



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

July 14, 2022

In reply refer to: FOIA #BPA-2022-01010-F

Adam A. Marshall
Reporters Committee for Freedom of the Press
1156 15th St. NW, Suite 1020
Washington, DC 20005
amarshall@rcfp.org

Dear Mr. Marshall,

The Bonneville Power Administration (BPA) received your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on June 29, 2022 and assigned your request tracking number BPA-2022-01010-F. Please use that tracking number in any correspondence with the agency regarding your request.

Request

“Pursuant to the FOIA, I, on behalf of the Reporters Committee, request access to and copies of all letters and correspondence sent from your agency to FOIA requesters in fiscal years 2017, 2018, 2019, 2020 and 2021, that contain any of the following phrases (case insensitive):

- “neither confirm nor deny”
- “neither confirms nor denies”
- “confirm or deny”
- “existence or nonexistence”
- “existence or non-existence”
- “vel non””

Acknowledgement

BPA has reviewed your request and determined that it fulfills all of the criteria of a proper request under the FOIA and U.S. Department of Energy FOIA regulations at Title 10, Code of Federal Regulations, Part 1004.

Response

The agency’s Cyber Forensics team searched the FOIA Office case files and located 25 pages of records that are responsive to your request. These records are being released in full. Responsive records were located due to the nature of the search terms, but no *Glomar* responses were found for the years 2017-2021. The records are responsive because the requester used the phrase “confirm or deny” in reference to historical spilling at federal dams.

Fees

There are no fees associated with the processing of your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and information release described above. Your FOIA request BPA-2022-01010-F is now closed with the responsive agency information provided.

Appeal

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to:

Director, Office of Hearings and Appeals
HG-1, L'Enfant Plaza
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. (The Office of Hearings and Appeals prefers to receive appeals by email.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

Questions about this communication may be directed to BPA FOIA Public Liaison Jason E. Taylor at 503-230-3537 or jetaylor@bpa.gov. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
E-mail: ogis@nara.gov
Phone: 202-741-5770
Toll-free: 1-877-684-6448
Fax: 202-741-5769

Thank you for your interest in the Bonneville Power Administration.

Sincerely,

Candice D. Palen
Freedom of Information/Privacy Act Officer

[Responsive agency information accompanies this communication.](#)

King,James J (CONTR) - CGI-7

From: King,James J (CONTR) - CGI-7
Sent: Friday, September 25, 2020 1:10 PM
To: dudleydevices@aol.com
Cc: Taylor,Jason E (BPA) - CGI-7; FOIA
Subject: Proposed FOIA request language in re reduction method to render total cost of spill (Albright)
Attachments: image001.png; image002.png; Cost_of_Spill.xlsx

Hi, Doug,

Apologies for the delay. We've a number of challenges going on these days in re operating under COVID restrictions and addressing the aftermath of the local wildfires. I've taken a crack at re-crafting your information request (appended below) into "a proper FOIA request" as required by 5 U.S.C. Sec. 552. Here is my take on what you seek:

"The agency records requested should show the actual value of the total cost of court ordered spilling through USACE operated dams to limit fish mortality in the Columbia River. This cost-value number is not readily available, but publicly available information is available to reasonably deduce this cost. Combining the three years of available data shows the total cost of spill for those three years at \$ 1,383,480,959.00. The average annual cost of spill is therefore \$ 461,160,320.00. Records are now requested which would, 1) either support or refute those deduced numbers; 2) show when spilling started; 3) confirm or deny that spilling began in 2017; 4) show any forecast values available for 2020, and, if available, show Generated Revenue and values for Kilo Cubic Feet Per Second (i.e., rate of river water flow) allocated to generation and spill."

Please do amend this language as you see fit. After we have your green light on the request language, Jason will open up a new FOIA request and I'll track down a response for you. When I do approach the folks in Long Term Power Planning and Power & Operation Planning for a response, I will include all of your deductions and calculations below so that they have the full picture of your effort and the clearest possible background within which to respond.

Best,

James

From: dudleydevices@aol.com <dudleydevices@aol.com>
Sent: Monday, September 21, 2020 1:09 PM
To: King,James J (CONTR) - CGI-7 <jjking@bpa.gov>
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Subject: [EXTERNAL] Reduction method to get total cost of spill re: FW: Answers to Question about 2020-01-03_BPA-2020-00255-F_Responsive_Information

Hi James,

Thanks for these answers. It's like peeling an onion, every answer leads to more questions.

