



Department of Energy

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

PUBLIC AFFAIRS

May 28, 2009

In reply refer to: DK-7

Mr. Phillip Manske
195 W. Puetz Rd H-114
Oak Creek, WI 53154

RE: FOIA #09-037

Dear Mr. Manske:

You stated in your email dated May 28, 2009, that you were unwilling to pay any fees that may be incurred in responding to your request for information dated May 20, 2009. Because you declined to pay fees, your request for information made to the Bonneville Power Administration (BPA) does not address the requirements of a proper FOIA request as stated at Title 10, Code of Federal Regulations (CFR), Section 1004.4.

The DOE regulation that implements the FOIA provides, at 10 CFR 1004.4(e), that "a request shall include (1) an assurance to pay whatever fees will be assessed in accordance with 10 CFR 1004.9, (2) an assurance to pay those fees not exceeding some specified dollar amount, or (3) a request for a waiver or reduction of fees." The regulation further states that no request will be deemed to have been received until (1) some valid assurance of willingness to bear fees anticipated to be associated with the processing of the request, or (2) a specific request for a waiver or reduction of fees has been stated.

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."

I appreciate the opportunity to assist you in this matter. If you have any questions, please contact Kim Winn, at 503-230-5273.

Sincerely,

/s/Christina J. Brannon

Christina J. Brannon
Freedom of Information/Privacy Act Officer