



Compliance Strategies for Long-Term Competitive Advantage in the Utilities Industry

Microsoft Corporation

From Projects to Lifecycles

Compliance Strategies For Long-Term Competitive Advantage
in the Utilities Industry

Executive Summary

“The incentive for our sales executives and energy traders is to create value for our ratepayers and the company. My responsibility as group risk director is to protect us from losing value from the business.”

*Robert Klein, Group Energy Risk Director,
Scottish Power and Executive Member,
Committee of Chief Risk Officers*

Utilities and energy company boards of directors could soon face criminal proceedings if they continue to ignore the need for better and more robust compliance throughout the enterprise. While some companies continue to rely on point solutions, not only are the demands of regulators escalating following the Enron and WorldCom debacles, but the complexity and geographic reach of compliance legislation is also increasing.

Until recently, company board members have escaped the punishment meted out to executives and sometimes their lawyers and accountants for corporate fraud. But, in January 2005, former directors at WorldCom and Enron agreed to pay millions of dollars to settle shareholder lawsuits and in July WorldCom's former CEO was sentenced to 25 years in prison. Though the settlements differ in the WorldCom and Enron cases, both hold the directors personally liable for management's failure to comply with accounting regulations.

This warning was the starting point for a Microsoft Round Table of regulatory compliance officers held in April 2005 to examine how adopting an integrated culture of compliance can preserve business value for utilities and energy companies, and become a virtuous lifecycle instead of just another short-term project. Yet in the four years since the Enron and WorldCom crisis broke, only a quarter of companies surveyed in the United States had appointed an ethics or compliance officer.

Although there is no 'silver bullet' to solve compliance issues facing utilities companies large or small, technology offers the best safety net and the roadmap for protecting the business against the cost of implementing future regulations. Companies need to invest in solutions that deliver more value to the business and offer a sustainable approach where compliance becomes a business enabler not an inhibitor. The priorities include:

- Providing a single version of the truth for compliance purposes.
- Offering users ready access to information.
- Improving and automating business process.
- Engendering a culture of awareness about compliance.

The purpose of this White Paper is to explore all embracing solutions to compliance that will be of direct relevance to the chief technology officer (CTO) in the utilities and energy sector, but the conclusions apply equally well across all industries and all sectors where compliance is an issue.

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1. Challenge of Sustainable Compliance

The key compliance dilemma facing most utilities companies in industrialised countries is whether they view compliance as a business inhibitor or a business enabler. In the early 1990s, when regulatory environments for utility and energy companies were stable and slow to change in Europe and North America, chief technology officers (CTOs) could be forgiven for thinking that tactical solutions were the best response to new regulation.¹

But in today's world, there are many disadvantages associated with this approach. Not least because discrete compliance programmes designed to meet a particular challenge often overlap with each other. They also usually fail to deliver benefits in a scalable, sustainable, and cost-effective manner, let alone provide a cushion for mitigation of the financial risk of future regulations.

For example, a major energy trading company, whose business also includes supply and market of energy products, had, in recent years, addressed specific point requirements around new export controls and the Sarbanes-Oxley (SOX) legislation.² But, with a vast business operating across many borders, the company needed to co-ordinate, manage, and demonstrate effective compliance for a multitude of global and localised regulatory needs.

It worked with a firm of leading global consultants³ to implement an overall sustainable compliance framework for the business. This approach would proactively address broad legislative regulatory and SOX requirements in relation to the enterprise approach for records management. It wanted to respond to future needs without the requirement for a new reactive IT investment with each new or changed set of regulations.

Seismic Shift in Compliance Legislation

But, compliance is not just a headache for global operators such as the customer referenced above. In today's regulatory environment, compliance officers in businesses of all sizes face pressures in many areas including:

- Enquiries from regulatory bodies such as OFGEM
- Legislation around SOX
- Export controls
- Deregulation
- Data protection
- Environmental controls
- Trading regulations
- Anti-money laundering legislation

The complexity of the new regulatory requirements is further compounded by the size and geographical spread of many utilities and energy groups, where different subsidiaries operate in differing national environments.

Two other considerations make today's world much more challenging than in the last century. Namely the diversity of products traded by many utilities and the highly competitive environment in which companies operate in a deregulated, globalised marketplace.