The fundamental question is still, "What is the total cost of spill?"

The attached spreadsheet ([Spreadsheet link](#)) shows how the most recent answers fit into and steer the breakdown to arrive at an answer.

The FOIA response data is listed here for reference:

1. [2020-01-03 BPA-2020-00255-F-Ackn.& Response](#)
2. [2020-01-03 BPA-2020-00255-F Responsive Information](#)
3. [2020-01-03 BPA-2020-00255-F FCRPS Plants](#)
4. [2020-01-03 BPA-2020-00255-F Generation Data](#)
5. [2020-01-03 BPA-2020-00255-F Revenue Data](#)

(All of the information is compiled in #5)

Generation	MWHrs (Spill Plants)	MWHrs (Other)	Total MWHrs
2017	39,025,027	52,373,859	91,398,886
2018	36,640,564	52,715,454	89,356,018
2019	30,588,831	43,216,099	73,804,930

FCRPS - Spill Plants
Lower Granite
Little Goose
Lower Monumental
Ice Harbor
McNary
John Day
The Dalles
Bonneville

Fig 1 Source data from #5 of the FOIA Response

Fig 2 List of Spill Plants

2017		2018		2019	
39,025,027	MWHrs Gen power	36,640,564	MWHrs Gen power	30,588,831	MWHrs Gen power
\$1,170,750,810	Generated revenue	\$1,099,216,920	Generated revenue	\$917,664,930	Generated revenue
93	KCFS Generating flow	87	KCFS Generating flow	71	KCFS Generating f
\$12,588,718	\$/KCFS generating	\$12,634,677	\$/KCFS generating	\$12,924,858	\$/KCFS generating
46	KCFS Spill flow	34	KCFS Spill flow	29	KCFS Spill flow
\$579,081,046	Total Cost of Spill	\$429,579,026	Total Cost of Spill	\$374,820,887	Total Cost of Spill
\$72,385,131	Cost at each dam	\$53,697,378	Cost at each dam	\$46,852,611	Cost at each dam

Fig 3 Calculation of annual cost of spill at each plant.

(The input FOIA data from #5 is in Green cells and the calculated cost from spilling is in the Red cells.)

The logic of the calculation is:

1. Convert MWHrs to dollars using the customary \$30/MWHR bulk-rate (in Cell D2) of the spreadsheet to get generated revenue. (You can enter your own bulk-rate figure if desired)

2. Divide generated revenue by the number of KCFS generating flow to get the dollar value generated by a single KCFS.
3. Multiply dollars generated by a single KCFS by the number of KCFS spilled to get the total cost of spill on the mainstem Columbia.
4. Divide by 8 (number of Spill Plants) to learn how much is expended annually to scoot the downstream migrant fish past the turbines at each Dam.

Year	Generated	Spilled	Ratio
2017	\$1,170,750,810	\$579,081,046	0.49
2018	\$1,099,216,920	\$429,579,026	0.39
2019	\$917,664,930	\$374,820,887	0.41
Total	\$3,187,632,660	\$1,383,480,959	

3 Sum of Calculated Annual Cost of spill at each plant.

Combining the 3-years of data shows the total cost of spill for these 3 years is

\$1,383,480,959.

The average annual cost of spill is \$461,160,320.

The new questions are:

1. Do Long Term Power Planning and Power & Operation Planning agree with my reduction method and resulting figures?
2. When did the spilling start?
3. Has it only been since 2017?
4. Are forecast values available for 2020?

The forecast should have Generated Revenue and values for KCFS allocated to generation and spill.

The purpose of this data reduction exercise is to correlate and augment the figures stated by BPA’s Hydro Optimization Team Chairman in his 2006 magazine article in Hydro Review that describes efforts to index test and optimize Columbia River powerplants.

[2006-06-01 Improving Operations On The Columbia \(Murphy\)](#)

Best regards,

Doug Albright
 Actuation Test Equipment Company
 (815) 335-1143

From: King,James J (CONTR) - CGI-7 <jjking@bpa.gov>
Sent: Wednesday, September 02, 2020 4:24 PM
To: dudleydevices@aol.com
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: Answers to Question about 2020-01-03_BPA-2020-00255-F_Responsive_Information

Good afternoon, Doug,

The folks in Long Term Power Planning and Power & Operation Planning have answers for you. They've indicated the following:

- The graphic illustrates the course or tract of flow for the spill plants, from upper most plant to lower most plant (i.e., from upper Snake River to the mouth of the Columbia).
- It is correct that each plant would not have the same flow, as the Lower Columbia River plants have flow added from tributaries not present at the Upper Snake River plants.
- The KCFS numbers are annual average aggregations of these plants.

