it is clear and unambiguous as to what is required of entities declaring constraints.²⁴ As to auditability, NERC and the Regional Entities understand that they will be assessing the

²¹ See Petition at Section V for additional discussion. NERC notes that the proposed definition of Generator Cold Weather Constraint was developed following consideration of numerous stakeholder comments submitted across successive drafts of the EOP-012-2 standard. Exhibit F to NERC’s Petition shows the different approaches that were considered, along with the comments on each and the standard drafting team’s consideration.

²² February 2023 Order at PP 64-66.

²³ See Petition at Exhibit F, Summary of Development History and Complete Record of Development item 50, February 5, 2024 Consideration of Comments at 16 *et seq.* (p. 1867 *et seq.* of PDF) (responses to Question 1 supporting the clarity and auditability of the proposed definition of Generator Cold Weather Constraint).

²⁴ See Order No. 672, *supra* note 3, at P 325 (“The proposed Reliability Standard should be clear and unambiguous regarding what is required and who is required to comply. Users, owners, and operators of the Bulk-Power System must know what they are required to do to maintain reliability.”)

reasonableness of the process entities used to declare the constraints. NERC will take steps to ensure its reviews are conducted in a consistent manner across the ERO Enterprise.

While NERC maintains that proposed Reliability Standard EOP-012-2 and the proposed definition of Generator Cold Weather Constraint are just and reasonable, NERC acknowledges that the EOP-012 standard is a new standard addressing a matter of critical importance, and NERC must monitor its implementation closely. When approving Reliability Standard EOP-012-1, the Commission directed NERC to further monitor the use of generator constraints, and NERC takes this obligation seriously.²⁵ As described in its recently filed work plan,²⁶ NERC will collect data on declared constraints from individual generators, as well as assess the use of those constraints across a Balancing Authority Area. In so doing, NERC can assess whether there is an outside impact of use of constraints in a particular area and address their impact on reliability through appropriate action. Furthermore, NERC will also assess the performance of freeze protection measures, providing more information on their effectiveness in maintaining reliability. NERC will submit this analysis on an annual basis to the Commission. NERC's ongoing analysis, which it will provide to the Commission on a recurring basis, will provide appropriate checks on the flexibility of the Reliability Standards through close monitoring of any potential impacts to reliability.

Should the hypothetical generator "race to the bottom" concern suggested by the ISO/RTO Council materialize in the implementation data, NERC will take prompt action to address the issue. Such actions may include advancing Standard Authorization Requests to revise one or more of the

²⁵ February 2023 Order at PP 94-96.

²⁶ *Compliance Filing of the North American Electric Reliability Corporation for Cold Weather Data Collection*, Docket No. RD23-1-002 at 4-10 (Feb. 16, 2024).

cold weather Reliability Standards and issuing Level 3 Alerts (Essential Actions)²⁷ to assure reliability in the meantime. At this stage, however, there is little in the record to suggest that the ISO/RTO Council’s concern is anything other than hypothetical.²⁸ In the interest of advancing cold weather reliability as soon as possible and providing regulatory certainty before the October 1, 2024 effective date of Reliability Standard EOP-012-1, NERC urges the Commission to approve Reliability Standard EOP-012-2 as written. Further revisions should—and *would*—be made only as they warranted by actual data or experience with implementing proposed Reliability Standard EOP-012-2.

With respect to the specific market-related relief sought by the ISO/RTO Council, NERC has no opinion. As the Electric Reliability Organization, NERC would support market-related actions that would advance the goal of improving generator reliability in cold weather. NERC, however, defers to the expertise of the Commission and other market entities to determine the specific actions that would be just and reasonable to achieve that goal.

B. The Commission Should NOT Direct NERC to Revise the Generator Cold Weather Constraint Definition to “Focus on Effective Facility Performance Instead of General Industry Practice.”