Financial and operational risk is also changing. Utilities companies have been advised that in the emissions field it would be foolhardy, for example, to continue to value carbon dioxide regulatory risk at zero.⁴

APS Energy Services

Responding to State Regulators in Minutes Not Hours

APS Energy Services wanted a data management and analysis system that could help it respond to information requests from state regulators more quickly and provide greater insight into its business data, reducing risk and boosting business agility.

Solution

A Microsoft partner created a series of applications that embedded the analytical capabilities of Microsoft® Office Excel 2003 spreadsheet software into applications based on the Microsoft .NET Framework that used Microsoft Windows® forms. Innovative speech recognition functionality helped analysts to quickly find, interpret, and act on structured data without extra training.

Benefits

- Improved business intelligence for more informed decisions.
- Response time cut from five hours to 10 minutes.
- One hour less a day for analysts reconciling statistical discrepancies.
- Analysts spend 88 per cent less time creating reports.

Products

Active Directory®
Microsoft SQL Server™ 2000
Microsoft .NET Framework
Microsoft Windows Server™ 2003
Microsoft Office System

Compliance Links to Better Business Performance

Finally, better compliance is linked inextricably to improved business performance. Research about the hidden costs of information work published earlier this year demonstrates that managing e-mail messages are the most time-consuming activity for all information workers, followed by creating documents and then finding and analysing information.⁵

The cost of these activities, a key element in any compliance challenge, is a burden for any business. E-mail consumes an average of more than 14 hours per week per employee, simply because it is the major channel for communication and exchanging information, both within and outside the enterprise. It is often hard to separate e-mail from workflow, trading, calendar management, and other business processes for utility and energy companies.

Taking as a baseline that the average desk-based worker earns around £33,000 a year, this produces a cost to the enterprise of £11,500 per worker per year for reading e-mail messages. When the cost of searching for and analysing information is added, this activity takes up some 25 per cent of the typical information worker's time. These everyday activities are prime candidates for automation within the enterprise, and by extension bring easier and more cost-effective compliance.

Any reduction that an enterprise can make in the time spent on these tasks will have an immediate impact on productivity and efficiency.

2. Creating Value in the Business

Compliance officers attending a Microsoft Utilities Round Table in April 2005 focused on the challenge facing energy and utilities companies who want to create value and seize new business opportunities without alienating the regulators.

CTOs can help them by taking a proactive approach to compliance management across the entire business, and not just through dealing with exceptions.

This is critical at a time when cases dealing with non-compliance are moving from the arena of civil law into the criminal courts. And while this trend is most pronounced in North America, there is no question that a similar shift is taking place in the U.K. and mainland Europe.

Management structures will need to respond through measures that immerse the business in a compliance culture. For example, more and more chief compliance officers are reporting directly into the board of directors, and not through other financial officers.

However, the principal conclusion stemming from the new realities of compliance, where enforcement no longer just includes health and safety and the environment, is that current challenges can only be met in one way.

This involves taking a comprehensive approach to the following activities:

- Improving and automating enterprise performance management and control
- E-mail messaging retention
- Records management
- Financial reporting
- Operational risk management
- Information security
- Business continuity

Technology plays a crucial role here, and while this goal may be achieved through new investment, it will also be reached by making better use of existing technology assets and licences.

Steps Along the Compliance Journey

So what exactly is IT's role in achieving compliance?

To begin with, it can help overcome the attitude in many businesses that compliance simply involves red tape and prevents improvements in business performance.⁶

For example, there is clear evidence that the systems that support regulatory controls can help translate good business practice into rules and methodologies that optimise controls within an enterprise. It is also necessary because in some utility companies only 40 per cent of the corporate memory is in IT systems. The rest is retained by individual staff who may retire, relocate or move on to another company.

It can also help utilities and energy companies meet new requirements quickly and effectively at minimum cost to the business. This means implementing strategic solutions that can adapt to new regulations and offer a sustainable approach where compliance becomes a business enabler not an inhibitor.

Clean Water Services

Taming Paper Burden Aids Compliance

Clean Water Services' need to comply with regulations had generated unmanageable volumes of paper documents, which were hard to access. The company worked with Centerlogic to update its intranet.

Solution

The company deployed Microsoft Office Professional Edition 2003 and Microsoft Office SharePoint™ Portal Server 2003. It integrates with Microsoft Windows SharePoint Services and provides a central location for employees to access the documents and knowledge they need to be effective, and to comply with regulators.

