



Department of Energy

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

PUBLIC AFFAIRS

October 23, 2008

In reply refer to: DK-7

Ms. Dana A. Toulson
Assistant General Manager, Power, Rates,
And Transmission Management
2320 California Street
Everett, WA 98201

RE: FOIA #09-005

Dear Ms. Toulson:

Thank you for 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 letter was received in this office on Tuesday, October 21, 2008, and has been assigned a controlled number, 09-005. Please use this number in any correspondence with the Agency about your request.

You have requested the following:

1. The final fully-executed agreement between Bonneville and Pacific Gas and Electric under which Bonneville would deliver a renewable resource during light load hours to the California-Oregon border and Bonneville would receive a fee and a no-fee option to purchase renewable power at current rates in the future, as described in the attached letter dated August 29, 2008.
2. Any drafts of the agreement described above, including memoranda of understanding and/or term sheets relating to the agreement.

After reviewing your request, it was determined that you addressed all the criteria of a proper request under the FOIA, DOE, and BPA regulation that implements the FOIA at Title 10, Code of Federal Regulations, Part 1004.

In your letter you requested a fee waiver. The FOIA provides that “[d]ocuments shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” See U.S.C. 552(a)(4)(A)(iii). The waiver is denied because you have not met these criteria.

As per your letter, if your request for a fee waiver was denied you have agreed to pay up to \$250.00 in fees established under FOIA and BPA will contact you if the fees for the requested documents exceed that amount.

Mr. Mark E. Miller, Customer Account Executive, Long Term Sales and Purchases, has been designated as the Authorizing Official for your request. Mr. Miller has 20 working-days, until Wednesday, November 19, 2008, to provide a response. Should you have any questions, you may reach Mr. Miller by calling 503-230-4003.

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