1. Summary of ISO/RTO Council Protest

As noted above, the ISO/RTO Council expresses concerns with two aspects of the proposed definition of Generator Cold Weather Constraint. The first concern is discussed above. The second

²⁷ NERC may issue Alerts to Bulk Power System owners, operators, or users at one of three levels under Section 810 of the NERC Rules of Procedure. A Level 1 (Advisory) alert is purely informational, intended to advise of findings and lessons learned. A Level 2 (Recommendations) alert recommends specific actions be taken. A Level 3 (Essential Actions) alert describes specific actions that NERC has determined are essential for entities to implement to ensure the reliability of the Bulk-Power System. Entities receiving a Level 2 (Recommendations) or Level 3 (Essential Actions) alert are required to provide reports of actions taken and timely updates on progress towards resolving the issues raised in the Recommendations or Essential Actions.

²⁸ *Cf.*, Petition at 60-61 (discussion of the ERO Enterprise’s analysis of the responses to the recent Level 3 Alert: Essential Actions to Industry, which suggest there will be limited use of the Generator Cold Weather Constraint definition.)

concern is that the discussion of freeze protection measures in the proposed definition “provides insufficient guidance and guardrails” to entities for determining when a freeze protection limitation technology exists.²⁹ Specifically, the ISO/RTO Council appears to take issue with the following two phrases in the proposed definition of Generator Cold Weather Constraint: (1) “Freeze protection measures are not intended to be limited to optimum practices, methods, or technologies, but are *also intended to include acceptable practices, methods, or technologies generally implemented by the electric industry in areas that experience similar winter climate conditions;*” and (2) “Criteria used to determine a constraint include practices, methods, or technologies which, given the exercise of reasonable judgment in light of the facts known at the time the decision to declare the constraint was made: *Were not broadly implemented at generating units for comparable unit types in regions that experience similar winter climate conditions to provide reasonable assurance of efficacy...*”³⁰ To address its concern, the ISO/RTO Council urges the Commission to direct NERC to reword the proposed definition “so it is clear that freeze protection measures are ‘intended to include practices, methods, or technologies that would reasonably be expected to result in effective facility performance while operating at the Extreme Cold Weather Temperature.’”³¹

2. NERC’s Response

The Commission should deny the ISO/RTO Council’s request to direct NERC to make this revision. NERC has explained in detail in its Petition the considerations and concerns that the standard drafting team balanced in developing this aspect of the proposed definition of Generator Cold Weather Constraint. As a fundamental matter, the standard drafting team determined that

²⁹ Protest of the ISO/RTO Council at 13.

³⁰ *See id.* at 13-14.

³¹ *Id.* at 15.

proposed Reliability Standard EOP-012-2 should not require the implementation of unproven technologies. The standard drafting team determined that the proposed definition of Generator Cold Weather Constraint should be flexible enough to encourage the adoption of new freeze protection methods as they are developed, but should not inadvertently discourage entities from piloting new approaches by requiring the widespread implementation of novel solutions or solutions not yet proven to be effective in similar climate conditions.³² The proposed definition would accomplish this aim and reflects a measured consideration of the various concerns at issue. It is just and reasonable, and, as discussed above in the context of cost issues, it is clear and auditable.

While the ISO/RTO Council offers an alternative definition it asserts is superior and that should have been adopted by the standard drafting team, the Commission is not being asked in this proceeding to choose among the “best” or most just and reasonable of all potential options, only to assess whether NERC’s proposed definition is just and reasonable.³³ The standard drafting team reviewed comments from the ISO/RTO Council and, while making some changes in response to these comments, determined that it would not make others.³⁴ NERC further observes that the ISO/RTO Council’s proposed language may not in fact address its own concern. As a practical matter, it may be difficult for an entity to assess whether a solution “would reasonably be expected to result in effective facility performance” without considering how the measure has *actually performed* at other similarly situated generating units. As noted above, the standard drafting team did not want to require entities to implement unproven technologies. NERC respectfully requests

³² Petition at 57-58.

³³ *See supra* notes 9-10.

