

	Question
A1	What technical assistance would States, Indian Tribes, or units of local government need to enhance their security efforts relative to the electric system?
A2	What specific additional actions could be taken by regulators to address the security of critical electric infrastructure and the incorporation of criteria for evaluating foreign ownership, control, and influence into supply chain risk management, and how can the Department of Energy best inform those actions?
A3	What actions can the Department take to facilitate responsible and effective procurement practices by the private sector? What are the potential costs and benefits of those actions?
A4	Are there particular criteria the Department could issue to inform utility procurement policies, state requirements, or FERC mandatory reliability standards to mitigate foreign ownership, control, and influence risks?

B1	To ensure the national security, should the Secretary seek to issue a Prohibition Order or other action that applies to equipment installed on parts of the electric distribution system, i.e., distribution equipment and facilities?
B2	In addition to DCEI, should the Secretary seek to issue a Prohibition Order or other action that covers electric infrastructure serving other critical infrastructure sectors including communications, emergency services, healthcare and public health, information technology, and transportation systems?
B3	In addition to critical infrastructure, should the Secretary seek to issue a Prohibition Order or other action that covers electric infrastructure enabling the national critical functions?
B4	Are utilities sufficiently able to identify critical infrastructure within their service territory that would enable compliance with such requirements?

Response

N/A

The DOE can provide specific, detailed information on cyber intrusions both successful and unsuccessful, and identified vulnerabilities.

Regulators can require manufacturers to specifically and proactively identify and make available the origin of their hardware, firmware, software, and physical subcomponents.

Asking utility end users to identify the country of origin of hardware, firmware, software, and physical subcomponents is both time-consuming and ineffective. Manufacturers of equipment intended for the use in the Bulk Electric System (BES) must be asked to provide this information thoroughly and transparently.

Establishment and oversight of a certification process where equipment is approved for use in the United States BES would reduce errors and be more effective at ensuring security.

The Department can take actions that through guidelines, recommended practices or (lastly) regulation, that ensures procurement practices foster a competitive market; reduces/eliminates price gouging/fixing; and minimizes supply chain disruptions in circumstances where a certain countries of origin are deemed disqualified.

The Department could issue criteria to manufacturers and suppliers. Utility regulations and policies can only capture end user risks, which we believe to be a small fraction of supply chain risks.

Utilities can prevent and mitigate attacks on their own systems; it is difficult and costly for a utility to effectively prevent vulnerabilities already introduced in the supply chain.

No regulation on utility end users will be able to prevent intrusions similar to the SolarWinds intrusion.

No. Until a prohibition order has been shown to be effective and implementable on transmission equipment, and until regulations include manufacturers and suppliers, no prohibition order should address distribution equipment.

The effort spent by utilities to gather and continually update distribution supply chain information and the disruption to distribution supply chains and reliability would be untenable.

It is anticipated that such an expansion would have minimal impact on our Company because we would apply any prohibition order to our entire transmission system would apply any prohibition order to its entire transmission system. Our utility would not willingly carry two separate classifications of stock, one of which cannot be used on critical facilities.

"Electric infrastructure enabling the national critical functions" would need to be clearly defined. Otherwise, the scope of the prohibition order could apply to the distribution system.

Broadly, yes. Our entity identified additional DCEI that the DOE had not yet identified during our efforts to respond to the rescinded Prohibition Order. However, criteria for identifying critical infrastructure must be clear and collaborative to be effective.