

# Holy Cross Energy Corporate Policies

Records Management

Policy Number: 6.1

Original Effective Date: November 18, 2015

Revised Dates: May 18, 2022

## 1. OBJECTIVE

1.1 To provide for the orderly retention or destruction of all documents and records of Holy Cross Electric Association, Inc., a/k/a Holy Cross Energy ("Holy Cross").

## 2. POLICY

2.1 In general, a "record" is any information (paper or electronic) recorded in a tangible form that is created or received by Holy Cross and documents some aspect of its operations. Records include original and copies of contracts and other legal documents, membership documents, memos, reports, forms, checks, accounting journals and ledgers, work orders, drawings, maps, images, and photographs and may be found in various electronic or machine-readable formats, including without limitation, CD-ROMs, DVDs, tape recordings, voice mail messages, e-mails, microfiche, web pages, computer, and other electronic files.

2.2 Records shall be maintained for a period as stated in the retention schedule, Appendix I to this Corporate Policy ("Policy"), which is based on the minimum periods for records retention required by applicable state or federal law and necessity for ongoing business purposes. The retention schedule will be reviewed periodically and amended as needed to reflect changing legal requirements, business needs or evolving practices.

2.2.1 Records shall be indexed and retained in a manner that ensures their easy accessibility, using procedures outlined in Appendix III of this Policy. Paper, electronic records and other information shall be maintained in the format or media that shall ensure a life expectancy and at a minimum preserves the records for as long as specified in the retention schedule. All records that require transfer to storage media that is different from the media in which the document was originally created, or is being maintained, require documentation of the transfer and verification for accuracy.

2.2.2 Electronic mail (e-mail) that constitutes a record should be either printed in hard copy and kept in the appropriate file or downloaded to a computer file and kept electronically or on disk as a separate file. The retention period for the depends upon the subject matter of the e-mail, as covered in the retention schedule, Appendix I to this Policy.

2.2.3 All Holy Cross employees are responsible for ensuring that appropriate internal controls are implemented in their handling, retention, storage, and disposition of records.

2.3 A legal "hold" or suspension of regularly scheduled destruction of records or other information may need to be issued by the President and CEO ("CEO") for various reasons, such as the following:

- A complaint is filed against Holy Cross.
- A credible threat of litigation has been received by Holy Cross.
- A discovery request is received.
- A records preservation order has been issued.
- A subpoena has been served on Holy Cross.
- A governmental, regulatory or law enforcement agency has instituted an investigation.

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- An event has occurred that resulted in death or serious bodily injury.
- A circumstance has arisen that is likely to cause Holy Cross to file a lawsuit.
- An employee has made a complaint/allegation/report regarding a violation of law, policy, or other improper conduct that warrants an internal investigation.

If an employee of Holy Cross receives any such complaint, request, subpoena or inquiry, the employee should immediately provide it to the CEO or their designee. Following consultation with legal counsel, a determination will be made regarding the need to preserve records. If such a need is determined to exist, the CEO or their designee will issue a legal hold notification to all employees using the template in Appendix II of this Policy. Such notice to employees shall be reissued every six months so long as the reasons for the legal hold remain in effect.

2.4 If a legal hold notification is issued, all employees are required to immediately cease destruction and preserve all records and other information detailed in the legal hold notice.

2.4.1 Regarding electronic records and information, all such active, distributed, and archived materials must be preserved.

2.4.2 Back-up data storage that only contain records or other information redundant to that which is being maintained as active or archived data will be recycled or destroyed in accordance with Holy Cross's regular back-up data policy.

2.4.3 If a computer or peripheral device (*e.g., Smartphone, tablet, PDA, disk drive, etc.*) has stored on it records or other information subject to the legal hold, then any scheduled replacement of that computer or device must be suspended until the stored materials on such computer or device are copied to a secure medium before the computer or device is taken out of service. Such steps must be documented (in hardware replacement, IT maintenance or other log) noting the dates of such copying and the equipment replacement, the person responsible for the copying and replacement, and the location of the copied materials.

2.5 Unless a legal hold notification is in effect, destruction of records may occur after the period stated in the retention schedule has been met. Other information should be discarded as soon as practicable after it has served its purpose unless subject to a legal hold.

