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Baltimore utility powers up with e-discovery program

Constellation Energy whips through document searches and easily meets compliance mandates since implementing tools and best practices

By Robert Mullins, Network World, 11/26/07

Constellation Energy makes nuclear power. That's besides the smattering of hydro, coal, natural gas and other types of generating facilities it runs, and its Baltimore Gas and Electric subsidiary. Naturally, it deals with a lot of regulatory oversight -- and mounds of associated documentation.

But because of an advanced e-discovery program implemented early last year, the \$19 billion, Baltimore-based company can easily seek out the right documents as needed. It stands as a shining example of how to use technology and organizational best practices in creating effective e-discovery. For this, Constellation earns a 2007 Enterprise All-Star Award.

Regulatory data

The key to understanding Constellation's massive document load is the word "regulated." Constellation has to report to an array of agencies, from the Maryland Public Service Commission to the U.S. Environmental Protection Agency to the Federal Energy Regulatory Commission. It deals with a deluge of e-document requests from these agencies, as well as from a dozen states' environmental and utility regulators. In addition, as a public company, it reports to the U.S. Securities and Exchange Commission. Besides all that, there are human resources regulations, contracts and myriad internal documents.

Before implementing its sophisticated e-discovery system, searching for e-mails and other documents was onerous and costly. The search functions typically found in e-mail programs or on file servers were inadequate.



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Frank Chambers, director of information security management, recounts the effort it took to fulfill just one big e-discovery project. Comprising 225 different requests, that project required a team of about 30 Constellation employees to spend more than six weeks and hundreds of hours searching through 3TB of data across 700 e-mail in-boxes and other caches of data. Worse, the work had to be done after hours to avoid disrupting the regular workday.

In the light of such untenable search requests, Chambers led a three-year, multimillion-dollar e-discovery project. As of January 2006, Constellation has been storing, organizing and reproducing electronic documents in its IT system more efficiently. "I would consider Constellation a model for any company, not just utilities," he says.

E-discovery tools

The first step in Constellation's e-discovery project was to inventory where all its data resides -- on file servers, storage disks or individual desktop drives, Chambers says. The team found that nearly all the electronic documents usually sought for investigations are e-mails, e-mail attachments and other created files.

For e-discovery, Constellation deployed HP's Integrated Archive Platform (formerly the Reference Information Storage System), which receives data from applications and archives that is based on preset retention policies so it's easily searchable later.

The company also uses Clearwell Systems' Clearwell Intelligence Platform network appliance, which sorts through e-mails to find those most relevant to an e-discovery request. For example, the appliance can cull through an e-mail string involving two or more people and deliver information on who wrote what to whom and when. Plus, it can sort through document-management and collaboration systems, such as EMC's Documentum and Microsoft's SharePoint.

"When you have a lot of data, what you need is technology that can cull all that data down to relevant information for a specific situation," Chambers says, noting that he selected Clearwell's appliance after an exhaustive search for tools that went beyond keyword searching. Now, with e-discovery, Constellation can fulfill some document requests in minutes instead of hours or days, he says.

Organizational smarts

As great as the tools have been, they're only a piece of the solution. An effective e-discovery program requires organizational changes as well as technology.

One of the problems complicating e-discovery was that requests came from all over the company -- legal, human resources, corporate -- as well as from outside. So, as part of its e-discovery overhaul, Constellation created a group to handle all e-discovery requests, which can come only from the legal department or corporate security, Chambers says.

While its system always can be improved, Constellation's proactive approach to addressing e-discovery has eased its compliance concerns, too, Chambers says. For example, the company isn't troubled by the revised Federal Rules for Civil Procedure imposed late last year that sent many others scrambling to reassess e-discovery programs. The rules require that companies being sued in federal court or investigated by federal agencies must quickly disclose what systems they have in place and how they will produce documents expected to be sought.

Asked to share advice with other companies taking on an e-discovery project, Chambers quickly replies, "Talk to legal."

IT staff must build a relationship with those who are familiar with the legal requirements of e-discovery and with what courts and agencies need, and who can inform decision-making about which technology best meets those requirements. Plus, Chambers says, lawyers "come back from the golf course or from court or lunch and say, 'Hey I was talking to so-and-so, and they are doing X, Y and Z.'"

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