

**Second Set of Responses of the Federal Energy Regulatory Commission
to Senator Murkowski's Separately Submitted Questions for the Record
from April 10, 2014 Hearing of the
Senate Energy and Natural Resources Committee**

The responses herein reflect information available to current Federal Energy Regulatory Commission (FERC) employees through review of written records, electronic records, and recollections of events. To the extent that former FERC employees took actions not reflected in current Commission records, those actions are not reflected herein.

1. To the extent it can be determined, please provide a log listing documents and supporting information that together constitute the “previously unreported analysis” (hereafter “FERC Study”) referenced in the story headlined U.S. Risks National Blackout From Small-Scale Attack: Federal Analysis Says Sabotage of Nine Key Substations Is Sufficient for Broad Outage and published in the Wall Street Journal, March 13, 2014 (March 13 Article).

a. Of the universe of documents noted above, please identify in the log documents that were prepared by current or former FERC employees or officials (including commissioners).

b. Of the universe of documents noted above, please identify in the log documents, if any, prepared by any person other than a current or former FERC employee or official (including commissioners).

c. With respect to the universe of documents noted above, to the extent possible, please identify in the log the person or person who prepared the document and whether he or she has a security clearance.

A: Please see Attachment Question 1.

2. Please provide a log listing documents that were prepared by current or former FERC employees or officials (including commissioners) that bear directly on, support or are related to the following conclusions as reported in the March 13 Article:

a. “coordinated attacks in each of the nation's three separate electric systems could cause the entire power network to collapse.”

b. “the FERC analysis indicates that knocking out nine of those key substations could plunge the country into darkness for weeks, if not months.”

c. “FERC last year used software to model the electric system's performance under the stress of losing important substations.”

d. “the agency's so-called power-flow analysis found that different sets of nine big substations produced similar results.”

e. “the study's results have been known for months by people at federal agencies, Congress and the White House, who were briefed by then-FERC Chairman Jon Wellinghoff and others at the commission.”

f. “ ‘destroy nine interconnection substations and a transformer and a transformer manufacturer and the entire United States grid would be down for at least 18 months, probably longer.’ ”

g. “ ‘it does not require sophistication to do significant damage to the U.S. grid.’ ”

h. “an attack-related blackout could be extraordinarily long, in part because big transformers and other equipment are hard to replace.”

i. “In its modeling, FERC studied what would happen if various combinations of substations were crippled in the three electrical systems that serve the contiguous U.S. The agency concluded the systems could go dark if as few as nine locations were knocked out: four in the East, three the West and two in Texas.”

A: Please see Attachment Question 2.

3. Who directed the preparation of the FERC Study and any other documents and supporting information referenced in response to questions 1 and 2 above and each of their subparts?

A: First PowerPoint presentation:

Then-Chairman Wellinghoff directed the preparation of the work.

Second PowerPoint presentation:

Then-Chairman Wellinghoff directed the preparation of the work.

Tao internal email:

The Director of Office of External Affairs prepared the email in the normal course of his responsibilities.

May 2013 Summary:

The FERC staff listed for this document in response to Question 1c prepared the summary on their own initiative.

Wellinghoff EEI Presentation:

Then-Chairman Wellinghoff directed the preparation of, and personally finalized, this presentation.

4. What FERC employees or officials (including commissioners) had knowledge of or access to the documents and supporting information referenced in questions 1 and 2 above and each of their subparts or the effort to develop and disseminate such documents and information?

a. What person or persons, if any, other than a FERC employee or official (including any commissioner) had knowledge of or access to the documents or efforts?

A: The FERC employees, officials, and contractors and persons other than FERC employees and officials who had substantive knowledge of or access to the documents are identified below in responses to Questions 13, 14, 15, 17, 21, 28, 31, and 41. The persons other than FERC employees and officials that had substantive knowledge of or access to the documents are identified below in responses to Questions 29, 30, 40, and 43.

5. What steps were taken to protect the documents and supporting information referenced in questions 1 and 2 above and each of their subparts from private or unofficial use, use beyond the Agency, uses not intended by the Agency, or from public disclosure?