2.6 Destruction of records may occur by one of the following acceptable methods:

2.6.1 For paper records,

2.6.1.1 Recycling or trash, if the record does not contain sensitive, personally identifiable or confidential information as defined in Holy Cross's Disclosure of Information Policy.

2.6.1.2 Shredding, burning or pulverizing, if any sensitive, personally identifiable or confidential information is included.

2.6.2 For electronic records,

2.6.2.1 Deletion of records and data on shared network files, computer desktop and laptop hard drives, including personal copies.

2.6.2.2 Erasing of data and records on peripheral devices and portable storage media (*e.g., PDAs, memory sticks, CDs, floppy disks, etc.*).

2.6.2.3 Erasing or recycling of magnetic media.

2.7 Periodic compliance audits and testing of retention, legal hold and destruction procedures will be undertaken at the direction and supervision of the CEO or their designee. A records log or other

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documentation of records destruction may be created to track compliance and assist in evaluating the effectiveness of this Policy.

## 3. RESPONSIBILITY

3.1 The President and CEO or their designee will be responsible for the administration and compliance of this Policy and shall ensure this Policy is adhered to by Holy Cross employees.

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## APPENDIX I

### RETENTION SCHEDULE

Record Description <i>(Include any identification numbers, etc.)</i>	Retention Requirement
<b><u>Corporate and General:</u></b>	
1. Reports to stockholders: Annual reports or statements to members.	50 years
2. Organizational documents:  (a) Minute books of member, Board and Board committee meetings: Record of all actions taken by the shareholders or Board without a meeting; all actions taken by a committee of the Board in place of the Board on behalf of the corporation.  (b) Titles, franchises and licenses: Copies of formal orders of regulatory commissions served upon the utility, if applicable.  (c) Articles and amendments in effect; Bylaws and amendments in effect; Board resolutions regarding member classes or rights.	Permanent  6 years after final non-appealable order  5 years after enactment
3. Contracts, including amendments and agreements (except contracts provided for elsewhere):  (a) Service contracts, such as for management, accounting and financial services. (All contracts, related memoranda and revisions.)  (b) Contracts with others for transmission or the purchase, sale or interchange of product. (All contracts, related memoranda and revisions.)  (c) Memoranda essential to clarifying or explaining provisions of contracts listed above, including requests for discounts.  (d) Card or book records of contracts, leases and agreements made, showing dates of expirations and of renewals, memoranda of receipts and payments under such contracts.	6 years after expiration  Life of Contract + 5 years  For the same periods as contracts to which they relate  For the same periods as contracts to which they relate
4. Accountants' and auditors' reports:  (a) Reports of examinations and audits by accountants and auditors not in the regular employ of the utility.  (b) Internal audit reports and working papers.	10 years  10 years
<b><u>Information Technology Management:</u></b>	

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Record Description <i>(Include any identification numbers, etc.)</i>	Retention Requirement
5. Automatic data processing records (retain original source data used as input for data processing and data processing report printouts for the applicable periods prescribed elsewhere in the schedule): Software program documentation and revisions thereto.	Backup of system per current IT standards. All other documents per periods prescribed elsewhere in this schedule.
<b><u>General Accounting Records:</u></b>	
6. General and subsidiary ledgers:	
(a) Ledgers:	
(1) General ledgers	10 years
(2) Ledgers subsidiary or auxiliary to general ledgers except ledgers provided for elsewhere.	10 years
(b) Indexes:	
(1) Indexes to general ledgers	10 years
(2) Indexes to subsidiary ledgers except ledgers provided for elsewhere.	10 years
(c) Trial balance sheets of general and subsidiary ledgers	2 years
7. Journals: General and subsidiary	10 years
8. Journal vouchers and journal entries, including supporting detail:	
(a) Journal vouchers and journal entries	Life of plant
(b) Analyses, summarization, distributions, and other computations which support journal vouchers and journal entries:	
(1) Charging plant accounts	Life of plant
(2) Charging all other accounts	6 years
9. Cash books: General and subsidiary or auxiliary books	5 years after close of fiscal year
10. Voucher registers: Voucher registers or similar records when used as a source document.	5 years or life of plant, whichever is longer
11. Vouchers:	
(a) Paid and canceled vouchers (one copy-analysis sheets showing detailed distribution of charges on individual vouchers and other supporting papers.)	7 years
(b) Original bills and invoices for materials, services, etc., paid by vouchers.	Life of plant

