



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

January 16, 2025

In reply refer to: FOIA #BPA-2025-01053-F

SENT VIA EMAIL ONLY TO: Possible PIIPossible PII

Irvin McCullough

Possible PIIPossible PIIPossible PII

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Dear Mr. McCullough,

This communication concerns your request for Bonneville Power Administration (BPA) records, made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on November 26, 2024. BPA formally acknowledged your request on December 20, 2024. This communication is the agency's final response to your FOIA request.

Request

You seek, "From June 1, 2023, through January 1, 2024, I request a sample of up to 10 completed FOIA case files from your office's FOIA tracking system where scope clarification occurred. Each case must have all of:

- (1) a written agency response seeking clarification about the scope of records sought; and
- (2) a written requester response that clarified the request; and
- (3) a final determination letter; and
- (4) a case closure date within the specified date range.

For each of these case files, I seek only:

- (1) the initial FOIA request; and
- (2) the agency's scope clarification letter (or email or similar record); and
- (3) the requester's clarification response or the request as it was ultimately processed; and
- (4) and the final determination letter.

Specifically, for a sample of requests where clarification was needed, I'm looking for the original request, the rationale for clarification, and the clarified request. I am studying how agencies and requesters work together to clarify and refine requests, so I need only the substance of these communications, not any personally identifying details.

To reduce processing time and protect privacy: please exclude any Privacy Act requests, cases where clarification was sought solely about fees, and cases where the requester never responded with clarification. And please redact all personal information (names, addresses, emails, phone numbers).

If your office cannot find 10 completed case files with these criteria, please send as many case files as you can find that do.”

Response

Knowledgeable agency personnel in BPA’s Information Governance office searched for and gathered 437 pages of records responsive to your request. Those 437 pages accompany this communication, with applicable redactions applied and concomitant with certain information expressly scoped out by your FOIA request language. No FOIA-permitted redactions were applied; non-responsive information has been redacted from the pages provided.

Fees

No fees are associated with processing your records request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and response described above. Your records request is now closed with all available responsive agency records provided.

Appeal

The records release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this final release, within 90 calendar days from the date of this communication. 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.

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 James King, FOIA Public Liaison, at jjking@bpa.gov or at 503-230-7621.

Sincerely,

Candice D. Palen
Freedom of Information/Privacy Act Officer

[Responsive agency records accompany this communication.](#)

The following list contains the entire submission submitted January 06, 2022 03:30:07pm ET, and is formatted for ease of viewing and printing.

Contact information

First name

Last name

Mailing Address

City

State/Province

Postal Code

Country

Phone

Fax

Company/Organization

Email

Non-responsive per request



Request

Request ID 308456

Confirmation ID 307931

**Request
description**

We are requesting any and all information in BPA’s possession, custody, or control related to the Holiday Farm Fire, which includes, but is not limited to: • All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on BPA’s transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam. • All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on third party transmission systems or related facilities interconnected to BPA’s transmission system along the McKenzie River Highway or interconnected to the Cougar Dam. • All documents and communications related to any incident reports concerning BPA’s transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam from September 6th–8th, 2020. • All documents and communications related to any incident reports concerning third party transmission systems or related facilities interconnected to BPA’s transmission system along the McKenzie River Highway or interconnected to the Cougar Dam. • All documents and reports concerning any inspection of BPA’s transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam occurring after September 7, 2020. • All documents, communications, and any underlying data relied upon in the creation of the document entitled: “Holiday Farm Fire Outage Sequence of Events” • All documents and communications related to investigations of the Holiday Farm Fire, including information collected or created pursuant to such investigations. • All data, reports, alerts, warning systems, images or videos related to the Holiday Farm Fire. • All communications between BPA and any first responder, such as a fire department(s) or police department(s) or similar agency, regarding a potential fire related to a fault on the BPA transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam that occurred on September 7, 2020. • All documents, communications, or reports communicated to BPA on September 7, 2020, that a fire had been started in the vicinity of BPA’s transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam.

