

122 FERC ¶ 61,244
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Sudeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

2008 Florida Blackout

Docket No. IN08-5-000

ORDER OF NON-PUBLIC, FORMAL INVESTIGATION

(Issued March 19, 2008)

1. On February 26, 2008, the Bulk-Power System in the State of Florida experienced a widespread “load loss event” that is more commonly referred to as the Florida Blackout.

2. It is a matter of public record that the North American Electric Reliability Corporation (NERC) and the Florida Reliability Coordinating Council (FRCC), in their capacities as the Electric Reliability Organization (ERO) and the relevant Regional Entity, are conducting an analysis into the causes of the Florida Blackout and are expected to conduct an investigation into whether any Reliability Standards were violated.¹ The general policy of the Commission, as reflected in its orders, is that the ERO, Regional Entities and the Commission should generally avoid multiple investigations involving the same violation, but that there may be unusual situations in which it would be appropriate for the Commission to conduct a concurrent investigation into possible violations of Reliability Standards with the ERO and a Regional Entity in which the Commission would coordinate efforts.² Given the significance of the Florida Blackout, we believe that Commission staff should participate in the coordinated review being conducted by NERC and the FRCC.

¹ NERC Press Release dated February, 26, 2008, available at ftp://ftp.nerc.com/pub/sys/all_updl/docs/pressrel/022608_1.pdf last visited March 15, 2008. The Reliability Standards were approved by the Commission last year. *Mandatory Reliability Standards for the Bulk-Power System*, Order No. 693, III FERC Stats. & Regs. ¶ 31,242 (2007).

² See, e.g., *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards*, Order No. 672, III FERC Stats. & Regs. ¶ 31,204 at P 485 (2006).

3. Therefore, pursuant to Federal Power Act sections 201, 215, 307 and 309 (as amended by the Energy Policy Act of 2005);³ and Part 1b of the Commission's regulations,⁴ the Commission authorizes the Office of Enforcement, with assistance from the Office of Electric Reliability and other Commission offices as appropriate, to conduct a non-public, formal investigation, with subpoena authority, regarding Reliability Standards violations that may have occurred in connection with, or related to, the Florida Blackout. Such investigation will be conducted in full coordination with any analyses or investigations being conducted by FRCC or NERC, and the Director and her designees are authorized to share information and materials gathered in the investigation fully with those organizations, subject to appropriate procedures to otherwise maintain the non-public status of that information and those materials.

4. In conducting such investigations, the Director of the Office of Enforcement, and employees designated by the Director shall have authority to administer oaths and affirmations, subpoena witnesses, compel their attendance and testimony, take evidence, compel the filing of special reports and responses to interrogatories, gather information, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records.

The Commission orders:

The non-public, formal investigation described above is authorized, pursuant to which the Director of the Office of Enforcement, and officers designated by the Director shall have the powers and authorities listed above, and shall report the results of the investigation to the Commission.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

³ 16 U.S.C. §§ 824, 824o, 825f, 825h (2000 & Supp. V (2005)).

⁴ 18 C.F.R. Part 1b (2007).