Best,

J.

From: King,James J (CONTR) - CGI-7
Sent: Tuesday, September 1, 2020 10:08 AM
To: dudleydevices@aol.com
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: RE: [EXTERNAL] RE: [EXTERNAL] Question about 2020-01-03_BPA-2020-00255-F_Responsive_Information

Hi, Doug,

I'll see what I can find out for you.

Best,

J.

From: dudleydevices@aol.com <dudleydevices@aol.com>
Sent: Tuesday, September 1, 2020 10:04 AM
To: King,James J (CONTR) - CGI-7 <jjking@bpa.gov>
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: [EXTERNAL] RE: [EXTERNAL] Question about 2020-01-03_BPA-2020-00255-F_Responsive_Information

Hi James,

What course of the Columbia River does the KCFS of flow run through?

It's most likely not the same flow rate all the way up and down the river what with tributaries adding to the flow along the way.

Would it be fair to say that the KCFS numbers are the averaged flow all along the blue-line shown for the mainstem Columbia River?



Just trying to get it into perspective.

Best regards,

Doug

From: King,James J (CONTR) - CGI-7 <jjking@bpa.gov>

Sent: Tuesday, September 01, 2020 11:28 AM

To: dudleydevices@aol.com

Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Subject: RE: [EXTERNAL] Question about 2020-01-03_BPA-2020-00255-F_Responsive_Information

Good morning, Doug,

The folks in Long Term Power Planning and Power & Operation Planning have an answer for you. They've indicated that, "The unit of measure for Flow (Turbine and Spill) as used in this FOIA request is in annual Average KCFS (Thousands of Cubic Feet Per Second). Spill % of Gen is based on annual Average KCFS."

Best,

J.

From: King,James J (CONTR) - CGI-7

Sent: Tuesday, September 1, 2020 7:22 AM

To: dudleydevices@aol.com

Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Subject: RE: [EXTERNAL] Question about 2020-01-03_BPA-2020-00255-F_Responsive_Information

Hi, Doug,

I've got an inquiry out to the folks in Long Term Power Planning and Power & Operation Planning this morning seeking an answer for you. Updates to follow.

Best,

J.

From: dudleydevices@aol.com <dudleydevices@aol.com>

Sent: Tuesday, September 1, 2020 1:54 AM

To: King,James J (CONTR) - CGI-7 <ijking@bpa.gov>

Cc: dudleydevices@aol.com

Subject: [EXTERNAL] Question about 2020-01-03_BPA-2020-00255-F_Responsive_Information

Hi James,

I'm sorting through the data to get a greater understanding and I need some clarification.

In this response that you sent:

[2020-01-03_BPA-2020-00255-F_Responsive_Information](#)

What are the units of measure for Turbine Flow, Spill Flow and Spill % of Gen in this data set?

Cheers,

Doug



King,James J (CONTR) - CGI-7

From: King,James J (CONTR) - CGI-7
Sent: Wednesday, September 30, 2020 12:17 PM
To: dudleydevices@aol.com
Cc: Taylor,Jason E (BPA) - CGI-7
Subject: RE: [EXTERNAL] FW: Department of Energy HQ 2020-01146-F

Hi, Doug,

The DOE did forward your request on to BPA this morning. We have all that and we have your request language below. Jason will open a BPA request and assign it all a BPA tracking number. When I put together the acknowledgment letter for you, I will recapitulate the request language you've agreed to below. Thereafter we will go forward and search out the records and information you seek. All is well.

Best,

J.

