



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902

Ralph E. Rodgers
Executive Vice President and General Counsel

August 8, 2012

Loring E. Justice, Esq.
11911 Kingston Pike, Suite 201
Knoxville, Tennessee 37934

Dear Mr. Justice:

I have been asked to respond, on behalf of TVA, to your July 31, 2012, letter to TVA Chairman William Sansom regarding statutory protections provided to TVA employees and the Office of Special Counsel's (OSC) authority to investigate them.

From the content of your letter, it appears reasonable for us to assume that Joseph Carson has shared with you the several responses to his inquiries that he has received from TVA over the course of the past two years on this subject. Our legal position was outlined several times in that exchange of correspondence, and we are comfortable that 34 years of operations in accordance with that legal position demonstrate its reasonableness with regard to congressional and OSC expectations.

That being said, notwithstanding our position as to the legal inapplicability to TVA of certain referenced portions of the Civil Service Reform Act of 1978 (CSRA), I do want to note that TVA does adhere to the spirit of the referenced provisions as evidenced by numerous TVA policies, practices, and procedures that are consistent with them. These include but are not limited to:

- TVA Standard Programs and Processes 11.8.4 - Expressing Concerns and Differing Views
- TVA's Concerns Resolution Programs
- Employee access to an Ombudsman
- TVA's Policy on Prevention of Sexual Harassment in the Workplace
- The TVA Code of Conduct

I also want to stress that TVA has consistently held the view that OSC can address whistleblower complaints from TVA employees under subsection (b)(8) of the "Prohibited Personnel Practices" law. Moreover, under TVA's "No Fear Act" training program, which all TVA employees are required to complete at least once every two years, TVA employees are specifically informed of their right to contact OSC to make a complaint of whistleblower retaliation. Through that training program, TVA employees are expressly informed that if they

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have a complaint under the "Whistleblower Protection" provisions of law, they may contact TVA's Office of the Inspector General or the OSC, and the phone numbers and addresses of both points of contact are provided.

I recognize that we have differing legal opinions as to the applicability to TVA of certain provisions of the CSRA, and I hope this, in addition to the responses we have previously sent to Mr. Carson, adequately conveys TVA's perspectives on the questions and concerns set forth in your letter.

Sincerely,

A handwritten signature in cursive script that reads "Ralph E. Rodgers".

Ralph E. Rodgers