
FEDERAL ENERGY REGULATORY COMMISSION



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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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PL01-2-000

COMMISSION LAUNCHES INQUIRY INTO AVAILABILITY OF CRITICAL ENERGY INFRASTRUCTURE INFORMATION

The Federal Energy Regulatory Commission is seeking responses to questions on the best way to handle the confidentiality of certain documents as it weighs its regulatory responsibilities against the need to protect against potential attacks on the nation's critical energy infrastructure facilities. For this purpose, the Commission today issued a Notice of Inquiry and Guidance for Filings in the Interim (NOI).

On October 11, 2001, the Commission announced that as a result of the September 11 terrorist attacks, FERC would limit access to certain public documents (PL01-2-000). The Commission said that these documents--containing specific information on energy facilities-- would not be available through its website or in its public reference room. Individuals requiring such information were directed to file Freedom of Information Act (FOIA) requests.

Concerns about threats to the energy infrastructure over which the FERC has regulatory responsibilities still exist, the Commission said in today's NOI. The Commission emphasized, however, that it is not proposing to prevent or keep the public from having access to critical energy infrastructure information (CEII) it needs to respond to applications and proposals from regulated companies. In the Commission's view, the main issue is not whether but how the public with a need for CEII has access to that information.

Thus, the NOI is seeking responses to questions regarding:

- any statutory or regulatory impediments to protecting CEII
- the definition of CEII

R-02-03

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- the relevance of a requestor's status and need for information
- the role of non-disclosure agreements and limitations on the use of information
- *ex parte* issues.

Until the Commission makes a final ruling on these issues, companies may seek confidentiality for filings that, in their determination, contain critical energy infrastructure information.

Written responses to the NOI should be submitted to the Commission within 45 days after the notice is published in the Federal Register.

R-02-03

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