

LAW OFFICES OF  
MICHAEL A. GOLDFARB  
1150 MARKET PLACE TOWER  
2025 FIRST AVENUE  
SEATTLE, WASHINGTON 98121

PHONE 206.374.7090  
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MICHAEL A. GOLDFARB

VIA EMAIL & FIRST CLASS MAIL

January 13, 2005

Annie Eissler, FOIA Officer  
Bonneville Power Administration  
Routing: KDP-4  
P.O. Box 3621  
Portland, OR 97208

RECEIVED BY BPA FOIA OFFICE THIS DATE: 3/30/05
DUE DATE:
LOG # 05-032

- pending fee  
estimate +  
agreement

Re: December 10, 2004 FOIA Request

Dear Ms. Eissler:

This letter is in response to BPA's December 14, 2004, response to our FOIA request on behalf of the Public Utility District No. 1 of Snohomish County, Washington (the District). In its December 10, 2004 FOIA request, the District requested the following:

1. All internal documents since the filing of our FOIA request <sup>05-003</sup> ~~05-006~~ on November 16, 2004, that discuss or relate to "Grid West" or "RTO West."
2. All internal memoranda that discuss or relate to the December 9, 2004 vote on the RTO Board of Directors.
3. All notice(s) from the RTO West Board of Directors to the Bonneville Power Administration concerning the December 9, 2004 vote.
4. All notes taken by the Bonneville Power Administration staff during the December 9, 2004 RTO/Grid West Board of Directors meeting.
5. All communications, whether written or electronic, with Energy Expert Services, Inc. or with Kurt J. Conger.
6. All communications with any Filing Utility or Utilities, which discuss or relate to RTO West and/or Grid West.

Annie Eissler, FOIA Officer  
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In BPA's December 14, 2004 response, BPA indicated that the District's request was not perfected because items 5 and 6 did not indicate a specific period of time for the information. However, BPA did not respond to items 1-4 even though these items were clearly perfected.

At this time the District seeks to perfect its request for items 5 & 6 in the following way:

5. All communications between January 1, 2000 and the present, whether written or electronic, with Energy Expert Services, Inc. or with Kurt J. Conger.
6. All communications, between January 1, 2000 and the present, with any Filing Utility or Utilities, which discuss or relate to RTO West and/or Grid West.

Furthermore, BPA indicated that the District's request would exceed the \$100 the District agreed to pay for costs associated with its request. At this time the District seeks a waiver or reduction of fees because disclosure of the requested information is in the public interest. Pursuant to FOIA, documents must be furnished without charge or at a charge reduced below the fees estimated if disclosure 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. 5 U.S.C. §552(a)(4)(A)(iii).

The District's FOIA requests will significantly contribute to public understanding of BPA's activities. Each of the six FOIA requests at issue is directly related to BPA's operations and activities associated with the creation of Grid West. BPA's decision to subdelegate its statutory authority to Grid West is an issue of critical importance to the region, and the District's FOIA requests are likely to contribute significantly to public understanding of BPA's activities regarding transfer of its authority to an RTO. The District intends to disseminate this information to the public.

In addition, the District's request does not serve a commercial interest. The District is a municipal corporation formed by a vote of the people of Snohomish County to provide electric and water service. The District is a not-for-profit, publicly-owned utility. The District's requests are, therefore, not for a use or purpose that furthers a commercial, trade, or profit interest. *VoteHemp Inc. v. Drug Enforcement Agency*, 237 F.Supp.2d 55, 64 (D.D.C. 2002). The District's primary purpose in requesting the information is to further its, and the public's, understanding of BPA's decision to form an RTO.

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If BPA finds that the District is not entitled to a waiver or reduction of fees, than BPA must provide the District with an itemized estimation of fees for each of the District's requests that includes a citation to BPA's regulations, guidelines and procedures for calculation of costs associated with FOIA requests. *Diapulse Corp. of America v. Federal Drug Administration*, 500 F.2d 75, 80 (2<sup>nd</sup> Cir. 1974). The fee estimate should include staff members' title and job descriptions, hourly salaries and number of hours each staff member's services will be needed to respond to the District's requests.