A: Work materials for this project were kept either on individual computers or on a limited access network drive accessible only to the team. The First PowerPoint presentation, the Second PowerPoint presentation, the May 2013 Summary and the Wellinghoff EEI Presentation were treated as CEII. Appropriate sections of the First PowerPoint presentation and the Second PowerPoint presentation were also marked Unclassified/For Official Use Only, and their distribution was controlled and limited. The Tao email was internal use only and was therefore circulated only to staff within FERC. For further information on applicable controls, laws, and rules, please see also the responses to Questions 6, 7, and 8.

6. Have any of the documents and supporting information referenced in questions 1 and 2 above been accorded any special status such as “for official use only,” “critical energy infrastructure information” or “classified?”

A: The FERC Study and Wellinghoff EEI Presentation were treated as CEII and certain portions of the FERC Study were treated as “for official use only.”

a. If so, who made the determination with respect to any such document?

b. If so, what is FERC’s process for making such determinations?

A: Then-Chairman Wellinghoff determined that the FERC Study and the Wellinghoff EEI Presentation should be treated as CEII. He made this determination after concerns about the sensitive nature of the information were raised by the Director of OEIS and the Acting General Counsel, and after consulting with the Office of the General Counsel. In addition, appropriate sections of the First PowerPoint presentation and the Second PowerPoint presentation were marked “for official use only” by team members as the documents were being developed.

c. How do FERC processes in this respect compare to the processes employed by the Department of Energy, the national laboratories, the Department of Defense or the Department of Homeland Security?

A: We do not have the information necessary to answer this question.

7. What controls were or are in place at the FERC or with respect to FERC current or former FERC employees or officials (including commissioners) or contractors to protect from unauthorized or unwarranted disclosure the documents and supporting information referenced in questions 1 and 2 above and each of their subparts?

A: Access to the FERC Study documents was authorized only for staff specifically assigned to work on the project or who otherwise needed access to the documents for agency purposes. Please see also the discussion of applicable laws and rules protecting against unauthorized disclosure of CEII and internal agency information in the response to Question 8.

8. What laws or rules apply to the preparation, handling, use or disclosure of the documents and supporting information referenced in questions 1 and 2 above and each of their subparts?

A: As to information treated as CEII, that material is protected from disclosure pursuant to 18 C.F.R. § 388.112. Control measures for CEII include having recipients of CEII outside FERC execute non-disclosure agreements and be subject to the terms of those agreements. Please refer to the answer to question 27 for additional information about CEII rules and regulations.

Moreover, FERC has specific standards and policies regarding the disclosure of non-public information. Pursuant to 18 C.F.R § 3c.2(b), the nature and time of any proposed Commission action are confidential. *See also* 18 C.F.R § 388.112 (providing rules for submitting information to FERC as privileged). That regulation also provides that only the Secretary of the Commission can release information concerning Commission proceedings. 18 C.F.R § 3c.2 (b). Agency practice is to advise staff that this restriction applies whether the matters are Commission agenda matters or non-agenda matters. FERC staff also advises departing employees that they are expected to protect non-public information once they have separated from Federal Service.

The Office of Government Ethics (OGE) regulations, at 5 C.F.R § 2635.703, provide that an employee should not allow the improper use of non-public information to further his or her own private interest or that of another. Example 5 in 5 C.F.R. § 2635.703 states that an “employee may not, other than as permitted by agency procedures, give...a newspaper reporter nonpublic information...” FERC practice is to advise former employees about a continuing obligation to adhere to this regulation. Securities laws also prohibit Federal employees from making unauthorized disclosures for a pecuniary gain.

Pursuant to 18 U.S.C. § 1905, an employee or officer of the Federal government that discloses certain forms of confidential financial or commercial information obtained during the course of her employment or official duties may be subject to criminal penalties including imprisonment. Specifically, 18 U.S.C. § 1905 makes it unlawful for a Federal employee or officer to disclose information that relates to “trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law.”

FERC’s General Administrative Law section of the Office of the General Counsel prepares an ethics training course that is mandatory for all FERC employees to complete on an annual basis. This ethics training course frequently covers laws and rules governing the treatment of nonpublic information. FERC policies and procedures regarding the handling of nonpublic information are posted on FERC’s internal website.