³⁴ *See* Petition at Exhibit F, Summary of Development History and Complete Record of Development item 50, February 5, 2024 Consideration of Comments at 50-51 (pp. 1901-02 of PDF).

that the Commission give due weight to the measured consideration and technical expertise of the standard drafting team and decline to direct the changes urged by the ISO/RTO Council.

C. The Commission Should NOT Direct NERC to Narrow the Exemptions for Existing Generating Units.

1. Summary of ISO/RTO Council Protest

In its Protest, the ISO/RTO Council asserts that it is inappropriate to exclude from the freeze protection implementation requirements those generators that do not normally operate in freezing conditions but may be called upon to do so in Emergency situations. The ISO/RTO Council states, “During BES emergencies, ISOs and RTOs should not have to take additional steps to identify which of the generating units it can call upon for assistance might actually be able to respond to that call. If a unit can be called upon to help mitigate a wintertime BES emergency, that unit may be required to operate during freezing conditions and should not be exempt from having to winterize.”³⁵ The ISO/RTO Council urges the Commission to direct NERC to replace the phrase “self-commits or is required to operate” with the phrase “that may be committed to operate,” to “ensure that all generating units that may be committed to operate or called upon to help mitigate emergencies during freezing conditions would be required to winterize, while allowing truly seasonal generating units that are ineligible to be committed to operate during freezing conditions (even during BES emergencies) to be exempt from Requirements R2, R3, and R6.”³⁶ The

³⁵ Protest of the ISO/RTO Council at 17-18.

³⁶ *Id.*

ISO/RTO Council further states that the constraint declaration process and Corrective Action Plan process may be used to address unit-specific obstacles to winterization.”³⁷

2. NERC’s Response

The Commission should deny the ISO/RTO Council’s request to direct NERC to make this revision as it is an untimely attack on an issue that was previously decided by the Commission. Since its inception, it has been a fundamental premise of the EOP-012 standard that “the responsibility for cold weather preparedness [be placed] on those generating units that are being depended on to operate in cold weather and on which the reliability of the system depends, while avoiding undue burden on those generating units that are not expected to operate in cold weather.”³⁸ In approved Reliability Standard EOP-012-1, as clarified in Reliability Standard EOP-012-2, that includes the generators that operate in freezing conditions, and excludes the generators that do not operate in freezing conditions except when called upon in an Emergency.

In its petition for approval of Reliability Standards EOP-011-3 and EOP-012-1, NERC explained that the EOP-012 standard would exclude “entities that generally do not run their generating units during freezing conditions, but may be called upon to do so to mitigate an Emergency.”³⁹ The reasons for that determination were set forth in that filing and are based in preserving reliability in cold weather conditions. Specifically, the standard drafting team wanted to provide an incentive for generating units that do not normally operate in freezing conditions to participate in mitigating Emergency conditions if they are able to do so. The standard drafting team

³⁷ *Id.* at 19.

³⁸ EOP-012-1 Petition at 29-30.

³⁹ *Id.* at 31-32.

did not want to *disincentivize* their participation by subjecting them to the full suite of requirements for conditions under which they would normally not run.⁴⁰

The ISO/RTO Council cites the Commission’s February 2023 Order as supporting its position; however, a close reading of the Commission’s order indicates the appropriateness of this limited exemption is a settled matter. First, in approving Reliability Standard EOP-012-1, the Commission directed NERC to “clarify the language of the applicability section to align with NERC’s explanation of the entities that should already be preparing to comply with the Standard, and should not need additional implementation time.”⁴¹ Second, the Commission directed NERC to ensure that generating unit data from all generating units continue to be available as requirements for cold weather preparedness plans are transitioned from currently effective Reliability Standard EOP-011-2 to the EOP-012 standard, “*because the proposed applicability of EOP-012-1 recognizes that units that do not typically run during the winter may be called upon during emergencies.*”⁴² The Commission could have directed NERC to remove this limited exemption from all requirements, but it did not do so; instead, it directed NERC to ensure that otherwise exempted generators remain subject to the cold weather data identification requirements.