Supporting documentation

Fees

Request category ID	other
Fee waiver	no

Expedited processing

Expedited Processing	no
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King,James J (CONTR) - CGI-7

From: King,James J (CONTR) - CGI-7
Sent: Thursday, January 13, 2022 10:36 AM
To: *Non-responsive per request*
Subject: New FOIA request BPA-2022-00324-F *Non-* - request received
Attachments: BPA-2022-00324-F *Non-* Incoming FOIA Request.pdf

Good morning, *Non-*

The Bonneville Power Administration (BPA) has received your recent Freedom of Information Act (FOIA) request for agency records. That request is attached for reference and is for the following information:

“... any and all information in BPA’s possession, custody, or control related to the Holiday Farm Fire, which includes, but is not limited to:

- All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on BPA’s transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam.
- All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on third party transmission systems or related facilities interconnected to BPA’s transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.
- All documents and communications related to any incident reports concerning BPA’s transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam from September 6th–8th, 2020.
- All documents and communications related to any incident reports concerning third party transmission systems or related facilities interconnected to BPA’s transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.
- All documents and reports concerning any inspection of BPA’s transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam occurring after September 7, 2020.
- All documents, communications, and any underlying data relied upon in the creation of the document entitled: “Holiday Farm Fire Outage Sequence of Events”
- All documents and communications related to investigations of the Holiday Farm Fire, including information collected or created pursuant to such investigations.
- All data, reports, alerts, warning systems, images or videos related to the Holiday Farm Fire.

- All communications between BPA and any first responder, such as a fire department(s) or police department(s) or similar agency, regarding a potential fire related to a fault on the BPA transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam that occurred on September 7, 2020.
- All documents, communications, or reports communicated to BPA on September 7, 2020, that a fire had been started in the vicinity of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam."

I've been assigned your new FOIA request for processing. BPA will be sending you a formal FOIA request acknowledgment letter shortly, as required by 5 U.S.C. § 552. That letter will provide you with an outline of BPA's FOIA response process and a Department of Energy FOIA tracking number and an estimated date for the completion of your request. You may contact me directly with any questions about your FOIA request.

Best,

James

James King
CorSource Technology Group LLC
Assigned to the Bonneville Power Administration FOIA Office

From: [Taylor Jason E \(BPA\) - CGI-7](#)
To: [Non-responsive per request](#); [Non-responsive per request](#)
Bcc: [Mautner Paul F \(BPA\) - LG-7](#); [King James J \(CONTR\) - CGI-7](#)
Subject: FOIA BPA-2022-00324-F - Summary of Meeting with Agency Subject Matter Experts
Date: Monday, April 4, 2022 4:14:00 PM
Attachments: [image001.png](#)
Importance: High

Good afternoon,

I met with our Transmission experts last week, and, as we reviewed the FOIA request, they provided me names of additional subject matter experts. I contact those additional contacts over the last week, and we are now ready to present what we've learned. I've organized the summary in the table below, referring to the ten elements of your request, our previous meeting on March 8, my meeting with subject matter experts on March 28, and a conclusion/path for record searches:

Your FOIA Request	BPA-Requester Meeting	BPA-Agency Expert Meeting	Conclusion
1. All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on BPA's transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam.	You provided geographic markers, mileposts 42-48. We agreed to obtain from agency Transmission experts the definition of "transmission system."	Expert's definition of transmission system = power lines, substations, and microwave sites which support the communications network. Experts determined that mileposts are unnecessary because of limited scope and occurrence of events.	Experts can begin searching for requested records .
2. All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.	Same as item #1 above	Same as item #1 above	Same as item #1 above
3. All documents and communications related to any incident reports concerning BPA's transmission system or	Scope / Date range = Sep 6, 2020 – October 31, 2020.	The subject matter expert who led the incident team is out of office until April 11.	I will meet with the expert on the week of April 11.

