



**OFFICE OF THE GENERAL COUNSEL**

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December 18, 2003

**VIA EMAIL; ORIG. BY MAIL**

Annie Eissler  
Freedom of Information Officer  
Bonneville Power Administration  
Mail Stop C-4  
Bonneville Power Administration  
PO Box 3621  
Portland, OR 97208

RECEIVED BY BPA FOIA OFFICE THIS DATE: 12/18/03
DUE DATE: 1/21/04
LOG # 04-011

Re: FOIA Request No. 04-011

Dear Ms. Eissler:

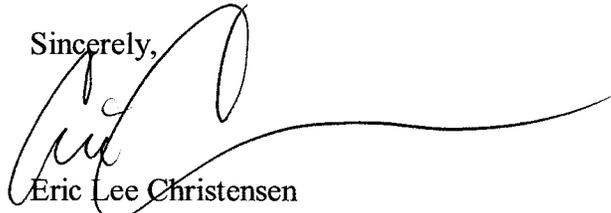
I am writing in response to your letter of December 10, 2003, in which you denied the request for waiver of fees contained in a FOIA request which I sent to you by letter of November 26, 2003, on behalf of Snohomish County PUD. Our November 26 letter requested certain communications between senior managers at BPA and the U.S. Department of Energy concerning RTO West, as well as correspondence between BPA and certain Pacific Northwest investor-owned utilities concerning RTO West.

In your December 10 reply, you conclude that Snohomish's request does not meet the requirements of 5 U.S.C. § 552(a)(4)(iii), which requires documents to be provided without charge or at a reduced charge if disclosure of the information requested "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." Snohomish strongly disagrees with your conclusion that these criteria are not met for two reasons. First, RTO West is among the most important public policy issues facing the electric industry in the Pacific Northwest and the requested information is likely to reveal important information about why BPA has taken the positions it has with respect to RTO West. Second, the requested information is not requested in order to promote Snohomish's commercial interests. Although Snohomish is deeply concerned about the potential costs of RTO West, the information has no particular commercial value to Snohomish and would only serve to clarify and illuminate the public policy debate concerning RTO West.

Despite our objections to your conclusion with respect to the requested fee waiver, Snohomish nonetheless authorizes you to incur fees of up to \$500 to fulfill our FOIA request dated November 26, 2003, which has been logged in as FOIA No. 04-011. If you believe fees are likely to exceed this amount, I would appreciate you contacting me as soon as possible to ensure timely processing of our FOIA request.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Lee Christensen', with a long, sweeping horizontal flourish extending to the right.

Eric Lee Christensen  
Associate General Counsel