

WILLIAM V. DEPAULO, ESQ.

May 12, 2008

Hon. Joe Manchin
Governor's Office
Capitol Complex
Charleston, WV

HAND-DELIVERED

Re: FOIA Request for Records

Dear Governor Manchin:

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 records in your possession or control pertaining to the application for a certificate of public convenience and necessity filed with the Public Service Commission in Case No. 07-0508-E-CN on March 30, 2007 by the Trans-Allegheny Interstate Line Company (TrAILCo). This request is for records in your possession or control from the time of the March 30, 2007 filing, up to and including today's date.

I respectfully request that you treat this as a continuing request and that you produce, on an ongoing basis at intervals of not less than two-weeks, any newly generated or received documents after this date, up to and including the currently scheduled decision by the PSC on or before August 2, 2008.

As used in this request, the reference to documents "pertaining" to the application in Case No. 07-0508-E-CN 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 TrAILCo application.

I specifically exclude from my request any documents that are, as of the date of this request, a matter of public record as a result of having been filed in the docket for Case No. 07-0508-E-CN.

Without limiting the generality of the foregoing, I specifically request copies of all communications (type-written, digital, email or otherwise), and logs of telephone communications, including invoices from telecommunications carriers recording the date

and time of telecommunication (and memoranda memorializing telecommunications), between you (and or representatives of the Governor's office) and representatives of the PSC and/or TrAILCo or its parents, Allegheny Energy, or any affiliate thereof, pertaining to the TrAILCo application.

The term "public record" includes all such documents now in your possession, custody or control, or in the possession, custody or control of the present or former agents, representatives, employees, contractors, and agents of the Governor's Office and any and all persons acting on behalf of the Governor's Office, 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 your possession or subject to your control, or in existence, please 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. In this regard, please note that the PSC has scheduled a hearing on the proposed settlement for May 30, and we will need to have a response before then in order to get the documents on the public record in advance of the May 30 hearing.

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

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date, author, addressee, number of pages, and subject matter of the requested document;

(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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