



Department of Energy

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

PUBLIC AFFAIRS

December 31, 2007

In reply refer to: DK-7

Mr. Dan Seligman
Attorney at Law
Columbia Research Corporation
P.O. Box 99249
Seattle, WA 98139

RE: FOIA 08-014

Dear Mr. Seligman:

This letter responds to your request for information that you made to the Bonneville Power Administration (BPA), under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request was received in this office on Friday, December 28, 2007, and has been assigned a control number, 08-014.

You have requested the following:

1. A copy of the competitive solicitation (including ads), if any, used by BPA in inviting applicants to submit a resume or qualifications to BPA for the position of Hearing Officer for the WP-07 power rate case.
2. The criteria, rules, regulations, policies and guidelines used by BPA in evaluating these applications and selecting Allan Arlow as the Hearing Officer.
3. A list of all candidates considered by not hired by BPA for the position of Hearing Officer for the WP-07 power rate case.
4. A copy of all internal BPA communications (whether written or electronic), memoranda and meeting notes related to the selection of the Hearing Officer. This request includes all documents related to the hiring of Judge Arlow as a sole-source contractor and/or which provide an explanation of why BPA did not seek a competitive solicitation (bid) for this position(s).
5. All communications, whether written or electronic, between BPA and Judge Arlow prior to signing the contract for the Hearing Officer position. This request includes all communications concerning his availability, his work obligations to the Oregon Public

Utility Commission (“OPUC”), the scope of work, budget, potential conflicts of interest, and the scope of the rate case proceeding(s) itself.

6. A copy of the completed signed contract(s), including the scope of work, between BPA and Judge Arlow for the Hearing Officer position for the WP-07 power rate case.
7. All communications, whether written or electronic, between BPA and any outside party, including but not limited to the OPUC, regarding the selection of the Hearing Officer for the WP-07 power rate case.
8. A list of all BPA employees or contract staff that participated in or reviewed the selection of the Hearing Officer for the WP-07 power rate case.
9. A copy of all BPA communications, whether written or electronic, with the U.S. Department of Energy regarding the selection of the Hearing Officer for the WP-07 power rate case.

After reviewing your request, it was determined that you addressed all the criteria of a proper request under the FOIA, Department of Energy, and BPA regulation that implements the FOIA at Title 10, code of Federal Regulations, Part 1004. In your request, you also agreed to pay \$100.00 in fees and we will contact you should the charges appear to exceed that amount.

Mr. Tim Johnson, Supervisory Attorney/Advisor, Power Services, Office of General Counsel, has been designated as the Authorizing Official for your request. Mr. Johnson has 20 working days, until Monday, January 28, 2008, to provide a response. Should you have any questions, Mr. Johnson may be reached by calling 503-230-5285.

I appreciate the opportunity to assist you with this matter. If you have any questions about this letter, please contact Laura M. Atterbury, FOIA/Privacy Act Specialist, at 503-230-7305.

Sincerely,

/s/ Christina J. Brannon

Christina J. Brannon
Freedom of Information Act/Privacy Act Officer