

Frequently Asked Questions

Administrative Legal Requirements Document (ALRD) and State Energy Security Plans (SESP)

ALRD

- Regarding the submission of application documents for the ALRD - what if a state is not requesting any money or they are using other funds for developing an SESP?*
 - A state not submitting a response for ALRD funding or using other funding for plan development should submit their PDF response notifying their Project Officer.
 - For those states indicating use of other funds for plan development,
 - If you are not requesting any additional funds, please submit a PDF that states this and indicate the source of funds.
 - If you are requesting additional funds, the response can be included with the SF-424 as an attachment.
- If a state does not submit an application for funds under this ALRD, will a state forego the funds?*
 - A state will not forego the funds. The \$200,000 is part of a state's 40109 allocation. If a state elects not to use the \$200,000 for completion of a SESP, then that money is not taken out of their 40109 allocation.
- If a state does not utilize all their requested funding amount from this application, can those funds be repurposed to their SEP formula award?*
 - If a state does not use all their funding for SESP, they may repurpose it for 40109 activities. Note that any use of funding would need to wait until the release of the 40109 ALRD.
- What can the ALRD funding (up to \$200K) be used for?*
 - Federal financial assistance under this ALRD can be used for any activity that will lead to the development, implementation, review or revision of a state energy security plan. These activities can range from risk assessments, training exercises, procuring contractors, etc.
- What are a state's options if it cannot ask for spending authority until the next legislative session in 2023?*
 - A state who has issues with the timing on spending authority could opt to shift existing formula dollars to begin updating their plans. Please reach out to your project officer if you want to pursue this option as a modification to your current formula grant award may be necessary.

SESP Submission

- If a state's plan is still under development or incomplete by the 9/30/22 submission deadline, should that plan still be submitted?*
 - If a state does not think they have fully addressed a given requirement(s) or element in the state's SESP submission, the state MUST provide DOE with a detailed description of the process that they intend to undertake to gather the required information and estimated time of completion.
 - For example, a state will hire a contractor by X date to assess potential hazards to each energy sector or system, including physical threats and vulnerabilities and cybersecurity threats and vulnerabilities (the contractor will do X, Y and Z and consult with entities A, B and C in order to conduct this assessment. It is anticipated that this assessment will

cover [list potential hazards and physical and cybersecurity threats and vulnerabilities]. The assessment will be completed by Y date (prior to the end of FY23).

2. *What happens in FY23 if a state submits an SESP by the end of FY22 that contains elements that are under development or not complete, or the Governor has not signed off on the plan?*
 - For states that submit plans in FY22 that do not fully address one or more of the elements required under 40108, or where the Governor has not signed off, DOE's expectation is that a state will submit an updated SESP by the end of FY23 that addresses these issues. A certification by the Governor will not suffice.
3. *Are heavily redacted plans acceptable?*
 - The plans must contain enough information to provide a material response for each element to review.
4. *If a state is concerned about emailing their SESP to CESER to upload to ISERNET is there any alternative?*
 - DOE is exploring other options for states to submit their plans. If this is a concern, please reach out to your project officer.

SESP Review

1. *How can states review other states' plans?*
 - States can view other states' plans in the ISERNET system after registering for an account.
 - More detailed instructions can be found in Part VII of the ALRD.
2. *What is DOE's standard for reviewing SESP's?*
 - A state must address each of the 6 elements in the statute by providing a material response. Conclusory statements will not be acceptable. For example, for element (1), DOE will not accept a statement alone that "this plan addresses all energy sources and regulated and unregulated energy providers."
 - Given that this is a new requirement and states have had little time to prepare an SESP or update one by 9/30/22, a detailed description of the process that they intend to undertake to gather the required information and estimated time of completion will be acceptable for DOE.
3. *What are the consequences if a state does not submit a compliant SESP on a timely basis?*
 - Per the BIL, a State is not eligible to receive funds in a given fiscal year unless that State submits a plan that meets the criteria of 42 U.S.C. 6326(c). Because this requirement speaks to the eligibility to receive federal funds through SEP, failure to submit a plan by the end of the fiscal year in which federal financial assistance was received will be addressed in accordance with 2 CFR 200.339, Remedies for noncompliance. SEP will work with individual States to avoid this outcome, but waivers or other exceptions will not be granted

Future Funding

1. *What is the impact of the SESP requirement on FY22 awards?*
 - None. Congress exempted FY22 appropriations from the SESP requirement.

2. *What is the impact of the SESP requirement for FY23 annual formula awards?*
 - The requirement for submission of a SESP that fully addresses all 6 elements required in 40108 by 9/30/23 applies unless Congress provides an exemption in the FY23 appropriations.

3. *What is the impact of the SESP requirement on 40109 awards?*
 - Congress did not exempt IIJA funding from the SESP requirement.
 - DOE will release further guidance on 40109 awards in coming months.

4. *What is the relationship of the SESP requirement to section 40101 ?*
 - DOE anticipates that State Energy Security Plans may include information relevant to the development of plans needed to meet application requirements for IIJA section 40101(d) grants. DOE released information related to these grants on April 27, 2022:
<https://netl.doe.gov/bilhub/grid-resilience/formula-grants>