



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

November 8, 2023

In reply refer to: FOIA BPA-2024-00141-F

SENT VIA EMAIL ONLY TO: (b) (6)

Colin Aamot

(b) (6)

Dear Mr. Aamot,

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). The agency received your request on November 6, 2023, and assigned tracking number BPA-2024-00141-F to your request. Please use that tracking number in any correspondence with the agency regarding your FOIA request. This communication is the agency's formal acknowledgment and response to your information request.

Request

"Documents sufficient to account for all lists, trackers, or summaries of: records or documents that have been requested three times or more under FOIA, or that have become or are likely to become the subject of subsequent request, in line with guidelines issued by the Attorney General on 15 March, 2022 (<https://www.justice.gov/media/1212566/dl?inline>).

Documents necessary to determine if any frequently requested documents falling within the guidelines set forth by the Attorney General on March 15, 2022 (<https://www.justice.gov/media/1212566/dl?inline>) have already been made available either in the agency's FOIA reading room or in a public location.

Documents sufficient to account for any agency policies or memorandums on tracking frequently requested documents that would reasonably fall under the cited guidelines (<https://www.justice.gov/media/1212566/dl?inline>)."

Acknowledgement

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

Response

The Attorney General memorandum referenced in your request reinforces the FOIA's requirement to, "proactively disclose certain categories of records, including previously released

records that have been requested three or more times or that ‘have become or are likely to become the subject of subsequent requests.’

BPA maintains a publicly available “FOIA Library” on BPA.gov. All FOIA requests submitted by third parties are posted in the FOIA library, including complete copies of any responsive records. Requests and records are posted within 24 hours of the request’s final closure. This proactive disclosure is identified in BPA’s FOIA policy, which can be accessed online at the agency’s publicly-available internal policy library: [Freedom Of Information \(FIOA\) \(bpa.gov\)](#). The policy indicates, “BPA publishes all third-party FOIA requests on BPA.gov.”

Requests submitted by first parties – that is, when a requester is seeking records about themselves – are not posted on the FOIA Library. These requests very frequently contain information that, under law, should not be accessed under FOIA by anybody but the individual. In that case a copy of the records is furnished to the requester, and they are not made public.

Because the agency proactively discloses all third-party FOIA requests, the agency does not maintain, (1) lists, trackers, or summaries of: records or documents that have been requested three times or more under FOIA, or (2) documents necessary to determine if any frequently requested documents have already been made available, or (3) documents sufficient to account for any agency policies or memorandums on tracking frequently requested documents. As such, there are no records responsive to your request.

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-2024-00141-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 James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621.

Sincerely,

**RACHEL
HULL**

Rachel L. Hull

Freedom of Information/Privacy Act Officer

Digitally signed by
RACHEL HULL
Date: 2023.11.08
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