9. Were any such laws or rules violated in the preparation, handling, use or disclosure of the documents and supporting information referenced in questions 1 and 2 above and each of their subparts?

a. Could the unauthorized disclosure of this information have been accomplished without the violation of any disclosure restrictions applicable to such information?

A: Upon learning of the possibility of an unauthorized disclosure of information, the Office of the General Counsel examined the laws and rules related to preparation, handling and disclosure of non-public information. In view of the information available, the Office of the General Counsel determined that the Department of Energy Inspector General (IG) was the appropriate official to evaluate, among other things, whether there was a violation of law. Therefore, the Office of the General Counsel, after consulting with Acting Chairman LaFleur, referred this matter to the IG.

10. Who within FERC or outside of FERC first proposed the FERC Study?

A: Response provided 4/29/14.

11. What was the stated objective and purpose of the FERC Study, and what was the statutory basis, if any, for that objective and purpose?

A: Then-Chairman Wellinghoff directed staff to develop the First PowerPoint presentation and the Second PowerPoint presentation, but did not state his purpose or intent. In April 2013, then-Chairman Wellinghoff implied interest in sharing the results with owners and operators of facilities addressed in the FERC Study.

Although then-Chairman Wellinghoff did not convey his purpose or intent, we note that, under the Federal Power Act (FPA) in general, and in particular FPA section 215, the Commission has responsibility for overseeing the reliability and security of the grid. In connection with that authority, the Commission has developed significant expertise with the operation of jurisdictional facilities, and that expertise informed the development of the FERC Study.

12. Who decided to proceed with the FERC Study and when was that decision made?

A: In early 2013, then-Chairman Wellinghoff directed the work to be done for the FERC Study.

13. Who was the designated leader of the FERC Study team? What were the qualifications of the designated leader to manage such an analytical study? Who selected the designated leader and when was the selection made? Does the designated leader have a security clearance? If so, what is that clearance?

A: There were shared roles between OER and OEIS for the development of the FERC Study. The OER lead was Eddy Lim and the OEIS lead was Richard Waggel. Chris Mak, contractor for OER, was the technical consultant for the study. Mr. Lim and Mr. Waggel are Electrical Engineers with decades of experience in the electric utility industry. Mr. Mak is also an electrical engineer with decades of experience in the electric utility industry and has been a consultant to FERC for approximately 10 years. The selection of the leads was made by Joseph McClelland, Director of OEIS, and Michael Bardee, Director of OER, at the inception of the FERC Study in early 2013.

Out of an abundance of caution and on the advice of FERC's Director of the Division of Security and Safety of the Office of the Executive Director, we will identify under separate cover whether each of these individuals has a security clearance.

14. Who were the members of the FERC Study team? Please provide a list of all the members and indicate the exact function, responsibility and role of each team member. Please indicate the security clearance, if any, of every person on the list. Who selected the team members and when was the selection made?

A: OER members of the FERC Study team are listed below. Senior management members from OER were Michael Bardee, Edward Franks, David Andrejcek, and Nano Sierra. Team members Eddy Lim (Team Lead) and Louise Nutter were on the study team from its inception. David Burnham was assigned to the team in late March. Michael Bardee and Edward Franks selected the OER personnel to be on the FERC Study team.

OEIS members of the FERC Study team are listed below. Joseph McClelland and Harry Tom were the senior management members of the team. Richard Waggel, David Taylor, and Amelia Lewis were on the study team from its inception. Joseph McClelland and Harry Tom selected the OEIS personnel to be on the FERC Study team.

Robert Snow, from FERC's Office of Energy Policy & Innovation (OEPI) also was on the study team from its inception. Joseph McClelland selected Mr. Snow to be on the FERC Study team.

Chris Mak, an existing FERC contract employee for general services was on the study team from its inception. Joseph McClelland and Michael Bardee selected Mr. Mak to be on the FERC Study team.

The function, responsibility and role of each team member will be provided in response to Question 39.

Out of an abundance of caution and on the advice of FERC's Director of the Division of Security and Safety of the Office of the Executive Director, we will identify under separate cover whether each of these individuals has a security clearance.

15. Were any FERC contractors involved in the FERC Study? If so, please provide a list of all such FERC contractors, including the firm name, the FERC contract number, the designated contractor project manager, the specific contractor employees involved in the FERC Study, and the exact function, responsibility and role of each such contractor employee. Who selected any such contractors and when was the selection made?

