



## Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

January 19, 2022

In reply refer to: FOIA #BPA-2022-00315-F

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

Dear Mr. Albright,

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 request as a transfer of FOIA request HQ-2022-00264-F from the Department of Energy (DOE) FOIA office. That transfer occurred on December 17, 2021. BPA has assigned your request the new tracking number BPA-2022-00315-F. Please use that BPA tracking number in any correspondence with the agency regarding your FOIA request. BPA notes that your new request BPA-2022-00315-F is a follow-up request to your previously responded to request BPA-2022-00119-F. This communication is the agency's formal acknowledgment and response to your information request BPA-2022-00315-F.

### **Request**

"...documents related to the upcoming spill regimen for the Columbia river to include both the 14 dams that will be spilling and the percentage of flow that will be spilled. Additionally, please send documentation detailing the bulk price of electricity paid for a MWhr of electricity for the last 10 years."

### **Acknowledgement**

BPA 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.

### **Response**

In supplement to your request, you provided additional and extensive background information on your subject of interest via email to the agency on December 21, 2021. That background information was reviewed by knowledgeable agency personnel and was taken into consideration in the formulation of the following response.

The agency's Long Term Power Planning office searched for and found no records responsive to your request. However, that office assembled the following data and information in response to your request.

You seek, "...documents related to the upcoming spill regimen for the Columbia River to include both the 14 dams that will be spilling and the percentage of flow that will be spilled." The Columbia River System Operations (CRSO) remain the subject of ongoing litigation in U.S. District Court. See, National Wildlife Federation et al v. National Marine Fisheries Service et al, Case No. 3:01-CV-00640-SI. U.S. District Judge Michael Simon ordered a stay in the proceedings until July 31, 2022. Consequently, the records and information you seek remain inchoate at this writing. However, publicly available information relevant to your request is available at the following internet locations:

[https://www.newsdata.com/clearing\\_up/environment/bpa-estimates-power-impact-of-additional-spill-settlement/article\\_a48bc770-3e6b-11ec-93b1-9f0162899217.html](https://www.newsdata.com/clearing_up/environment/bpa-estimates-power-impact-of-additional-spill-settlement/article_a48bc770-3e6b-11ec-93b1-9f0162899217.html)

[https://www.newsdata.com/clearing\\_up/briefs/judge-grants-stay-in-crso-lawsuit-to-facilitate-settlement-talks/article\\_bfadcd1c-38fa-11ec-92ef-33a27a655a42.html](https://www.newsdata.com/clearing_up/briefs/judge-grants-stay-in-crso-lawsuit-to-facilitate-settlement-talks/article_bfadcd1c-38fa-11ec-92ef-33a27a655a42.html)

Additional details of the planned Spring 2022 spill operations are shown in the table below, provided from Unopposed Joint Motion to Stay Litigation, Exhibit 1 The Term Sheet for Stay of Preliminary Injunction Motion and Summary Judgment Schedule, NWF et al. v. NMFS et al., 3:01-CV-00640-SI, and on the following page.

Spill, for the purpose of fish passage, remains designated for 8 projects: 4 Lower Columbia River projects and 4 Lower Snake River projects.

<b>Planned Spring Fish Passage Spill Operations<sup>1</sup> for 2022</b>	
<b>Project</b>	<b>Spring operation (April 3 to June 20 in Lower Snake River (LSR); April 10 to June 15 in Lower Columbia River (LCR))</b>
Lower Granite	125% Gas Cap spill 24 hours per day/7 days per week until Adult Salmonid Abundance Criteria <sup>2</sup> is satisfied, at which point the Corps will implement the 2021 FOP operation (125% Gas Cap spill 16 hours per day/7 days per week; "performance standard" spill for 8

<sup>1</sup> The fish passage spill operations outlined herein are subject to, and will be implemented consistent with, the annual Fish Operations Plan, Fish Passage Plan, WMP, and seasonal WMP updates.