Proposed Reliability Standard EOP-012-2 makes the applicability clarifications directed by the Commission in the February 2023 Order. It maintains the limited exemption for such generators from requirements related to implementing freeze protection measures, consistent with NERC’s stated intent for EOP-012-1, while ensuring these generators continue to identify their cold weather data and provide it to reliability entities under the data specification standards TOP-

⁴⁰ See EOP-012-1 Petition at 33; see also Petition at 42.

⁴¹ February 2023 Order at P 4.

⁴² *Id.* at P 60 (emphasis added).

003-5 and IRO-010-4. As such, it is consistent with the Commission’s directives and should be approved.⁴³

The ISO/RTO Council asserts no new grounds that may warrant a reconsideration of the Commission’s prior determination that excluding such generators from winterization requirements was just and reasonable. NERC remains committed to continuous improvement in the cold weather Reliability Standards, but the ISO/RTO Council has offered no evidence that suggests that it is necessary to revisit this limited exemption at this time. Further, the ISO/RTO Council’s suggested relief would entail expanding the scope of the standard and introducing a conditional to an entity’s obligations (i.e., “*may* be called upon”). As such, NERC believes that any further consideration of this suggestion, to the extent the Commission determines it appropriate, should be undertaken in a rulemaking or standard development process where all concerns may be given full airing, and no specific outcome is prescribed.

D. The Commission Should NOT Direct NERC to Shorten and Clarify the Periods Allotted for Implementation of Freeze Protection Measures.

1. Summary of ISO/RTO Council Protest

In its Protest, the ISO/RTO Council asserts that the proposed implementation timeframe for proposed Reliability Standard EOP-012-2 is “excessive,” and that the lack of a pre-approval process for Corrective Action Plan timetable extensions under proposed Requirement R7 could lead to “inappropriate extension of the Corrective Action Plan implementation timeframes that is only identified months or years after the fact and potentially well after an upcoming winter season.”⁴⁴ The ISO/RTO Council further asserts that the implementation timeframes of proposed

⁴³ See additional discussion in Petition at 32.

⁴⁴ Protest of the ISO/RTO Council at 20-21.

Requirement R7 are ambiguous.⁴⁵ To address these concerns, the ISO/RTO Council urges the Commission to direct NERC to replace the 24- and 48-month timeframes in Requirement R7 with 12- and 24-month timeframes, and to require generators to receive NERC or Regional Entity approval to extend any Corrective Action Plan timelines beyond these timelines.⁴⁶ The ISO/RTO Council further urges the Commission to direct NERC to revise the standard to apply the shorter of the two timeframes to corrective actions that do not require new equipment, and the longer of two timelines to corrective actions that do require the installation of new equipment.⁴⁷

2. NERC's Response

The Commission should deny the ISO/RTO Council's request to direct NERC to make these revisions. In Order No. 672, the Commission stated, "In considering whether a proposed Reliability Standard is just and reasonable, the Commission will consider also the timetable for implementation of the new requirements, including how the proposal balances any urgency in the need to implement it against the reasonableness of the time allowed for those who must comply to develop the necessary procedures, software, facilities, staffing or other relevant capability."⁴⁸ In its Petition, NERC explains in detail the factors considered in developing the overall implementation strategy, including the deadlines for Corrective Action Plans in Requirement R7 as well as the proposed implementation plan. NERC also explains how this strategy is consistent with Order No. 672 and the Commission's directives in the February 2023 Order.⁴⁹

In arriving at this strategy, the standard drafting team balanced not only the need for prompt implementation of freeze protection measures, which is by now well established, but also the

⁴⁵ *Id.* at 24.

⁴⁶ *Id.* at 22.

⁴⁷ *Id.* at 24.

⁴⁸ Order No. 672, *supra* note 3, at P 333.