Benefits

- Tenfold increase in information held centrally.
- Connects users and teams so they collaborate more productively.
- Improves auditable compliance with environmental regulations.
- Shares information on new regulations and corporate policies.

Products

Microsoft Office Excel 2002
 Microsoft Windows Server 2003
 Microsoft Office Professional Edition 2003
 Microsoft Office Outlook® 2003
 Microsoft Office Word 2003
 Microsoft Office SharePoint Portal Server 2003

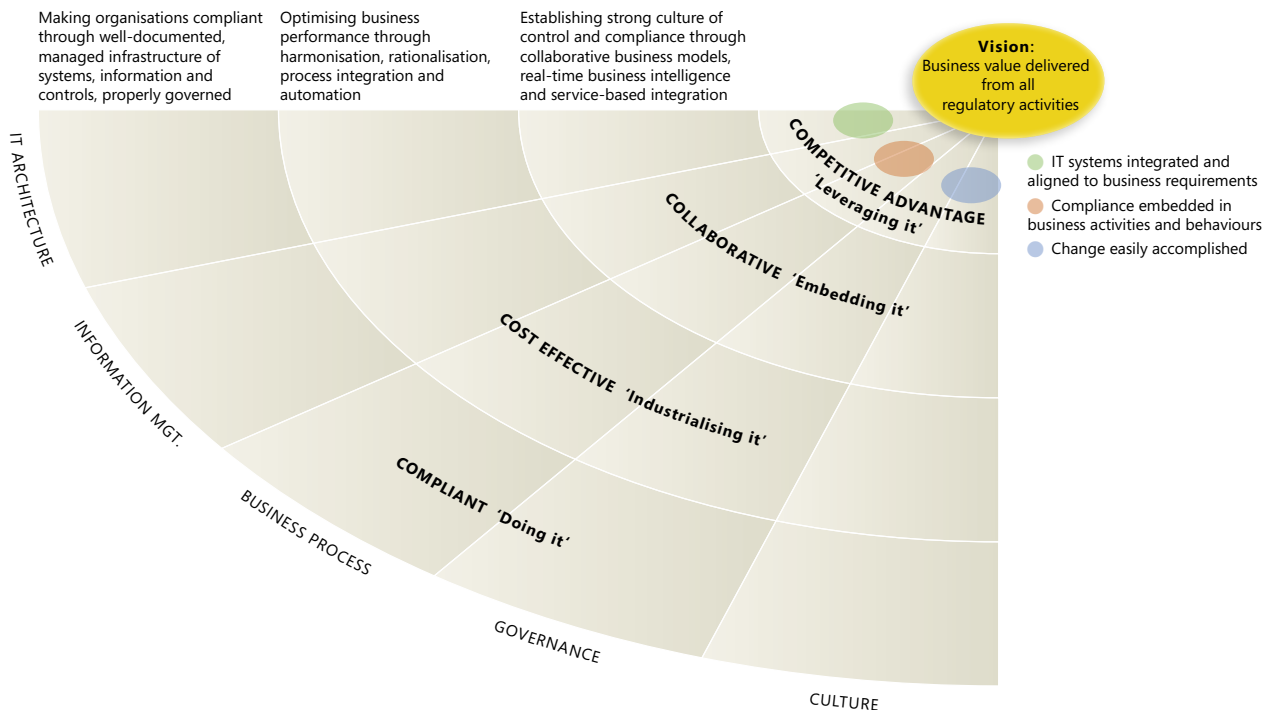


Figure 1: The three steps towards competitive advantage

But feedback from a cross section of leading utilities and energy companies attending the Microsoft Round Table raised several issues of concern to CTOs:

- How can we get the message out to our staff and be smarter about regulatory compliance?
- How can we reduce the cost of managing unstructured data within the enterprise and ensure better compliance at the same time?
- How can we centralise all the information that demonstrates compliance?
- Can we create a better culture of compliance without stifling the business?
- How do we automate the collection of data so that we can respond more quickly and efficiently to inquiries?

While these questions raise a number of issues, it is fair to say that achieving competitive advantage through compliance generally involves the following steps:

- Making an organisation compliant through a well-documented, managed infrastructure of systems, information and controls, aimed at establishing proper governance.
- Optimising business performance through harmonisation, rationalisation, process integration, and automation.
- Establishing a strong culture of control and compliance through collaborative business models, real-time business intelligence, and service-based integration.

