



Department of Energy

Official File

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

CORPORATE

May 1, 2006

In reply refer to: DK-7

Washington Forest Law Center
Toby Thaler
615 Second Avenue, Suite 360
Seattle, WA 98104-2245

RE: FOIA Request #06-022

Dear Mr. Thaler:

Thank you for your letters dated April 21, 2006 and April 28, 2006, requesting information under the Freedom of Information Act. In your letter, you requested copies of documents relating to the need for, planning for, use of, environmental impact of, selection of alternatives for, or in any other way related to Okanogan County Public Utility District's Methow Transmission Project. The second portion of your request pertains to any updates, amendments or replacement of "Customer Service Policy" dated July 1984.

Your initial request was received by our office on April 25, 2006. Following correspondence from our office, we received your refined request on May 1, 2006 and it has been logged in as FOIA request #06-022.

Regarding your fee and or fee waiver, we are deferring determination until discovery of applicable requested documents. Regardless, there is no fee for requests with fee estimates of \$15 or less.

We are also still in the process of designating an Authorizing Official for your request. According to FOIA policy, we have 20 working days, until May 30, 2006, to provide a response. Should you have any questions, please contact Joel Scruggs at Mail Stop DKC-7 or by calling 503-230-5511.

Sincerely,

/s/ Christina J. Brannon

Christina J. Brannon
Freedom of Information Officer



Department of Energy

Official File

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

CORPORATE

May 25, 2006

In reply refer to: DK-7

Washington Forest Law Center
Toby Thaler
615 Second Avenue, Suite 360
Seattle, WA 98104-2245

RE: FOIA Request #06-022

Dear Mr. Thaler:

I am writing regarding your Freedom of Information Act (FOIA) request #06-022. We are unable to meet the initial deadline for completion of May 30, 2006. As permitted by statute, we will take a ten working-day extension of time in which to respond to your request. The extension will 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 request is June 13, 2006.

If you have any questions, please contact Joel Scruggs at 503-230-5511, or mail stop DKC-7. Thank you for your patience.

Sincerely,

/s/ Christina J. Brannon

Christina J. Brannon
Freedom of Information Act Officer



WASHINGTON FOREST LAW CENTER

615 Second Avenue, Suite 360
Seattle, WA 98104

Tel: 206.223.4088
Fax: 206.223.4280

June 15, 2006

By Electronic and US Mail

Christina J. Brannon
FOIA Officer
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208-3621
Email: cjbrannon@bpa.gov

Re: FOIA Request #06-022

Dear Ms. Brannon:

I have received your June 7 letter and accompanying CD. The CD contains the following six documents:

FOIA 06-022I.pdf
FOIA 06-022E.pdf
FOIA 06-022G.pdf
FOIA 06-022D.pdf
FOIA 06-022F.pdf
FOIA 06-022H.pdf

Each of the six documents is a slightly different version of a single page table titled "Loss Summary Sheet Winter 2005 Loads," apparently created by "jpc4109." Your implicit conclusion is that this is the sum total of documents in BPA's files responsive to the FOIA request (all documents "related to the Okanogan County Public Utility District's Methow Transmission Project").

Frankly, I am in fact "dissatisfied with this determination." I would appreciate your confirmation that the above content of the CD is all of the responsive material that BPA was able to locate. I would also appreciate, short of filing an appeal, an explanation of the "reasonable search for responsive records ... conducted"

by the BPA. *Chourre v. I.R.S.*, 203 F.Supp.2d 1196, 1200 (W.D.Wash., 2002). Did you search the same files where you found documents in 1999? On April 28, 2006, I provided Mr. Joel Scruggs in your office details concerning those documents.

Please provide me a copy of (or citation to) the record retention policy applicable to documents in BPA's possession concerning the Methow Transmission Project; the BPA Records Manual is for the most part not publicly accessible at your web site.

Sincerely,

WASHINGTON FOREST LAW CENTER

Toby Thaler
Attorney for PACE and MVCC
(206) 223-4088, ext 4
tthaler@wflc.org



WASHINGTON FOREST LAW CENTER

615 Second Avenue, Suite 360
Seattle, WA 98104

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June 20, 2006

By Electronic and US Mail

Christina J. Brannon
FOIA Officer
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208-3621
Email: cjbrannon@bpa.gov

Re: FOIA Request #06-022

Dear Ms. Brannon:

This is a further clarification of the scope of the request in pending FOIA Request #06-022.

We believe the description of requested documents, "all documents concerning the need for, planning for, payment for, use of, environmental impact of, selection of alternatives for, or in any other way related to Okanogan County Public Utility District's Methow Transmission Project," includes the following:

- All documents related to BPA's general transfer agreement (GTA) to provide power to the Okanogan Co-op; and
- BPA outage standards for transmission lines, either BPA owned, or used by BPA to wheel power under transfer agreements. These standards are alluded to, but not cited, in Garry Thompson's April 8, 1999 letter to Harlan Warner, OkPUD.

Please let me know when I may expect to hear from you in follow up to this letter and our June 15 letter, hopefully well before we need to consider filing an appeal.

Sincerely,

WASHINGTON FOREST LAW CENTER

Toby Thaler
Attorney for PACE and MVCC
(206) 223-4088, ext 4
tthaler@wflc.org



Department of Energy

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

CORPORATE

June 28, 2006

In reply refer to: DK-7

Mr. Toby Thaler
Attorney for PACE and MVCC
Washington Forest Law Center
615 Second Avenue, Suite 360
Seattle, WA 98104

RE: FOIA Request #06-022

Dear Mr. Thaler:

This letter responds to your June 20, 2006 letter, in which you raise concerns about the adequacy of BPA's search for documents in response to your April 21, 2006 FOIA request. I looked into your concerns and am of the opinion that BPA's initial search for responsive documents was inadequate; therefore, I am withdrawing BPA's June 7, 2006 response to your FOIA request. BPA staff is in the process of performing a reasonable, good faith search for responsive records. Based on the information you provided in your original request and subsequent letters clarifying the request, I have asked several BPA staff to search for possible responsive documents.

Regarding your request for a fee waiver, based on the information you provided concerning your intended use of the requested documents, it does not appear you meet the criteria for a full waiver of fees. Although you have shown that you have the ability and intention to disseminate and educate the requested information to interested public in the Methow Valley area, you have not shown the ability to do so to the general public. In order to qualify for a full waiver of fees, you must meet the criteria set forth in 10 CFR 1004.2(c). You will be charged as an "other" requester (non-commercial use requester) and will be entitled to two hours of free search time and 100 pages of free photocopying. You will not be charged any time for document review.

According to DOE FOIA policy, "a requester must state a willingness to pay for costs resulting from the processing of a request, even if it doesn't result in any responsive document. BPA charges no fee when the processing cost is less than \$15." Therefore, please provide written confirmation of your willingness to pay all fees associated with processing your request, or your willingness to pay fees up to a specified dollar amount.

Once we receive this confirmation, we will designate an Authorizing Official and reinstate a 20-day response time. Should you have any questions, please contact Joel Scruggs at 503-230-5511.

Sincerely,
/s/ Christina J. Brannon

For:
Christina J. Brannon
Freedom of Information Act Officer