

**Western Area Power Administration  
Transmission Function Information  
Critical Energy Infrastructure Information (CEII) Policy  
(Version 3.0)**

**I. Policy**

It is Western Area Power Administration's (WAPA) policy that its employees not publicly disclose Critical Energy Infrastructure Information ("CEII"). CEII must be identified and protected as required under the Fixing America's Surface Transportation Act, Public Law No. 114-94 ("FAST Act"), its implementing regulations at 10 C.F.R. Part 1004, and DOE Order 471.3, *Identifying and Protecting Official Use Only Information*. However, under certain limited circumstances specified below, CEII may be disclosed pursuant to appropriate safeguards against its misuse. Any disclosure of CEII must be consistent with this policy as well as the FAST Act, 10 C.F.R. Part 1004, and DOE Order 471.3.

This Business Practice is applicable only to Transmission Function Information as defined by the Federal Energy Regulatory Commission Standards of Conduct. It is not applicable towards compliance with any North American Electric Reliability Corporation (NERC) Reliability Standards.

CEII means a system or asset of the bulk- power system, whether physical or virtual, the incapacity or destruction of which would negatively affect national security, economic security, public health or safety, or any combination of such matters.

CEII is defined at Federal Power Act (FPA) section 215A(a)(3), with designation criteria codified at 18 C.F.R. § 388.113(c). CEII means information related to critical electric infrastructure, or proposed critical electrical infrastructure, generated by or provided to FERC or another Federal agency, other than classified national security information, that is designated as CEII by FERC or the Secretary pursuant to section 215A(d) of the FPA. Such term includes information that qualifies as critical energy infrastructure information under FERC's regulations. CEII-designated material may include information related to Defense Critical Electric Infrastructure, consistent with section 215A(a)(4) of the FPA; information on electric incidents and emergencies reported to DOE through the Electric Emergency Incident and Disturbance Report (Form OE-417); and/or Federal spectrum information managed by the National Telecommunications and Information Administration (NTIA), to the extent such information also qualifies as CEII.

CEII involves specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure (physical or virtual) that:

1. Relates details about the production, generation, transmission, or distribution of energy;
2. Could easily be useful to a person planning an attack on crucial infrastructure;
3. Is exempt from mandatory disclosure under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552; and
4. Does not simply give the general location of the critical infrastructure.

**II. CEII – Related Documents, irrespective of the media:**

1. Emergency plans;
2. Communications infrastructure information;
3. Information about WAPA's Energy Management System;
4. Transmission system loadflow, connectivity and operating models, transient and dynamic system stability data, or other study data;
5. Connectivity or switching maps or diagrams;
6. Critical Cyber Assets, as well as all operational procedures, lists, network topology or similar diagrams, floor plans, equipment layouts, disaster recovery plans, incident response plans, and security configuration information that reference or include information regarding such Critical Cyber Assets;

**III. CEII May Be Disclosed Under The Following Circumstances:**

1. As provided under the FAST Act and 10 C.F.R. Part 1004.
2. Pursuant to specific applicable statutory or regulatory provisions, rules or regulations;
3. Pursuant to an administrative or judicial order issued by a court or regulatory body that has jurisdiction over the subject matter;
4. As needed by an agent, consultant or representative hired by WAPA to provide engineering, construction or other services to WAPA;
5. Pursuant to a valid subpoena;
6. Pursuant to a request from WAPA's designated Reliability Coordinator;
7. Pursuant to a verifiably valid request from another electric utility or eligible transmission customer;
8. Pursuant to a verifiably valid request from a third-party consultant or electricity market participant relating to analysis of WAPA's power systems.

In each of the disclosure circumstances specified above, CEII shall be made available only pursuant to the FAST Act, its implementing regulations at 10 C.F.R. Part 1004, DOE Order 471.3, an appropriate protective order, or upon execution and delivery of WAPA's Non-Disclosure Agreement (available upon request). Requests submitted by or on behalf of

Foreign Nationals are subject to review pursuant to applicable U.S. Department of Energy and WAPA directives.

**IV. CEII Requests & Exemptions**

To file a CEII request for data, please complete, sign, and submit the CEII Request in the form of Attachment A.

**V. WAPA's Review of CEII Requests**

At the time the CEII request is received, WAPA will determine if the requested information meets the requirements of CEII outlined in the FAST Act, 10 C.F.R. Part 1004, and this document, and in turn whether or not to release the information to the requesting party. If the requested information meets the requirements of CEII outlined in the FAST Act, 10 C.F.R. Part 1004, and this document, WAPA's Non-Disclosure Agreement (available upon request) will be offered for execution.

WAPA will attempt to respond within 21 calendar days. However, WAPA is not required to meet such timeframe.

**VI. Whistleblower Protection Enhancement Act of 2012**

The Whistleblower Protection Enhancement Act of 2012 (WPEA) was signed into law to strengthen protections for federal employees who disclose evidence of waste, fraud, or abuse. The WPEA also requires that any non-disclosure policy, form, or agreement utilized by a federal agency include the statement copied below, and provides that any such policy, form or agreement executed without the language may be enforced as long as agencies post notice of the following statement:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.

Employees (and former employees) are reminded that reporting evidence of waste, fraud, or abuse involving classified information or classified programs must continue to be made consistent with established rules and procedures designed to protect classified information.

The following list of Executive orders and statutory provisions are controlling in the case of any conflict with an agency non-disclosure policy, form, or agreement:

- Executive Order No. 13526;
- Section 7211 of Title 5, United States Code (governing disclosures to Congress);
- Section 1034 of Title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military);
- Section 2302(b)(8) of Title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats);
- Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents);
- The statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952, of title 18, United States Code; and
- Section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b))

**Attachment A**  
**Critical Energy Infrastructure Information (CEII) Request**

1. Contact and identifying information:
  - a. Name (F/M.I./L): \_\_\_\_\_
  - b. U.S. Citizen (Y/N): \_\_\_\_ If no, list all countries of current or former citizenship and country of birth: \_\_\_\_\_  
\_\_\_\_\_
  - c. Title: \_\_\_\_\_
  - d. Full mailing address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - e. Telephone: (    ) \_\_\_\_\_ - \_\_\_\_\_
  - f. E-mail address: \_\_\_\_\_
  
2. If filing the CEII request on behalf of another person or entity, include that person or entity's contact information.
  - a. Name (F/M.I./L): \_\_\_\_\_
  - b. U.S. Citizen (Y/N): \_\_\_\_ If no, list all countries of current or former citizenship and country of birth: \_\_\_\_\_  
\_\_\_\_\_
  - c. Full mailing address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - d. Telephone: (    ) \_\_\_\_\_ - \_\_\_\_\_



3. Description of information requested such as the report or file names, dates, etc. Be as specific as possible.

---

---

---

---

---

4. Provide a detailed statement explaining the particular need and intended use of requested CEII.

---

---

---

---

---

---

---

---

---

---

---

5. Send the request to:

Regional Contact(s) as posted on OASIS

Signature: \_\_\_\_\_ Date: \_\_\_\_\_