Provided it is well managed, this progression helps a utilities company gain competitive advantage by delivering value to the business from compliance and by making best use of existing IT assets. But how do you make it happen?

Compliance as a Lifecycle

The three conditions for delivering adequate compliance solutions for energy and utilities companies are transparency, confidence about the process, and the ability to audit.

A utilities or energy company must avoid the temptation to treat compliance as a one-off project. Instead, it should see compliance as a lifecycle with ongoing effort and certification as a priority. This will ensure that its information systems are integrated and aligned with its business requirements. Once compliance is embedded in business activity and behaviour, future change is more easily accomplished.

IT is the principal facilitator for a proper compliance infrastructure covering such disciplines as information management, business intelligence analysis, and information security. It operates most effectively through a stack of interoperable technologies that ensures data is clean, credible, and secure.

Around 80 per cent of all disruption to data systems comes from people inside the business, making it all the more important that processes are recorded properly and automated search systems are in place.

3. Holistic Solutions to Compliance

Microsoft provides the environment in which compliance solutions can be built, typically by its partners who have created a large portfolio of solutions that address almost every compliance issue.

These can be provided for many different reasons. For environmental, health, and safety considerations, accurate records are needed for regular reporting. They help firms to prove that procedures have been followed. In the utilities sector where fuels are continually traded, good record keeping is essential and is best managed by technology that operates throughout the business.

The portfolio of compliance solutions provided by Microsoft partners is fundamentally based on information management, and the need for utilities and energy companies to integrate their own products with appropriate core Microsoft applications. This will normally be implemented by the Microsoft partner, with the deploying organisation, and possibly with the assistance of a systems integrator.

Yet the recurring dilemma facing the CTO is whether to adopt an all-embracing view of compliance or apply a quick-fix solution designed to meet a particular new set of regulatory requirements. Some CTOs doubt whether it is possible to implement an IT strategy that can be adapted easily to new regulatory requirements and ask whether such a solution actually exists?

Compliance Solutions Suite

In the utilities and energy sector, Microsoft partners often cooperate with consulting and technology outsourcing businesses. A good example is Capgemini whose Energy Utilities and Chemicals (EUC) practice, with more than 7,000 dedicated consultants, serves more than 70 per cent of the top 30 private and public global utilities as well as the national utilities, and all of the publicly-held oil and gas companies.

