



State of West Virginia
Joe Manchin III
Governor

Office of the Governor
State Capitol
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Charleston, WV 25305

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May 23, 2008

William V. DePaulo, Esq.
179 Summers St., Suite 232
Charleston, West Virginia 25301

Dear Mr. DePaulo:

As we have discussed over the telephone, I have received your Freedom of Information Act Request in which you request, pursuant to W. Va. Code § 29B-1-1, *et seq.*, materials "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 (TrAIL Co.) . . . from the time of the March 30, 2007 filing, up to and including [May 12, 2008]." More specifically, you requested "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 TrAIL Co or its parents, Allegheny Energy, or any affiliate thereof, pertaining to the TrAILCo application."

Please find enclosed copies of documents in the possession of the Office of the Governor that are responsive to your request. Further, please note that certain documents have been withheld because they contain deliberative and/or attorney-client privileged material and are exempt from disclosure under W. Va. Code § 29B-1-4. Redacted copies of partially exempt documents are provided where segregable, non-exempt information may be reasonably extracted.

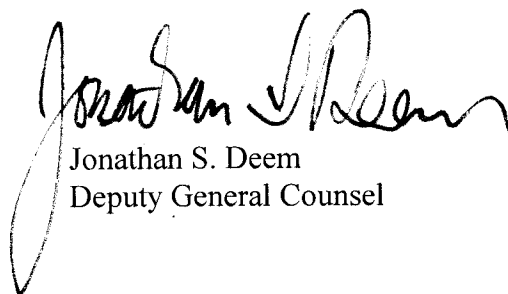
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Also enclosed are telephone records for the applicable time period of your request. As we discussed over the telephone, the Governor's Office utilizes a computer system that records calls to and from certain lines – calls to and from the lines of certain staff members, including Governor Manchin and his senior staff, are not recorded. The records are stored electronically for approximately thirty days. After thirty days, the records are wiped from the computer system. As such, the only telephone records this office can produce at any given time are records stretching back approximately thirty days from the date a request is received. The enclosed records were taken from the computer system upon receipt of two previous FOIA requests. Unfortunately, as you are aware, a system failure occurred on or around April 26, 2008, and no call records have been recorded since that time. Therefore, there are no additional telephone records available that are responsive to your request.

I hope you find this information helpful. Should you desire clarification on the above, please do not hesitate to call. The applicable reproduction fee for the enclosed documents is hereby waived.

Sincerely,



Jonathan S. Deem
Deputy General Counsel

Encl.