

**CEII NON-DISCLOSURE AGREEMENT – STATE AGENCY
REPRESENTATIVE**

I hereby certify my understanding that access to Critical Energy Infrastructure Information (CEII) is provided to me pursuant to the terms and restrictions of the attached State Agency CEII provisions, that I have been given a copy of and have read the State Agency CEII 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 not be disclosed to anyone other than another person who has been granted access to these same materials by the Federal Energy Regulatory Commission (FERC). I also understand that the foregoing CEII are "Federal Records," and as such, are merely on loan to this State Agency and will be returned or destroyed upon request by the CEII Coordinator. I agree to notify FERC's Associate General Counsel for General and Administrative Law as soon as a request for these records are received. I acknowledge that a violation of this agreement may adversely affect my ability to receive CEII from the Commission in the future.

By: _____

Signature

Name: _____

Title: _____

Representing: _____

Date: _____

**CRITICAL ENERGY INFRASTRUCTURE INFORMATION
PROVISIONS APPLICABLE TO STATE AGENCY REPRESENTATIVE**

1. These provisions govern the use of Critical Energy Infrastructure Information (CEII) provided to a State Agency Requester who files a request for access to CEII pursuant to 18 C.F.R. § 388.113.
2. Definitions – For purposes of these provisions:
 - a. The term "CEII Coordinator" refers to the Federal Energy Regulatory Commission official designated as Critical Energy Infrastructure Information Coordinator, with delegated authority under 18 C.F.R. 375.313 to make determinations with respect to requests for CEII.
 - b. The terms "non-disclosure agreement" and "NDA" mean the agreement annexed hereto by which a State Agency Requester certifies his or her understanding that access to CEII is provided pursuant to the terms and restrictions of these provisions, and that such State Agency Requester has read the provisions and agrees to be bound by them.
 - c. The term "Recipient" means someone who receives CEII in accordance with the provisions of 18 C.F.R. § 388.113.
 - d. The term "Requester" means someone who requests access to CEII in accordance with the provisions of 18 C.F.R. § 388.113(d).
 - e. The term "State Agency Official" means a person employed by a particular State agency.
3. A State Agency Requester shall not be permitted to inspect or gain access to CEII unless the State Agency Requester has first executed a State Agency non-disclosure agreement.
4. All CEII shall be maintained by Recipient in a secure place and treated in the same manner as Recipient would treat its own confidential and privileged documents. Access to CEII 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. Recipients may make notes of CEII, which shall be treated as CEII notes if they contain CEII.

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5. A State Agency Recipient may discuss CEII with any other Recipient of the identical CEII. A State Agency Recipient may check with the CEII Coordinator to determine whether another individual is a Recipient of the identical CEII.
6. If any Recipient submits information to the Commission that includes CEII obtained under these provisions, portions of the filing containing CEII must be submitted in accordance with 18 C.F.R. § 388.112(b).
7. A State Agency Recipient of CEII may use CEII as background but may not disclose CEII except to approved Recipients of the same CEII.
8. The State Agency Recipient must return CEII to the CEII Coordinator or destroy CEII within five calendar days of a written request by the CEII Coordinator to do so. Within such time period, each State Agency Recipient, if requested to do so, shall also submit to the CEII Coordinator an affidavit stating that, to the best of his or her knowledge, all CEII has been returned or destroyed and that CEII notes have either been returned, or destroyed.
9. If the State Agency Recipient terminates employment at the State Agency, State Agency Recipient will return all CEII to the Commission prior to terminating state agency employment.
10. The State Agency Recipient remains bound by these provisions unless the CEII Coordinator or the Commission rescinds the provisions or a court of competent jurisdiction orders disclosure of this information.

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