From: dudleydevices@aol.com <dudleydevices@aol.com>
Sent: Wednesday, September 30, 2020 12:09 PM
To: King,James J (CONTR) - CGI-7 <jjking@bpa.gov>
Subject: [EXTERNAL] FW: Department of Energy HQ 2020-01146-F

Hi James,

I like your plan and suggested text. You got the gist of it precisely. I made a few tweaks to the dollar figures for style - but you got the meaning exactly right. Let's go with this:

“The agency records requested should show the actual value of the total cost of court ordered spilling through USACE operated dams to limit fish mortality in the Columbia River. This cost-value number is not readily available, but publicly available information is available to reasonably deduce this cost. Combining the three years of available data shows the total cost of spill for those three years at \$1,383,480,959. The average annual cost of spill is therefore \$461,160,320. Records are now requested which would, 1) either support or refute those deduced numbers; 2) show when spilling started; 3) confirm or deny that spilling began in 2017; 4) show any forecast values available for 2020, and, if available, show Generated Revenue and values for Kilo Cubic Feet Per Second (i.e., rate of river water flow) allocated to generation and spill.”

This works for me...

The following email and the two attachments above came today from Llewellyn Smith in reference to my original request. Does it change anything?

Doug

-----Original Message-----

From: Smith, Llewellyn <llewellyn.smith@hq.doe.gov>

Sent: Wednesday, September 30, 2020 12:01 PM

To: DudleyDevices@AOL.com

Subject: Department of Energy HQ 2020-01146-F

Mr. Albright:

Attached is an interim response to your Freedom of Information Act (FOIA) request.

Respectfully,

Llewellyn Smith

King,James J (CONTR) - CGI-7

From: King,James J (CONTR) - CGI-7
Sent: Wednesday, September 30, 2020 12:17 PM
To: dudleydevices@aol.com
Cc: Taylor,Jason E (BPA) - CGI-7
Subject: RE: [EXTERNAL] FW: Department of Energy HQ 2020-01146-F

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J.

From: dudleydevices@aol.com <dudleydevices@aol.com>
Sent: Wednesday, September 30, 2020 12:09 PM
To: King,James J (CONTR) - CGI-7 <jjking@bpa.gov>
Subject: [EXTERNAL] FW: Department of Energy HQ 2020-01146-F

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Doug

-----Original Message-----

From: Smith, Llewellyn <llewellyn.smith@hq.doe.gov>

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To: DudleyDevices@AOL.com

Subject: Department of Energy HQ 2020-01146-F

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Respectfully,

Llewellyn Smith

King,James J (CONTR) - CGI-7

From: King,James J (CONTR) - CGI-7
Sent: Tuesday, October 13, 2020 12:40 PM
To: 'dudleydevices@aol.com'
Cc: Taylor,Jason E (BPA) - CGI-7
Subject: FOIA BPA-2020-01159-F (Albright) - 5 USC Sec 552 acknowledgment letter
Attachments: BPA-2020-01159-F (Albright) - Ackn Letter 10-13-2020.pdf

Hi, Doug,

The required FOIA request acknowledgment letter is attached to this email. I'll continue to seek the agency's records and information responsive to your request.

Best,

J.

From: King,James J (CONTR) - CGI-7
Sent: Thursday, October 8, 2020 10:16 AM
To: dudleydevices@aol.com
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: FOIA BPA-2020-01159-F (Albright) - total cost of court ordered spilling - process update

Hi, Doug,

Just an update for you. We sent your new FOIA request (below) up to the most knowledgeable folks. They have it now and your request response is in motion. I'm not privy to all the details but my sense is that a lot of folks here are grappling with the wildfires impact. I mention this because it might be a little while before we can get answers to you. I've asked for the information you seek within the next 30 days—that's a guesstimate. The 5 USC Sec 552 acknowledgement letter owed to you is in the approvals pipeline this week.

Best,

J.

From: King,James J (CONTR) - CGI-7
Sent: Wednesday, September 30, 2020 12:17 PM
To: dudleydevices@aol.com
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: RE: [EXTERNAL] FW: Department of Energy HQ 2020-01146-F

Hi, Doug,

The DOE did forward your request on to BPA this morning. We have all that and we have your request language below. Jason will open a BPA request and assign it all a BPA tracking number. When I put together the acknowledgment letter for you, I will recapitulate the request language you've agreed to below. Thereafter we will go forward and search out the records and information you seek. All is well.

Best,

J.

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Sent: Wednesday, September 30, 2020 12:09 PM
To: King,James J (CONTR) - CGI-7 <jjking@bpa.gov>
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Hi James,

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This works for me...

The following email and the two attachments above came today from Llewellyn Smith in reference to my original request. Does it change anything?
Doug

-----Original Message-----

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Sent: Wednesday, September 30, 2020 12:01 PM

To: DudleyDevices@AOL.com

Subject: Department of Energy HQ 2020-01146-F

Mr. Albright:

Attached is an interim response to your Freedom of Information Act (FOIA) request.

