

CRITICAL ENERGY / ELECTRIC INFRASTRUCTURE INFORMATION FEDERAL AGENCY ACKNOWLEDGMENT AND AGREEMENT

The undersigned employee with has requested certain documents from the Federal Energy Regulatory Commission (Commission) that contain Critical Energy/Electric Infrastructure Information (CEII) as defined in 18 C.F.R. §388.113. To obtain access to CEII, “an agency employee must sign an acknowledgement and agreement.”

1. Pursuant to 18 C.F.R. § 388.113(g)(2), the undersigned “will protect the CEII in the same manner as the Commission and will refer any requests for the information to the Commission.”
2. CEII disclosed under this agreement is also subject to 44 U.S.C. § 3510(b), which provides the following:
 - (b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties) that relate to the unlawful disclosure of information apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.
 - (2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.
3. CEII is not subject to release under either the Freedom of Information Act (FOIA) or other Sunshine Laws. See Fixing America’s Surface Transportation Act, Pub. L. No. 114-94, section 61,003, 129 Stat. 1312, 1773-1779 (2015) (codified at 16 U.S.C. 824o-1). If the below-noted agency receives a FOIA request, under 5 U.S.C. § 552, for CEII provided to it by the Commission, consistent with Department of Justice guidance, the request will be referred to the Commission’s FOIA office for processing. The undersigned also agrees to have the below-noted agency consult with the CEII Coordinator and the Commission’s Associate General Counsel for General and Administrative Law or their designees prior to making any other release of related information or information generated from FERC CEII.
4. All CEII shall be managed and maintained in a secure place in a manner that would prevent unauthorized access and is consistent with federal law. The undersigned will promptly report any unauthorized disclosures of CEII to the Commission.
5. The undersigned is obligated to protect the CEII, even after CEII designation period has lapsed, until the CEII Coordinator determines the information should no longer be designated as CEII under 18 C.F.R. § 388.113(e)(2), or a court of competent jurisdiction finds that the information does not qualify as CEII.
6. The undersigned agrees to either: (a) maintain a list of all agency recipients that require access to the CEII, or (b) ensure that each agency recipient that requires access to the

CEI signs a separate acknowledgement and agreement, which the undersigned will maintain. The Commission may review, upon request, the list of agency recipients or any additional executed acknowledgment and agreement(s). The undersigned therefore acknowledges and agrees, as an employee of the below-noted agency, the foregoing.

Name:

Title:

Agency:

Email Address:

Signature: