

§ 356.4

§ 356.4 Availability of records.

At each office where records are kept or stored, such records as are herein required to be preserved shall be so arranged and filed so that they may be readily identified and made available to representatives of the Commission.

§ 356.5 Protection and storage of records.

The company shall protect records subject to the regulations in this part from fires, floods, and other hazards and safeguard the records from unnecessary exposure to deterioration from excessive humidity, dryness, or lack of ventilation.

§ 356.6 Preservation of records.

(a) All records listed in § 356.11 may be preserved in either hard-copy paperstock or nonerasable microfilm (see § 356.8). However, a paperstock or microfilm record need not be created to satisfy the requirements of this part if the particular records are initially prepared on nonerasable media such as punched cards, magnetic tapes and disks. The records maintained in non-readable media and the underlying data used in their preparation shall be preserved for the periods prescribed in § 356.11. In no case shall a paperstock or microfilm record be destroyed after transfer to nonreadable media before expiration of the prescribed periods of retention without Commission approval (see § 356.7).

(b) Each nonreadable form of media shall be accompanied by a statement clearly indicating the type of data included in the media and certifying that the information contained therein is complete and accurate. This statement shall be executed by a person having personal knowledge of the facts contained in the records. The records shall be indexed and retained in such a manner as will render them readily accessible, and the company shall have facilities available to locate, identify and reproduce the records on paper similar in size to the original without loss of clarity.

§ 356.7 Destruction of records.

(a) *General authority.* Records described in these regulations may be de-

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stroyed after having been preserved for the prescribed periods.

(b) *Special authority.* Special authority is required before records described in these regulations may be destroyed prior to the end of the prescribed retention periods. Applications for special authority must describe in detail the nature and purpose of the records in question and the reasons continued retention is no longer considered necessary (see § 356.10).

(c) *Method of destruction.* These regulations require that records be preserved for specified periods. Upon expiration of these periods, records may be destroyed in any manner if the company so elects. Precaution should be taken, however, to shred or otherwise destroy the legibility of any records, the content of which is forbidden by law to be divulged to unauthorized persons.

(d) *Premature destruction or loss of records.* When records are destroyed or lost before the expiration of the prescribed retention periods, a statement shall be prepared listing, as accurately as possible, the records destroyed or lost and describing the circumstances under which they were destroyed or lost. The statement shall be certified by an officer of the carrier and filed with the officer having supervision over preservation of records. A copy of the statement shall also be filed with the Secretary's Office of this Commission within ninety (90) days from the discovery of the premature destruction or loss.

§ 356.8 Photographic copies.

(a) Any record may be transferred to nonerasable microfilm (including microfiche, computer output microfilm, and aperture cards) at any time. Records so maintained on microfilm shall satisfy the minimum requirements listed in paragraphs (b) through (f) of this section.

(b) The microfilm used shall be of a quality that can be easily read and that reproduction in paperstock can be similar in size of an original without loss of clarity of detail during the periods the records are required to be retained in § 356.11.

(c) Microfilm records shall be indexed and retained in such a manner as will

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render them readily accessible, and the company shall have facilities available to locate, identify and read the microfilm and reproduce in paper form.

(d) Any significant characteristic, feature, or other attribute which microfilm will not preserve shall be clearly indicated at the beginning of each roll of film or series of microfilm records if applicable to all records on the roll or series, or on the individual record, as appropriate.

(e) The printed side of printed forms need not be microfilmed for each record if nothing has been added to the printed matter common to all such forms, but an identified specimen of the form shall be on the film for reference.

(f) Each roll of film or series of microfilm records shall include a microfilm of a certificate stating that the photographs are direct and facsimile reproductions of the original records and they have been made in accordance with prescribed regulations. Such a certificate shall be executed by a person having personal knowledge of the facts covered therein. Where the microfilm is computer output microfilm the certificate shall state that the information is complete and accurate.

§ 356.9 Companies going out of business.

The records referred to in these regulations may be destroyed after business is discontinued and the company is completely liquidated. The records may not be destroyed until dissolution

is final and all transactions are completed. When a company is merged with another company under jurisdiction of the Commission, the successor company shall preserve records of the merged company in accordance with these regulations.

§ 356.10 Waiver of requirements of these regulations.

A waiver from any provision of these regulations may be made by the Commission upon its own initiative or upon submission of a written request by the company. Each request for waiver shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, procedures, or techniques, or that compliance with such prescribed requirements would impose an unreasonable burden on the company.

§ 356.11 Schedule of records and periods of retention.

The following schedule shows periods that designated records shall be preserved. The descriptions specified under the various general headings are for convenient reference and identification, and are intended to apply to the items named regardless of where records are filed and regardless of departmental organization. Records other than those listed below may be destroyed at the option of the company: *Provided*, Such records used in place of those listed are preserved for the periods prescribed for the records used for substantially similar purposes.

SCHEDULE OF RECORDS AND PERIODS OF RETENTION

Item number and category of records	Retention period
CORPORATE AND GENERAL	
1 Incorporation and reorganization:	
(a) Charter or certificate of incorporation and amendments	Permanently.
(b) Legal documents related to mergers, consolidations, reorganization, receiverships and similar actions which affect the identity or organization of the company.	Do.
2 Minutes of Directors' Executive Committees', Stockholders', and other corporate meetings.	Do.
3 Titles, franchises and authorities:	
(a) Certificates of public convenience and necessity issued by regulating bodies	Until expiration or cancellation.
(b) Operating authorizations and exemptions to operate issued by regulating bodies	Do.
(c) Copies of formal orders of regulatory bodies served upon the company	1 year after expiration or cancellation.
(d) Deeds, charters, and other title papers	3 years after disposition of property.