<sup>2</sup> The Adult Salmonid Abundance Criteria is satisfied when the earliest of the following conditions is met: (1) a cumulative total of 25 adult spring Chinook salmon (not including jacks) pass Lower Monumental Dam; or (2) a cumulative total of 50 adult spring Chinook salmon (not including jacks) pass Ice Harbor Dam; or (3) April 24, 2022.

	hours per day/7 days per week) subject to one modification: best efforts will be made to implement eight hours of performance standard spill between 0400 and 1200. <sup>3</sup>
Little Goose	2021 FOP operation (125% Gas Cap spill 16 hours per day/7 days per week; 30% spill for 8 hours per day/7 days per week, subject to two exceptions specified in Table 3, 2021 FOP).
Lower Monumental	125% Gas Cap spill 24 hours per day/7 days per week until Adult Salmonid Abundance Criteria is satisfied, at which point the Corps will implement the 2021 FOP operation (125% Gas Cap spill 16 hours per day/7 days per week; “performance standard” spill for 8 hours per day/7 days per week) subject to one modification: best efforts will be made to implement eight hours of performance standard spill between 0400 and 1200.
Ice Harbor	125% Gas Cap spill 24 hours per day/7 days per week.
McNary	125% Gas Cap spill 24 hours per day/7 days per week.
John Day	125% Gas Cap spill 16 hours per day/7 days per week; “performance standard” spill for 8 hours per day/7 days per week, with priority to maintain 40% spill for 24 hours at The Dalles Dam as needed for TDG management.
The Dalles	2021 FOP Operation (40% spill for 24 hours per day).
Bonneville	125% Gas Cap spill 24 hours per day/7 days per week, capped at 150 kcfs.

The full Unopposed Joint Motion to Stay Litigation can be found at the following internet location:

[http://pweb.crohms.org/tmt/JointMotion\\_TermSheet\\_CourtOrder\\_OCT2021.pdf](http://pweb.crohms.org/tmt/JointMotion_TermSheet_CourtOrder_OCT2021.pdf)

You also seek, “...documentation detailing the bulk price of electricity paid for a MWhr of electricity for the last 10 years.” After reviewing your detailed December 21, 2021, information submittal, BPA concludes that you are seeking an annual average of Bulk Marketing Power Sales price (per MWh), for the past 10 years. The agency’s Market Analysis & California Independent System Operator (CAISO) Settlements office assembled the following additional data and information in response to your request and submittal:

The weighted average sales price data by fiscal year is available as follows.

<sup>3</sup> When conducting flexible spill operations at Lower Granite and Lower Monumental dams, similar exceptions to those that apply at Little Goose Dam (Table 3, 2021 FOP) may be required. These exceptions will be addressed in the 2022 FOP and coordinated regionally.

Fiscal Year	Weighted Average Sales Price (\$/MWh)
FY 2012	\$19
FY 2013	\$27
FY 2014	\$28
FY 2015	\$25
FY 2016	\$17
FY 2017	\$18
FY 2018	\$20
FY 2019	\$27
FY 2020	\$23
FY 2021	\$38

The sales price data is not a simple average. The sales prices are weighted by MWh (hydro generation), which is typically concentrated during the spring months (i.e., runoff). Historical sales data can be found in the Federal Energy Regulatory Commission (FERC) Electric Quarterly Reports (EQR) at the following internet location:

<https://www.ferc.gov/power-sales-and-markets/electric-quarterly-reports-eqr>

The U.S. Energy Information Administration (EIA) publishes wholesale electricity price data, which is available at the following internet location:

<https://www.eia.gov/electricity/wholesale/>

### **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-2022-00315-F is now closed with the available and 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](mailto: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](mailto: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](mailto: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 the agency's FOIA Public Liaison, Jason Taylor, at [jetaylor@bpa.gov](mailto:jetaylor@bpa.gov) or 503-230-3537. Questions may also be directed to James King, CorSource Technology Group LLC, at [jjking@bpa.gov](mailto:jjking@bpa.gov) or 503-230-7621.

Sincerely,



Candice D. Palen  
Freedom of Information/Privacy Act Officer