



Department of Energy

Official File

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

CORPORATE

March 25, 2005

In reply refer to: KDP-7

Mr. Michael A. Goldfarb
1150 Market Place tower
2025 First Avenue
Seattle, WA 98121
(206) 374-7090

RE: Fee Estimate for FOIA Request 05-009

Dear Mr. Goldfarb:

Your letter dated November 16, 2004, requesting information under the Freedom of Information Act. In your letter you request copies of the following:

1. All comments received by BPA relating to the 2004 Transmission – Policy Level Environmental Impact Statement (“EIS”).
2. All internal communications, whether written or electronic, relating to BPA’s decision to suspend work on the 2004 Transmission – Policy Level EIS.

Some of the information you seek is readily available on the BPA website at www.transmission.bpa.gov/PlanProj/Policy%5FEIS/PEIS.cfm. You may find reviewing this website helpful.

In your letter, you indicated your willingness to pay fees associated with processing up to \$100. Upon review of your request by the authorizing official, it appears the cost to process your request will exceed the \$100 fee limitation noted in your letter. In our acknowledgment letter to you dated November 29, 2004, we notified you that we would be in contact with you with an estimate of costs for processing your request. We apologize for the tardiness in providing this estimate to you.

Ms. Pierce has estimated fees associated with processing your request at approximately \$890.00. In order for us to consider your request perfected and begin the 20 working day response time allowed by FOIA, we require your signed agreement to pay the fee amount estimated above. Please provide your signature on the third page of this letter indicating your agreement to pay the estimated fees and return it to us. Upon receipt, our staff will promptly begin processing your request in the 20 working day time frame provided under the FOIA.

We will await your response. In the meantime, if you have any questions, you may contact me at mail stop KDP-7 or at 503-230-5110.

Sincerely,

Annie Eissler
Freedom of Information Officer



Department of Energy

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

CORPORATE

April 26, 2005

In reply refer to: KDP-7

Mr. Michael A. Goldfarb
1150 Market Place Tower
2025 First Avenue
Seattle, WA 98121
(206) 374-7090

RE: FOIA Request #05-009

Dear Mr. Goldfarb:

I am writing regarding your Freedom of Information Act (FOIA) request #05-009. We are unable to meet the initial deadline for completion of this FOIA request; as permitted by statute; we will take a ten working-day extension of time in which to respond to your request. The extension will also provide us with enough time to collect and complete the review process of the materials gathered in response to your FOIA request. The new due date for this FOIA is May 10, 2005.

If you have any questions, please contact me at (503) 230-3084. Thank you for your patience.

Sincerely,

Debra Smiley
Freedom of Information Office



Department of Energy

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

CORPORATE

June 1, 2005

In reply refer to: KDP-7

Mr. Michael A. Goldfarb
1150 Market Place Tower
2025 First Avenue
Seattle, WA 98121
(206) 374-7090

RE: FOIA Request #05-009

Dear Mr. Goldfarb:

This letter responds to your Freedom of Information Act (FOIA) request designated as FOIA #05-009. Enclosed in their entirety are all documents responding to your request for:

1. All comments received by BPA relating to the 2004 Transmission – Policy Level Environment Impact Statement (EIS); and
2. All internal communications, whether written or electronic, relating to BPA's decision to suspend work on the 2004 Transmission – Policy Level EIS.

If you are dissatisfied with this determination, you may make an appeal within thirty (30) days of receipt of this letter to: Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW, Washington, D.C. 20585. Both the envelope and the letter must be clearly marked "Freedom of Information Act Appeal".

You have agreed to pay fees up to \$890 to fulfill this request. Search, review and duplication for this request totaled \$673.74. You will be sent an invoice in the amount of \$673.74, under separate cover by our accounting department.

Sincerely,

Annie Eissler
Freedom of Information Officer

RE: FOIA Request 05-009 – Fee Estimate Agreement

For BPA's official records, please sign in the space indicated below that you accept the estimation of fees contained in this letter dated March 25, 2005 regarding FOIA request 05-009 and send back by return fax (503) 230-4576 or mail.