A: Yes. The contractor involved was Chris Mak. The firm name is Maxlin, Inc. (FERC09BPA90704, and designated contract officer Glenn Emig). Mr. Mak has been an existing FERC contract employee for general services for approximately 10 years and is an expert with regard to grid reliability and resiliency issues. Mr. Mak oversaw the technical aspects of the FERC study and helped to coordinate the work of OER and OEIS. The selection was made by Joseph McClelland and Michael Bardee at the inception of the Study.

16. What was the specific analytical approach and methodology selected for the FERC Study? Why was that analytical approach and methodology selected?

A: Out of an abundance of caution, due to the technical nature of this information, we are providing the response to this question under separate cover.

Were other analytical approaches of methodologies considered?

A: No.

Who selected that specific analytical approach and methodology and when was it selected?

A: Chris Mak, Eddy Lim, and Robert Snow selected the analytical approaches for the First and Second PowerPoint presentation in the February/early-March time period with management oversight from OER and OEIS.

Please provide a summary technical description of the selected analytical approach and methodology.

A: Please see response to Question 16a provided under separate cover.

17. What specific powerflow analysis software was used in the FERC Study?

A: Out of an abundance of caution, due to the technical nature of this information, we are providing the response to this question under separate cover.

Who selected that software and when was it selected?

A: Chris Mak, Eddy Lim, and Robert Snow selected the software in the February/early-March time period with management oversight and authorization from OER and OEIS.

Which specific team members and/or contractors actually ran the software during the Study, including inputs, model runs, outputs and results? Did any of the noted persons have a security clearance?

A: David Taylor, Louise Nutter, Alan Phung, Stephanie Schmidt, Jomo Richardson, Monica Taba, David Burnham, and Eddy Lim.

Out of an abundance of caution and on the advice of FERC's Director of the Division of Security and Safety of the Office of the Executive Director, we will identify under separate cover whether each of these individuals has a security clearance.

18. Please provide a narrative description of how the selected software program works, including inputs, outputs, and assumptions.

A: Out of an abundance of caution, due to the technical nature of this information, we are providing the response to this question under separate cover.

Who on the FERC Study team made decisions about the assumptions and inputs to be used in the selected software program? Was anyone not on the FERC Study team involved in making those decisions or providing overall direction? If so, please identify that person or persons.

A: Eddy Lim, Robert Snow, and Chris Mak made decisions about the assumptions and inputs to be used in the selected software program with management oversight and authorization from OER and OEIS. Only the FERC Study team was involved in making those decisions or providing overall direction.

19. What was the specific intended purpose of the first power point presentation for March 20, 2013?

A: The intended purpose of the First PowerPoint presentation was to provide answers in response to then-Chairman Wellinghoff's directive to identify critical electrical points in each interconnection.

Who was involved in drafting the presentation?

A: The following people prepared the document: Richard Waggel, David Taylor, Eddy Lim, Louise Nutter and Chris Mak. The remaining members of the FERC Study team identified in response to Question 14 provided assistance and reviewed the document.

Who gave the presentation?

A: Richard Waggel.

Who attended the meeting?

A: The following people were invited to the meeting: Then-Chairman Wellinghoff, Joseph McClelland, Richard Waggel, Edward Franks, Michael Bardee, Louise Nutter, Amelia Lewis, David Taylor, David Andrejczak, and Eddy Lim.

Please indicate the security clearances, if any, of the drafters, presenters or meeting attendees.

A: Out of an abundance of caution and on the advice of FERC's Director of the Division of Security and Safety of the Office of the Executive Director, we will identify under separate cover whether each of these individuals has a security clearance.

Please provide a summary of the discussion at the meeting, including the approximate time that the meeting began and ended or, if that information is unavailable, an estimate of the duration of the meeting, specific comments made by identified attendees, any decisions or directions made at the meeting and any agreed next steps after the meeting. Was the presentation given at any other meeting? If so, please provide a summary of the subsequent meeting or meetings with the same details.

A: The meeting discussion covered modeling study methodologies and results. The meeting lasted approximately 30 minutes. The meeting was concluded by then-Chairman Wellinghoff directing follow-up assignments to answer various questions. The First PowerPoint presentation was not given at any other meeting.