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Record Description (Include any identification numbers, etc.)	Retention Requirement
(c) Paid checks and receipts for payments of specific vouchers.	Life of plant
(d) Authorization for the payment of specific vouchers	Life of plant
(e) Lists of unaudited bills (accounts payable), list of vouchers transmitted and memoranda regarding changes in audited bills.	Destroy at option
(f) Voucher indexes	Destroy at option
11a. Financial requirement and expenditure statements, which are not otherwise reflected in this schedule	1 year after the "as of date" of RUS' loan fund and accounting review
<b><u>Insurance:</u></b>	
12. Insurance records:	
(a) Records of insurance policies in force, showing coverage, premiums paid and expiration dates.	Destroy at option after expiration of such policy
(b) Records of amounts recovered from insurance companies in connection with losses and of claims against insurance companies, including reports of losses, and supporting papers.	6 years
(c) Applications for insurance policies in force.	Destroy at option after expiration of such policy
<b><u>Operations and Maintenance:</u></b>	
13.1 Production (Comanche 3): Public utilities and licenses:	
(a) Boiler-tube failure report	Documents Maintained by PSCO
(b) Generation and output logs with supporting data	Documents Maintained by PSCO
(c) Station and system generation reports and clearance logs	Documents Maintained by PSCO
(1) Hydro-electric	N/A
(2) Steam and others	Documents Maintained by PSCO
(d) Generating high-tension and low-tension load records	Documents Maintained by PSCO
(e) Load curves, temperature logs, coal and water logs	Documents Maintained by PSCO
(f) Gauge-reading reports	Documents Maintained by PSCO
(g) Recording instrumentation charts	Documents Maintained by PSCO
HCE Maintained Documents	
Monthly Reports	Life of Partnership + 10 years
Daily Status Reports	10 years

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Record Description (Include any identification numbers, etc.)	Retention Requirement
Project Agreements	Life of Partnership + 10 years
Invoices	10 years
13.2 Production - Nuclear:	N/A
14. Transmission and distribution:	
(a) Substation and transmission line logs	3 years (Maintained by PSCO)
(b) System operator's daily logs and reports of operation	3 years (Maintained by PSCO)
(c) Transformer history records	Life of transformer
(d) Records of transformer inspections, oil tests, etc.	Permanent (Dispatch Database)
(e) Records of other inspections, assessments, tests of component parts of the utility system and Emergency Restoration Plan exercises	At least until the next applicable inspection, test, etc. is conducted.
15. Maintenance work orders and job orders:	
(a) Authorizations for expenditures for maintenance work to be covered by work orders, including memoranda showing the estimates of costs to be incurred.	If pertaining to Addition of plant - 5 years or life of plant, whichever is longer
(b) Work order sheets to which are posted in detail the entries for labor, material, and other charges in connection with maintenance and other work pertaining to utility operations.	If pertaining to Addition of plant - 5 years or life of plant, whichever is longer
(c) Summaries of expenditures on maintenance and job orders and clearances to operating other accounts (exclusive of plant accounts.)	If pertaining to Addition of plant - 5 years or life of plant, whichever is longer
<b><u>Plant and Depreciation:</u></b>	
16. Plant ledgers:	
(a) Ledgers of utility plant accounts including land and other detailed ledgers showing the cost of utility plant by classes.	Life of plant
(b) Continuing plant inventory ledger, book or card records showing description, location, quantities, cost, etc., of physical units (or items) of utility plant owned.	Life of plant
(c) Asset life and mortality study data for depreciation purposes	25 years or for 10 years after plant is retired, whichever is longer
17. Construction work in progress ledgers, work orders and supplemental records:	
(a) Construction work in progress ledgers	15 years (life of indeterminate + 5 years)

