

WILLIAM V. DEPAULO, ESQ.

April 17, 2008

Sandra Squire, Director
Executive Secretary Division
Public Service Commission
P. O. Box 812
Charleston, WV 25323

Re: FOIA Request for Records

Dear Ms. Squire:

On behalf of the Sierra Club, Inc, I respectfully request copies of records under the Freedom of Information Act (FOIA), W.V. Code § 29B-1-1, et seq.

Specifically, the Sierra Club, Inc. requests copies of all public records in the possession of the West Virginia Public Service Commission (PSC) pertaining to the Joint Stipulation of Agreement and Settlement (hereafter "Joint Stipulation"), filed in Case No. 07-0508-E-CN with the PSC on April 15, 2008 at 5:05 PM, and entered into between the Trans-Allegheny Interstate Line Company, the West Virginia Energy Users Group, the Consumers Advocate Division of the PSC, and the Staff of the PSC.

In order to avoid any confusion about this request, I have enclosed a date-stamped copy of the cover page of the Joint Stipulation. I specifically exclude from my request any documents that are already a matter of public record as a result of having been filed in the docket for Case No. 07-0508-E-CN.

In order to facilitate your search for these records, I advise you that one or more of the following persons at the PSC may have documents responsive to this FOIA request:

1. Ed Staats 304-340-0303
2. Jon W. McKinney 304-340-0307
3. Joe Watkins, Esq. 304-340-0775
4. Richard E Hitt, Esq. 304-340-0317
5. Caryn Watson Short, Esq. 304-340-0338

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| 6. John Auville, Esq. | 304-340-0311 |
| 7. Carrie DeHaven, Esq. | 304-340-0416 |
| 8. Cheryl Ranson | 304-340-0421 |
| 9. Paul Stewart | 304-340-0771 |
| 10. Earl Melton | 304-340-0392 |
| 11. Jim Ellars | 304-340-0331 |
| 12. Dixie Kellmeyer | 304-340-0762 |
| 13. Byron L. Harris | 304-558-0526 |

In providing this list I intend to assist your search for responsive documents. However, it is possible that responsive documents exist in the offices of other persons at the PSC, and I respectfully request that you take reasonable steps to determine the location of all responsive documents.

As used in this request, the reference to documents “pertaining” to the “Joint Stipulation” means any and all documents, referencing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in whole or in part, the Joint Stipulation.

Without in any way limiting the generality of the foregoing, I specifically request copies of all hand-written, typewritten, printed, or recorded material, including, but not limited to, notes, memoranda, letters, diaries, calendars, articles, messages, emails (including attachments thereto), teletype or facsimile transmissions or printouts thereof, telephone communications (including voice recordings or memoranda memorializing), minutes of meetings, memoranda of contact, worksheets, recordings, studies, analyses, opinions, books, reports, transcriptions of recordings, information retrievable from computers (regardless of format or media), pictures, drawings, photographs or other graphic representations, and any other physical means of communication, including tape recordings and

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magnetic tape.

The requested documents specifically include any and all drafts of the Joint Sipulation itself, and all documents pertaining to such drafts, and any altered or annotated copies of such draft or documents pertaining to such drafts.

The term "public record" includes all such documents now in the possession, custody or control of the PSC, or in the possession, custody or control of the present or former members, officers, agents, representatives, employees, contractors, and agents of PSC and any and all persons acting on behalf of the PSC, including documents at any time in the possession, custody or control of such individuals or entities, or known by you to exist.

If any document was, but is no longer, in PSC's possession or subject to your control, or in existence, state whether it is (a) missing or lost, (b) has been destroyed, (c) has been transferred voluntarily or involuntarily to others, or (d) otherwise disposed of, and in each instance, kindly explain the circumstances surrounding and authorization for such disposition of it and state the date or approximate date of it.

I respectfully request that you provide me with the requested records within the five-day deadline specified by W.V. Code § 29B-1-3 (4), but I am prepared to grant a reasonable extension of that deadline if necessary to accommodate your good faith efforts to comply with this FOIA request.

I am prepared to pay the reasonable cost for the reproduction of the foregoing records as calculated under W.V. Code § 29B-1-3 (5). Without compromise to my commitment to pay the costs of reproduction, I nonetheless respectfully request that any such costs be waived as the Sierra Club, Inc. is a non-profit corporation and its participation in the underlying proceeding has been undertaken in the public interest.

If you claim that any of the foregoing records are exempt from mandatory disclosure, I respectfully request that you:

- (1) provide me with an index of all requested documents which reflects the date, author, addressee, number of pages, and subject matter of the requested document;

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- (2) state the exemption you deem to be applicable to each requested record;
- (3) state with particularity the reason why such exemption is applicable to each requested record;
- (4) examine each requested record to determine if reasonably segregable non-exempt information exists which may be released to me after redacting information deemed to be exempt, and
- (5) exercise your discretion to release such records notwithstanding the availability of a basis for withholding.

Please do not hesitate to call me at 304-342-5588 to discuss any problems anticipated or encountered in identifying or locating responsive documents, or in making a timely response.

On behalf of the Sierra Club, Inc., thank you for your attention to this matter.

Very truly yours,

William V. DePaulo

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