

Critical Infrastructure Stakeholder Oversight

Problem / Opportunity Statement

On August 12, 2019, the PJM Transmission Owners (“TOs”) provided notice to PJM members (“Notice”) of their intent to file a new Attachment M-4 to the PJM Tariff (“Tariff”) for the planning of facilities designed solely to remove a location identified as highly critical from the list of CIP-014 substations, referred to as CIP-014 Mitigation Projects (“CMPs”).

As described in the Notice, CMPs are facilities that fall under NERC Reliability Standard CIP-014-2 guidance to “identify and protect Transmission stations and Transmission substations, and their associated primary control centers, that if rendered inoperable or damaged as a result of a *physical attack* could result in instability, uncontrolled separation, or cascading within an Interconnection.”

While the August 12 Notice states that the number of CMPs is currently no greater than twenty facilities, future threat assessments, as well as changing NERC requirements, could mean that additional facilities will be subject to existing or future expanded NERC criteria. By being identified as substations that are so critical to the Interconnect that they “require a documented physical security plan under CIP-014-2” CMPs and additional facilities identified in the future, by their very nature, are regional facilities. Therefore, decisions addressing any potential needs or solutions should be made through PJM regional planning in accordance with established and transparent regional planning criteria. Work accomplished through this Problem/Opportunity Statement and accompanying Issue Charge could address these, as well as future facilities.

PJM’s Tariff and Operating Agreement (“OA”) require that PJM engage in an open and collaborative transmission planning process. As stated by PJM, its planning process is designed to “encourage innovative, cost effective and timely solutions to the challenges of building and maintaining a highly reliable electric system.” To that end, stakeholders, including PJM, TOs, and other interested parties, shall “review the criteria, assumptions and models to identify reliability criteria violations, economic constraints, or to consider Public Policy Requirements.”

Because of the sensitivity associated with CMPs, NERC requires TOs and PJM to include procedures to protect the confidentiality of documents and information associated with these facilities. NERC suggests some of the following methods including: non-disclosure agreements, control and retention of information on site for third party verifiers/reviewer, limiting information to only “need to know” personnel, marking documents as confidential, securely storing and destroying information when no longer needed, and not releasing information outside the entity without appropriate clearance.

As a result, there could exist a tension between the need to protect sensitive information under NERC requirements related to facilities requiring a documented physical security plan, the CMPs, while adhering to the Tariff and OA requirements regarding full stakeholder participation in transmission planning. Any such tension should be addressed through an open stakeholder dialogue to develop a process for reviewing CMP and other NERC sensitive facilities. While there is a need for a process that both protects confidential information and allows for stakeholder oversight, a full and public stakeholder discourse on the *development* of such a process is required. That stakeholder process should determine whether additional Tariff, OA, or Manual provisions are necessary to address any identified process deficiencies.