



## Department of Energy

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

PUBLIC AFFAIRS

July 1, 2010

In reply refer to: DK-7

Jerry K. Boyd  
Paine Hamblen, LLP  
717 West Sprague Ave., Suite 1200  
Spokane, WA 99201-3505

[Revised letter]

### **RE: BPA-2010-01660-F**

Dear Mr. Boyd:

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, June 29, 2010, and has been assigned a control number, BPA-2010-01660-F. Please use this number in any correspondence with the Agency about your request.

#### **You have requested the following:**

Agreements, Memorandums of Agreement or Memorandums of Understanding between BPA and: the Secretary of the Interior; Bureau of Indian Affairs; Wapato Irrigation Project relating to the delivery of power or transmission services where such power or transmission services are delivered out of the BPA's Alfalfa Substation on, or near, the Yakama Indian Reservation.

In your letter you agreed to pay up to \$150 in fees associated with the processing of the request. You also requested a waiver or reduction of processing fees.

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 5 U.S.C. 552(a)(4)(A)(iii). The DOE has implemented this statutory standard for fee waivers or reduced fees in its FOIA regulation at Title 10, Code of Federal Regulations (CFR), Section 1004.9(a)(8).

Although you have requested a waiver or reduction 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 understanding of the subject matter; and
- (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.

If you would like your request for a waiver or reduction of fees to be considered, please provide additional information that addresses the factors to Laura M. Atterbury of my staff. You should provide the information to her by July 9, 2010. A decision about a waiver of fees or reduced fees will be made after receipt of the information. 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 \$150 in fees.

The above referenced number has been assigned to the request and you should refer to it in correspondence with the BPA about this matter. BPA staff has reviewed your request and have changed who will be handling your request. Mr. Charles R. Sweeney, Customer Account Executive, Transmission Sales, has now been assigned as the Authorizing Official for your request. Mr. Sweeney has twenty (20) working-days to respond to your request. The due date for a response to you is Wednesday, July 28, 2010. If you have questions about the processing of the request, you may contact Mr. Sweeney by calling (360) 619-6004.

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

Sincerely,

*/s/ Christina J. Munro*

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