Respectfully,

Llewellyn Smith



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

October 13, 2020

In reply refer to: FOIA #BPA-2020-01159-F

Douglas Albright
Actuation Test Equipment Company
3393 Eddie Road
Winnebago, IL 61088
Email: DudleyDevices@Aol.com

Dear Mr. Albright,

The Bonneville Power Administration (BPA) has received your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on September 30, 2020, as a transferred FOIA request from the Department of Energy FOIA office. The DOE assigned your request a tracking number of HQ 2020-01146-F. BPA has accepted that transfer and has assigned your request a tracking number of BPA-2020-01159-F. Please use that BPA tracking number in any correspondence with the agency regarding your FOIA request.

HQ 2020-01146-F Request

“[Agency records showing t]he cost of court-ordered spilling ... to save fish in the Columbia River...”

BPA-2020-01159-F Request

Via email communications with the BPA FOIA office, exchanged between September 21-30, 2020, you agreed that the settled language of your current FOIA request is as follows: “The agency records requested should show the actual value of the total cost of court ordered spilling through USACE operated dams to limit fish mortality in the Columbia River. This cost-value number is not readily available, but publicly available information is available to reasonably deduce this cost. Combining the three years of available data shows the total cost of spill for those three years at \$1,383,480,959. The average annual cost of spill is therefore \$461,160,320. Records are now requested which would, 1) either support or refute those deduced numbers; 2) show when spilling started; 3) confirm or deny that spilling began in 2017; 4) show any forecast values available for 2020, and, if available, show Generated Revenue and values for Kilo Cubic Feet Per Second (i.e., rate of river water flow) allocated to generation and spill.”

Acknowledgement

BPA has reviewed your request and determined that it fulfills all of the criteria of a proper request under the FOIA and DOE FOIA regulations at Title 10, Code of Federal Regulations, Part 1004.

Fee

You've agreed to pay \$ 15.00 in fees for processing your FOIA request. Under the FOIA a requester is allowed two free hours of records collection time. BPA will contact you if response time and charges will exceed the two free hours and the \$ 15.00 amount you've agreed to.

Complex Request

The FOIA requires that BPA act on requests "promptly" and that the agency make a determination on your request and respond within 20 working days (5 U.S.C. § 552(a)(6)). However, BPA has instituted multi-track processing as permitted by the FOIA (5 U.S.C. § 552(a)(6)(D)(i)). In compliance with this process, simple requests and complex requests are placed in two different queues and each queue is processed on its own first-in-first-out basis. Requests are placed in the complex queue if they require significant agency time or resources to process. BPA has determined that a response to your request may require a review of the responsive records for statutory exemptions and possible consults with third parties. BPA has therefore designated your request as complex.

Unusual Circumstances

The FOIA provides that an agency may extend the response time if "unusual circumstances" exist (5 U.S.C. § 552(a)(6)(B)(i)). Unusual circumstances include a need to search records located in field facilities, requests for a voluminous amount of records, and requests that require consultation with other agency components. BPA has determined that a response to your request may require consultation with other federal agency components. BPA has therefore determined that your request involves unusual circumstances.

Target Date for Completion

In light of the above conditions and determinations BPA currently estimates the completion of a response to your FOIA request by **November 30, 2020**.

Questions about this communication you may be directed to James King, CorSource Technology Group LLC, assigned to the BPA FOIA office, at jjking@bpa.gov or 503-230-7621.

Sincerely,



Candice D. Palen
Freedom of Information/Privacy Act Officer

King,James J (CONTR) - CGI-7

From: dudleydevices@aol.com
Sent: Friday, November 20, 2020 2:01 PM
To: King,James J (CONTR) - CGI-7
Cc: Taylor,Jason E (BPA) - CGI-7
Subject: [EXTERNAL] RE: FOIA BPA-2020-01159-F (Albright) - 5 USC Sec 552 acknowledgment letter

Hi James,

Thanks for the update. I'd been thinking of you of late. You've always been very helpful. Perhaps you can help me open this can-o-worms?