related facilities along the McKenzie River Highway or interconnected to the Cougar Dam.			
4. All documents and communications related to any incident reports concerning third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.	Same as item #3 above	Same as item #3 above	Same as item #3 above
5. All documents and reports concerning any inspection of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam occurring after September 7, 2020.	Scope / Date range = Sep 6, 2002 – October 31, 2020	We identified several subject matter experts.	Experts can begin searching for requested records .
6. All documents, communications, and any underlying data relied upon in the creation of the document entitled: "Holiday Farm Fire Outage Sequence of Events"	Scope = All records to be collected from document author	Document author identified.	Expert can collect records.
7. All documents and communications related to investigations of the Holiday Farm Fire that were provide to the US Forest Service fire investigator. provided to USFS investigator	Collect all records the agency provided to USFS investigator. By collecting these records, we do not collect separate records for 8,9,10 below, as those records will be included in the records set provided to USFS.	Experts explained, the agency provided records to the Assistant US Attorney for the USFS fire investigation.	Agency counsel is working with AUSA to identify/collect the records provided to USFS.
8. All data, reports, alerts,	See comments in		

warning systems, images or videos related to the Holiday Farm Fire.	#7 above		
9. All communications between BPA and any first responder, such as a fire department(s) or police department(s) or similar agency, regarding a potential fire related to a fault on the BPA transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam that occurred on September 7, 2020.	See comments in #7 above		
10. All documents, communications, or reports communicated to BPA on September 7, 2020, that a fire had been started in the vicinity of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam	See comments in #7 above		

Please review and let me know if you agree with the summary above. If you agree, we can begin collecting records for items 1, 2 ,5, and 6 while we wait for the experts at items 3, 4, and 7.

Thank you,
Jason

From: Taylor,Jason E (BPA) - CGI-7

Sent: Monday, March 28, 2022 10:42 AM

To: *Non-responsive per request* <*Non-responsive per request*

Subject: RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Thank you! I'm meeting with our Transmission experts this week. I will have answers and more information, soon.

-Jason

From: *Non-responsive per request* <*Non-responsive per request*

Sent: Tuesday, March 22, 2022 7:42 AM

To: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Cc: *Non-responsive per request* <*Non-responsive per request*

Subject: [EXTERNAL] RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Hi Jason-

Thanks for the update. To answer your questions:

1. Milepost 42-48 is the range we need.
2. On the date ranges, September 6, 2020–October 31, 2020

Let me know if you have any additional questions.

Thanks!

Non-responsive per request



From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Sent: Monday, March 21, 2022 3:37 PM

To: *Non-responsive per request* <*Non-responsive per request*

Subject: RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Hi *Non-responsive*

A quick update: I have a meeting next week with our Transmission subject matter experts to discuss

the items we talked about:

- Defining what parts comprise the “transmission system.”
- Notifying author of “sequence of events report” to collect responsive records
- Identifying subject matter experts who provided records to US Forest Service for their fire report.

Also, my computer had a catastrophic failure last week and is now in my IT department’s able hands for repair. Unfortunately, I lost a few notes from our last meeting. So, I need you to confirm two things that we discussed:

1. For some of the request, you identified specific mile posts/markers. I believe these were 42-46? Please confirm those numbers.
2. For some parts of the request, you cited a search scope of Sep 6, 2020 to October ? Please confirm the end date.

Thank you,
Jason

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Friday, March 4, 2022 10:14 AM
To: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Cc: *Non-responsive per request* <*Non-responsive per request*>
Subject: [EXTERNAL] Re: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Let's do 3pm. Thanks!

Non-responsive per request



From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Sent: Friday, March 4, 2022 10:13 AM
To: *Non-responsive per request* <*Non-responsive per request*>
Subject: RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022

Meeting

Good morning, 

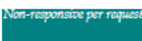

I am available all day Tuesday. Please let me know if this works – and propose a time – and then I will send you meeting details.

Regards,
Jason

From:  <

Sent: Wednesday, March 2, 2022 3:41 PM

To: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Cc:  <

Subject: [EXTERNAL] RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Hi Jason-

I wanted to follow up with you and set up a time for us to meet again. How does next week look for you?

