



Department of Energy

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

FREEDOM OF INFORMATION ACT PROGRAM

August 18, 2020

In reply refer to: FOIA #BPA-2020-01004-F

David O'Bryant
2346 SE Woodward Street
Portland, OR 97202
Email: dogsofwarrenport@gmail.com

Dear Mr. O'Bryant,

Thank you for your interest in the Bonneville Power Administration (BPA). The agency received your request for records made under the Freedom of Information Act, 5 U.S.C. § 552, (FOIA) on August 2, 2020. Your request was assigned Department of Energy (DOE) tracking number BPA-2019-01004-F. Please use that tracking number in any correspondence with the agency concerning your FOIA request. This communication is the agency's formal acknowledgment and final response to your request.

Request

"...records pertaining to federal law enforcement and intelligence operations under the umbrella of "Operation Diligent Valor" between the dates of May 26, 2020, and August 2, 2020"

Acknowledgement

BPA has reviewed your request and has determined that it fulfills all of the criteria of a proper request under the FOIA and DOE regulations at Title 10, Code of Federal Regulations, Part 1004.

Expedited Processing

BPA has granted your request for expedited processing. The agency acknowledges that, in compliance with DOE FOIA guidelines, a compelling need exists to expediently provide records and a final response. The FOIA indicates that a compelling need can be found to exist when a request is submitted by a person primarily engaged in disseminating information and there is an urgency to inform the public about actual or alleged agency activities.

Response

BPA searched for records responsive to your request in the agency's Physical Security and Communications offices. Knowledgeable agency personnel in those offices were unable to locate any agency records responsive to your request.

Additionally, BPA's Cyber Security office conducted a search of the agency email system using the keywords provided in the request. The keyword search for records did find 157 pages of media articles published by outside sources. We do not consider media articles to be agency records; BPA did not create them, nor did BPA employees rely upon them to conduct agency business. Because the documents are not agency records, they are not subject to FOIA.

Fees

There are no fees associated with the processing of your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and determinations described above. Your FOIA request BPA-2020-01004-F is now closed with no responsive agency records available to provide.

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 on this 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: ogis@nara.gov
Phone: 202-741-5770
Toll-free: 1-877-684-6448
Fax: 202-741-5769

Questions about this communication may be directed to Thanh Knudson, Flux Resources, LLC, at etknudson@bpa.gov or 503.230.5221

Sincerely,

A handwritten signature in black ink, appearing to read "Candice D. Palen". The signature is fluid and cursive, with the first name being the most prominent.

Candice D. Palen
Freedom of Information/Privacy Act Officer