



Organization of PJM States, Inc. (OPSI)

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December 13, 2019

Dear Transmission Owners,

We appreciate the consideration given to OPSI's comments and recommendations regarding the draft Attachment M-4 procedure issued in August 2019. If you decide to proceed with a FERC filing for Attachment M-4, we urge you to include the edits in the attachment to this letter¹.

In particular, we draw your attention to the following:

- In Step 4(1) we urge the Transmission Owners to provide for PJM (both in its role as the unaffiliated verifying entity as defined in NERC CIP-14, and as the independent regional transmission organization) to suggest an alternative solution that is not among the Preferred or Potential Solutions, but which PJM determines to be the more efficient or cost effective solution.
- During Webinar discussions regarding the consequences of failure of CIP-014 stations or substations, it was clarified that these consequences would be limited to the transmission zone that the station or substation is located. While the TOs' November 20, 2019 version of Attachment M-4 includes (in Step 5) consultations with State Commissions where these CMPs are proposed to be located, some transmission zones may cross state lines. As such, the attached edits clarify that meetings with State Commissions would include Commissions for those states that host the applicable transmission zone.

Again, we appreciate the constructive discussions we have had over the past several months and the inclusion of the attached edits in your Attachment M-4 procedure.

¹This letter was unanimously approved by the OPSI Board at its Meeting of December 12, 2019

Sincerely,

A handwritten signature in black ink, appearing to read "T. Mathews". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dr. Talina R. Mathews. President
Organization of PJM States Inc.

cc: PJM Board of Mangers

ATTACHMENT M-4

SPECIAL PROCEDURES SOLELY APPLICABLE TO PLANNING OF CIP-014 MITIGATION SUPPLEMENTAL PROJECTS

- 1. Purpose, Limited Scope, Sunset, and Definitions.** Under NERC Reliability Standard CIP-014-2 ("CIP-014"), as it may be redesignated from time to time, Transmission Owners are required to develop and implement physical security plans to protect certain critical transmission stations and substations. ~~The purpose of this Attachment M-4 is~~ designed to identify the most efficient and cost-effective ~~process/project~~ for the elimination of such stations and substations as CIP-014 facilities through Supplemental Projects without the level of public disclosure of the existence, location, exact number, and vulnerabilities associated with the CIP-014 facilities that would otherwise be required pursuant to Attachment M-3. The Supplemental Projects that are to be planned for the elimination of CIP-014 stations and substations in accordance with this Attachment M-4, defined below as CIP-014 mitigation projects ("CMP") in Step 1 of this Attachment M-4, must be removed from the Attachment M-3 public planning process in order to ensure that security is maintained while also providing reasonable transparency into the planning process and justification for CMPs. This Attachment M-4 mechanism is a limited alternative to the Attachment M-3 process both in scope and duration, is narrowly tailored to meet security needs, and provides for vital roles by both PJM Interconnection, L.L.C. ("PJM") and State Commissions in all the CMP Process Steps, as set forth below. Notwithstanding the procedures provided for in Attachment M-3 or other planning requirements with respect to all other Supplemental Projects, including proposed project reviews by the Transmission Expansion Advisory Committee or Subregional RTEP Committees and inclusion in the Local Plan, this Attachment M-4 provides special targeted procedures that the Transmission Owners and the unaffiliated verifying entity as defined in NERC CIP-014 (currently, PJM); (both in its role as the unaffiliated verifying entity as defined in NERC CIP-14, and as the independent regional transmission organization) shall follow in connection with CMPs, which have the specific purpose of removing transmission stations or substations from the list of CIP-014 facilities, within the limited period for which this Attachment M-4 shall be in effect pursuant to the Sunset provision and Step 1 of this Attachment M-4. Other than to the extent that CMP information is included in models maintained by the Transmission Provider, this information shall be made available to the public during the planning and construction of the CMP only under the confidentiality provisions described in Steps 8 and 10 below. Provisions for confidential consultations with State Commissions during this process are also included herein.
- 2. CMP Process Steps.** The process under this Attachment M-4 consists of the following steps:

1. **Definition of CMPs.** For purposes of this Attachment M-4, a CMP shall mean a "Supplemental Project," as defined in the Operating Agreement, Section 1.42A.02, that is (a) designed specifically to remove a transmission station or substation from the list of CIP-014 facilities identified as of September 30, 2018 as requiring a documented physical security plan ("CIP-014 List"); and (b) reviewed by PJM in accordance with Step 4 of this Attachment M-4. The intent is to complete CMPs no later than five (5) years after the date that the Commission issues an Order accepting this Attachment M-4.
2. **Limitation on the Number of CMPs.** The number of stations and substations throughout the PJM region eligible for CMPs will not exceed 20, the maximum allowable under the finite list referred to in Step 1 of this Attachment M-4. The process set forth in this Attachment M-4 shall be in effect and available only as to CMPs designed specifically to remove a transmission station or substation from the list of CIP-014 facilities as it exists on September 30, 2018 and will cease to apply to any transmission station or substation if it is removed or eliminated from that list immediately upon such removal or elimination.
3. **Transmission Owner Deliberative Process.** A Transmission Owner will submit to PJM:
 - 1) **Potential Solutions.** The potential alternative means of eliminating a transmission station or substation from the CIP-014 List;
and
 - 2) **Preferred Solution.** Identification from among the Potential Solutions the solution that in the view of the Transmission Owner constitutes the more efficient or cost-effective solution to enable the transmission station or substation to be removed from the list of CIP-014 facilities along with an explanation of its Preferred Solution that addresses the following:
 - i. The customer impact that would result from the loss of the transmission station or substation on the CIP-014 List, taking into account any plans for recovering from the loss of the transmission station or substation that could help to restore all or some of the load that was lost, the amount of time that it would take for such load to be restored and the nature of the load to be recovered or not able to be recovered;

- ii. Whether there exists distribution system-level solutions to eliminate the transmission station or substation from the CIP-014 List; and
- iii. Whether the Preferred Solution requires new or expanded right-of-way.

4. PJM Review and Assessment.

- 1) PJM Review. Upon receiving the Preferred Solution and Potential Solutions from a Transmission Owner pursuant to Step 3 above, PJM (or consultants selected by PJM) shall evaluate those solutions. PJM shall report its findings to the Transmission Owner in writing and either: (i) ~~advise identify that the Preferred Solution is~~ the more efficient or cost effective solution from among the Preferred Solutions and Potential Solutions; (ii) suggest modifications to any of the Preferred Solution or Potential Solutions that will permit PJM to advise that one of them is the more efficient or cost effective solution; ~~or~~ (iii) ~~suggest advise an alternative solution not among the Preferred or Potential Solutions as the more efficient or cost effective solution;~~ ~~or~~ (iv) advise that a CMP solution not be pursued. PJM's report ~~of its findings~~ shall include an explanation of the ~~basis~~ bases for its ~~advice~~ findings and conclusions.
- 2) PJM Assessment and Verification. For any CMP project ultimately selected for construction by the Transmission Owner ("Proposed CMP"), PJM shall assess and verify that the project:
 - a. Will result in removal of one or more transmission stations or substations from the CIP-014 List;
 - b. Does not also provide a solution to address a reliability, operational performance, market efficiency or public policy need already being addressed through the Regional Transmission Expansion Planning Process under the Operating Agreement, Schedule 6 ("RTEP ~~Process such that it can be approved under a PJM tariff planning process other than Attachment M-3~~");
 - c. Does not remove transmission station(s) or substation(s) from the CIP-014 List that would otherwise be removed from the list through the RTEP Process; and
 - d. Does not result in reliability or operational performance criteria violations

under the RTEP Process.

PJM shall report its assessment of these factors to the Transmission Owner in writing. No CMP solution shall proceed to another step in the Attachment M-4 process until this Step 4 has been completed. ~~Once PJM and the Transmission Owner have agreed that the~~ shall report is final, PJM's report will be provided its independent assessment to the affected State Commission, at that agency's option.

5. Consultation with State Commissions. The Transmission Owner shall ensure that all consultations with a State Commission as set forth in this Step 5, are subject to appropriate confidential safeguards.
 - 1) Any Transmission Owner having submitted to PJM a Preferred Solution and Potential Solutions to eliminate a transmission station or substation from the CIP-014 List pursuant to Step 3 above shall seek to meet with any State Commission(s) hosting the Transmission Zone where a CMP is proposed to be located. PJM shall be invited to participate in any such meeting. Topics for discussion shall include, but not be limited to the considerations specified in CIP-014, including the need for a CMP, the Potential Solutions submitted to PJM, and the Transmission Owner's Preferred Solution.
 - 2) Upon PJM's completion of the review specified in Step 4(1) above, the Transmission Owner shall again seek to meet with any State Commission(s) hosting the Transmission Zone where a CMP is proposed to be located. PJM shall be invited to participate in any such meeting. Topics for discussion shall include, but not be limited to PJM's review conclusions, and findings, including the efficiency and cost-effectiveness of any and all of PJM's recommendations.
 - 3) After identifying and selecting its pProposed CMP pursuant to completion of Step 4(2) above, but before construction is initiated, the Transmission Owner shall further seek to meet with any State Commission(s) hosting the Transmission Zone where athe Proposed CMP is proposed to be constructed. PJM shall be invited to participate in any such meeting. Topics for discussion shall include, but not be limited to PJM's assessment of the factors in Step 4(2) a, b, c, and d above, the rationale for, location of, and specifications of the pProposed CMP and potential siting issues, particularly those that could affect the estimated project cost. To facilitate the discussion and enable an understanding of the benefits of costs assessed, the Transmission Owner shall be prepared to present an explanation of the reasons and rationale for its intention to proceed to construct its pProposed CMP and the reasonableness of that proposal. The Transmission Owner shall be prepared to address the following:

- i. The customer impact that would result from the loss of the transmission station or substation on the CIP-014 List, taking into account any plans for recovering from the loss of the transmission station or substation that could help to restore all or some of the load that was lost, the amount of time that it would take for such load to be restored and the nature of the load to be recovered or not able to be recovered, as compared to these same factors as they relate to that station or substation assuming that the ~~p~~Proposed CMP is constructed;
 - ii. Whether there exist distribution system-level solutions, or changes in operating procedures, or some combination, to eliminate the transmission station or substation from the CIP-014 List;
 - iii. Whether the ~~p~~Proposed CMP requires new or expanded right-of-way;
 - iv. Whether the ~~p~~Proposed CMP will displace costs associated with maintaining physical security for stations/substations on the CIP-014 List; and
 - v. The estimated cost of the ~~p~~Proposed CMP.
6. PJM Interim/Periodic Review and Interim Consultation with State Commissions. Nothing in this Attachment M-4 precludes PJM, at its sole discretion, from conducting additional periodic examinations to verify the continuing validity of its findings and assessment under Step 4, above. Similarly, nothing in this Attachment M-4 precludes PJM from consulting with State Commissions in addition to those consultations specified in Step 5 above, with or without the participation of the relevant Transmission Owner.
7. Project Notification and Compliance.
- 1) Transmission Owner Notification to PJM. Upon satisfaction of all parts of Step 5, the Transmission Owner shall notify PJM in writing that ~~athe Proposed~~ Proposed CMP will be constructed and identify the location and specifications of the ~~Proposed~~ Proposed CMP selected. The Transmission Owner shall make a reasonable effort to seek alternative funding to offset project costs, including but not limited to U.S. Department of Energy grants associated with addressing national security, critical infrastructure or resilience.
 - 2) Compliance. The Transmission Owner will comply with all applicable licensing, permitting, siting, or certification requirements as well as all applicable

proceedings for eminent domain authority.

8. **CMP Construction.** Any Transmission Owner undertaking construction of a CMP shall continue to take safeguards to ensure necessary confidentiality until the CMP is placed in service.
 9. **In-Service Placement.** A Transmission Owner shall have complied with all of the CMP Process Steps ~~3 through 8~~ above before the CMP may be placed in-service.
 10. **Confidentiality.** If at any step in the Attachment M-4 process, the level of needed confidentiality diminishes or is eliminated with respect to elements of CMP information, such confidentiality shall be reduced or lifted. As a precondition to any Transmission Owner being eligible for recovery of the costs of the CMP, the Transmission Owner shall provide public notice of the existence of the CMP.
 11. **Public Review of CMP.** At no time prior to the existence of the CMP being made known to the public by adherence to Step 10 of this Attachment M-4 shall the costs of any CMP be eligible for inclusion in rates filed by any Transmission Owner. After notice of the existence of a CMP has been provided by adherence to Step 10 of this Attachment M-4, the Transmission Owner may propose to recover its investment in the CMP and the associated costs from Responsible Customers in its Zone through a rate, including a formula rate, in effect under the applicable Tariff, Attachment H similar to the cost recovery process it follows for other Supplemental Projects. Any such proposal shall be subject to discovery ~~as to the Transmission Owner's reasons and rationale for the CMP along with~~ on all matters pursuant to the procedures ~~applicable under~~ of the applicable Attachment H, the Federal Power Act, and the Commission's regulations, including any applicable procedures for the protection against disclosure of commercially sensitive information and Critical Energy Infrastructure Information.
3. **Modifications.** This Attachment M-4 may be modified under Section 205 of the Federal Power Act ~~only if the proposed modification has been authorized by the PJM Transmission Owners Agreement Administrative Committee~~ in accordance with ~~Section 8.5 of~~ the Consolidated Transmission Owners Agreement ("CTOA").
 4. **Sunset.** This Attachment M-4 terminates five years after the issuance date of an Order from the Federal Energy Regulatory Commission approving this Attachment M-4 for inclusion in the PJM Tariff; however, CMPs already under construction as of that date of termination may proceed and the conditions in Steps 8, 9, 10, and 11 shall remain in force. For any CMP proceeding after the sunset date, quarterly status briefings shall be

provided to any State Commission previously consulted under Step 5 until the CMP is placed in service pursuant to Step 9.