20. What was the specific intended purpose of the second power point presentation?

A: The intended purpose of the Second PowerPoint presentation was to answer various follow up questions from then-Chairman Wellinghoff in response to the First PowerPoint presentation.

When and where was it used? Who was involved in drafting the presentation? Who gave the presentation?

A: It was only used April 12, 2013 at meeting in the Executive Conference Room at Commission Headquarters. The following people prepared the document: Richard Waggel, Eddy Lim, Louise Nutter, and Chris Mak. The remaining members of the FERC Study team identified in response to Question 14 provided assistance and reviewed the document. The presentation was given by Richard Waggel (OEIS) and Eddy Lim (OER).

Who attended the meeting(s)? Please indicate the security clearances, if any, of the drafters, presenters or meeting attendees. Please provide a summary of the discussion at each meeting, including the approximate time that the meeting began and ended or, if that information is unavailable, an estimate of the duration of the meeting, specific comments made by identified attendees, any decisions or directions made at the meeting(s) and any agreed next steps after the meeting(s).

A: The following people were invited to the meeting: Michael Bardee, Eddy Lim, Louise Nutter, David Andrejcek, Nano Sierra, Christy Walsh, Joseph McClelland, Michael Peters, Richard Waggel, David Taylor, David Morenoff, and James Pederson.

Out of an abundance of caution and on the advice of FERC's Director of the Division of Security and Safety of the Office of the Executive Director, we will identify under separate cover whether each of these individuals has a security clearance.

21. FERC has provided to the Committee an e-mail message written by Mr. Len Tao in late June 2013 that summarizes the FERC Study (“Tao Memo”). Is this the document described in the March 13 article as a “memo” written by Mr. Len Tao? If not, please identify the document to which the March 13 article refers to as a “memo”. What was the specific intended purpose of the Tao Memo? Please describe the differences between the Tao Memo and the FERC Study. Why was the substance and tone of the Tao Memo significantly more dramatic than the actual FERC Study? Why did the Tao memo make specific reference to the attack on the PG&E substation that occurred in April 2013? Was that attack the subject of any specific analysis or reference in the actual FERC Study? If not, was that attack the subject of any other specific analysis or reference prepared by FERC or under its direction? If so, please identify any such other analysis.

a. Please list all of the persons who received the Tao memo (electronically or in print), starting with indicated recipients (cc), any unindicated recipients (bcc), and anyone to whom the Tao Memo was forwarded or delivered.

b. Please indicate the title and role of all of the recipients.

c. Please indicate which of the recipients, if any, reviewed the FERC Study and whether any recipient who reviewed the study has a security clearance.

d. Please state why each recipient was determined to be a recipient.

e. Please indicate whether any recipient questioned the wisdom of preparing the FERC Study or the summary or disclosing the contents of the summary or the study

f. Please provide a log listing all e-mail correspondence including or referencing the Tao Memo. Please include in the log “To, from, and date” of all such correspondence.

A: Response provided 4/29/14.

22. The March 13 article quotes Mr. Len Tao on the record about the Tao Memo and the article states affirmatively that the memo “was reviewed by the Journal.” Did any current employee of the Commission provide the FERC Study or the Tao Memo to the Journal? Who determined that Mr. Tao would grant an on the record interview about the FERC Study and his memo to the Journal? Why did Mr. Tao agree to grant the interview to discuss the FERC Study and the Memo? Is it standard procedure for Mr. Tao or any other FERC employee (whether in the Office of External Affairs or another office) to grant on the record interviews to discuss sensitive and potentially CEII FERC information with a reporter or journalist? What obligations did Mr. Tao have under applicable FERC regulations or any other law applicable to a FERC employee to preserve the confidentiality of that Memo? Why did Mr. Tao decide to explain his function with regard to preparation of the Memo to Ms. Smith? Did any other current or former FERC employee or commissioner request that Mr. Tao grant the interview to Ms. Smith, discuss the interview with Ms. Smith before the interview or influence his decision to grant the interview? Was Mr. Tao aware at the time of the interview that Ms. Smith had reviewed the Memo? If so, how did he come into that knowledge? What was Mr. Tao’s role, if any, in providing Ms. Smith with access to the Memo he prepared and allowing her to review it?

