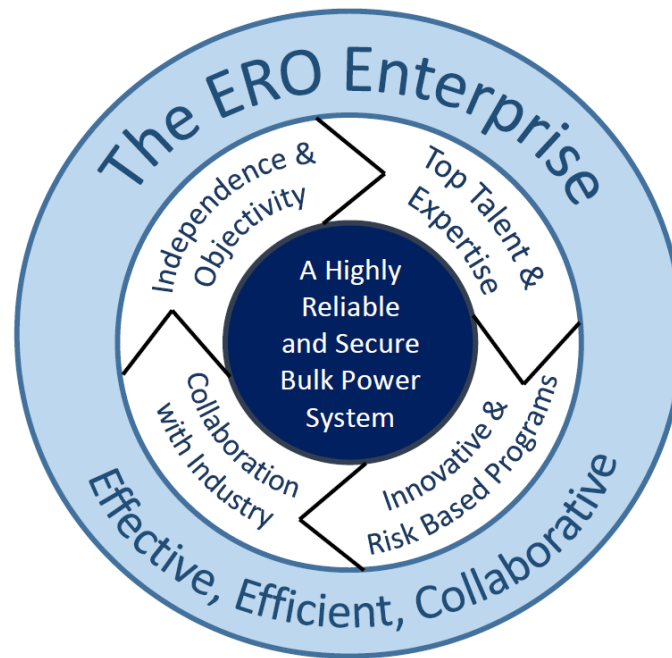


General Information Briefing

Compliance Audits & Spot Checks

The “Why” We Are Here

- The overall approach to how the ERO Enterprise (NERC and the Regions) views efforts and expectations is to provide an efficient, effective, and collaborative regulatory role



The “Why” We Are Here (continued)

- **The focus for all stakeholders should be ensuring a highly reliable and secure BPS (the “Why” we are here). As the ERO Enterprise, our mission will be achieved by:**
 - Ensuring that the top talent and expertise are sought after and retained
 - Providing the environment to create and sustain innovative risk-based programs and initiatives that focus on the “why”
 - Collaborating with industry experts to ensure focus on the reliability and security risks rather than simply compliance
 - Maintaining the independence and objectivity that is required in an effective regulatory body

Confidentiality

- **Texas Reliability Entity, Inc. (Texas RE) compliance staff will review all the provided materials as part of the official record unless otherwise noted.**
- **Compliance Audit/Spot Check team members have executed the Texas RE Employee Ethics Agreement.**
- **Compliance Audit/Spot Check team members and observers are not to discuss aspects of the engagement with anyone other than Compliance Audit/Spot Check team members, observers, and Texas RE staff.**

Request for Evidence

- **The following is a summary of documents referenced in the engagement package that allow Texas RE auditors to obtain and remove evidence from registered entities:**
 - 18 CFR 39 – Rules Concerning Certification of the Electric Reliability Organization (ERO); and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards
 - Federal Energy Regulatory Commission (FERC) Order 672 – Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards (Final Rule)
 - North American Electric Reliability Corporation (NERC) Rules of Procedure (ROP) – Sections 400 and 1500.
 - ERO Compliance Monitoring and Enforcement Program (CMEP) Implementation Plan

Compliance Audit / Spot Check Methodology

- **Reliability Standard Audit Worksheets (RSAWs):**
 - Provide guidance and consistency
- **Questions and RSAWs:**
 - Help validate evidence and information reviewed
 - Provide clarification and context
 - Are not all inclusive to determine compliance
- **Management, subject matter experts, and operator interviews:**
 - Validate evidence reviewed
 - Provide clarification and context
 - Are valuable for “reasonable assurance”
- **Internal control questions will provide a more complete picture of how risks are managed by a registered entity.**

Compliance Audit / Spot Check Scope

- **Compliance Audits and Spot Checks focus on the reliability and security of the BPS through assessing compliance with NERC Reliability Standards.**
- **The scope of a Compliance Audit or Spot Check is based upon:**
 - The registered entity's Compliance Oversight Plan (COP)
 - NERC Reliability Standards
 - Risk of the entity
 - A standards applicability review initiated from an event, complaint, self-report, self-certification, or periodic data submittal