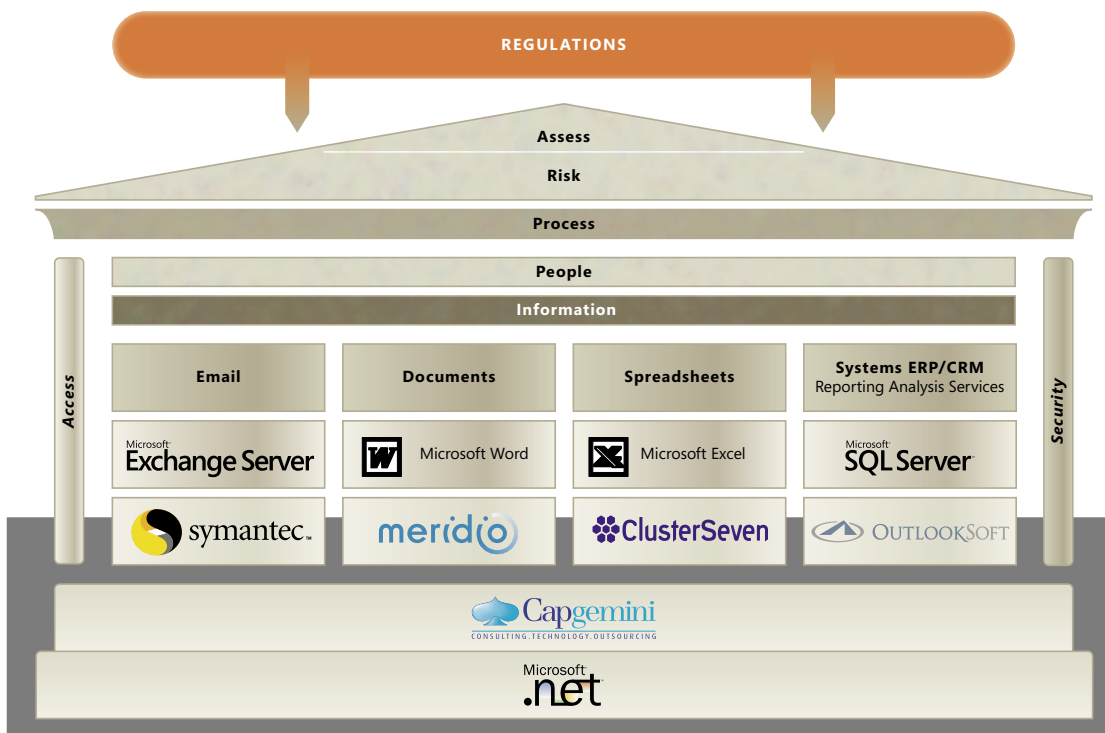


Figure 2: The Compliance Solutions Portfolio

Capgemini collaborates closely with Microsoft to deliver sustainable compliance and to drive competitive advantage through application of its compliance solutions suite.

This is based on the .NET Framework, which helps to integrate line-of-business applications with other Microsoft tools, helping organisations to extend the life of their existing IT assets. Capgemini, in turn, works with a range of select Microsoft partners to deliver compliance solutions that operate throughout the enterprise.

Electronic Document and Records Management — Meridio

Meridio⁷, a Microsoft Gold Certified Partner and global independent software vendor, developed its solution for electronic document records management (EDRM) when the .NET Framework was introduced.⁸

Its solution addresses the cultural shift in document management where because of new compliance legislation, records management including e-mail messages need to be part of every information worker's life.

Meridio's technology also supports the use of unstructured information, such as text files, graphics, instant messages, and e-mail messages, for business communication and decision making. Properly managed, it offers the opportunity for significant business improvement, new ways of working, competitive advantage, and sharing of organisational knowledge. An example of best practice for compliance is Scottish and Southern Energy, which is using Meridio technology for domestic customers to view their accounts online as .pdf files securely from any browser.⁹

The challenge for Meridio was to introduce EDRM technology that was easy to implement and readily accessible from common desktop networking architectures. This involved developing an EDRM solution that integrated seamlessly with Microsoft Office products and other technologies.

By implementing Meridio, utilities and energy companies can achieve several core business benefits:

- Improve employee productivity by reducing the time they need to find information.
- Increase collaboration by ensuring that users work on correct information.

- Reduce costs associated with working on incorrect data or finding information.
- Improve e-business systems by integrating and reusing data held in unstructured documents such as customer relationship management (CRM) systems.
- Integrate line-of-business applications such as SAP with their secure unstructured business data to create a comprehensive information layer for improved business decisions and customer service,

Secure E-Mail Archiving and Retrieval — Symantec

Microsoft partner Symantec¹⁰ provides an out-of-the-box solution for secure e-mail archiving and retrieval. VERITAS Enterprise Vault archives and records messaging data sent within an organisation, and to and from external partners.

E.ON UK, the company that runs Powergen, generates, distributes, and retails electricity to millions of customers around the country. It has deployed VERITAS Enterprise Vault for e-mail archiving to 12,000 users so they can use it to search and retrieve archived data quickly.

Client access is provided through familiar interfaces, such as Office Outlook 2003 messaging and collaboration client, and Microsoft Office Outlook Web Access for online and offline users. Symantec ensures that all messages in the archive are stored both in their original .msg format and in either plain text or HTML format.

This eliminates the need for personal folder files and gives users the option to retrieve data quickly. Previously, the only option for many enterprises was to back up personal folders daily, which imposed a strain on the network and wasted valuable time for administrators. With VERITAS Enterprise Vault, administrators can spend more time on other work instead of wasting many hours making back ups.

With data under control, utilities can then concentrate on extracting the real business benefits of compliance. They can consider their investment less as a response to legislation, such as the U.K. Finance Act 2004 with its new reporting requirements, but more as an opportunity to bring about culture change within the enterprise.

Proactive Spreadsheet Management—ClusterSeven

Spreadsheet management is an increasing compliance challenge for the energy and utilities sector, a natural home for trading activity. But few technology systems have coped with the rate of change of product types at deal entry, let alone the middle and back-office requirements for risk management, physical scheduling, and settlement.

In the past, business users built new functionality at the desktop and then waited many months for it to be captured in central systems. Delay of this kind is now unacceptable in today's highly-regulated markets.