Thanks,



Non-responsive per request



From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Sent: Friday, February 25, 2022 4:26 PM

To: Non-responsive per request <Non-responsive per request>

Subject: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Hello, Non-responsive,

Thank you for meeting last week to review your request and look at ways to focus your request to make collection and processing more efficient. Here are a few key items I described to you:

- The agency's FOIA office is not relying on the preservation hold we described to you. That record collection spans from 209 to 2022. Therefore, the scope is too large and the FOIA Office does not have manpower or resources to sort that voluminous collection.
- Your request is really ten requests packaged as one, so this will require substantial time for collection, review, and processing.
- The agency's FOIA team is currently processing a similarly scoped fire-related request. It was received in March 2021 and is not yet complete.
- The agency did not conduct an investigation regarding the fire. An investigation was performed by the US Department of Forestry. We advised you to seek these records.

We suggested limiting the scope of records sought in the request, but you indicated you do not want to limit the overall scope of ten items, except for [one item. That is described below](#). We reviewed the ten items and agreed to certain time-scope limitations. I relayed our conversation to the FOIA team and they had several points they would like me to clarify with you before we begin searching for records. Details follow below:

1. **All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on BPA's transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam.**

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

2. **All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.**

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records

from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

3. All documents and communications related to any incident reports concerning BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam from September 6th–8th, 2020.

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

4. All documents and communications related to any incident reports concerning third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

5. All documents and reports concerning any inspection of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam occurring after September 7, 2020.

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

6. All documents, communications, and any underlying data relied upon in the creation of the document entitled: "Holiday Farm Fire Outage Sequence of Events"

Our previous discussion

- Collect records from **author** of "sequence of events" document.

FOIA team discussion:

- Agreed

7. All documents and communications related to investigations of the Holiday Farm Fire, including information collected or created pursuant to such investigations.

Our previous discussion:

- Agency Cyber Forensics team to collect records.
 - Need to **specifically** define keyword searches. For example, what was fire called before it was named 'Holiday Farm Fire?'
 - Need to **specifically** define date range of records sought.

FOIA team discussion:

- Agreed. We need to specifically define scope of records sought; there are no do-overs.

8. All data, reports, alerts, warning systems, images or videos related to the Holiday Farm Fire.

Our previous discussion:

- BPA will not search for these individually. Rationale = they will be discovered via email exchange searches in items 7, 9, 10.

FOIA team discussion:

- Agreed

9. All communications between BPA and any first responder, such as a fire department(s) or police department(s) or similar agency, regarding a potential fire related to a fault on the BPA transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam that occurred on September 7, 2020.

Our previous discussions:

- Same as item #7, these communications will be captured in that collection.

FOIA team discussion:

- Agreed

10. All documents, communications, or reports communicated to BPA on September 7, 2020, that a fire had been started in the vicinity of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam

Our previous discussions:

- Same as item #7, these communications will be captured in that collection.

FOIA team discussion:

- Agreed

Please let me know when you would like to meet next week. We can work towards finalizing search parameters. Your request is currently number 23 of 24 in our queue, so we have ample time to plan a focused, reasonable search.

Thank you,

Jason E. Taylor
FOIA Public Liaison
Bonneville Power Administration
503-230-3537
[*About the Freedom of Information Act at BPA*](#)

From: Non-responsive per request
To: Taylor, Jason E (BPA) - CGI-7; Non-responsive per request
Subject: [EXTERNAL] RE: FOIA BPA-2022-00324-F - Summary of Meeting with Agency Subject Matter Experts
Date: Monday, April 4, 2022 4:20:15 PM
Attachments: [image001.png](#)

Jason-

Thank you for the update. I agree with your summary. Please begin collecting records for items 1, 2, 5, and 6 while we wait for the experts at items 3, 4, and 7.