Compliance Periods

- **Current considerations for the Compliance Obligation Period are:**
 - The last three years based upon the registered entity's function as either a Reliability Coordinator (RC), Balancing Authority (BA) or Transmission Operator (TOP)
 - Registration date(s) by function
 - Last Compliance Audit date
 - During 2018 the definition of the last audit date transitioned from the date of the exit briefing plus one day to the date of the engagement notification letter plus one day.
 - Periods specified in the individual NERC Reliability Standards and ERO CMEP Implementation Plan
 - Registered Entity's COP
- **The Compliance Monitoring Period is determined by Risk Assessment staff**

Preliminary Findings

- **If the registered entity fixes an issue during the Compliance Audit or Spot Check, there will still be a preliminary finding.**
- **The engagement team presents to Texas RE's management with preliminary findings to finalize the classification.**
 - Preliminary findings may result in:
 - Potential noncompliance
 - Area of concern
 - Recommendation
 - No finding
 - Positive observation

Compliance Audit / Spot Check Conclusion

- **At the conclusion of the Compliance Audit or Spot Check:**
 - If a preliminary finding is discovered, a summary briefing will be presented.
 - Entities are encouraged to begin mitigation activities for any preliminary findings.
 - Upon completion of further review by Texas RE staff, an exit briefing will then occur.
 - If there is no potential noncompliance or area of concern discovered, the exit briefing will occur immediately (instead of a summary briefing).
 - Copies of presentations will be provided to the registered entity.

Audit Feedback Survey

- **Texas RE asks registered entities to complete the NERC Compliance Audit Feedback Survey at the conclusion of each Compliance Audit or Spot Check.**
 - Conducted online through Survey Monkey
 - <https://www.surveymonkey.com/r/PJS7KDX>
 - Responses are provided to NERC and the Texas RE Directors of Compliance
- **Texas RE supplies a NERC Compliance Audit Feedback Survey Worksheet (MS Word) on the Texas RE website**
 - It is intended for internal use by the registered entity's staff to assist in coordinating the information needed to complete the online survey

If There Are Potential Noncompliances

- **If potential noncompliances are found during an Compliance Audit or Spot Check, the following will occur:**
 - The Compliance Audit/Spot Check team notifies enforcement staff
 - The entity may be sent a notice of possible violation (NPV)
 - NPVs are reported to NERC and FERC
 - The entity may be sent an enforcement initiation letter
- **The entity can request settlement negotiation at any time during the process.**

Compliance Audit / Spot Check Draft Report

- **Draft Compliance Audit/Spot Check report is prepared, generally, within 45 days.**
 - The Compliance Audit/Spot Check team lead will draft the report based on input from team members.
 - Team members and Texas RE management will review the draft report.
 - The registered entity will have thirty (30) calendar days to review the report.
 - Texas RE staff will review registered entity comments and incorporate relevant changes.
 - The draft report is a written record of the issues discovered by the Compliance Audit/Spot Check team and may not be reflective of the final status of any preliminary finding.

Audit / Spot Check Final Reports

- **Final non-public reports will be prepared, generally, within 85 days.**
- **Final public reports will be issued within a short timeframe after the disposition of any findings is complete.**
- **The final public Compliance Audit report will be posted on the NERC website.**
 - Confidential and Critical Energy Infrastructure Information (CEII) will be redacted from the posted public Compliance Audit report.
 - Spot Checks and CIP-only engagements reports are not publically posted

Expectations for NERC and FERC Observers

- The observers, per the ROP, do not participate in conducting audits or in making engagement findings or determinations.
- Observers are expected to:
 - Thoroughly understand their role as observers
 - Contact the engagement team lead with any questions or clarifications
 - Attend the engagement expectations briefing
 - Participate in the off-site discussions as time permits
 - Be available for status updates with entity (typically at 4 p.m. Central Time)
 - Be available for status updates without the entity as determined by the engagement team lead
 - Observe the on-site audit and provide feedback each day

Questions?

If a registered entity has general questions about the Compliance Audit/Spot Check process, please contact:

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