⁴⁹ Petition at 50-54.

factors influencing the ability to implement those measures, particularly across a fleet of units. In doing so, the standard drafting team considered the various viewpoints and perspectives submitted throughout the standard development process. The standard drafting team determined that entities should have less time to complete actions addressing existing equipment or existing freeze protection measures, and more time to complete actions involving new equipment or new freeze protection measures. This is because corrective actions involving new measures or equipment may entail significantly more work or lead time than actions addressing pre-existing equipment or pre-existing freeze protection measures. The ISO/RTO Council acknowledges the complex factors driving NERC's Corrective Action Plan timeline proposal but would appear to prefer replacing longer timeframes, which consensus indicates are reasonable for addressing these factors, with shorter timelines and a process by which the ERO Enterprise would pre-approve any extensions that prove to be necessary.

NERC does not support the ISO/RTO Council's proposal. As noted above, proposed Requirement R7 and the proposed implementation plan for EOP-012-2 are based on a reasonable and measured consideration of all relevant factors influencing the implementation of the proposed standard's requirements. While the ISO/RTO Council states that a timeline extension pre-approval process "will provide a measure of assurance that BES reliability will not suffer due to inappropriate extensions of Corrective Action Plan implementation timelines,"⁵⁰ NERC disagrees. While NERC has on occasion implemented such pre-approval processes,⁵¹ NERC has identified no reliability need that would justify the administrative burdens of such a process in this case. As

⁵⁰ ISO/RTO Council Protest at 22-23.

⁵¹ For example, NERC implemented such a process in the geomagnetic disturbance transmission planning standard, Reliability Standard TPL-007-4, in response to a Commission directive. *See* Order No. 851, *Geomagnetic Disturbance Reliability Standard; Reliability Standard for Transmission System Planned Performance for Geomagnetic Disturbance Events*, 165 FERC ¶ 61,124 (2018) for a discussion of the rulemaking proceedings that preceded the issuance of this directive.

explained in NERC’s Petition, recent NERC information collections suggest that a limited number of generators will require Corrective Action Plans for existing units, and NERC has efforts underway to closely monitor the implementation of the EOP-012 standard.⁵² NERC expects that these efforts will be sufficient to provide assurance against any reliability risks associated with “inappropriate extensions of Corrective Action Plan implementation timeframes.”

E. The Commission Should Not Direct NERC to Revise the Standard to Require Documentation of “Best Efforts” To Implement Winterization Actions in Advance of Any Required Timelines for Completion.

1. Summary of ISO/RTO Council Protest

The ISO/RTO Council asserts that proposed Reliability Standard EOP-012-2 does not require Generator Owners to implement immediately those short-term corrective actions that can be implemented quickly.⁵³ The ISO/RTO Council recommends that the Commission direct NERC to revise the standard to “include a requirement that Generator Owners ‘document the generator’s best efforts to promptly implement all immediate and near-term actions that it can reasonably undertake prior to the next upcoming winter season to winterize the generating unit(s) to operate at its calculated Extreme Cold Weather Temperature.’”⁵⁴

2. NERC’s Response

The Commission should deny the ISO/RTO Council’s request to direct NERC to make this revision. The suggestion was considered through the standard development process and not adopted. NERC agrees that entities should implement corrective actions as soon as possible, and strongly encourages entities to implement those actions that would enhance their reliability before

⁵² Petition at 60 (discussion of Level 3 Alert results) and 69 (discussion of next steps).

⁵³ Protest of the ISO/RTO Council at 25.

⁵⁴ *Id.* at 26.

the next winter season.⁵⁵ NERC, however, has concerns about the clarity and auditability of the ISO/RTO Council’s proposed language. As a general matter, NERC advises drafting teams to avoid requirements that do not set a minimum standard of performance or that require the performance of administrative-type actions without a clearly defined reliability goal.⁵⁶

In its Petition, NERC has explained in detail why the proposed implementation strategy for proposed Reliability Standard EOP-012-2 is just and reasonable.⁵⁷ NERC urges the Commission to approve it as written.

F. The Commission Should Not Direct NERC to Eliminate Grandfathering Provisions so that the More Stringent Weatherization Requirements Apply to All Affected Generating Units Regardless of Commercial Operation Date.

