



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
120 BROADWAY
NEW YORK, NY 10271

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Attorney General

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May 6, 2008

By Facsimile

Roger Kelley
President and Chief Executive Officer
New York Power Authority
123 Main Street
White Plains, New York 10601-3170

Re: New York State Attorney General's Investigation of the New York State Police Pursuant to Executive Law §§ 63(3) and 63(8)

Dear Mr. Kelley:

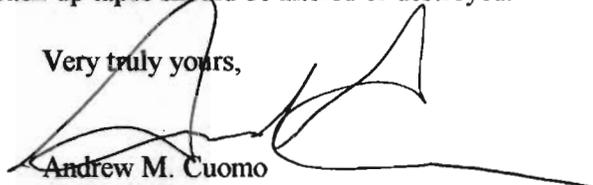
As you know, we are conducting an investigation of the New York State Police. Pursuant to that investigation, subpoenas have been issued to the New York Power Authority (the "Subpoenas"). As you are aware, NYPA is under a continuing duty to comply with the Subpoenas.

During the course of our review of some of the materials produced by NYPA in response to the Subpoenas, we have learned that affirmative steps were taken by NYPA personnel to purposefully destroy responsive information, specifically, e-mails on the blackberry of Daniel Wiese ("Wiese e-mails"). This destruction took place on April 1, 2008, the day this investigation was announced in the media. In addition, it appears that NYPA's IT system deleted many past e-mails on Wiese's computer system. These e-mails are relevant to this investigation. Undoubtedly, you appreciate the seriousness of this extremely troubling conduct.

In order for this Office to determine what specific action to take to address this conduct, please provide to us immediately any and all NYPA policies and procedures concerning: (1) document retention and destruction; and (2) the obligation of NYPA employees to cooperate with New York State investigations. In addition, we request a list of any and all NYPA personnel involved in the deletion of the Wiese e-mails and any and all internal communication concerning or in any way related to the Wiese e-mails before, during and after they were deleted. Furthermore, we request that you take any and all steps necessary to recover the deleted Wiese e-mails and provide them to this Office immediately upon their recovery.

Finally, we are aware that NYPA is in possession of back-up tapes for the entire NYPA e-mail system. We request that NYPA continue to preserve these back-up tapes. We further request that NYPA take whatever steps are necessary to restore any and all data to the back-up tapes created on March 30, 2008 and April 1, 2008, relative to the following individuals: (1) Daniel Wiese; (2) Lori DiMichelle; and (3) Albert Swanson. Once that data has been restored to the tapes, we ask that you provide us access so that we can obtain a forensic image of the tapes. We are likely to request that data be restored on other back-up tapes; accordingly, none of NYPA's back-up tapes should be altered or destroyed.

Very truly yours,



Andrew M. Cuomo
Attorney General