I spoke to Normandu (the balloon tagging for fish survival testing company) a few weeks ago about the fish survival problem in Columbia River hydroelectric turbines. The contact person there initially said that they do have data that shows that the large Kaplans on the Columbia River are capable of passing >95% of fish unharmed, but in their testing program the results are actually much worse. Non-repeatability is problematic to all parties concerned. When I asked if they did anything to pre-condition the turbines to prepare them for these tests, i.e. index testing and optimization and then verifying proper robust and accurate blade positioning, he said no, they run the survival test with the turbine as-is. The logical conclusion is that if the "as-is" survival rate of the turbine is unacceptable, then they should index test and optimize the turbine it and then verify proper blade positioning, and then a retest to see if that fixes the mortality problem. If it does, then the "as-is" normal performance of the control systems should be looked at.

He said the current test plan at Ice Harbor Dam will have a new MGR Runner index tested, optimized and the blade control system performance verified before the survival test would be performed and that he would share the test data with me. He then asked me if I was going to publicize the information I was collecting, and I truthfully answered, "Yes, that's the plan." As everyone knows, the fastest way to get in trouble when dealing with the government is to tell the truth...

Now Normandu won't talk to me anymore – and why would they? As long as the fish mortality problem continues, they will continue getting paid for performing survival tests. Once the problem is fixed and the fish populations are restored, Normandu will be looking for work again. Making money is their objective – not saving fish. It's not in their best interest to help solve the problem, but it is in BPA's best interest...

One anecdotal story from [Benny Rinehart](#), a highly regarded engineer at DOE in Idaho told me that during the first fish-survival test in the early 1980s the mortality rate was initially found to be 85% killed. Sadly I only met Benny 4-months before he passed. Benny said that when this extreme mortality rate was brought to the attention of the personnel inside the McNary Dam,

they said they knew what to do about that. The Corps personnel went back into the dam, did something to the turbine and then told the fish survival test crew to run the survival test again. The second test found the mortality rate to be within acceptable limits so the marine biologists were satisfied that the problem was not the turbines. I have information that shows that the problem is the government-designed control systems that position the blades of the turbines. That truth is how I got in trouble with HDC; because my ITB exposed that their sub-standard government designed, locally manufactured control system equipment. We can explore this topic further, but for now I'd just like to know if you can get me any information about the index testing and fish-survival testing at Ice Harbor Dam.

My background is in turbine control systems. My main area of expertise is in aircraft engine control systems from my work at Woodward Governor Company. Woodward also made the control systems used on the vast majority of USACE's Columbia River Kaplan turbines. I spent 18 months in Woodward's hydro division designing and building the first successful automatic Index Test Box (ITB) for Kaplan turbines that was demonstrated successfully by [BPA at PGE's Bull Run Dam in 1987](#), but you don't have to take my word for it: here are the internal USACE HDC memos from Rod Wittinger, Sr. Mechanical Engineer in 2003 and Mike Roll, the 2nd in command at HDC that say I was the expert they needed:
[2003-08-07 ATECo Sole Source Justification \(Wittinger\)](#)
[2003-08-29 ITB Scope of Work \(Roll, Wittinger\)](#)

They were referring to my original test instrument that I invented while working at Woodward in 1984, that was [patented in 1988](#). In these documents they got the sourcing of the equipment and my USAF Career Field wrong, but at least they got my name right. What they also got wrong is BPA *did not pay for the development* of the original ITB. BPA only bought the first commercial ITB that Woodward paid for the development of. The 2004 [sole source of supply contract](#) was only buying the first commercial ITB from my Actuation Test Equipment Company after the patent expired 18 years later. As soon as my ITB was [demonstrated successfully at McNary and Ice Harbor Dams](#) as reported by HDC personnel to BPA's HOT Committee, HDC claimed that government engineers had invented the ITB. Today all of the people involved have retired and HDC has apparently given up on trying to copy my ITB again, and BPA never got what they paid for. I'd like to explore how to resurrect the project to get that successfully demonstrated Kaplan turbine index testing device back into use in the Columbia River. Recall the foofaraw over the "inchoate" response they foisted on me? I asked my Senator Duckworth's office look into this and they acquired a candid report that indicates that the Gate Blade Optimizer (GBO) project is dead in the water. ([HDC changed the name from ITB to GBO](#) when I pushed back on their chicanery.)
[2019-03-25 Letter From HDC on GBO Status.html](#)

It is likely that nothing has changed and there has been no further work on the GBO. Senator Duckworth told me to get lost, as did my congresswoman recently. Nobody want to antagonize USACE any further it seems. Because BPA paid for all of this stuff a polite inquiry as to the current status of the GBO project that BPA paid for should not be out of line.