A: Response provided 4/29/14.

23. What specific information was provided to then-Chairman Wellinghoff about the conduct of the FERC Study, from initiation to completion? Please provide the dates, the actual information provided, and the person or persons who provided the information on each occasion. Has Mr. Wellinghoff been in contact with any current FERC employee or Commissioner about the FERC Study, the Tao Memo or any of the documents referenced in a response to these questions since the conclusion of his service as Chairman? If so, please list the dates of these contacts, the Commission employee or commissioner contacted, and characterize the purpose and nature of the contact.

A: Please see Attachment Question 23.

25. Please provide a log of every internal or external conference call or webinar related directly or indirectly to the FERC Study, including date, time, all participants, any documents used on the call or webinar, and any post- call/webinar summaries and memoranda for the file about the call/webinar.

A: There were no webinars related directly or indirectly to the FERC Study. Any conference calls will be reflected in the log to be provided in response to Question 24.

26. Please provide a detailed description of the procedures for controlling access to any information related to or utilized in the FERC Study at any point in the conduct of the Study, including the name of the specific FERC employee(s) responsible for management of those procedures, the time period during which he or she had such responsibilities, what records were kept about access, and what reports were made to other FERC officials about the access procedures.

A: Please see responses to Questions 5 and 7, above, and Questions 32-34 below.

With respect to control access to the FERC Study within FERC, work materials for this project were kept either on individual computers or on a limited access network drive accessible only to the team. Eddy Lim manages access to the OER drive and David Taylor manages access to the OEIS drive for the FERC Study.

With respect to controlling access outside of FERC, the FERC Study and the Wellinghoff EEI Presentation were treated as CEII. As to information treated as CEII, that material is protected from disclosure pursuant to 18 C.F.R. § 388.112. Control measures for CEII include having recipients of CEII outside FERC execute non-disclosure agreements and be subject to the terms of those agreements. With respect to the Wellinghoff EEI Presentation to the CEOs in San Francisco, CA on June 10, 2013, Joseph McClelland coordinated with EEI to ensure that they required non-disclosure agreements to be completed by the attendees before they were admitted to the meeting. Christy Walsh and Rose Javier received the executed non-disclosure agreements from an EEI representative after the meeting. With respect to instances in which the FERC study was shared with FERC's governmental partners, the participating agency executed a Federal Agency Acknowledgement and Agreement. Christy Walsh and Richard Waggel facilitated provision of the Federal Agency Acknowledgement and Agreement to the agencies. Christy Walsh and Rose Javier received the Agreements.

All executed Non-Disclosure Agreements and Federal Agency Acknowledgement and Agreements were maintained by FERC. Information about the access procedures were provided to other FERC officials was provided upon request.

27. Was any of the information used in the FERC Study or created in the FERC Study designated as Critical Energy Infrastructure Information (CEII)? If so, what FERC regulations apply to the protection of any such CEII? What are the obligations of current and former FERC employees and contractors with regard to protection of such CEII? Were the requirements of those regulations for protection of any such CEII included in the FERC Study satisfied by the FERC Study team and any other FERC employees with access to any such CEII? Please provide a copy of or electronic link to the applicable FERC regulations and a description of how the requirements of those regulations were satisfied by the FERC Study team and any other FERC employees.

A: The FERC Study was designated as Critical Energy Infrastructure Information (CEII). The FERC regulations that apply to the protection of CEII are 18 CFR 388.112 and 113. (<http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=18:1.0.1.21.86#18:1.0.1.21.86.0.46.12> and <http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=18:1.0.1.21.86#18:1.0.1.21.86.0.46.13>).

FERC employees and contractors may only release CEII to parties that have executed a Non-Disclosure Agreement or Federal Agency Acknowledgement and Agreement. CEII is nonpublic information; therefore the rules regarding nonpublic information apply to CEII. See response to Question 8. To the best of our knowledge, current FERC employees and contractors have complied with the FERC regulations that apply to the protection of CEII information.

28. Please provide a list of all FERC employees or contractors not on the FERC Study team who had access to the FERC Study at any time from initiation until any time after completion of the Study, including name of the individual, the date, location, the reason for such access, and the specific documents involved. Were any of these individuals required to sign a non-disclosure agreement to view the material? Do any of these persons have a security clearance?