In addition, due to unexplained delays in postal delivery, the District requests that future correspondence be sent via both fax and mail.

Very truly yours,



Michael A. Goldfarb

3/30/05  
per telephone conversation between Annie Eissler  
and Goldfarb paralegal Rachel Farkas. Log request  
& hold as pending based on fee estimate.  
Provide fee estimate to Goldfarb.



## Department of Energy

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

CORPORATE

April 5, 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 05-032

Dear Mr. Goldfarb:

I am writing regarding our telephone conversation of March 30, 2005 regarding your December 10, 2004 and January 13, 2005 letters requesting information under the Freedom of Information Act. During our conversation, you requested that we provide you with a fee estimate for processing the request referenced as FOIA #05-032. In your request, you asked for information on the following:

1. All internal documents since the filing of FOIA 05-006 on November 16, 2004, that discuss or relate to "Grid West" or "RTO West".  
Estimate: \$1542.98
2. All internal memoranda that discuss or relate to the December 9, 2004 vote on the RTO Board of Directors.  
Estimate: \$438.88 for item #s 2-5.
3. All notice(s) from the RTO West Board of Directors to the Bonneville Power Administration concerning the December 9, 2004 vote.  
Estimate: see item #2.
4. All notes taken by the Bonneville Power Administration staff during the December 9, 2004 TRO/Grid West Board of Directors meeting.  
Estimate: see item #2.
5. All communications, between January 1, 2000 and the present, whether written or electronic, with Energy Expert Services, inc., or with Kurt J. Conger.  
Estimate: see item #2.

6. All communication, between January 1, 2000 and the present, with any Filing Utility or Utilities, which discuss or relate to RTO West and/or Grid West.  
Estimate: This item requires search and review of the same documents that might also respond to your FOIA request #05-006. The estimate for FOIA #05-006 was \$27,666.78. There would be no additional charges other than the estimate for #05-006. If you agree to pay fees for the search and review of this item, your request #05-006 would be fulfilled simultaneously.  
Estimate: \$27,666.78

Mr. Allen Burns, VP, Industry Restructuring, has been designated as Authorizing Official for your request. Mr. Burns has estimated fees associated with processing your request at approximately \$29,648.64 (for both FOIA #s 05-006 & 05-032). This estimate does not include duplication charges, which are charged at \$.05 per copied page of responsive documents.

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 amounts estimated above. Please provide your signature(s) 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

RE: FOIA Request #05-032 – Fee Estimate Agreement

For BPA's official records, please sign in the space indicated below, for each item in your request. By signing, you accept the estimation of fees contained in this letter dated April 5, 2005, regarding FOIA request #05-032. Duplication fees will be charged in addition to the estimated search and review for processing your FOIA request. Please send this form back to our office by return fax (503) 230-4576 or mail.

**Item #1: Estimate \$1542.98**

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Michael A. Goldfarb  
Law Offices of Michael A. Goldfarb

**Item #s 2-5: Estimate \$438.88**

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Michael A. Goldfarb  
Law Offices of Michael A. Goldfarb

**Item #6: Estimate \$27,666.78**

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Michael A. Goldfarb  
Law Offices of Michael A. Goldfarb

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.

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



## Department of Energy

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

CORPORATE

May 24, 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 #05-032

Dear Mr. Goldfarb:

I am writing because our office has not yet received your signed agreement to pay the estimated fees to process your FOIA request, designated FOIA #05-032. Because it has been several weeks since we provided a written estimate to you, if we do not receive your signed agreement to pay estimated fees to process your request by June 10, 2005, we will consider your FOIA request withdrawn.

Sincerely,

Annie Eissler  
Freedom of Information Officer



## Department of Energy

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

CORPORATE

May 24, 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 #05-032

Dear Mr. Goldfarb:

I am writing because our office has not yet received your signed agreement to pay the estimated fees to process your FOIA request, designated FOIA #05-032. Because it has been several weeks since we provided a written estimate to you, if we do not receive your signed agreement to pay estimated fees to process your request by June 10, 2005, we will consider your FOIA request withdrawn.

Sincerely,

Annie Eissler  
Freedom of Information Officer