



Department of Energy

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

PUBLIC AFFAIRS

February 28, 2008

In reply refer to: DK-7

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

RE: FOIA #08-025

Dear Mr. Seligman:

This letter is a partial response 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.

BPA has provided a copy of the Klondike Wind Power Project III Record of Decision in its entirety along with the external BPA link for future reference: <http://bpa.gov/power/pgc/wind>. As mentioned in our previous conversation, the PPM Energy contract is currently under the Exemption 4 review process. A determination on the contract and other responsive documents release should occur relatively soon and we will continue to keep you informed on that process.

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

Enclosure: Klondike III Wind Project Power Purchase ROD

Due to the size of the file, it has not been posted. To obtain a copy of the responsive documents please contact the BPA FOIA office at 503-2307305.



Department of Energy

Bonneville Power Administration
P.O. Box 3621
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PUBLIC AFFAIRS

July 16, 2008

In reply refer to: DK-7

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

RE: FOIA #08-025

Dear Mr. Seligman:

This is a second partial response to your Freedom of Information Act (FOIA) request that you made to the Bonneville Power Administration (BPA) on February 7, 2008.

In your letter you requested the following:

1. A copy of the complete contract with PPM Energy referred to in BPA press release 35-07;

Response: BPA has provided the responsive document in its entirety or with portions withheld pursuant to Exemption 4 of the FOIA, 5 U.S.C. 552 (b)(4), on pages 23, Annex A – 1, Annex D – 1, Annex H - 1, Annex H -3, Annex H – 4 and Annex H – 5.

2. A Record of Decision on the purchase;

Response: On February 28, 2008, BPA sent you a partial response to your request with a copy of the Klondike Wind Power Project III Record of Decision.

3. Any analysis prepared by BPA, or by a consultant or other party for BPA, which assessed or examined the cost and cost-effectiveness of the purchased power contract.

Response: BPA's response will be forthcoming in the final response letter after we undergo an Exemption 5 review.

Exemption 5 protects from mandatory disclosure “inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency . . .” Exemption 5 incorporates the deliberative process privilege which protects recommendations, advice, and opinions that are part of the process by which agency decisions

and policies are formulated. Exemption 5 also incorporates the attorney-client privilege, which protects confidential.

If you are dissatisfied with this determination, you may make an appeal within thirty (30) days of receipt of this letter to the Director of Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. Both the envelope and the letter must be clearly marked "Freedom of Information Act Appeal." There is no charge for your request.

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

Enclosures: Responsive Document



Department of Energy

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

PUBLIC AFFAIRS

September 12, 2008

In reply refer to: DK-7

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

RE: FOIA #08-025

Dear Mr. Seligman

This letter is your final response to your Freedom of Information Act (FOIA) request that you made to the Bonneville Power Administration (BPA) on Thursday, February 7, 2008.

You requested the following:

Any analysis prepared by BPA, or by a consultant or other party for BPA, which assessed or examined the cost and cost-effectiveness of the purchased power contract.

Response:

BPA has located one document that is responsive to your request and is being withheld in its entirety under Exemption 5, 5 U.S.C. 552(b)(5) respectively.

Exemption 5 protects from mandatory disclosure “inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency...” Exemption 5 incorporates the deliberative process privilege which protects advice, recommendations, and opinions that are part of the process by which agency decisions and policies are formulated.

The document withheld under Exemption 5 is a draft document that discusses several options for proposed wind acquisition. Draft documents, by their very nature, are pre-decisional because they are prepared prior to the undertaking of action by the agency. Draft documents are deliberative because they are part of the deliberative process by which that agency action was considered and taken. They reflect only the tentative view of their authors, views that might be altered or rejected upon further deliberation either by the authors or by their superiors.

With respect to the document withheld under the deliberative process privilege of Exemption 5, we find that disclosure of the document would not be in the public interest. The quality of agency decisions would be adversely affected if frank and independent recommendations were

inhibited by the knowledge that the content of such recommendations might be made public. For this reason, discretionary disclosure of the document is not being made.

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 SW, Washington, D.C. 20585. Both the envelope and the letter must be clearly marked "Freedom of Information Act Appeal." There is no charge for your request.

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