A: Please see Attachment Question 28.

29. Please provide a list of all non-FERC Federal employees who had access to the FERC Study or the Tao Memo at any time, including the name of the individual, their agency or Department, date, location, reason for such access, and specific documents involved. Were any of these individuals required to sign a non-disclosure agreement to view the material? Do any of these persons have a security clearance?

A: In order to respect sensitivities that other Federal agencies may have, we are providing the answer to this question under separate cover.

30. At any time, did any person other than a commissioner, FERC employee or FERC contractor have access to the FERC Study or the Tao Memo? If so, please prepare a log identifying such person or persons, including name, physical address, telephone numbers, and electronic contact information. Please include on the log, the source of the access within the Commission or its staff, the initial and subsequent dates of such access, the reason the access was granted, and which FERC official directed or authorized the access. Please include in the log a description of the nature of the access, and whether the person had any role in the conduct of the FERC Study or its use at any time and whether the person was required to sign a non-disclosure agreement. To the extent not already provided, please provide a list of all non-Federal employees who had access to the FERC Study or the Tao Memo at any time, including the name of the individual, their employer, date, location, reason for such access, and specific documents involved. Were any of these individuals required to sign a non-disclosure agreement to view the material?

A: No person other than a commissioner, FERC employee or FERC contractor had any role in the conduct of the FERC Study or its use at any time. Please see question 29 for information concerning non-FERC Federal employees.

According to FERC records, other than those people identified in response to Question 29, no person other than a commissioner, FERC employee or FERC contractor has had access to the FERC Study or the Tao internal email. As indicated elsewhere herein, the Wellinghoff EEI Presentation contained material related to the FERC Study and was presented externally.

31. Please provide a separate log in response to this question (“Question 31 Log”). Please list on the Question 31 Log in chronological order: a) any document, provided to any commissioner, that also appears on the log prepared in response to question 1 or question 2 above; and b) any entry on any other log provided in response to these questions that reflects information provided to any Commissioner. Please include for each Commissioner the document or documents provided and the date on which the document was provided. Please separately describe the efforts undertaken, if any, to brief each Commissioner on the FERC Study, the Tao Memo, and matters covered by or related to the FERC Study or the Tao Memo. Please provide the date and time of any such briefing or briefings and the persons participating in such briefing or briefings.

A: No documents appearing on any other responsive logs herein were provided to any Commissioner, except to the extent indicated below. Documents provided to then-Chairman Wellinghoff are documented in the responses to questions 23 and 28. The table below describes efforts undertaken, if any, to brief the other Commissioners.

In addition, then-Chairman Wellinghoff offered a physical security briefing to the Commissioners’ advisors on July 8, 2013. That presentation is not contained in agency records and recollections of its contents are incomplete. No documents were given out at the briefing and it was conveyed that the information discussed in the meeting was not to be disseminated.

Commissioner	Documents provided	Briefings
Acting Chairman LaFleur	Tao Internal Email (provided March 7, 2014)	Then-Chairman Wellinghoff mentioned the FERC Study to then-Commissioner LaFleur in a meeting with her in Fall 2013. The FERC Study was also mentioned in a meeting with OEIS Director McClelland in Fall 2013. As noted in the response to Question 28, Acting Chairman LaFleur was briefed in late February 2014 on the First and Second PowerPoint Presentations.
Comm. Moeller	Email naming facilities in the second PowerPoint Presentation (provided August 21, 2013)	The FERC Study was occasionally mentioned in briefings with OEIS Director McClelland and OER Director Bardee. Then-Chairman Wellinghoff offered to personally brief the Commissioner on the FERC Study but the offer was not accepted. On March 13, 2014, the Director of External Affairs briefed Commissioner Moeller at his request about the Tao internal email and showed him a copy of the email. Acting Chairman LaFleur described the Tao internal

		email in a phone conversation with the Commissioner in late March 2014.
Comm. Norris	None	Chairman LaFleur showed Commissioner Norris the Tao internal email in March 2014.
Comm. Clark	None	Then-Chairman Wellinghoff mentioned the FERC Study in one regular meeting in the second half 2013.