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Record Description <i>(Include any identification numbers, etc.)</i>	Retention Requirement
<p>(b) Work orders sheets to which are posted in summary form or in detail the entries for labor, materials and other charges for utility plant additions and the entries closing the work orders to utility plant in service at completion.</p> <p>(c) Authorizations for expenditures for additions to utility plant, including memoranda showing the detailed estimates of cost, and the bases therefor (including original and revised or subsequent authorizations.)</p> <p>(d) Requisitions and registers of authorizations for utility plant expenditures.</p> <p>(e) Completion or performance reports showing comparison between authorized estimates and actual expenditures for utility plant additions.</p> <p>(f) Analysis or cost reports showing quantities of materials used, unit costs, number of man-hours etc., in connection with completed construction project.</p> <p>(g) Records and reports pertaining to progress of construction work, the order in which jobs are to be completed and similar records which do not form a basis of entries to the accounts.</p>	<p>15 years (life of indeterminate + 5 years)</p> <p>Life of plant</p> <p>15 years (life of indeterminate + 5 years)</p> <p>15 years (life of indeterminate + 5 years)</p> <p>15 years (life of indeterminate + 5 years)</p> <p>Destroy at option</p>
<p>18. Retirement work in progress ledgers, work orders and supplemental records:</p> <p>(a) Work order sheets to which are posted the entries for removal costs, materials recovered and credits to utility plant accounts for cost of plant retirement.</p> <p>(b) Authorizations for retirement of utility plant, including memoranda showing the basis for determination to be retired and estimates of salvage and removal costs.</p> <p>(c) Registers of retirement work</p>	<p>5 years after plant is retired</p> <p>5 years after plant is retired</p> <p>5 years</p>
<p>19. Summary sheets, distribution sheets, reports, statements, and papers directly supporting debits and credits to utility plant accounts not covered by construction or retirement work orders and their supporting records.</p>	<p>5 years</p>
<p>20. Appraisals and valuations:</p> <p>(a) Appraisals and valuations made by the company of its properties or investments or of the properties or investments of any associated companies. (Includes all records essential thereto.)</p>	<p>3 years after appraisal</p>

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Record Description <i>(Include any identification numbers, etc.)</i>	Retention Requirement
<p>(b) Determinations of amounts by which properties or investments of the company or any of its associated companies will be either written up or written down as a result of:</p> <p style="padding-left: 40px;">(1) Mergers or acquisitions</p> <p style="padding-left: 40px;">(2) Asset impairments</p> <p style="padding-left: 40px;">(3) Other bases</p>	<p>10 years after completion of transaction or as ordered by regulatory commission, if applicable.</p> <p>10 years after completion of transaction or as ordered by regulatory commission, if applicable.</p> <p>10 years after completion of transaction or as ordered by regulatory commission, if applicable.</p>
<p>21. The original or reproduction of engineering records, drawings, and other supporting data for proposed or as-constructed utility facilities: Maps, diagrams, profiles, photographs, field survey notes, plot plan, detail drawings, records of engineering studies and similar records showing the location of proposed or as-constructed facilities.</p>	<p>Retain until retired</p>
<p>22. Contracts relating to utility plant:</p> <p style="padding-left: 40px;">(a) Contracts relating to acquisition or sale of plant</p> <p style="padding-left: 40px;">(b) Contracts and other agreements relating to services performed in connection with construction of utility plant (including contracts for the construction of plant by others for the utility and for supervision and engineering relating to construction work.)</p>	<p>6 years after plant is retired or sold</p> <p>6 years after plant is retired or sold</p>
<p>23. Records pertaining to reclassification of utility plant accounts to conform to prescribed systems of accounts, including supporting papers showing the bases for such reclassifications.</p>	<p>6 years</p>
<p>24. Records of accumulated provisions for depreciation and depletion of utility plant and supporting computation of expense:</p> <p style="padding-left: 40px;">(a) Detailed records or analysis sheets segregating the accumulated depreciation according to functional classification of plant.</p> <p style="padding-left: 40px;">(b) Records reflecting the service life of property and the percentage of salvage and cost of removal for property retired from each account for depreciable utility plant.</p>	<p>Life of plant</p> <p>Life of plant</p>
<p><b><u>Purchase and Stores:</u></b></p> <p>25. Procurement:</p>	

