



Department of Energy

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

FREEDOM OF INFORMATION ACT PROGRAM

July 28, 2023

In reply refer to: FOIA #BPA-2022-01218-F (Davies)

SENT VIA EMAIL ONLY TO: Daniel.davies@newprojectmedia.com

Daniel Davies
Chief Innovation and Data Officer
New Project Media
252 Nassau Street, 2nd Floor
Princeton, NJ 08542

Dear Mr. Davies:

This communication is the Bonneville Power Administration's (BPA) final response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your request was received on August 23, 2023 and formally acknowledged on November 29, 2022.

Request

"[BPA's] Executed Interconnection Agreements [possibly available via FERC's regulations at 18 CFR 35.13]. I am [seeking records and information] about the Interconnection Customer for each [current/active] Interconnection Agreement."

Clarifications

BPA conducted information outreaches with the agency's Transmission personnel in order to determine the existence, and public availability status, of the records you sought. During that request perfection period your FOIA request was placed on hold.

On September 9 and 26, 2022, the agency asked for your confirmation that you seek BPA customer information associated with active long-term Large and Small Generator Interconnection Agreements (LGIAs / SGIAs). The agency shared that Line and Load Interconnection projects don't result in an actual "Interconnection Agreement". With reference to your understanding that FERC rules require such agreements be publicly available, the agency shared that, in-line with 18 CFR § 35.13, BPA is not a public utility within FERC's purview. As such, the agency records you seek are not publicly available. Lastly BPA communicated that the agency does not routinely make executed LGIAs / SGIAs publically available. BPA communicated that, should you remain interested in acquiring those many agreements, the agency will comply with the FOIA's Exemption 4 processes. That is, for each executed agreement you seek, the third party signatory will have an opportunity to object to the agency's

release of their commercial and confidential information contained in the respective agreement. Thereafter, the agency placed your request on hold, pending your feedback.

You clarified your FOIA request on October 14, 2022, indicating that you would like to receive a spreadsheet or other file containing data for the following information fields, for agreements executed and signed in 2022:

BPA ID	Interconnection Customer Name or LLC / Sometimes referred to as Interconnecting Entity	Signatory Name, email, phone number	Date Signed
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On December 13, 2022, after performing additional records searches, the agency provided you with search feedback on your clarification request, above. With that feedback provided, you further clarified your FOIA request, indicating that you would like to receive, "...a spreadsheet or other file containing data for the following information fields, for agreements executed and signed since [2019], to include data on:

- Interconnecting Name / Interconnecting Customer; and
- Name and additional contact information of the individual signing the executed interconnection agreement on behalf of the interconnecting customer; and
- The BPA queue position and or project name that the above information relates to."

You provided the agency with the option of delivering either, "...the single page where the signatory exists... [or]...a spreadsheet outline the interconnecting customer, name of individual (email, phone, position, and project name / BPA queue position...[with the understanding that] ...the signatory information may not always be available."

Response

BPA searched for and gathered records responsive to your request. BPA collected one page of responsive records from knowledgeable agency personnel in Transmission Account Services. That page accompanies this communication, with redactions applied under 5 U.S.C. § 552(b)(4) (Exemption 4). A more detailed explanation of the applied exemption follows.

Explanation of Exemptions

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains the FOIA's nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

Exemption 4

Exemption 4 protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." (5 U.S.C. § 552(b)(4)). Information is considered commercial or financial in nature if it relates to business or trade. Information is considered confidential if it is customarily kept private or closely held by the submitter, *and* the information was provided under an express or implied assurance of confidentiality by the receiving agency.

This exemption is intended to protect the interests of both the agency and third party submitters of information. Prior to publicly releasing agency records, BPA was required by Exemption 4 to solicit objections to the public release of any third party's confidential commercial information contained in the responsive records set. BPA provided each submitter with an opportunity to formally object to the public release of their information contained in BPA records. Avangrid Renewables submitted their objections to BPA. BPA accepted those objections, based on guidance available from the U.S. Department of Justice, finding that the material is both commercial and confidential. Therefore, BPA is withholding Avangrid Renewables' commercial confidential information from public release. The FOIA does not permit a discretionary release of information otherwise protected by Exemption 4.

Lastly, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and release nonexempt information. The agency has determined that in certain instances partial disclosure is possible, and has accordingly segregated the records into exempt and non-exempt portions.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7, I am the individual responsible for the records search and information release described above. Your FOIA request BPA-2022-01218-F is now closed with the responsive agency information provided.

Appeal

Note that the records release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this final records release, within 90 calendar days from the date of this communication. 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.

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 the FOIA Public Liaison James King at jjking@bpa.gov or 503-230-7621. Questions may also be directed to Brian Roth, Case Coordinator at bsroth@bpa.gov or 503-230-4383. 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.](#)

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Avista Corporation	Contract	20TX-16830 (Executed)	20TX-16830	GO616	COYOTE SPRINGS 2	Large Gen Interconnection Agmt (LGIA)	Executed	8/18/2020	Dennis Vermillion President and CEO 8/18/2020 dennis.vermillion@avistacorp.com
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Goose Prairie Solar, LLC	Contract	22TX-17236 (Executed)	22TX-17236	G0578	LARGE GENERATOR INTERCONNECTION AGREEMENT (LGIA) G0578 FOR GOOSE PRAIRIE SOLAR PROJECT	Large Gen Interconnection Agmt (LGIA)	Executed	1/18/2023	John Soinin 1/18/23 john.soininen@brookfieldrenewable.com
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