32. What was the responsibility and role of the General Counsel or Deputy General Counsel and the Office of the General Counsel with regard to the FERC Study in general, as well as controlling access to the FERC Study?

A: Response provided 4/29/14.

33. What was the role and responsibility of the Director or Deputy Director of the Office of Infrastructure Security (OIS) and OIS with regard to the FERC Study in general, as well as controlling access to the FERC Study?

A: Response provided 4/29/14.

34. What was the role of the Director or Deputy Director of the Office of Reliability (OR) and OR with regard to the FERC Study in general, as well as controlling access to the FERC Study?

A: Response provided 4/29/14.

35. What was the role and responsibility of the Director or Deputy Director of the Office of Enforcement (OE) and OE with regard to the FERC Study in general, as well as controlling access to the FERC Study?

A: Response provided 4/29/14.

36. What was the role and responsibility of the Director or Deputy Director of the Office of Energy Policy and Innovation (OEPI) and OEPI with regard to the FERC Study in general, as well as controlling access to the FERC Study?

A: Response provided 4/29/14.

37. What was the role and responsibility of the Director or Deputy Director of the Office of External Affairs (OEA) and OEA with regard to the FERC Study in general, as well as controlling access to the FERC Study?

A: Response provided 4/29/14.

38. What was the role of the Director or Deputy Director of any other FERC Office or any other FERC Office itself with regard to the FERC Study in general, as well as controlling access to the FERC Study?

A: Response provided 4/29/14.

40. Please provide a log of any communications of any kind, written, electronic or verbal, directly or indirectly related to the FERC Study between any FERC employee and any member of the White House staff or any member of other agencies and offices in the Executive Office of the President (EOP), including the Office of Management and Budget, the Council on Environmental Quality, the Office of Science and Technology Policy, etc. Please indicate for every such communication the FERC employee, the White House or EOP staff member, the date, the time, the subject of the communication, and the matters discussed.

A: Response provided under separate cover.

41. Please prepare a chart with the names of each FERC Office Director and Deputy Director (or former FERC Office Director or Deputy Director if applicable) in Column 1 (not including the Office of ALJ's). In Column 2, indicate whether that individual had access to the FERC Study at any time, with a yes or no answer. In Column 3, indicate whether that individual reviewed or had any role in the preparation or use of the FERC Study at any time, with a yes or no answer. In Column 4, provide a specific description/explanation for any yes answer in Column 2 or Column 3. In column 5, indicate whether the individual has verified the accuracy of the entries for that individual in Columns 2, 3 and 4.

A: Response provided 4/29/14.

42. Please prepare a log of every contact between a current or former FERC employee and any reporter or journalist with any print or electronic news media organization regarding the FERC Study, including the name of the current or former FERC employee, the name and affiliation of the reporter or journalist, the date of the contact, the specific subject of the contact, whether the FERC employee provided access to and/or a copy of any FERC document related to the FERC Study to a reporter or journalist, whether the contact was reported to any other FERC employee (and if so, to whom?) and whether another FERC employee directed that the contact be made (and if so, who was it?).

A: Please see Attachment Question 42.

43. Please prepare a list of any contact regarding the FERC Study between a current or former FERC employee and any representative of any advocacy organization, including, but not limited to, 501c(3) or 501c(4) not for profit organizations, registered lobbyists, trade associations, and political consulting firms regarding the FERC Study, including the date of the contact, the name of the current or former FERC employee, the representative(s) of any such advocacy group, date, subject of discussion, whether the contact was reported to other FERC employees (if so, to whom), and whether any other FERC employee directed that the contact be made (if so, who did so).

A: All such meetings will be included in the response to Question 24.

44. Please prepare a chart that includes all former FERC employees or commissioners who have been listed or mentioned in any of the responses to these questions in Column 1. In Column 2, list the specific responses where the former FERC employee is mentioned or listed.

Column 2 identifies the specific responses that have been provided to date.

Former FERC Employees or Commissioners listed or mentioned in any of the responses	Specific Response
Then-Chairman Wellinghoff	Then-Chairman Wellinghoff is referenced in the responses to questions 2-6, 10-12, 17, 19, 20-23, 26, 28, 30-34, 38, 40, 42
Joshua Konecni	Joshua Konecni is referenced in the responses to questions 28, 40, and 42.