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Record Description <i>(Include any identification numbers, etc.)</i>	Retention Requirement
<p>(a) Agreements entered into for the acquisition of goods or the performance of services. Includes all forms of agreements not specifically set forth in Subsection 7, such as, but not limited to: Letters of intent, exchange of correspondence, master agreements, term contracts, rental agreements and the various types of purchase orders:</p> <p style="padding-left: 40px;">(1) For goods or services relating to plant construction</p> <p style="padding-left: 40px;">(2) For other goods or services</p> <p>(b) Supporting documents, including accepted and unaccepted bids or proposals (summaries of unaccepted bids or proposals may be kept in lieu of originals) evidencing all relevant elements of the procurement.</p>	<p>Life of plant</p> <p>6 years</p> <p>6 years</p>
26. Material ledgers: Ledger sheets of materials and supplies received, issued and on hand	6 years
27. Materials and supplies received and issued: Records showing the detailed distribution of materials and supplies issued during accounting periods	6 years
28. Records of sales of scrap, materials and supplies:	
(a) Authorization for sale of scrap, materials and supplies.	3 years
(b) Contracts for sale of scrap, materials and supplies	3 years
<b><u>Revenue Accounting and Collecting:</u></b>	
29. Customers' service applications and contracts: Contracts, including amendments for extensions of service, for which contributions are made by customers and others.	4 years after expiration
30. Rate schedules: General files of (FERC: published) rate sheets and schedules of utility service. including schedules suspended or superseded.	6 years after published rate sheets and schedules are superseded or no longer used to charge for utility service
31. Maximum demand, and demand meter record cards	1 year
32. Miscellaneous billing data: Billing department's copies of contracts with customers (other than contracts in general files).	
(a) "Consumer accounts' records"	Kept for those years for which patronage capital has not been allocated
33. Revenue summaries: Summaries of monthly operating revenues according to classes of service, including summaries of forfeited discounts and penalties.	5 years
<b><u>Tax:</u></b>	

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Record Description <i>(Include any identification numbers, etc.)</i>	Retention Requirement
<p>34. Tax records:</p> <p>(a) Copies of tax returns and supporting schedules filed with taxing authorities, supporting working papers, records of appeals of tax bills and receipts for payment. See Subsection 11(b) for vouchers evidencing disbursements:</p> <p style="padding-left: 40px;">(1) Income tax returns (e.g., IRS Form 990s, including amended returns).</p> <p style="padding-left: 40px;">(2) Property tax returns.</p> <p style="padding-left: 40px;">(3) Sales and other use taxes.</p> <p style="padding-left: 40px;">(4) Other taxes.</p> <p style="padding-left: 40px;">(5) Agreements between associate companies as to allocation of consolidated income taxes.</p> <p style="padding-left: 40px;">(6) Schedule of allocation of consolidated Federal income taxes among associate companies.</p> <p>(b) Filings with taxing authorities to qualify employee benefit plans.</p> <p>(c) Information returns and reports to taxing authorities.</p> <p>(d) Tax exemption application and determination letter (e.g., currently, Form 1024 and all accompanying documentation) and any IRS rulings (e.g., private letter ruling.)</p>	<p>10 years</p> <p>10 years</p> <p>10 years</p> <p>2 years or after state audit</p> <p>2 years after final tax liability is determined</p> <p>2 years after final tax liability is determined</p> <p>2 years after final tax liability is determined</p> <p>5 years after discontinuance of plan</p> <p>3 years after final tax liability is determined</p> <p>Permanent</p>
<p><b><u>Treasury:</u></b></p> <p>35. Statements of funds and deposits.</p> <p>(a) Statements of periodic deposits with fund administrators or trustees.</p> <p>(b) Statements of periodic withdrawals from fund.</p> <p>(c) Statements prepared by fund administrator or trustees of fund activity, including:</p> <p style="padding-left: 40px;">(1) Beginning of the year balance of fund;</p> <p style="padding-left: 40px;">(2) Deposits with the fund;</p> <p style="padding-left: 40px;">(3) Acquisition of investments held by the fund;</p> <p style="padding-left: 40px;">(4) Disposition of investments held by the fund;</p> <p style="padding-left: 40px;">(5) Disbursements from the fund, including party to whom disbursement was made; and</p>	<p>Life of trust</p>

