

**Atterbury, Laura M - DKR-7**

**From:** lori.winter@pnmresources.com  
**Sent:** Friday, February 09, 2007 11:32 AM  
**To:** FOIA  
**Subject:** FOIA Request

RECEIVED BY BPA FOIA OFFICE THIS DATE: 2-9-07
DUE DATE: 3-9-07
LOG # 07-014

The following is a New FOIA request:  
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**Name:** Lori Winter, CLA  
**Organization:** Public Service Company of New Mexico - Law Dept.  
**Address:** PNM Resources, Inc. 4100 International Plaza Fort Worth, TX 76109  
**Phone:** 817-762-7347  
**FAX:** 817-762-7333  
**Email:** lori.winter@pnmresources.com

**Description of Request:** I am seeking to obtain the photograph(s) taken by Bonneville employee, Mike McCracken, on or about October 17, 2006 in Albuquerque, New Mexico during the ESMO Conference.  
**Preferred format:** electronic photo file (jpeg, tiff, etc.)

**Type of Requester:** Business

Agree to pay all applicable fees

**I request a waiver or reduction of fees because my request concerns "the operations or activities of the government" as explained below:**

*This request concerns an accident that happened at the ESMO conference last October, 2006. As I understand it, the photograph was taken shortly before the accident happened.*

**I request a waiver or reduction of fees because the disclosure is "likely to contribute" to an understanding of government operations or activities as explained below:**

*The photograph was taken just prior to an accident causing one fatality and one other person to be transported to the hospital in critical condition. The photograph may be produced in response to discovery requests.*

**I request a waiver or reduction of fees because an understanding by the general public of the subject is likely to result from disclosure, taking into account my ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter as explained below:**

*As I understand it, the photograph was taken prior to the accident, and is not something intended to be released to the general public.*

**I request a waiver or reduction of fees because the disclosure is likely to contribute "significantly" to public understanding of government operations or activities as explained below:**

*The photograph is not intended to be released to the general public.*

**I request a waiver or reduction of fees because of a commercial interest that would be**

**furthered by the requested disclosure, and, if so:**

*There is no commercial interest. The photograph may be produced in response to discovery requests.*

**I request a waiver or reduction of fees because the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester." as explained below:**

*As the accident took place on PNM's property, PNM would like the photograph in order to respond to any possible discovery requests surrounding the accident.*