

# **SERC Compliance Monitoring and Enforcement Program**

## **Implementation Procedure 3.8 Complaints**



## SERC CMEP Implementation Procedure 3.8: Complaints

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### Revision History

| Revision | Date           | Originator   | Comments   |
|----------|----------------|--------------|--|
| 0        | May 31, 2007   | T. Galloway  | Document Origination.  |
| 1        | April 22, 2008 | J. Wolfmeyer | Update to meet new CMEP requirements and SERC processes  |
| 2        | April 21, 2009 | J. Wolfmeyer | Added language and divided procedure into sections to distinguish between submitting a Complaint to SERC and NERC. Inserted Cross Reference Table. Removed appendices. |
|          |                |              |  |

### Cross Reference Table

The procedures listed in the table below refer to this procedure, Compliance Implementation Procedure 3.8: Complaints. As revisions are made to Procedure 3.8, the Originator should review the procedures listed to determine if corresponding changes to these procedures are warranted.

| Procedure Number | Procedure Title                              |
|------------------|--|
| 5.0              | Consolidated Compliance Enforcement Tracking |
| 9.0              | Data Management and Confidentiality          |
|                  |  |
|                  |  |

### Responsible SERC Group(s)

SERC Board Compliance Committee (BCC)

### Review and Re-Approval Requirements

This document will be reviewed every two years or as appropriate for possible revision. The existing or revised document will be re-approved by the SERC Board Compliance Committee (BCC), distributed by the Compliance Director to all applicable SERC staff, and posted on the website for Registered Entities and SERC Member reference.

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### 1.0 Purpose

NERC and SERC may receive Complaints alleging that a Registered Entity has violated one or more Reliability Standards. SERC will review the Complaints it receives to determine if there is sufficient basis to warrant a Compliance Violation Investigation. Similarly, NERC will review the Complaints it receives, and in turn may forward those Complaints to SERC as appropriate.

The purpose of this procedure is twofold:

- (1) To describe the steps that a complainant takes to submit a Complaint to SERC or NERC.
- (2) To describe the steps that SERC takes to handle a Complaint that it receives or that has been forwarded to SERC by NERC.

This procedure augments Section 3.8 of the SERC Compliance Monitoring and Enforcement Program (CMEP) document.

### 2.0 Responsibilities

- The Compliance Director (or designee) will develop and maintain the Complaint process.
- The Compliance Director and SERC Compliance Staff will hold information confidential in accordance with the NERC Rules of Procedure.
- The Compliance Director will refer received Complaints to NERC in cases where SERC cannot participate due to the Complaint circumstances.

### 3.0 References

SERC CMEP Section 3.8  
NERC Rules of Procedure

### 4.0 Procedure Steps

A complainant may lodge a Complaint with either SERC or NERC, at the complainant's discretion. To describe the two options, this procedure is divided into sections:

- (1) Sending a Complaint to SERC
- (2) Sending a Complaint to NERC

#### 4.1 Sending a Complaint to SERC

4.1.1 Registered Entities and individuals ("Complainants") lodge Complaints regarding potential non-compliances / alleged violations with SERC in several ways. These options, in order of preference, include the following:

- Completion and electronic submittal of the SERC Complaint form located on the SERC public website ([www.serc1.org](http://www.serc1.org))
- Calls to the SERC Hotline (1-877-644-SERC)

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- Emails to SERC Compliance Staff (with positive confirmation of receipt)
- Reports directly to SERC Compliance Staff, either by phone or fax.

4.1.2 Complainants may lodge their Complaints with SERC and elect to remain anonymous to the alleged violating entity. An anonymous complainant who believes, or has information indicating, that there has been a violation of a Reliability Standard can report the issue and request that the complainant's identity not be disclosed. SERC shall not disclose the identity of any person or entity reporting possible violations to SERC that requests that his/her/its identity not be revealed.

4.1.3 The Screener on duty or the SERC Compliance Staff that receives a Complaint will forward the associated information to the SERC Compliance Director or designee as soon as possible (typically within 24 hours of receipt).

The Compliance Director determines whether the Complaint should be handled by SERC or should be referred to NERC. SERC will review Complaints that are sent to SERC and allege a violation by a Registered Entity within the SERC region. SERC will investigate whether there is sufficient basis for a Compliance Violation Investigation. All anonymous Complaints shall be investigated by NERC. If a complainant contacts SERC to submit an anonymous Complaint, SERC will either refer the complainant directly to NERC, or, at its discretion, SERC may collect the information from the complainant and forward it to NERC.

4.1.4 The Screener on duty or the SERC Compliance Staff that receives a Complaint will initiate a new tracking folder and issue in the SERC compliance tracking database with the condition that any information that is confidential or deemed relevant to preserving anonymity will be held separate by SERC's Compliance Director.