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Record Description (Include any identification numbers, etc.)	Retention Requirement
(6) End of year balance of fund.	Life of trust
36. Records of deposits with banks and others:  (a) Statements from depositories showing the details of funds received, disbursed, transferred and balances on deposit.  (b) Check stubs, registers or other records of checks issued.	2 years  Fiscal year + 3 years
36A. Records of financial commitments with lenders  (a) Loan applications, approval letters and loan contracts  (b) Mortgages and other security instruments associated with loans  (c) Release of lien  (d) Notification from lender to borrower of satisfaction of financial commitment	Permanent  Permanent  Permanent  Permanent
<b><u>Miscellaneous:</u></b>  37. [FERC: Reserved]	
38. Statistics: Financial, operating and statistical reports used for internal administrative or operating purposes.	5 years
39. Budgets and other forecasts (prepared for internal administrative or operating purposes) of estimated future income, receipts and expenditures in connection with financing, construction and operations, including acquisitions and disposals of properties or investments.	3 years
40. Records of predecessor companies	Retain consistent with the requirements for the same types of records of the utility
41. Reports to Federal and State regulatory commissions, including annual financial, operating and statistical reports. (Form EIA - 861 - "Annual Electric Power Industry Report", RUS Form 7, etc.).	5 years
42. Advertising: Copies of advertisements by or for the company on behalf of itself or any associate company in newspapers, magazines and other publications, including costs and other records relevant thereto (excluding advertising of appliances, employment opportunities, routine notices and invitations for bids all of which may be destroyed at option.)	2 years
<b><u>Employment Related:</u></b>  43. Safety	

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Record Description <i>(Include any identification numbers, etc.)</i>	Retention Requirement
(a) Motor vehicle inspection, repair and maintenance records	1 year and for 6 months after removal from fleet
(b) CDL driver qualification files	For 3 years after termination of employment
(c) CDL driver drug and alcohol tests and results	5 years
(d) OSHA 300 Log and OSHA 301 incident reports	5 years
<b>44. Personnel</b>	
(a) Payroll records, collective bargaining agreements	2 years
(b) Performance reviews and other documentation about treatment on the job, job applications and resumes, etc.	2 years
(c) Benefits plan information (ERISA)	Life of trust
(d) I-9 Forms for all employees hired after November 6, 1986	Employment + 3 years
(e) Payroll and unemployment taxes	Termination + 6 years
(f) Wage/earnings records (e.g., time cards, wage rate tables, etc.)	5 years
(g) Dates of FMLA leave, notices to or from employees re: FMLA, records of any disputes, etc.	3 years
<b><u>Environmental:</u></b>	
<b>45. Hazardous Waste/Toxic Chemicals</b> (reports, inspection logs, training records, waste shipment manifests or records, sampling and monitoring data)	
(a) Community Right to Know/TRI reports and supporting documentation	3 years
(b) PCB equipment inspection and maintenance history	3 years
(c) PCB spills	5 years after cleanup
(d) Used Oil: Spill Prevention Protection and Control plans, procedures and record of tests and inspections	3 years
(e) Haz mat incident reports	3 years
(f) Employee exposures to certain substances (e.g., asbestos, benzene, etc.), including medical evaluations	30 years
(g) Hazardous waste records (shipping manifests, filed reports, test results, etc.)	3 years
(h) Records related to underground storage tanks for fuel (tests results, monitoring, calibration, maintenance or repair records, spills)	1 year