Thank you,

Non-responsive per request

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Sent: Monday, April 4, 2022 4:14 PM
To: Non-responsive per request <Non-responsive per request> Non-responsive per request <Non-responsive per request>
Subject: FOIA BPA-2022-00324-F - Summary of Meeting with Agency Subject Matter Experts
Importance: High

Good afternoon,

I met with our Transmission experts last week, and, as we reviewed the FOIA request, they provided me names of additional subject matter experts. I contact those additional contacts over the last week, and we are now ready to present what we've learned. I've organized the summary in the table below, referring to the ten elements of your request, our previous meeting on March 8, my meeting with subject matter experts on March 28, and a conclusion/path for record searches:

Your FOIA Request	BPA-Requester	BPA-Agency Expert	Conclusion
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	Meeting	Meeting	
1. All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on BPA’s transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam.	You provided geographic markers, mileposts 42-48. We agreed to obtain from agency Transmission experts the definition of “transmission system.”	Expert’s definition of transmission system = power lines, substations, and microwave sites which support the communications network. Experts determined that mileposts are unnecessary because of limited scope and occurrence of events.	Experts can begin searching for requested records .
2. All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on third party transmission systems or related facilities interconnected to BPA’s transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.	Same as item #1 above	Same as item #1 above	Same as item #1 above
3. All documents and communications related to any incident reports concerning BPA’s transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam.	Scope / Date range = Sep 6, 2020 – October 31, 2020.	The subject matter expert who led the incident team is out of office until April 11.	I will meet with the expert on the week of April 11.
4. All documents and communications related to any incident reports concerning third party transmission systems or related facilities interconnected to BPA’s transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.	Same as item #3 above	Same as item #3 above	Same as item #3 above

5. All documents and reports concerning any inspection of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam occurring after September 7, 2020.	Scope / Date range = Sep 6, 2002 – October 31, 2020	We identified several subject matter experts.	Experts can begin searching for requested records .
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7. All documents and communications related to investigations of the Holiday Farm Fire that were provide to the US Forest Service fire investigator. provided to USFS investigator	Collect all records the agency provided to USFS investigator. By collecting these records, we do not collect separate records for 8,9,10 below, as those records will be included in the records set provided to USFS.	Experts explained, the agency provided records to the Assistant US Attorney for the USFS fire investigation.	Agency counsel is working with AUSA to identify/collect the records provided to USFS.
8. All data, reports, alerts, warning systems, images or videos related to the Holiday Farm Fire.	See comments in #7 above		
9. All communications between BPA and any first responder, such as a fire department(s) or police department(s) or similar agency, regarding a potential fire related to a fault on the BPA transmission system or related facilities along the McKenzie River Highway or interconnected to the	See comments in #7 above		

Cougar Dam that occurred on September 7, 2020.			
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Please review and let me know if you agree with the summary above. If you agree, we can begin collecting records for items 1, 2 ,5, and 6 while we wait for the experts at items 3, 4, and 7.

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From: Taylor,Jason E (BPA) - CGI-7
Sent: Monday, March 28, 2022 10:42 AM
To: *Non-responsive per request* <*Non-responsive per request*>
Subject: RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

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Sent: Tuesday, March 22, 2022 7:42 AM
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Cc: *Non-responsive per request* <*Non-responsive per request*>
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Thanks for the update. To answer your questions:

1. Milepost 42-48 is the range we need.
2. On the date ranges, September 6, 2020–October 31, 2020

Let me know if you have any additional questions.

Thanks!

Non-responsive

Non-responsive per request

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Sent: Monday, March 21, 2022 3:37 PM

To: Non-responsive per request <Non-responsive per request>

Subject: RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

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1. For some of the request, you identified specific mile posts/markers. I believe these were 42-46? Please confirm those numbers.
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Thank you,
Jason

From: *Non-responsive per request* <*Non-responsive per request*
Sent: Friday, March 4, 2022 10:14 AM
To: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Cc: *Non-responsive per request* <*Non-responsive per request*
Subject: [EXTERNAL] Re: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Let's do 3pm. Thanks!

Non-responsive per request



From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Sent: Friday, March 4, 2022 10:13 AM
To: *Non-responsive per request* <*Non-responsive per request*
Subject: RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Good morning, *Non-responsive*

I am available all day Tuesday. Please let me know if this works – and propose a time – and then I will send you meeting details.

Regards,
Jason

From: *Non-responsive per request* <*Non-responsive per request*
Sent: Wednesday, March 2, 2022 3:41 PM
To: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Cc: [Non-responsive per request] <[Non-responsive per request]>

Subject: [EXTERNAL] RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Hi Jason-

I wanted to follow up with you and set up a time for us to meet again. How does next week look for you?

