



Department of Energy

Official File

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

CORPORATE

November 7, 2005

In reply refer to: DK-7

Mr. Michael J. Gianunzio
Snohomish County PUD
Office of General Counsel
2320 California St.
Everett, WA 98601

RE: FOIA Request #05-055

Dear Mr. Gianunzio:

This letter responds to your Freedom of Information Act (FOIA) request designated as FOIA #05-055. In your letter, you requested the following:

1. Copies of any of the contracts between BPA and Mr. Hardy executed in the last 24 months, including those related to Grid West and regional transmission issues.
2. Copies of all contract amendments between BPA and Mr. Hardy for services, including those related to Grid West and regional transmission issues.
3. Copies of all work performed by Mr. Hardy, including reports, analysis, memoranda and other materials in written or electronic form since the contracts were signed.
4. Copies of all invoices (i.e., vouchers and expenses) submitted by Mr. Hardy to BPA since the contracts were signed.
5. Copies of all e-mails and other correspondence, whether in electronic or paper form, between Mr. Hardy and BPA relating to these contracts or the work performed.

BPA has searched its files and located responsive documents. Copies of the contract and contract amendments are enclosed. BPA has determined that portions of documents which respond to your other requests should be withheld under Exemptions 5 and 6 (5 USC § 552(b)(5) and (b)(6) of the FOIA.

Exemption 5

The deliberative process privilege under Exemption 5 shields from disclosure documents which were created as part of an agency decision-making process. This includes internal communications among the BPA Administrator, BPA staff, and Mr. Hardy that are predecisional and deliberative. These documents reflect Mr. Hardy's opinions and suggestions to management. Disclosure of this information could mislead the public by revealing information

that may not have been the basis for any decisions made. Disclosure also would interfere in the future with using a consultant's expertise, and with the agency's internal deliberations. Consequently, BPA has redacted those communications. BPA has released, however, those factual portions of the documents that do not reveal the internal deliberative process.

BPA also has redacted the descriptions of activity on Mr. Hardy's invoices, because those descriptions reveal the nature of the work performed for BPA by Mr. Hardy. As such, they also are protected from disclosure by Exemption 5. However, the dates and the amounts of the billings have been released.

Exemption 6

Exemption 6 protects information, which if released, would constitute an unwarranted invasion of personal privacy. Therefore, to the extent that personal information such as a home address, home telephone number, credit card number, or tax identification number were on any of the responsive documents, that information has been redacted. To release this information would constitute an unwarranted invasion of privacy.

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 S.W., Washington, D.C. 20585. The envelope and the letter must be clearly marked "Freedom of Information Act Appeal."

You agreed to pay fees up to \$250 to fulfill this request. Therefore, you will be sent an invoice in the amount of \$250, under separate cover by our accounting department.

If you have any questions, please contact me at (503) 230-7303. Thank you for your patience.

Sincerely,

Christina J. Brannon
Freedom of Information Officer

Enclosures

Due to the size of this response you will need to contact the BPA FOIA Officer to obtain a copy - 503-230-7303 or 503-230-7305.