

## Communicating with Your Case Manager



The theme for this Newsletter is “Increasing Dialogue with Our Entities” and when it comes to Enforcement, that element is driven via the Case Manager-entity relationship. Dialogue is a weighty word, perhaps bringing to mind Socrates’ exchange with Gorgias. But at its simplest, we are talking about

communication, and more specifically, communication that is open, transparent and continuous.

With this broader concept in mind, this article aims to discuss the practical ways in which communication with your Case Manager serves the shared responsibility of the reliability and security of the Bulk Power System.

### **Prior to Submission of Noncompliance**

Communication between entity staff and the Case Manager prior to submission of a potential noncompliance (i.e., Self-Report) can radically improve the efficiency of the enforcement process and quality of mitigation. Your Case Managers invite you to reach out to them to talk about any questions or concerns regarding a potential noncompliance or the enforcement process, whether it’s issues relating to registrations across multiple regions, which add complexity to the Self-reporting process, or questions about what information RF will need to assess the risk and dispose of the noncompliance.

Also, if you want to improve your understanding outside of calling your Case Manager, the [Registered Entity Self-Report and Mitigation Plan User Guide](#) is a great resource.

### **Key Discussions About Open Noncompliances**

Following submission of a Self-report or a noncompliance identified at a compliance monitoring engagement, communication is important for a variety of reasons.

#### **1. Optimal Mitigation**

The most important aspect of resolving a noncompliance is mitigation because it directly impacts risk to the grid. Robust communications with your Case Manager can help in constructing strong mitigation plans or mitigating activities that remediate the noncompliance and implement steps to reduce the probability of recurrence. Case Managers, in concert with subject matter experts, can provide strong support in identifying appropriate mitigating solutions in part because of our exposure to different mitigation strategies. Each Case Manager oversees hundreds of noncompliances involving a broad spectrum of standards and this provides Case Managers experience with different mitigating solutions for similar problems and requirements.

RF has a wealth of data and knowledge surrounding mitigation solutions and Case Managers can provide value by leveraging that data. Remediating and reducing grid risk is our first priority and that starts with our review of proposed mitigation. If you have concerns about the sufficiency of your mitigation approach or want to discuss potential approaches, please reach out to your Case Manager.

#### **2. Risk Discussion**

RF as the Compliance Enforcement Authority (CEA) has authority and discretion to assess the risk of noncompliances, which is a key input into determining if and what level of a sanction is appropriate. However, while the authority rests with RF, that does not mean risk assessment at RF is a black box. Case Managers and subject matter experts consider a variety of factors that relate to

# Enforcement Explained

Continued from page 8

(a) the probability of occurrence of harm resulting from a noncompliance and (b) the potential magnitude of harm associated with the noncompliance. The factors are highly context-specific to the facts and circumstances of the noncompliance and the intent of the implicated standard and requirement.

With this context-specific understanding in mind, Case Managers welcome discussions with entities around the risk of a specific noncompliance. These conversations can improve RF's understanding of the risks related to specific facts and circumstances as the entity may have additional evidence or context it can provide affecting the issue at hand. Additionally, RF can provide the entity context as to what risk concerns RF may have from an entity and grid level perspective.

### 3. Setting Expectations

Over the past five years, 83% of noncompliances were disposed of as Compliance Exceptions or Find, Fix, Track and Reports (FFTs), which means that only 17% of noncompliances disposed of in that period have been addressed in the settlement space and only a portion of those included penalties. A central RF principle is transparency and that includes communicating to entities what might be viewed as "bad news."

For Case Managers, we make it a priority to ensure that penalties are not surprises and ideally the potential for a penalty is communicated before handing the entity a draft settlement agreement. Further, we are happy to communicate with entities where we believe items are not headed for a penalty. Frequent communication and calls with your Case Manager around open noncompliances help reduce "surprises."

But please note that expected outcomes can change as the facts and circumstances change, and therefore, a lot of what a Case Manager can provide is preliminary and subject to change. Because of this, your Case Manager will wait until they receive final approvals to communicate a specific penalty amount, if applicable.

### Case Manager as Connector

RF includes numerous departments with valuable roles and resources be it Operational Analysis & Awareness with insight on misoperations, Entity Engagement with best practice and program-level expertise, Risk Analysis & Mitigation with standard and requirement subject matter expertise, or Compliance Monitoring with guidance on the audit process. Your Case Manager can connect your team with the right individual to address their questions.

If you have a question or a concern, no matter how small or how large, please reach out to your Case Manager. If you do not know who your Case Manager is, reach out to me at [Mike.Hattery@rfirst.org](mailto:Mike.Hattery@rfirst.org) and I will point you to the right person.

