

Obtaining Things of Value from TVA Protocol

Purpose:

From time to time, people contact TVA to obtain something of value from TVA or contact TVA employees or members of the Board of Directors (“Directors”) to assist them in obtaining something of value from TVA. For example, the contact could be from:

- A member of the general public who is seeking a section 26a permit, or
- An elected official who is seeking something of value from TVA for his or her personal benefit.

No matter who makes the request, when something of value is being sought from TVA, the decision-making process needs to be fair, impartial, transparent, and evenhanded, both in fact and in appearance.

Definitions:

A “Thing of Value” is:

- Any interest in real property held by TVA in the name of the United States,
- Any section 26a permit,
- A sole-source contract with a monetary value greater than \$25,000,
- A donation with a monetary value greater than \$10,000, or
- Surplus or excess property with a monetary value greater than \$10,000.

This protocol does not apply if a Thing of Value is being requested or obtained from TVA through a competitive process or is subject to a process which is similarly designed to ensure fair, impartial, transparent, and evenhanded decisions. It also does not apply to requests made by government entities (e.g., Tennessee Department of Transportation or city of Knoxville).

A “Covered Person” is one of the following persons seeking a Thing of Value from TVA for his or her personal benefit:

- An elected government official,
- A policy-making level employee of an entity that regulates TVA or its activities,
- A management level employee of a power customer of TVA,
- A Director,
- A TVA employee, or
- An immediate family member of one of the above individuals.

When a corporation or other entity is asking for a Thing of Value, the entity will be considered a Covered Person if:

- A person dealing with TVA for the entity would be a Covered Person as described above
or

- A person known to have a financial interest in the entity would be considered a Covered Person if such person were making the request directly.

Process:

Handling Requests

Any person who submits a request to TVA for a Thing of Value will be required to identify whether a Covered Person stands to benefit if the request is approved. Additionally, the form used to request any Thing of Value will advise all persons that the request and communications that occur as part of the application process may be made public and could be reviewed formally by the Office of the Inspector General (OIG).

When TVA receives a request for a Thing of Value from a Covered Person (“Request”), the TVA officer responsible for the affected program activity (“Responsible Officer”) shall disclose all relevant information about the request to the Chief Ethics Officer and OIG.

For as long as the Request is active, the Chief Ethics Officer shall be given access to all written correspondence to and from the Covered Person regarding such Request. Upon request, the OIG will also receive a copy of all correspondence related to such Request. All oral communication between TVA and the Covered Person regarding the Request shall be documented and maintained by TVA, including the date and time of the conversation and a general description of the items discussed. The Chief Ethics Officer shall periodically review the records pertaining to each active Request to ensure that the process is impartial and evenhanded.

The Chief Ethics Officer shall report to the Audit, Risk, and Regulation Committee of the Board of Directors or successor committee (“ARR Committee”) at least once every six months about the status of active Requests and any issues identified.

The OIG, at its discretion, may report to the ARR Committee about any Request at an ARR Committee meeting or in executive session.

Nothing about this policy changes the process within TVA for reviewing and deciding whether to grant a Request.

Handling Inquiries

From time to time, Directors may receive inquiries about the status of or the details of Requests. Since some might perceive a Director’s active response to such an inquiry as influencing the TVA decision-making process, a Director should inform the person making the inquiry that as a Director he or she cannot substantively respond to the inquiry and inform the person that his or her inquiry should be directed instead to the responsible officer.

Training:

Those individuals who review requests for Things of Value shall receive annual training in:

- Their process for approving requests for Things of Value,
- The requirements of this protocol,
- The identification of Covered Persons, and
- Other information that may be relevant.

The Chief Ethics Officer will be responsible for providing such training.