



Department of Energy

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

FREEDOM OF INFORMATION ACT PROGRAM

February 20, 2019

In reply refer to: FOIA #BPA-2019-00008-F

Kyle Birchard

(b) (6)

Email: (b) (6)

Dear Mr. Birchard,

This communication is the Bonneville Power Administration's (BPA) final response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your request for agency records on October 3, 2018. Your request was formally acknowledged on October 18, 2018.

Request

"... [agency information or data re]...how much BPA has spent on specific incentive programs... [for the] calendar years 2007 to 2017, [for both] Residential and Commercial [programs]; ...specifically... Expenditures on programs where rebates are paid directly to customers/ratepayer; [and] Expenditures on 'upstream' incentives (paid to everyone other than consumers); [and] If there are multiple programs, these can be aggregated into the above two broad categories".

Clarifications

On October 3, 2018, via email, you refined the scope of your request as follows:

"... [the above request language to include] Date range: Annual expenditures from 2007 to 2017 (calendar year basis if possible, otherwise fiscal year is fine); Programs: Residential and Commercial; As far as line items are concerned, I am looking specifically for, 1). expenditures on programs where rebates are paid directly to customers/ratepayers, and 2). expenditures on 'upstream' incentives (paid to everyone other than consumers). If there are multiple programs, these can be aggregated into the above two broad categories."

On October 12, 2018, via email, you refined the scope of your request as follows:

"... [the above request language to include] ...the full cost of the programs, with expenses for administrative, subcontractors, and incentives reported as separate line items. Something along the lines of this: Year; Incentives paid to ratepayers (Commercial & Residential); Delivery contracts; Administrative expenses; Total."

First Partial Response

On December 13, 2018, the agency provided you with the following publicly available information via email communications from the FOIA Office:

1. The excel spreadsheet, BPA_Savings_By_Utiliity_Sector_And_State.xls, which contains incentives paid for all sectors 2011-2016 by utility with a total. That spreadsheet is currently available on BPA's website at,

https://www.bpa.gov/EE/Utility/research-archive/Documents/BPA_Savings_By_Utiliity_Sector_And_State.xlsx

2. The Word file, Regional program docs for EEMT.doc, (a draft version of an agency record that has been shared publicly). A table on page 2 on that record provided the agency information on most delivery contracts for 2012-2014.
3. Total annual budgets were provided to you via publicly available data on the agency's Finance Public Processes website here,

<https://www.bpa.gov/Finance/FinancialPublicProcesses/Pages/default.aspx>

Further Questions Presented

On January 5, 2019, you again contacted the agency FOIA Office with additional information requests. You asked:

- “1. Who are/were the “Program Partner(s)” for the ESG and Simple Steps programs? CLEARResult is identified for ESG, but I'm actually interested in the Simple Steps program.
2. Am I correctly understanding the relationship between “Contract (Program Partner) Costs” and incentives paid out for ESG and Simple Steps? In other words: Contract (Program Partner) Costs, less incentives, equals the payment to contractor(s) that managed the programs?
3. Does BPA have a similar analysis for the 2015-2018 time period?

I have more detailed questions [regarding the First Partial Release of information (above)]:
 Table on pages 4 and 5 related to the Energy Smart Grocer (ESG) program: \$24.5 million in customer utility incentives provided to consumers between FY2007 - FY2014; Then there is a line for Contract (Program Partner) Costs, which is \$27.16 million for the same time period. Would it be correct to assume that the *net* amount received by CLEARResult for these programs in the time period would be the difference between these two numbers (\$2.66 million)?
 For Energy Smart Industrial (ESI), I see no mention of CLEARResult. Was this program administered internally by BPA or by another contractor? Just curious. The section on Simple Steps looks similar to ESG. In this case, we have “Contract (Program Partner) Costs” of \$15,085,051 and incentives (presumably paid to retailers and/or manufacturers?) of \$12,058,787.

By the same logic (which may be incorrect!), that would mean the contractor would have received \$3,026,264 in net revenue for administering the program. That's about 20% of the total contract, which is considerably higher than ESG and ESI. Is this typical of residential versus commercial/industrial programs? Or are there other factors to consider (e.g., administrative costs decline as a percentage of total costs over time)?"

Responsive Information Provided

On February 8, 2019, the agency provided you with the remainder information responsive to your FOIA request, and information responsive to the additional questions presented. That information was transmitted to you in detail from the agency's Energy Efficiency Planning & Evaluation office and personnel via telephone communication with you. After that telephone call, you told this office that you had received all of the information you had asked for in this FOIA request.

Please be aware that the agency's response to your other FOIA request, BPA-2017-01451-F, remains active and will be responded to shortly, under separate cover.

Fee

There are no fees applicable to your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the responses described above. Your FOIA request BPA-2019-00008-F is now closed with all available agency information provided.

Appeal

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to:

Director, Office of Hearings and Appeals
HG-1, L'Enfant Plaza
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. (The Office of Hearings and Appeals prefers to receive appeals by email.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

You may contact BPA's FOIA Public Liaison, Jason Taylor, at the address at the letter header for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
e-mail at ogis@nara.gov
telephone at 202-741-5770
toll free at 1-877-684-6448
facsimile at 202-741-5769

Inquiries regarding your FOIA request can be directed to James King, CorSource Technology Group LLC, at jjking@bpa.gov or 503.230.7621.

Sincerely,



Candice D. Palen
Freedom of Information/Privacy Act Officer