1. Summary of ISO/RTO Council Protest

In its Protest, the ISO/RTO Council asserts the EOP-012 standard should require the same level of performance for all generators, regardless of the date they entered commercial operation. The ISO/RTO Council acknowledges the reasons provided by the standard drafting team for providing separate requirements for new compared to existing generation, but states that applying the more stringent of the two sets of requirements for all units would provide for increased

⁵⁵ NERC notes that, prior to the 2023-2024 winter season, NERC issued a Level 3 Alert (Essential Actions) advising generators to implement reliability enhancing measures prior to the start of the season. *See* NERC, Essential Actions to Industry: Cold Weather Preparations for Extreme Weather Events III (May 2023), <https://www.nerc.com/pa/rm/bpsa/Alerts%20DL/Level%203%20Alert%20Essential%20Actions%20to%20Industry%20Cold%20Weather%20Preparations%20for%20Extreme%20Weather%20Events%20III.pdf>.

⁵⁶ *See* NERC Rules of Procedure Appendix 3A, *Standard Processes Manual*, at Section 2.4 (describing performance-based, risk-based, and capability based Reliability Standards requirements), https://www.nerc.com/AboutNERC/RulesOfProcedure/Appendix_3A_SPM_Clean_Mar2019.pdf. For further discussion of the types of requirements that should be avoided, *see* the “paragraph 81” line of proceedings (*see, e.g., Petition of NERC for Approval of Retirement of Requirements in Reliability Standards*, Docket No. RM13- 8-000 (Feb. 28, 2013) at Exhibit A, Paragraph 81 Criteria) and the Standards Efficiency Review proceedings (*see, e.g., Order No. 873, Electric Reliability Organization Proposal to Retire Requirements in Reliability Standards under the NERC Standards Efficiency Review*, 172 FERC ¶ 61,225 (2020)).

⁵⁷ Petition at 64-69.

reliability.⁵⁸ The ISO/RTO Council asks the Commission direct NERC to remove Requirement R3 and apply the more stringent requirements of Requirement R2 to all generating units, and allow the Generator Cold Weather Constraint and Corrective Action Plan mechanisms on a case-by-case basis to address cases where the generating unit cannot meet the required minimum standard.⁵⁹

2. *NERC's Response*

The Commission should decline the ISO/RTO Council's request to direct NERC to make this revision as it is an untimely attack on an issue that was previously decided by the Commission. Reliability Standard EOP-012-1 established the appropriateness of separate requirements for new and existing generation, with new generation being subject to more stringent requirements. The reasons for this distinction are explained in detail in NERC's petition for approval of Reliability Standard EOP-012-1 and are not repeated here.⁶⁰ Proposed Reliability Standard EOP-012-2 carries forward the basic framework of these requirements, with a set benchmark date, clarifications to the applicability, and other clarifications to the two sets of requirements directed by the Commission. Proposed Reliability Standard EOP-012-2 also improves and clarifies requirements for the development of Corrective Action Plans. However, the basic framework—that new generation would be subject to more stringent capability requirements than existing generation—has not changed from the Commission-approved standard.

The ISO/RTO Council asserts no new grounds that may warrant a reconsideration of the Commission's prior determination that separate winterization requirements for new and existing generation was just and reasonable. As noted above, NERC remains committed to continuous improvement in the cold weather Reliability Standards, but the ISO/RTO Council has offered no

⁵⁸ ISO/RTO Council Protest at 27-28.

⁵⁹ *Id.* at 28.

⁶⁰ *See, e.g.*, EOP-012-1 Petition at 33-37.

evidence that suggests that it is necessary to further reconsider the appropriateness of separate requirements for new and existing generation at this time. NERC therefore respectfully requests that the Commission decline to direct NERC to make this requested revision. Further, as the ISO/RTO Council's suggested revision would entail significantly higher burdens for existing generators, NERC believes that any further consideration of this suggestion, to the extent the Commission determines it appropriate, should be undertaken in a rulemaking or standard development process where all concerns may be given full airing and no specific outcome is prescribed.

