



## Department of Energy

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

PUBLIC AFFAIRS

February 27, 2009

In reply refer to: DK-7

Scott C. Johnson  
ABB, Inc.  
10 Monticello Drive  
Lake Oswego, OR 97035

RE: FOIA #09-026

Dear Mr. Johnson:

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 Wednesday, February 25, 2009, and has been assigned a controlled number, 09-025. Please use this number in any correspondence with the Agency about your request.

**You have requested the following:**

Contract and related documents issued to GE Energy Services, Inc. on January 30, 2009, for Slatt and Captain Jack Externally Fused Shunt Capacitor equipment, for which offers were submitted on Solicitation No. 173270.

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 agreed to pay up to \$100 in fees associated with the processing of the request. You also requested a waiver or reduction or processing fees.

With respect to your request for a waiver or reduction of fees, the FOIA provides, at 10 CFR 1004.9(a)(8), that "the DOE will furnish documents without charge or at reduced charges if disclosure of the information is in the public interest because (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) disclosure is not primarily in the commercial interest of the requester." The DOE has implemented this statutory standard for fee waivers or reduced fees in its FOIA regulation at 10 CFR 1004.9(a)(8).

Although you have requested a waiver of fees, you have not addressed the criteria established in that section. The regulation sets forth the following pertinent factors that are considered by the Agency in applying the criteria:

- (1) The subject of the request: Whether the subject of the requested records concerns “the operations or activities of the government.”
- (2) The informative value of the information to be disclosed: Whether the disclosure is “likely to contribute” to an understanding of government operations or activities;
- (3) The contribution to an understanding by the general public of the subject likely to result from disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further the understanding of the subject matter;
- (4) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute “significantly” to public understanding of government operations or activities;
- (5) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so
- (6) The primary interest in disclosure: Whether 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.”

If you would like your request for a waiver or reduction of fees to be considered, please provide additional information that addresses these factors to Laura M. Atterbury, FOIA/Privacy Act Specialist. You should provide this information to Ms. Atterbury by Tuesday, March 10, 2009. If additional information is not received from you by that date, we will consider your request for a waiver withdrawn and will process the request in accordance with your agreement to pay up to \$100.00 in fees.

Ms. Linda Dial, Contract Specialist, Engineered Material Manager, has been designated as Authorizing Official for your request. Ms. Dial has 20 working days, until Tuesday, March 24, 2009, to provide a response. Should you have any questions, Ms. Dial may be reached by calling 360-418-8706.

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