Any thoughts,

Doug

From: King,James J (CONTR) - CGI-7 <jjking@bpa.gov>
Sent: Friday, November 20, 2020 8:29 AM
To: dudleydevices@aol.com
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: RE: FOIA BPA-2020-01159-F (Albright) - 5 USC Sec 552 acknowledgment letter

Hello, Doug,

Just an update for you. I believe we now have the available information to provide. I'll be putting together into a review package and sending it up the flagpole and see if I can get it saluted for you. I think we can get this information out to you in short order.

Best,

J.

From: King,James J (CONTR) - CGI-7
Sent: Tuesday, October 13, 2020 12:40 PM
To: 'dudleydevices@aol.com' <dudleydevices@aol.com>
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: FOIA BPA-2020-01159-F (Albright) - 5 USC Sec 552 acknowledgment letter

Hi, Doug,

The required FOIA request acknowledgment letter is attached to this email. I'll continue to seek the agency's records and information responsive to your request.

Best,

J.

From: King,James J (CONTR) - CGI-7
Sent: Thursday, October 8, 2020 10:16 AM
To: dudleydevices@aol.com
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: FOIA BPA-2020-01159-F (Albright) - total cost of court ordered spilling - process update

Hi, Doug,

Just an update for you. We sent your new FOIA request (below) up to the most knowledgeable folks. They have it now and your request response is in motion. I'm not privy to all the details but my sense is that a lot of folks here are grappling with the wildfires impact. I mention this because it might be a little while before we can get answers to you. I've asked for the information you seek within the next 30 days—that's a guesstimate. The 5 USC Sec 552 acknowledgement letter owed to you is in the approvals pipeline this week.

Best,

J.

From: King,James J (CONTR) - CGI-7
Sent: Wednesday, September 30, 2020 12:17 PM
To: dudleydevices@aol.com
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: RE: [EXTERNAL] FW: Department of Energy HQ 2020-01146-F

Hi, Doug,

The DOE did forward your request on to BPA this morning. We have all that and we have your request language below. Jason will open a BPA request and assign it all a BPA tracking number. When I put together the acknowledgment letter for you, I will recapitulate the request language you've agreed to below. Thereafter we will go forward and search out the records and information you seek. All is well.

Best,

J.

From: dudleydevices@aol.com <dudleydevices@aol.com>
Sent: Wednesday, September 30, 2020 12:09 PM
To: King,James J (CONTR) - CGI-7 <jjking@bpa.gov>
Subject: [EXTERNAL] FW: Department of Energy HQ 2020-01146-F

Hi James,

I like your plan and suggested text. You got the gist of it precisely. I made a few tweaks to the dollar figures for style - but you got the meaning exactly right. Let's go with this:

“The agency records requested should show the actual value of the total cost of court ordered spilling through USACE operated dams to limit fish mortality in the Columbia River. This cost-value number is not readily available, but publicly available information is available to reasonably deduce this cost. Combining the three years of available data shows the total cost of spill for those three years at \$1,383,480,959. The average annual cost of spill is therefore

\$461,160,320. Records are now requested which would, 1) either support or refute those deduced numbers; 2) show when spilling started; 3) confirm or deny that spilling began in 2017; 4) show any forecast values available for 2020, and, if available, show Generated Revenue and values for Kilo Cubic Feet Per Second (i.e., rate of river water flow) allocated to generation and spill.”

This works for me...

The following email and the two attachments above came today from Llewellyn Smith in reference to my original request. Does it change anything?

Doug

-----Original Message-----

From: Smith, Llewellyn <llewellyn.smith@hq.doe.gov>

Sent: Wednesday, September 30, 2020 12:01 PM

To: DudleyDevices@AOL.com

Subject: Department of Energy HQ 2020-01146-F

Mr. Albright:

Attached is an interim response to your Freedom of Information Act (FOIA) request.