Thanks,

[Non-responsive]

Non-responsive per request

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Sent: Friday, February 25, 2022 4:26 PM

To: [Non-responsive per request] <[Non-responsive per request]>

Subject: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Hello, [Non-responsive]

Thank you for meeting last week to review your request and look at ways to focus your request to make collection and processing more efficient. Here are a few key items I described to you:

- The agency's FOIA office is not relying on the preservation hold we described to you. That record collection spans from 209 to 2022. Therefore, the scope is too large and the FOIA Office does not have manpower or resources to sort that voluminous collection.
- Your request is really ten requests packaged as one, so this will require substantial time for collection, review, and processing.

- The agency's FOIA team is currently processing a similarly scoped fire-related request. It was received in March 2021 and is not yet complete.
- The agency did not conduct an investigation regarding the fire. An investigation was performed by the US Department of Forestry. We advised you to seek this records.

We suggested limiting the scope of records sought in the request, but you indicated you do not want to limit the overall scope of ten items, except for [one item. That is described below](#). We reviewed the ten items and agreed to certain time-scope limitations. I relayed our conversation to the FOIA team and they had several points they would like me to clarify with you before we begin searching for records. Details follow below:

1. All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on BPA's transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam.

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

2. All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

3. All documents and communications related to any incident reports concerning BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam from September 6th–8th, 2020.

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

4. All documents and communications related to any incident reports concerning third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

5. All documents and reports concerning any inspection of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam occurring after September 7, 2020.

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

6. All documents, communications, and any underlying data relied upon in the creation of the document entitled: "Holiday Farm Fire Outage Sequence of Events"

Our previous discussion

- Collect records from **author** of "sequence of events" document.

FOIA team discussion:

- Agreed

7. All documents and communications related to investigations of the Holiday Farm Fire, including information collected or created pursuant to such investigations.

Our previous discussion:

- Agency Cyber Forensics team to collect records.
 - Need to **specifically** define keyword searches. For example, what was fire called before it was named 'Holiday Farm Fire?'
 - Need to **specifically** define date range of records sought.

FOIA team discussion:

- Agreed. We need to specifically define scope of records sought; there are no do-overs.

8. All data, reports, alerts, warning systems, images or videos related to the Holiday Farm Fire.

Our previous discussion:

- BPA will not search for these individually. Rationale = they will be discovered via email exchange searches in items 7, 9, 10.

FOIA team discussion:

- Agreed

9. All communications between BPA and any first responder, such as a fire department(s) or police department(s) or similar agency, regarding a potential fire related to a fault on the BPA transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam that occurred on September 7, 2020.

Our previous discussions:

- Same as item #7, these communications will be captured in that collection.

FOIA team discussion:

- Agreed

10. All documents, communications, or reports communicated to BPA on September 7, 2020, that a fire had been started in the vicinity of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam

Our previous discussions:

- Same as item #7, these communications will be captured in that collection.

FOIA team discussion:

- Agreed

Please let me know when you would like to meet next week. We can work towards finalizing search parameters. Your request is currently number 23 of 24 in our queue, so we have ample time to plan a focused, reasonable search.

Thank you,

Jason E. Taylor
FOIA Public Liaison
Bonneville Power Administration
503-230-3537

[About the Freedom of Information Act at BPA](#)

From: Non-responsive per request
To: Taylor, Jason E (BPA) - CGI-7; Non-responsive per request
Subject: [EXTERNAL] RE: FOIA BPA-2022-00324-F - Summary of Meeting with Agency Subject Matter Experts
Date: Monday, April 4, 2022 4:20:15 PM
Attachments: [image001.png](#)

Jason-

Thank you for the update. I agree with your summary. Please begin collecting records for items 1, 2, 5, and 6 while we wait for the experts at items 3, 4, and 7.

