

OFFICE OF THE GENERAL COUNSEL

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January 8, 2004

VIA EMAIL; ORIG. BY MAIL

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

RECEIVED BY BPA FOIA OFFICE THIS DATE: 1-12-04
DUE DATE: 2/9/04
LOG # 64-016

Dear Ms. Eissler:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552b. On behalf of Public Utility District No. 1 of Snohomish County, Washington (“Snohomish”), I hereby request the following documents:

- All contracts between Bonneville and Enron that were active at the time of the April 2003 settlement between Bonneville and Enron that settled claims related to these contracts.
- All long-term electric power supply contracts entered into during the period between January 1, 2000, and December 1, 2001, between Bonneville and Enron in which Enron agreed to sell electric power to Enron.

For purposes of this request, “Enron” should be understood to include Enron Power Marketing, Inc., which was the Enron subsidiary most directly involved in buying and selling power in the Western Interconnection, but also includes other Enron subsidiaries (for example, Enron Energy Services, Inc.) from which Bonneville may have purchased electric power. “Long-term” contracts include contracts where delivery is to occur over a period of one month or more (i.e., monthly, quarterly, and longer-term contracts), and does not include hourly, daily, or balance-of-the-month contracts.

Snohomish is a Public Utility District formed under Washington statute by a vote of the people of Snohomish County in 1936 to provide electric and water services to the citizen of the county and is Bonneville’s largest public customer. This information is requested so that Snohomish can help to demonstrate in ongoing administrative litigation at the Federal Energy Regulatory Commission (“FERC”) that Enron’s fraudulent gaming of the Western wholesale power markets imposed enormous burdens on Snohomish, its ratepayers, and other electric utilities and users in the Pacific Northwest. Snohomish therefore respectfully requests waiver of fees for this request because dissemination of this information will be in the public interest. If fees are not waived, Snohomish hereby authorizes you to expend fees of up to \$250. Please notify me as soon as possible if you expect fees to exceed this amount.

All inquiries or correspondence related to this FOIA request should be directed to:

Eric Christensen
Associate General Counsel
Snohomish County PUD
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While Bonneville is understandably concerned about revealing the price and other terms of these contracts, in this particular case, there is no reason to maintain confidentiality over the requested information. To begin with, Enron has waived any claim of confidentiality over such information. A copy of the letter containing that waiver is attached. I have also sent a copy of the letter by email to Stuart Clarke, Snohomish's BPA-PBL Customer Account Representative.

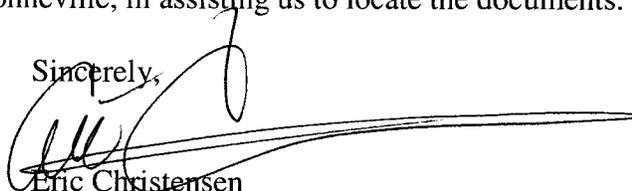
In addition, FERC has ruled repeatedly that the public interest in having access to transactional information from the period of the Western electric power crisis in 2000-01 outweighs whatever proprietary interest remains in having such information treated as confidential. *See, e.g., Fact-Finding Investigation of Potential Manipulation of Electric and Natural Gas Prices*, 102 FERC ¶ 61,311 (2003) (ordering public release of transactional information gathered during FERC investigation of Western wholesale power crisis).

We also note that the transactional information we seek involves Bonneville power purchases that occurred two to four years ago with a seller that has been bankrupt since December 2001. Hence, whatever value existed in keeping transactional data confidential at the time the transactions were entered into has now evaporated. Bonneville's release of the information in these unique circumstances certainly sets no precedent with respect to the release of proprietary transactional data with viable counterparties or in transactions of recent vintage.

Snohomish respectfully requests that this information be delivered as soon as reasonably practicable so that it can be submitted to FERC by January 16, 2004, the deadline currently in place for the submittal of Snohomish's initial testimony in FERC proceedings examining the partnership arrangements Enron had with other entities in the Western Interconnection that it used to game the electricity markets.

Finally, Snohomish notes that it has been unable to obtain the requested documents directly from Enron in ongoing discovery proceedings before FERC. In those discovery proceedings, it has become apparent that, in its precipitous fall into bankruptcy, Enron's document system has fallen into great disarray. It is therefore difficult or impossible for Enron itself to locate the requested documents. We regret that it is therefore necessary to seek the documents from Bonneville. We very much appreciate your help, and the help of Mr. Clarke and others at Bonneville, in assisting us to locate the documents.

Sincerely,



Eric Christensen

Assistant General Counsel

Enclosure

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L.L.P.

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December 12, 2003

Stephen J. Wright
Administrator
Bonneville Power Administration
905 N.E. 11th Avenue
Portland, OR 97232

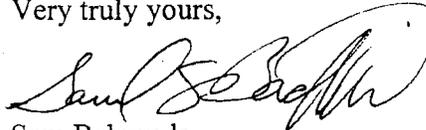
Re: FOIA Request

Dear Mr. Wright:

With this letter, Enron Power Marketing, Inc. and Enron Energy Services, Inc. ("Enron") hereby notifies the Bonneville Power Administration ("BPA") that Enron does not object to any Freedom of Information Act ("FOIA") requests submitted to BPA by Public Utility District No. 1 of Snohomish County, Washington ("Snohomish") related to power purchases and sales between Enron and BPA during the period January 1, 2000 to June 20, 2001. Enron waives all rights it may have related to these materials and requests that BPA provide all materials responsive to Snohomish's FOIA requests. Additionally, Enron authorizes Snohomish to attach a copy of this letter to its FOIA requests to BPA to facilitate an expeditious response.

Should you have any questions or require any additional information, please contact me at (202) 986-8000.

Very truly yours,



Sam Behrends
Samuel G. Backfield

cc: Eric L. Christensen, Esq.
Deborah A. Swanstrom, Esq