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Record Description <i>(Include any identification numbers, etc.)</i>	Retention Requirement
<p>46. Water</p> <p>(a) NPDES Permits and related documentation (including storm water prevention plans, reports, certifications, data used for the notice of intent, etc.)</p> <p>(b) Section 404 wetlands permits and related documentation (e.g., related to dredge and fill activities during utility line construction)</p>	<p>3 years from the date the permit expires</p> <p>3 years from the date the permit expires</p>
<b><u>Miscellaneous Licenses, Permits and Other Requirements:</u></b>	
<p>47. FCC</p> <p>(a) Radio frequency spectrum licenses</p> <p>(b) Private land mobile radio and microwave station records</p> <p>(c) Correspondence with the FCC</p>	<p>Permanent or until cooperative no longer holds an FCC license</p> <p>1 year</p> <p>Permanent or until cooperative no longer holds an FCC license</p>
<p>48. NERC Reliability Standards: (Can include audit records, system testing, personnel training, etc.)</p>	<p>1 year after audit is completed or as required in standard</p>
<b><u>Service Related:</u></b>	
<p>49. Records kept in relation to service-related events</p> <p>(a) Consumer complaints (including correspondence, voice recordings, investigation reports, etc.)</p> <p>(b) Outages (investigation reports, operational records, etc.)</p> <p>(c) Accidents (investigation reports, photographs, operational records, etc.)</p>	<p>Until the applicable statute of limitations has passed or litigation is finally decided or settled.</p> <p>Until the applicable statute of limitations has passed or litigation is finally decided or settled.</p> <p>Until the applicable statute of limitations has passed or litigation is finally decided or settled.</p> <p>Until the applicable statute of limitations has passed or litigation is finally decided or settled.</p>

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## APPENDIX II

### SAMPLE LEGAL HOLD NOTIFICATION

To ensure Holy Cross Electric Association, Inc., a/k/a Holy Cross Energy (“Holy Cross”) will recognize and respond appropriately to a notification that certain records are now potentially relevant and necessary for litigation or a governmental investigation, this appendix provides a sample legal hold notification.

#### URGENT NOTICE

TO: *Name all persons identified as likely to have relevant records*  
FROM: *CEO (or designee)*  
DATE:  
RE: *Your Obligation to Preserve Records and Other Information*

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The event/circumstance described below has triggered an obligation to preserve records and other information. Your assistance is necessary and required for the preservation of Holy Cross’s records and other information to fulfill Holy Cross’s legal obligations and/or preserve Holy Cross’s rights. Failure to fully comply with this directive could result in harm or penalties against Holy Cross; therefore, employees could be subject to discipline, up to and including termination of employment, for failure to follow the directives in this notice.

#### Event or Circumstance Triggering the Need to Preserve Records.

*(Description of lawsuit, investigation, occurrence, etc. If litigation, describe specific claims involved.)*

#### Types of Records and Other Information to be Preserved

All paper and electronic records and other information that could be relevant to the above described event or circumstance must be preserved, that is, retained and not deleted, including without limitation: *(Tailor description as needed to specific trigger event, such as, documents [including drafts and revisions], spreadsheets [including drafts and revisions], e-mails [sent and received], databases, calendars, presentations, image files, maps, voice messages, data generated based on Internet activity [cookies, cache, history files], computer usage logs, etc.).*

When potentially relevant records or other information exist on multiple platforms or media, for example: a file on a desktop computer, on a laptop computer, on a mobile device, on a portable storage medium such as a CD-ROM and a paper copy, every copy must be preserved.

Any routine or planned destruction of these types of records or data that you are aware of and can control (e.g., a user’s personal e-mail setting to automatically delete messages older than a certain date must be suspended for the period of this hold.)

#### Time Period

All the above described records and other information currently in your possession or under your control must be preserved *(from this point forward until you are notified that this hold is lifted or state specific time period, if known).*

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## Verification of Preservation

*(Describe the actual steps that a recipient of this notice must take to verify preservation. Different types of records or information may require different preservation methods, e.g., certain electronic files may be subject to automatic purging that requires an override or programming change.)*

## Contact Person(s)

If you have questions regarding this notice, or are aware of any other persons not listed as recipients of this notice, including retired employees, contractors, consultants or others who should receive this notice, please direct all such questions and information to \_\_\_\_\_  
*(provide name and contact details of the person overseeing the matter triggering the legal hold, such as Holy Cross's attorney or litigation counsel.)*

## Reminders

Reminders will be sent to you periodically during the course of this *(litigation, investigation, audit, matter)* to ensure that you continue to preserve relevant information and to inform you of any change as the matter progresses that would affect your preservation obligations. Such a change could include a change in scope that could add additional categories of records or other information for preservation or may require you to take additional preservation or verification steps.

