

DONEY, CROWLEY, BLOOMQUIST & UDA, P.C.

Attorneys at Law

Offices in Helena & Dillon, Montana

Ted J. Doney (1942-1994)
*Frank C. Crowley, MS
John F. Bloomquist
†Michael J. Uda, MS
‡R. Allan Payne, R.G.P., MS

Suite 200, Diamond Block
44 West 6th Avenue, P.O. Box 1185
Helena, MT 59624-1185
(406) 443-2211 Fax: (406) 449-8443
Sender's E-Mail: rap@doneylaw.com

Patti L. Rowland
F. Ron Newbury
‡ Suzanne Taylor
Certified Legal Assistants
Nancy Zalutsky
Jeri L. Hoffman

Via Certified Mail, Return Receipt Requested, & Facsimile Transmission (503) 230-3290

Gene Tollefson, FOIA Officer
Mail Stop CILR-4
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208

| | |
|--|-----------------|
| RECEIVED BY BPA FOIA OFFICE THIS DATE: 8-28-02 | August 27, 2002 |
| DUE DATE: 9-26-02 | |
| LOG # 02-048 | |

RE: FOIA information request.

Dear Sir or Madam:

This information request is made pursuant to the Freedom of Information Act. I am affiliated with a private company and am seeking the information in connection with the company's business. In accordance with and as defined therein, please provide the undersigned with a copy of all documents, pleadings, notes, letters, e-mails or other writings or recordings which relate to, reference or evidence the dispute between and any settlement, agreement or other accord between Bonneville Power Administration ("BPA") and Tenaska Washington Partners II, L.P. or any other party which regards, relates or references any claim of any party to the arbitration and/or litigation known as Tenaska Washington Partners II, L.P. v. Bonneville Power.

This firm will pay up to one hundred dollars (\$100.00) for any reproduction charges associated with the above information request. If the reproduction charges to be incurred in complying with the above request exceed one hundred dollars, contact the undersigned for prior approval before commencing reproduction. Should you have any questions, please contact the undersigned at your earliest convenience.

Sincerely,


R. Allan Payne

Emphasis in water, natural resources, energy, environmental law & government relations

*Also admitted in Maine & Massachusetts †Also admitted in Oregon ‡ Also admitted in California & North Dakota
‡ Also admitted in Florida & Georgia

DONEY, CROWLEY, BLOOMQUIST & UDA, P.C.

Attorneys at Law

Offices in Helena & Dillon, Montana

Ted J. Doney (1942-1994)
*Frank C. Crowley, MS
John E. Bloomquist
†Michael J. Uda, MS
‡R. Allan Payne, RGp, MS

Suite 200, Diamond Block
44 West 6th Avenue, P.O. Box 1185
Helena, MT 59624-1185
(406) 443-2211 Fax: (406) 449-8443
Sender's E Mail: rap@doneylaw.com

Patti L. Rowland
F. Ron Newbury
± Suzanne Taylor
Certified Legal Assistants:
Nancy Zalutsky
Jeri L. Hoffman

Via Certified Mail, Return Receipt Requested, & Facsimile Transmission (503) 230-3212

August 28, 2002

Gene Tollefson, FOIA Officer
Bonneville Power Administration
905 N.E. 11th Ave
Portland, OR 97208

RE: FOIA information request.

Dear Mr. Tollefson:

As a follow-up to our telephone conversation of today, please be aware that this firm is willing to pay all appropriate costs of reproduction of the documents associated with my FOIA request dated yesterday. If the charges to be incurred in complying with the above request exceed one hundred dollars, please contact the undersigned for prior approval. Should you have any questions, please contact my office at your earliest convenience.

Sincerely,



R. Allan Payne

Emphasis in water, natural resources, energy, environmental law & government relations

*Also admitted in Maine & Massachusetts †Also admitted in Oregon ‡ Also admitted in California & North Dakota
± Also admitted in Florida & Georgia



Department of Energy

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

GENERAL COUNSEL

September 13, 2002

In reply refer to: LC-7

R. Allan Payne
Doney, Crowley, Bloomquist & Uda, P.C.
Suite 200, Diamond Block
44 West 6th Avenue
P.O. Box 1185
Helena, MT 59624-1185

Dear Mr. Payne:

The purpose of this letter is to seek clarification of your August 27, 2002, request referenced as BPA log #02-048, in which you ask for the following information:

a copy of all documents, pleadings, notes, letters, e-mails or other writings or records which relate to, reference or evidence the dispute between and any settlement, agreement or other accord between Bonneville Power Administration ("BPA") and Tenaska Washington Parties II, L.P. or any other party which regards, relates or references any claim of any part to the arbitration and/or litigation known as Tenaska Washington Partners II, L.P. v. Bonneville Power.

We are unclear whether your request is intended to include only those records related to the settlement of the arbitration/ litigation known as Tenaska Washington Partners, II, L.P. v. Bonneville Power Administration, or whether it includes something much broader.

In your letter you state your firm is willing to pay up to \$100.00 for reproduction charges associated with the processing of your request. As a "commercial use" requester, you may be billed for all allowable search, review, and reproduction charges associated with the processing of your request. If your request is confined to settlement documents, the cost of processing should not exceed \$100.00. However, depending on the scope of your request, it is possible that processing costs may exceed \$100.00. We cannot provide an estimate of such costs, however, until we understand the scope of your request.

If you wish to contact BPA to discuss clarification of your request, please contact Paul Mautner at (503) 230-5199.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Johnson", written over a white background.

Timothy A. Johnson
Attorney

bcc:

G. Tollefson – CILR-4

M. Van Buren – LP-7

P. Mautner – LC-7

C. Jacobson – LC-7

Official File – CILR (EX 13-13, 02-048)

Cjacobson:clj:09/13/02 (w:\jacobson\foia\payne_request_clarification.doc)



Department of Energy

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

SHARED SERVICES

August 28, 2002

In reply refer to: CILR-4

Mr. R. Allan Payne
Doney, Crowley, Bloomquist & Uda, PC
Suite 200, Diamond Block
44 West 6th Avenue
P.O. Box 1185
Helena, MT 59624-1185

Dear Mr. Payne,

Thank you for the letter of August 27 requesting documents under provisions of the Freedom of Information Act. Your request has been logged in as #02-048.

Specifically, you asked for all documents, pleadings, notes, letters, e-mails or other writings or recordings relating to the dispute between and any settlement, agreement or other accord between BPA and Tenaska Washington Partners II or references to arbitration and/or litigation.

You further indicate a willingness to pay all appropriate costs, but ask that we inform you of the estimated cost before proceeding with the search.

Mr. Timothy A. Johnson, Attorney Advisor, has been designated as Authorizing Official for your request. Mr. Johnson has 20 working days, until September 26, to provide a response. Should you have any questions he may be reached at Mail Stop LP-7 or by calling 503-230-5285

Sincerely,

A handwritten signature in cursive script, appearing to read "Gene Tollefson".

Gene Tollefson
Freedom of Information Officer