Thank you,



Non-responsive per request

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Sent: Monday, April 4, 2022 4:14 PM

To: Non-responsive per request <Non-responsive per request> Non-responsive per request <Non-responsive per request>

Subject: FOIA BPA-2022-00324-F - Summary of Meeting with Agency Subject Matter Experts

Importance: High

Good afternoon,

I met with our Transmission experts last week, and, as we reviewed the FOIA request, they provided me names of additional subject matter experts. I contact those additional contacts over the last week, and we are now ready to present what we've learned. I've organized the summary in the table below, referring to the ten elements of your request, our previous meeting on March 8, my meeting with subject matter experts on March 28, and a conclusion/path for record searches:

Your FOIA Request	BPA-Requester	BPA-Agency Expert	Conclusion
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	Meeting	Meeting	
1. All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on BPA’s transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam.	You provided geographic markers, mileposts 42-48. We agreed to obtain from agency Transmission experts the definition of “transmission system.”	Expert’s definition of transmission system = power lines, substations, and microwave sites which support the communications network. Experts determined that mileposts are unnecessary because of limited scope and occurrence of events.	Experts can begin searching for requested records .
2. All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on third party transmission systems or related facilities interconnected to BPA’s transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.	Same as item #1 above	Same as item #1 above	Same as item #1 above
3. All documents and communications related to any incident reports concerning BPA’s transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam.	Scope / Date range = Sep 6, 2020 – October 31, 2020.	The subject matter expert who led the incident team is out of office until April 11.	I will meet with the expert on the week of April 11.
4. All documents and communications related to any incident reports concerning third party transmission systems or related facilities interconnected to BPA’s transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.	Same as item #3 above	Same as item #3 above	Same as item #3 above

5. All documents and reports concerning any inspection of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam occurring after September 7, 2020.	Scope / Date range = Sep 6, 2002 – October 31, 2020	We identified several subject matter experts.	Experts can begin searching for requested records .
6. All documents, communications, and any underlying data relied upon in the creation of the document entitled: "Holiday Farm Fire Outage Sequence of Events"	Scope = All records to be collected from document author	Document author identified.	Expert can collect records.
7. All documents and communications related to investigations of the Holiday Farm Fire that were provide to the US Forest Service fire investigator. provided to USFS investigator	Collect all records the agency provided to USFS investigator. By collecting these records, we do not collect separate records for 8,9,10 below, as those records will be included in the records set provided to USFS.	Experts explained, the agency provided records to the Assistant US Attorney for the USFS fire investigation.	Agency counsel is working with AUSA to identify/collect the records provided to USFS.
8. All data, reports, alerts, warning systems, images or videos related to the Holiday Farm Fire.	See comments in #7 above		
9. All communications between BPA and any first responder, such as a fire department(s) or police department(s) or similar agency, regarding a potential fire related to a fault on the BPA transmission system or related facilities along the McKenzie River Highway or interconnected to the	See comments in #7 above		

Cougar Dam that occurred on September 7, 2020.			
10. All documents, communications, or reports communicated to BPA on September 7, 2020, that a fire had been started in the vicinity of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam	See comments in #7 above		

Please review and let me know if you agree with the summary above. If you agree, we can begin collecting records for items 1, 2 ,5, and 6 while we wait for the experts at items 3, 4, and 7.

Thank you,
Jason

From: Taylor,Jason E (BPA) - CGI-7
Sent: Monday, March 28, 2022 10:42 AM
To: *Non-responsive per request* <*Non-responsive per request*>
Subject: RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Thank you! I'm meeting with our Transmission experts this week. I will have answers and more information, soon.

-Jason

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Tuesday, March 22, 2022 7:42 AM
To: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Cc: *Non-responsive per request* <*Non-responsive per request*>
Subject: [EXTERNAL] RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Hi Jason-

Thanks for the update. To answer your questions:

1. Milepost 42-48 is the range we need.
2. On the date ranges, September 6, 2020–October 31, 2020

Let me know if you have any additional questions.

Thanks!

Non-responsive

Non-responsive per request

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Sent: Monday, March 21, 2022 3:37 PM

To: Non-responsive per request <Non-responsive per request>

Subject: RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Hi Non-responsive

A quick update: I have a meeting next week with our Transmission subject matter experts to discuss the items we talked about:

- Defining what parts comprise the “transmission system.”
- Notifying author of “sequence of events report” to collect responsive records
- Identifying subject matter experts who provided records to US Forest Service for their fire report.