G. The Commission Should NOT Direct NERC to Require Annual Reviews of Declared Generator Cold Weather Constraints.

1. Summary of ISO/RTO Council Protest

In its Protest, the ISO/RTO Council expresses concern that the proposed periodic review period for declared constraints of five years would delay the identification and adoption of new freeze protection technologies. The ISO/RTO Council further disagrees with the standard drafting team's conclusion that a five-year period would represent the best balance between rapid installation and the reliable, cost-effective application of new technologies.⁶¹ To address its concern, the ISO/RTO Council urges the Commission to direct NERC to require that constraint reviews be performed annually instead of every five years.⁶²

2. NERC's Response

The Commission should deny the ISO/RTO Council's request to direct this revision. The reasons supporting the standard drafting team's determination to require reviews of declared

⁶¹ Protest of the ISO/RTO Council at 29-30.

⁶² *Id.* at 30.

constraints every five years are explained in further detail in the Technical Rationale, included as Exhibit C to NERC's Petition. In the Technical Rationale, the standard drafting team stated:

When GO's experience a condition such that they need to make a constraint declaration, the SDT [standard drafting team] believes the limiting factor causing the constraints will not change quickly, and as such a 5-year review is the appropriate time. While the SDT implemented a 5-year maximum time frame to review, it is the SDT's intent that the [Generator Owners] will be cognizant of their Cold Weather Constraints and will proactively remove these constraints when and where warranted. For instance, if a unit is slated for retirement and this status changes, it is the expectation of the SDT that the [Generator Owner] will review constraints based upon this change in condition and will no longer take this constraint for future [Corrective Action Plans] that may require the implementation of freeze protection measures on this unit given that it is no longer slated for retirement.⁶³

In reaching its conclusion that a five-year period represented the appropriate time for review, the standard drafting team considered comments on a prior draft of the EOP-012-2 standard that would have required annual reviews of constraint declarations. Numerous commenters expressed concern that requiring an annual review of declared constraints would be "an administrative burden that provides no reliability benefit."⁶⁴ Further comments stated, "While we recognize that things are changing quickly in some areas, it is unlikely that the technology and price of this type of [freeze protection] equipment will change significantly over the course of a single year."⁶⁵ Recognizing that some review would be required to account for advances in technology or changes in circumstances, the standard drafting team determined that five years represented a reasonable timeframe for such a review based on the pace of technological change, as was suggested by the comments.

⁶³ Petition at Exhibit C, Technical Rationale, at 19 (p. 140 of PDF).

⁶⁴ See, e.g., Petition at Exhibit F, Summary of Development History and Complete Record of Development item 31, January 10, 2024 Consideration of Comments at 146 (p. 1389 of PDF).

⁶⁵ *Id.* at 138 (p. 1381 of PDF).

While the ISO/RTO Council may disagree with the five-year periodic review period for declared constraints, it has failed to offer any compelling evidence to demonstrate that the standard drafting team's conclusion, based on the consideration of all comments, is not just and reasonable. For these reasons, the Commission should decline to direct NERC to make the requested standards revision.

H. The Commission Should NOT Direct NERC to Add Timing Specificity for Required Inspections and Maintenance.

1. Summary of ISO/RTO Council Protest

In its Protest, the ISO/RTO Council expresses concern that proposed Reliability Standard EOP-012-2 Requirement R4 Part 4.5 does not specify the timing of annual inspections and maintenance of generating unit freeze protection measures.⁶⁶ The ISO/RTO Council encourages the Commission to direct NERC to require inspections and maintenance to be performed on at least an annual basis and always within three months of the upcoming winter season.⁶⁷

2. NERC's Response

The Commission should deny the ISO/RTO Council's request to direct this revision. NERC agrees that it is a good practice to inspect and maintain freeze protection measures prior to the start of a winter season. However, proposed Reliability Standard EOP-012-2 does not need to prescribe in detail the timing of the required annual inspections for it to be a just and reasonable standard. Indeed, as the ISO/RTO Council notes, the Commission approved Reliability Standard EOP-012-1 without it.⁶⁸ To the extent that lessons learned from the implementation of Requirement R4 suggest that this kind of prescriptive detail would advance reliability, NERC could consider the

⁶⁶ Protest of the ISO/RTO Council at 31.