Using Microsoft Certified Partner ClusterSeven's enterprise spreadsheet management software, new energy products and contracts can be captured and integrated at speed and in real time.¹¹

The energy or utilities business is then free to develop markets and processes organically and to drive the IT replacement lifecycle at their own pace and budget. ClusterSeven has also proved a useful development tool because new processes can also be tested before being placed in a live environment.

ClusterSeven deploys advanced extensible mark-up language (XML) templates and data management tools that ensure its system integrates with existing Microsoft Office applications. An organisation can retain all its critical information in a database where the information can be used for pricing analysis or future trading opportunities.

The result is not only better and easier compliance, but freedom for traders to make bolder trades and extract more value from stored historical market information. A system implemented to ensure better compliance can contribute, as shown below, to new opportunities for the enterprise.

RWE Trading, one of the leading energy trading companies in Europe, has deployed ClusterSeven's spreadsheet management software for 350 users in London and Swindon. It monitors and captures changes in RWE Trading's spreadsheets.

Combined with best-practice procedures, this will reduce any operational risk associated with Excel spreadsheets and ensure the highest levels of compliance. The ClusterSeven

solution is non-invasive and does not require any software to be deployed at the workstation. The enterprise class application resides on a series of application servers, a Web server, and a database server, and is based entirely on Microsoft technologies.

ClusterSeven software monitors and records spreadsheet changes passively, rather than controlling them, maintaining data integrity. E-mail or instant messaging alerts are triggered when specified changes take place in the business logic or formula within a spreadsheet. The software compresses and stores important data in one place so that key information from disparate spreadsheets can be collated for analysis. The system can also be used to automate reporting procedures.

Corporate Performance Management—OutlookSoft

With today's competitive and regulatory pressures, utilities and energy companies need forward-looking business processes for financial and operational corporate performance management (CPM). This involves staying on top of the ever-increasing flow of business data and finding efficient ways to transform it into actionable information.

Many vendors offer point solutions that tackle specific operational tasks and business processes, which then need to be integrated. Only OutlookSoft¹² provides a unified CPM solution that delivers an industry-leading solution for strategic planning, budgeting, forecasting, predictive analytics, reporting, statutory consolidation, key performance indicators (KPIs), and scorecarding.

OutlookSoft's 100 per cent Microsoft approach to CPM ensures greater compliance, auditability, and accountability, aiding the adoption of financial compliance standards, such as, International Finance Reporting Standards (IFRS), Operational & Financial Review (OFR) and SOX. OutlookSoft CPM utilises the in-built ETL capability of SQL Server 2000 to extract data from virtually any financial or operational transaction system including SAP, PeopleSoft or Microsoft Business Solutions—Navision®, Microsoft Business Solutions—Great Plains®, and Microsoft Business Solutions—Axapta®. This means all corporate executives can access real-time information through a common patented Web Excel user interface.

Many systems used in the utilities industry focus on data collection and consolidation. OutlookSoft's research shows that many decision makers spend too much time on the mechanics, leaving little time to actually run the utility's business and execute key decisions.

OutlookSoft solves this problem by unifying financial and operational information within a centralised database, on a consistent user interface, with a common set of metadata, and single sign-on capability across all business processes. Additionally, decision making is enhanced by OutlookSoft's unique ability to combine all data—financial, operational, text and documents—in a single environment.

OutlookSoft customer Telecom Italia Group experienced compliance challenges, financial and operational, similar to those facing the energy and utilities sector. It wanted to improve economic and financial analyses for a large number of subsidiaries through a unified approach to CPM. At the outset of the OutlookSoft project there were some 40 different applications for compliance and CPM at Telecom Italia.

Operational Control Architecture (OCA) – BCS

The increasing regulatory and compliance pressures on utilities and energy companies mean that adopting a holistic model and approach to compliance will not only reduce regulatory overlap within the business' processes, It is also important in gaining a much greater degree of transparency over compliance related activity throughout the organisation and consequentially providing senior management with a much clearer picture.

BCS Group's¹³ 'BCS OCA' solution is a suite of control modules, which in its entirety offers an enterprise and an integrated internal control framework covering certification, balance sheet integrity, audit tracking through to incident reporting.

Within this framework controls are stored and maintained in a central repository mapped to the relevant legislative or procedural documentation. Controls drive business as usual tasks, thus minimising the overhead on the business lines whilst maximising the visibility audit trail for compliance.

As predefined triggers relating to breaches of regulation are tripped BCS OCA automatically fires tasks and escalates reporting throughout the organisation at the right time.

