

### Critical Infrastructure Stakeholder Oversight

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”).

At the December 2019 Planning Committee (“PC”) meeting, Members approved a Problem Statement/Issue Charge to “to consider whether the development of Tariff, Operating Agreement (“OA”), and Manual language is needed to address both the CMPs referenced in the August 12, 2019 notice and future CIP-014 listed and other security impacted facilities.” Members approved a six month stakeholder process, reporting to the PC by June 2020.

As noted in the Problem Statement approved by the December 2019 PC, PJM’s Tariff and 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.” PJM’s planning process must also meet the requirements of Order No. 890 and Order No. 1000, where applicable.

The PC also found that 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.

Finally, the PC recognized 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. The PC found that any such tension should be addressed through an open stakeholder dialogue. While there is a need for a process that both protects confidential information and allows for appropriate stakeholder involvement, a full and public stakeholder discourse on the *development* of such a process would be beneficial. That stakeholder process should determine whether additional Tariff, OA, or Manual provisions are necessary to address any identified process deficiencies.

On March 17, 2020, FERC approved Attachment M-4 to the Tariff for the planning of certain CMPs. The FERC Order did not address the avoidance of any CIP-014 facilities nor did it address the mitigation of facilities not covered by Attachment M-4. The March 17 Order did not preclude



## Problem/Opportunity Statement

superseding changes to the PJM tariff that would apply to CIP-014 facilities not substantially addressed through the Attachment M-4 process.

PC special sessions on critical infrastructure stakeholder oversight are currently scheduled through September 2020 and bifurcation of avoidance and mitigation processes and criteria are under consideration. In response to the PC's inability to address this issue in a timely or comprehensive way, the Markets and Reliability Committee, as the senior standing committee, has a responsibility to direct stakeholder discussions through a senior task force so that the reliability of the transmission system and Members' rights to open and collaborative regional transmission planning that meets the requirements of Order No. 890 and Order No. 1000 are protected.