4.1.5 A SERC Compliance Staff Single-Point-of-Contact (SPOC) will be assigned to perform a preliminary review of the Complaint. SERC may not act on a Complaint if the Complaint is incomplete and does not include sufficient information. The SPOC will:

- a. Check Registered Entity's registration to identify entity's registered function(s) and verify applicability to the cited standard and requirement.
- b. Assess any cross-regional registration issues to determine if SERC is proper venue for handling the specific Complaint.
  - i. If the issue is cross-regional, SERC can extend an offer to the impacted region to participate in the review, or
  - ii. If another region is the proper venue, the Complaint may be transferred to the proper region for further processing.
  - iii. For (i) and (ii), SERC shall notify the Registered Entity, NERC, and Complainant (when applicable) of the outcome, if appropriate.

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- c. Check effective date of standard(s) / requirement(s) to which entity is reporting.
- 4.1.6 If the Complaint is complete and includes sufficient information, SERC will review the information to determine if additional compliance enforcement such as a Compliance Violation Investigation is warranted. SERC may request clarification or additional data and/or information from the Registered Entity to ensure:
  - a. Possible violation description, reason(s) for Complaint, or question(s) regarding Complaint is sufficiently described.
  - b. Reliability impact (if known) is sufficiently described.
  - c. Substance of act or omission, as described by Complainant, constitutes a violation against standard(s) / requirement(s) cited.
  - d. Possible violation is sufficiently described to write and receive approval of a mitigation plan.
  - e. No additional violations of requirement(s), within the same standard or other standards, are implicated by violating act or omission.
  - f. No additional facilities with common ownership (within or outside the SERC footprint) but separate registration are implicated by violating act or omission.
  - g. No interacting or neighboring third party Registered Entities (within or outside the SERC footprint) are implicated by violating act or omission.
- 4.1.7 If SERC determines that a Complaint ***has*** merit, it initiates further action in accordance with Procedure 5.0, Consolidated Compliance Enforcement Tracking. In addition, SERC may initiate a Compliance Violation Investigation in accordance with Procedure 3.4, Compliance Violation Investigation Procedure. SERC will notify the complainant, the Registered Entity, and NERC, via email or hard copy that further action is warranted.
- 4.1.8 If SERC determines that a Compliant ***does not have*** merit, it will notify the complainant, the Registered Entity, and NERC, via email or hardcopy, of the outcome and that no further action will be taken. If no violations are found, this process normally completes within sixty (60) days following receipt of the Complaint.
- 4.1.9 SERC will fully document the Complaint and Complaint review and whether a Compliance Violation Investigation will be initiated or not.

### 4.2 **Sending a Complaint to NERC**

- 4.2.1 Registered Entities and individuals (“Complainants”) lodge Complaints regarding potential non-compliances / alleged violations to NERC in a variety of ways.

These options include:

- Completion and submittal of the NERC Compliance Hotline Form provided as a link on the NERC public website ([www.NERC.com](http://www.NERC.com))

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- Completion and submittal of the NERC Compliance Hotline Form provided as a link on the SERC public website ([www.serc1.org](http://www.serc1.org))
- Calls to the NERC Hotline (609-524-7029)
- Emails to NERC at [hotline@nec.net](mailto:hotline@nec.net)

In accordance with the SERC CMEP Section 3.8, NERC requires that a link to the NERC Compliance Hotline Form be posted on *both* the NERC and SERC websites. SERC cannot view or access any information that is sent to NERC using the link provided on the SERC website. SERC does not know when the link from the SERC website has been used to submit a Complaint to NERC.

**NOTE:** If a Complaint is submitted to NERC, NERC will forward the information to SERC, as appropriate.

### 4.2.2 NERC will review any Complaint:

- That is related to SERC, or its affiliates, divisions, committees or subordinate structures.
- Where SERC determines it cannot conduct the review.
- If the complainant wishes to remain anonymous or specifically requests NERC to conduct the review of the Complaint.

4.2.3 Complainants may lodge their Complaints with NERC and elect to remain anonymous to the alleged violating entity. An anonymous complainant who believes, or has information indicating, that there has been a violation of a Reliability Standard can report the issue and request that the complainant's identity not be disclosed. NERC shall not disclose the identity of any person or entity reporting possible violations to NERC that requests that his/her/its identity not be revealed.

4.2.4 Neither NERC nor SERC shall disclose the identity of any person or entity, reporting possible violations, that requests anonymity. The identity of the complainant is to remain known only by NERC and in the case where SERC collects the information, by NERC and SERC.