Mr. Michael A. Goldfarb
Law Offices of Michael A. Goldfarb



Department of Energy

Official File

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

CORPORATE

November 23, 2005

In reply refer to: DK-7

Mr. Michael A. Goldfarb
1150 Market Place Tower
2025 First Avenue
Seattle, WA 98121

RE: Appeal #TFA-0119 to FOIA #05-009

Dear Mr. Goldfarb:

The decision by the Department of Energy's Office of Hearings and Appeals for case #TFA-0119 requires BPA to consider your argument that SPUD's request is not for commercial use, and therefore, that the fees for the request must be limited to the standard charges for document search and duplication only.

Neither BPA nor DOE were provided with any facts to determine the correct requester status for SPUD for this particular FOIA request. To do so, BPA needs clarification on how the requested documents will or have been used, and whether these records further the commercial, trade, or profit interests of SPUD. See 10 CFR 1004.2(c).

In the alternative, if you believe that SPUD is entitled to a fee waiver or reduction regardless of its requester status, you must provide BPA with the information necessary to determine if that is appropriate in this case. See generally 10 CFR 1004.9(8).

On receipt of this information, BPA will determine SPUD's requester status, and its request for a fee waiver, if one is made. If no information is received from you by December 12, 2005, BPA will issue its determination based on the limited information contained in the DOE appeal file.

If you have any questions, you may contact me at 503/230-7303.

Sincerely,

Christina J. Brannon
Freedom of Information Officer



Department of Energy

Official File

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

CORPORATE

June 13, 2006

In reply refer to: DK-7

Mr. Michael A. Goldfarb
1150 Market Place Tower
2025 First Avenue
Seattle, WA 98121

RE: Appeal #TFA-0119 to FOIA #05-009

Dear Mr. Goldfarb:

I am writing regarding your Freedom of Information Act (FOIA) request #05-009. In response to your fee waiver appeal last fall, the fee waiver request was remanded by the Department of Energy to BPA for consideration upon your providing further information justifying the fee waiver request. BPA requested this additional information from you in a letter dated November 23, 2005. BPA required clarification on how the requested documents will or have been used, and whether these records further the commercial, trade, or profit interests of SPUD. See 10 CFR 1004.2(c). Enclosed is a copy of that letter in response to your fee waiver appeal.

To date, no further information has been received regarding this fee waiver request. Consequently, you remain responsible for the search and review costs associated with processing this request in the amount of \$673.74. If payment, or information justifying a fee waiver, is not received by June 30, 2006, BPA will deny your request for a fee waiver and proceed with its normal debt collection process.

If you have any questions, you may contact Joel Scruggs at 503-230-5511.

Sincerely,

Christina J. Brannon
Freedom of Information Act Officer

Enclosures: Appeal Response Letter



Department of Energy

Official File

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

CORPORATE

June 26, 2006

In reply refer to: DK-7

Mr. Michael A. Goldfarb
1150 Market Place Tower
2025 First Avenue
Seattle, WA 98121

RE: Appeal #TFA-0119 to FOIA #05-009

Dear Mr. Goldfarb:

I am writing regarding your Freedom of Information Act (FOIA) request #05-009. On June 19, 2006, we received a faxed copy of your letter dated December 13, 2005, that provided further information justifying your fee waiver request, which had previously been denied and appealed.

In order to consider a fee waiver or reduction in fees, BPA required clarification on how the requested documents will or have been used and whether these records further the commercial, trade, or profit interests of Snohomish County PUD. See 10 CFR 1004.2(c). The FOIA provides that “[d]ocuments shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” See 5 U.S. C. 552(a)(4)(A)(iii). We have reviewed the information you provided and determined that you have not shown that you meet the criteria for fee waiver status or that the information requested is not primarily in Snohomish County PUD’s commercial interests.

If you are dissatisfied with this determination, you may make an appeal within thirty (30) days of receipt of this letter to Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW, Washington, D.C. 20585. Both the envelope and the letter must be clearly marked “Freedom of Information Act Appeal.”

You will be billed as a commercial use requester, under separate cover by our accounting department, in the amount of \$673.74 for search, review and copying costs associated with processing your request. If payment is not received by July 14, 2006, BPA will proceed with its normal debt collection process. If you have any questions, you may contact Joel Scruggs at 503-230-5511.

Sincerely,

Christina J. Brannon
Freedom of Information Act Officer