The OCA solution ensures that task attestation and responses are monitored and compliance levels reported with the appropriate amount of information for the user, displayed in intuitive graphical format. Senior management click through on the dashboard and drilldown to the underlying detail required. The BCS OCA solution is built using BCS ControlCentre™ technology.

BCS Group is working actively with several Microsoft partners including ClusterSeven.

4. Conclusion

Compliance challenges can vary from enterprise to enterprise, but the most common business problem is to develop enterprise-wide compliance strategies for records, document, and e-mail messaging management. The objective must be to ensure that all relevant regulatory requirements are met in a sustainable, scalable way.

These can range from financial and anti-money laundering regulations to data protection and security, environmental legislation, trading rules, health and safety laws, and international protocols, such as SOX and the Basel II Capital Accord.

If your business is concerned about the time it takes to respond to the demands of regulators then Microsoft technology solutions are the right path to choose. It is equally applicable for enterprises where senior management is concerned about extracting the maximum value from existing IT assets.

The business opportunity that arises from delivering compliance is not just about closing the gate on the regulators. The all-embracing solution, rather than the quick fix goes beyond year one. It can involve transforming a business and freeing up creativity, as well as making the best use of existing technology assets through a stack of interoperable technologies and keeping costs down.

Above all, it is no longer credible to regard compliance as a one-off solution, but as a transformational journey towards a more agile, collaborative, and ultimately more competitive organisation.¹⁴ Sustainable compliance reduces costs by automating and embedding compliance practices throughout the enterprise.

There are five principal areas where technology can deliver real benefits that address compliance:

- Secure e-mail archiving and retrieval systems
- Electronic document records management
- Enterprise spreadsheet management
- Corporate performance management
- Operational control architecture for compliance

By viewing compliance as more than just an additional cost, the solutions offered in the compliance space by Microsoft partners help drive competitive advantage through improved control, visibility of business operations, and enhanced management information to deliver improved corporate performance management.

Through technology, utilities and energy companies can resolve the tension recognised in the Executive Summary to this White Paper. Whereas sales executives and energy traders in a multinational business such as Scottish Power seek to create value for the company, its senior compliance officers have the task of ensuring that no value is lost from the enterprise.

The technology solutions offered by Microsoft partners can go a long way towards bridging this divide and ensuring that energy and utilities companies are ready to meet the challenge of future regulation, as well as dealing with current realities.

Reference Notes

1. Challenge of Sustainable Compliance

- 1 Turning Compliance into Competitive Advantage for Energy, Utilities and Chemical Companies, Capgemini, May 2004.
- 2 On July 30, 2002, the Sarbanes-Oxley Act (Public Law 104-204) went into effect, and changed the corporate landscape in regard to financial reporting and auditing for publicly traded companies. The law establishes stringent financial reporting requirements for companies doing business in the United States, whether based in the United States, or abroad.
- 3 For more information visit www.capgemini.com.
- 4 Presentation by Robert Klein, Group Energy Risk Director, Scottish Power, Arizona Wind Energy Seminar, January 2005.
- 5 The Hidden Costs of Information Work, IDC White Paper, Susan Feldman, Julie Rahal Marobella, Joshua Duhl and Alison Crawford, March 2005.

2. Creating Value in the Business

- 6 The Hidden Costs of Information Work, IDC White Paper, Susan Feldman, Julie Rahal Marobella, Joshua Duhl and Alison Crawford, March 2005.

3. Holistic Solutions to Compliance

- 7 For more information visit www.meridio.com.
- 8 Interview with Bob Ward, Meridio, July 2005.
- 9 As above.
- 10 For more information visit www.veritas.com/Symantec
- 11 For more information visit www.clusterseven.com.
- 12 For more information visit www.outlooksoft.com
- 13 For more information visit www.bcsplc.com

4. Conclusion

- 14 Turning Compliance into Competitive Advantage for Energy, Utilities and Chemicals Companies, Capgemini, May 2004.

For More Information

To find out more about solutions discussed in this document, please go to:

- **BCS**
www.bcsplc.com
- **Cap Gemini**
www.capgemini.com/utilities
- **Cluster Seven**
www.clusterseven.com
- **Symantec**
www.veritas.com/Symantec
- **Meridio**
www.meridio.com
- **Outlooksoft**
www.outlooksoft.com

If you would like to contact the Microsoft U.K. Utilities team please email:
utindust@microsoft.com

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