⁶⁷ *Id.* at 31-32.

⁶⁸ *See id.* at 31 (describing the standard drafting team's response to its concern in the development of proposed Reliability Standard EOP-012-2)

ISO/RTO Council's suggested revisions at that time. It is not necessary to revisit this aspect of the standard now.

I. The Commission Should Decline to Delay the Implementation of the EOP-012 Standard Any Further Due to the Clear Need for the Prompt Implementation of Generator Cold Weather Preparedness Requirements.

As noted previously, the ISO/RTO Council urges the Commission to deny NERC's Petition for approval of proposed Reliability Standard EOP-012-2 and remand the proposed standard to NERC, with directives to make specific changes within 120 days. For the reasons stated above, NERC disagrees that any of the changes the ISO/RTO Council would have the Commission direct are necessary or appropriate. NERC maintains that proposed Reliability Standard EOP-012-2 is just and reasonable, as written, and should be approved without further delay.

NERC appreciates the ISO/RTO Council's desire for a strong and effective generator cold weather preparedness standard, a desire NERC shares. NERC, however, must comment separately on the significant delay and regulatory uncertainty that is likely to result should the Commission grant the relief and direct the changes sought in the ISO/RTO Council's Protest. The ISO/RTO Council proposes that the Commission direct significant changes to the EOP-012 standard, including on matters thought to have been settled when the Commission approved Reliability Standard EOP-012-1. The ISO/RTO Council asks the Commission to direct NERC to make specific language changes on matters that were subject to significant and vigorous stakeholder debate in the underlying standards development proceedings, without regard to the comments of other participants in the NERC standard development process. Further, the ISO/RTO Council asks the Commission to remand proposed Reliability Standard EOP-012-2 and direct NERC to make its requested changes seemingly without regard to the substantial delay in implementation that would be required for entities to implement these new or significantly revised requirements in a reasonable manner and the reliability risks that may present in the meantime.

The Commission should deny these extraordinary requests. Proposed Reliability Standard EOP-012-1 is the consensus result of the Commission-approved NERC standards development process, a process that provides notice and opportunity for public comment, due process, openness, and a balance of interests in developing Reliability Standards in accordance with Section 215 of the Federal Power Act. As NERC has stated in its Petition and reiterated throughout these comments, proposed Reliability Standard EOP-012-2 represents a just and reasonable approach to generator cold weather preparedness that: (1) balances the various considerations raised throughout the standard development process; (2) addresses the Commission's concerns in the February 2023 Order; and (3) would meaningfully advance Bulk-Power system reliability in future winter seasons.

While NERC maintains the Commission should approve the proposed standard as written, NERC recognizes the need to monitor its implementation to ensure it is having the intended reliability benefits. Should NERC's experience monitoring the implementation of the standard provide factual support for revising the standard, NERC will promptly initiate its standard development process to make any needed changes and to use all the reliability authorities at its disposal to ensure reliability in the interim.

In the interest of reliability, however, entities must begin to implement the important protections this standard will provide without further delay.

III. Conclusion

For the reasons stated in NERC's Petition and this filing, NERC respectfully requests that the Commission approve the proposed Reliability Standards as just, reasonable, not unduly discriminatory, and in the public interest, and deny the ISO/RTO Council's Protest in its entirety.

Respectfully submitted,

/s/ Lauren A. Perotti

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Date: April 4, 2024

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon all parties listed on the official service list compiled by the Secretary in the above-referenced proceeding.

Dated at Washington, D.C. this 4th day of April 2024.

/s/ Lauren A. Perotti

Lauren A. Perotti

*Counsel for North American
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