

Business Practice

Procedures to File a Request for Critical Energy Infrastructure Information

1. General

- 1.1 A request for Critical Energy Infrastructure Information (CEII) must be submitted to APS in writing via facsimile, electronic mail or mailed letter. The request must be as specific as possible and include all relevant names, places and dates.
- 1.2 The Requester must include the following contact and identifying information:
 - 1.2.1 Requester's name (including any other name(s) which Requester has used and the dates the Requester used such name(s))
 - 1.2.2 Requester's birth date and place of birth
 - 1.2.3 Requester's title (attorney, private citizen, etcetera)
 - 1.2.4 Requester's address
 - 1.2.5 Requester's telephone number
 - 1.2.6 Requester's social security number
- 1.3 If Requester is filing the CEII request on behalf of a person or entity other than him/herself, Requester must also include that person or entity's contact information:
 - 1.3.1 Name
 - 1.3.2 Address
 - 1.3.3 Telephone number
- 1.4 The request must include a detailed statement explaining the particular need for and intended use of the CEII information requested.
- 1.5 APS reserves the right to deny a Requester access to CEII in the event that a Requester has not established that it will use the information solely for purposes contemplated under FERC regulations and case law.
- 1.6 Before APS will release CEII to a Requester, the Requester must execute and submit to APS the form non-disclosure agreement included in this Business Practice, which defines the limitations on the use and disclosure of the CEII information requested.
- 1.7 The request for CEII information should be sent to the following contact person(s):

Cary Deise,
General Manager of Transmission Planning and Operations
502 South Second Avenue
Phoenix, AZ 85003
(602) 250-1232

Tom Glock
Power Operations Director
502 South Second Avenue
Phoenix, AZ 85003
(602) 250-1160

These Business Practices describe general conditions and practices. There may be specific circumstances that require some variation from or are not addressed by these Business Practices.

CRITICAL ENERGY INFRASTRUCTURE INFORMATION GENERAL NON-DISCLOSURE AGREEMENT

1. These provisions govern the use of Critical Energy Infrastructure Information (CEII) as set forth in the Federal Energy Regulatory Commission's regulations in 18 C.F.R. § 388.113. These provisions apply to all individuals who file a request for access to APS' CEII.
2. Definitions - For purposes of these provisions:
 - 2.1 The term "CEII" shall have the same meaning as defined in the FERC's regulations at 18 C.F.R. § 388.113, copy as Exhibit "A".
 - 2.2 The terms "non-disclosure agreement" and "NDA" mean this agreement by which requesters certify their understanding that access to CEII is provided pursuant to the terms and restrictions of these provisions and that such requesters have read the provisions and agree to be bound by them.
 - 2.3 The term "Recipient" means someone who is approved to receive CEII consistent with the requirements of 18 C.F.R. § 388.113.
3. A Recipient may only discuss CEII with another Recipient of the identical CEII. A Recipient may check with the contact person(s) identified in section 1.6 of APS' *Procedures to File a Request for CEII* to determine whether another individual is a Recipient of the identical CEII.
4. If any Recipient submits information to APS that includes CEII obtained under these provisions, portions of the filing containing CEII must be submitted consistent with the regulations of the Federal Energy Regulatory Commission as contained in requirements of 18 C.F.R. § 388.112(b).
5. A Recipient of CEII may use CEII as foundation for advice provided to others, but may not disclose CEII to another individual unless that individual is an approved Recipient of the same CEII.
6. A Recipient may use CEII solely for purposes contemplated under FERC regulations and case law.
7. All CEII shall be maintained by Recipient in a secure place. Access to those materials shall be limited to other Recipients of the identical material. Recipients may make copies of CEII, but such copies become CEII and subject to these same procedures and must be marked "Critical Energy Infrastructure Information." Recipients may make notes of CEII, which shall be treated as CEII if they contain CEII.
8. Recipients must return CEII to APS or destroy CEII within fifteen days of a written request by APS to do so, except that CEII notes may be retained in accordance with Paragraph 7, above. Within such time period, each Recipient, if requested to do so, shall also submit to APS an affidavit stating that, to the best of his or her knowledge, all CEII (including copies) has been returned or destroyed and that CEII notes have either been returned, destroyed or are being maintained by Recipient in accordance with Paragraph 7.

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9. The Recipient remains bound by these provisions unless APS or the Federal Energy Regulatory Commission rescinds these provisions or a court of competent jurisdiction finds that the information does not qualify as CEII.
10. APS may audit the Recipient's compliance with this non-disclosure agreement.
11. APS reserves the right to avail itself of any and all legal rights or remedies it may have under federal or state law or regulation.
12. I hereby certify my understanding that access to CEII is provided to me pursuant to the terms and restrictions of the above CEII provisions, that I have been given a copy of and have read the provisions, and that I agree to be bound by them. I understand that the contents of the CEII, any notes or other memoranda, or any other form of information that copies or discloses CEII shall be marked "Critical Energy Infrastructure Information" and shall not be disclosed to anyone other than another person who has been granted access to these same materials by APS. I acknowledge that, in the event of a violation of this agreement, APS may, at its sole discretion, have recourse to any and all legal rights or remedies available under federal or state law or regulation. I agree that my compliance with this agreement is subject to audit by APS.

By: _____
Signature

Print Name: _____

Title: _____

Representing: _____

Date: _____

EXHIBIT "A"

DEFINITIONS

(18 C.F.R. § 388.113(c))

1. ***Critical energy infrastructure information*** means information about proposed or existing critical infrastructure that:
 - i. Relates to the production, generation, transportation, or distribution of energy;
 - ii. Could be useful to a person in planning an attack on critical infrastructure;
 - iii. Is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552; and
 - iv. Does not simply give the location of the critical infrastructure.

2. ***Critical infrastructure*** means existing and proposed systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters.