



January 13, 2014

The Honorable Michael McCaul
Chairman
House Committee on Homeland Security
United States House of Representatives
Washington, DC 20515

The Honorable Bennie Thompson
Ranking Member
House Committee on Homeland Security
United States House of Representatives
Washington, DC 20515

Dear Chairman McCaul and Ranking Member Thompson:

The GridWise Alliance (GWA) writes to commend the outreach efforts you and your Staff have demonstrated in reaching out to us and a number of our members throughout the process of having drafted and introduced H.R. 3696, "National Cybersecurity and Critical Infrastructure Protection Act of 2013" (NCCIP Act) Discussion Draft. The GWA represents the broad and diverse stakeholders that design, build, and operate the electric grid, including: electric utilities; information and communications technology service and equipment providers; Independent System Operators (ISOs) and Regional Transmission Organizations (RTOs); academic institutions; and, energy consulting firms.

GWA shares your goal of protecting the nation's critical infrastructure from cybersecurity threats. To this end, GridWise's cyber-related priorities are based on the importance of the need to: facilitate secure, relevant information sharing, as well as cooperation and coordination, between the federal and private sectors, making sure to take into account vendors who supply critical systems. We also have emphasized the need for liability protections, including privacy and civil liberty protections. In addition, we have highlighted the value of flexible regulations that are integrated with, and not duplicative of, existing applicable standards, and that do not inhibit innovation. It also is important that information which private sector entities share with the government or which is appropriately collected by the government must be used solely for the express purpose(s) for which it was shared or collected.

Given these priorities, the GWA appreciates the Committee's efforts to enhance cybersecurity protection through this legislation. This legislation reflects an understanding of the importance of public-private partnerships for cyber event response and recovery, for example, through language aimed at increasing clarity pertaining to relevant voluntary protocols for public-private and federal-state coordination of such efforts.

We also echo several of our energy industry colleagues in expressing our support for the clarification in Section II of this bill regarding the scope of the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 ("SAFETY" Act), and for "[t]he decision to include in H.R. 3696 a provision that explicitly allows the Secretary of Homeland Security to declare that a "qualifying cyber incident" triggers the liability protections of the SAFETY Act." (January 8, 2014 Letter to the Committee by the Edison Electric Institute, National Rural Electric Cooperative Association, American Public Power Association, and American Gas Association) Particularly given the unique cross-section of our membership, the GridWise Alliance acknowledges, as the January 8 Letter also noted, that: "[w]hile state liability actions remain a concern," this will help the industry and vendors of cybersecurity technologies and services deploy products and services aimed at enhancing preparedness for, response to, and recovery from, a range of cyber and other threats.



In addition, we appreciate your efforts to ensure that this legislation aims to prevent conflict with, and to avoid superseding, existing regulatory requirements and/or processes, the importance of which we have shared in previous comments.

The GWA looks forward to continuing to work in a constructive manner with the Committee as it considers this legislation and related vital issues.

Sincerely,

A handwritten signature in black ink that reads "Becky Harrison". The signature is written in a cursive, flowing style.

Becky Harrison
CEO, GridWise Alliance