Respectfully,

Llewellyn Smith



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

FREEDOM OF INFORMATION ACT PROGRAM

November 23, 2020

In reply refer to: FOIA #BPA-2020-00800-F

Douglas J. Albright
Actuation Test Equipment Company
3393 Eddie Road
Winnebago, IL 61088
Email: DudleyDevices@Aol.com

Dear Mr. Albright,

This communication is the Bonneville Power Administration's (BPA) response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on September 30, 2020, as a transferred FOIA request from the Department of Energy FOIA office. The DOE assigned your request a tracking number of HQ 2020-01146-F. BPA accepted that transfer and assigned your request a tracking number of BPA-2020-01159-F. The agency formally acknowledged your request on October 13, 2020.

HQ 2020-01146-F Request

“[Agency records showing t]he cost of court-ordered spilling ... to save fish in the Columbia River...”

BPA-2020-01159-F Request

Via email communications with the BPA FOIA office, exchanged between September 21-30, 2020, you agreed that the settled language of your current FOIA request is as follows: “The agency records requested should show the actual value of the total cost of court ordered spilling through United States Army Corps of Engineers operated dams to limit fish mortality in the Columbia River. This cost-value number is not readily available, but publicly available information is available to reasonably deduce this cost. Combining the three years of available data shows the total cost of spill for those three years at \$1,383,480,959. The average annual cost of spill is therefore \$461,160,320. Records are now requested which would, 1) either support or refute those deduced numbers; 2) show when spilling started; 3) confirm or deny that spilling began in 2017; 4) show any forecast values available for 2020, and, if available, show Generated Revenue and values for Kilo Cubic Feet Per Second (i.e., rate of river water flow) allocated to generation and spill.”

Response

BPA conducted records and information searches in the agency's Long Term Power Planning office. Knowledgeable personnel in that office note that your current request follows up on your prior request BPA-2020-00800-F for, "...updated numbers to compare with the numbers received in the earlier request BPA-2020-00255-F response... [including] ...new numbers resulting from the Columbia River System Operations and National Oceanic and Atmospheric Administration fisheries deliberations, for comparison." For reference, your BPA-2020-00255-F request sought, "...information regarding the annual total generation in MWhr and dollars for all Federal Columbia River Power System power plants and the amount of spilling and where it is happening that is mandated by the Court... [including] ...the overview numbers or a few pages in a brief report. [And] "...any memos or reports [that] have been circulated through BPA on the subject of the Index Test Box (ITB) or the Gate Blade Optimizer (GBO)."

Long Term Power Planning reviewed the information and calculations you submitted as part of your BPA-2020-00800-F request. That agency office reports that no new records, not already provided in response to your prior requests, are currently available to provide. However, knowledgeable agency personnel have provided updated information and data in response to your current request. That feedback follows.

The agency has no records that support or refute your calculation, as the agency does not make the calculation you've submitted. Agency personnel report that your theory of the calculation would render a very rough estimate only, and misses a number of potential factors, such as the specific market price at the time of spill, what the additional generation would have caused the market price to do, and whether the water would have been stored for a different time period, etc. Your calculation, therefore, makes a very general estimate. Knowledgeable agency personnel can confirm that spill on the river was happening prior to 2017. As mentioned previously, the agency does not calculate a value of spill, but has gathered the 2020 version of the same information provided previously. The following are the available FY 2020 data additions you seek:

Generation	MWHrs (Spill Plants)	MWHrs (Other)	Total MWHrs
2020	30,945,796	49,724,354	80,726,531

Flow KCFS (ann avg)	Turbine Flow	Spill Flow	Spill %
2020	73	30	41%

Fiscal Year	Total Revenue
2020	\$2,605M

Fees

There are no fees associated with the agency's response to your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the search and information release described above. Your FOIA request BPA-2020-01159-F is now closed with only limited data available to provide.

Appeal

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to:

Director, Office of Hearings and Appeals
HG-1, L'Enfant Plaza
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. (The Office of Hearings and Appeals prefers to receive appeals by email.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

You may contact BPA's FOIA Public Liaison, Jason Taylor, at 503.230.3537, jetaylor@bpa.gov, or at the address on this letter header, for any further assistance and to discuss any aspect of your request. Additionally you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
E-mail: ogis@nara.gov
Phone: 202-741-5770
Toll-free: 1-877-684-6448
Fax: 202-741-5769

Questions about this communication may be directed to James King, CorSource Technology Group LLC, at jjking@bpa.gov or 503.230.7621.

Sincerely,

A handwritten signature in black ink, appearing to read "Candice D. Palen". The signature is fluid and cursive, with the first name being the most prominent.

Candice D. Palen
Freedom of Information/Privacy Act Officer