Also, my computer had a catastrophic failure last week and is now in my IT department’s able hands for repair. Unfortunately, I lost a few notes from our last meeting. So, I need you to confirm two things that we discussed:

1. For some of the request, you identified specific mile posts/markers. I believe these were 42-46? Please confirm those numbers.
2. For some parts of the request, you cited a search scope of Sep 6, 2020 to October ? Please confirm the end date.

Thank you,
Jason

From: *Non-responsive per request* <*Non-responsive per request*
Sent: Friday, March 4, 2022 10:14 AM
To: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Cc: *Non-responsive per request* <*Non-responsive per request*
Subject: [EXTERNAL] Re: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Let's do 3pm. Thanks!

Non-responsive per request



From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Sent: Friday, March 4, 2022 10:13 AM
To: *Non-responsive per request* <*Non-responsive per request*
Subject: RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Good morning, *Non-responsive*

I am available all day Tuesday. Please let me know if this works – and propose a time – and then I will send you meeting details.

Regards,
Jason

From: *Non-responsive per request* <*Non-responsive per request*
Sent: Wednesday, March 2, 2022 3:41 PM
To: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Cc: [Non-responsive per request] <[Non-responsive per request]>

Subject: [EXTERNAL] RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Hi Jason-

I wanted to follow up with you and set up a time for us to meet again. How does next week look for you?

Thanks,

[Non-responsive]

Non-responsive per request

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Sent: Friday, February 25, 2022 4:26 PM

To: [Non-responsive per request] <[Non-responsive per request]>

Subject: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Hello, [Non-responsive],

Thank you for meeting last week to review your request and look at ways to focus your request to make collection and processing more efficient. Here are a few key items I described to you:

- The agency's FOIA office is not relying on the preservation hold we described to you. That record collection spans from 209 to 2022. Therefore, the scope is too large and the FOIA Office does not have manpower or resources to sort that voluminous collection.
- Your request is really ten requests packaged as one, so this will require substantial time for collection, review, and processing.

- The agency's FOIA team is currently processing a similarly scoped fire-related request. It was received in March 2021 and is not yet complete.
- The agency did not conduct an investigation regarding the fire. An investigation was performed by the US Department of Forestry. We advised you to seek this records.

We suggested limiting the scope of records sought in the request, but you indicated you do not want to limit the overall scope of ten items, except for [one item. That is described below](#). We reviewed the ten items and agreed to certain time-scope limitations. I relayed our conversation to the FOIA team and they had several points they would like me to clarify with you before we begin searching for records. Details follow below:

1. All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on BPA's transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam.

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

2. All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

3. All documents and communications related to any incident reports concerning BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam from September 6th–8th, 2020.

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

4. All documents and communications related to any incident reports concerning third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

5. All documents and reports concerning any inspection of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam occurring after September 7, 2020.

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

6. All documents, communications, and any underlying data relied upon in the creation of the document entitled: "Holiday Farm Fire Outage Sequence of Events"

Our previous discussion

- Collect records from **author** of "sequence of events" document.

FOIA team discussion:

- Agreed

7. All documents and communications related to investigations of the Holiday Farm Fire, including information collected or created pursuant to such investigations.

Our previous discussion:

- Agency Cyber Forensics team to collect records.
 - Need to **specifically** define keyword searches. For example, what was fire called before it was named 'Holiday Farm Fire?'
 - Need to **specifically** define date range of records sought.

FOIA team discussion:

- Agreed. We need to specifically define scope of records sought; there are no do-overs.

8. All data, reports, alerts, warning systems, images or videos related to the Holiday Farm Fire.

Our previous discussion:

- BPA will not search for these individually. Rationale = they will be discovered via email exchange searches in items 7, 9, 10.

FOIA team discussion:

- Agreed

- 9. All communications between BPA and any first responder, such as a fire department(s) or police department(s) or similar agency, regarding a potential fire related to a fault on the BPA transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam that occurred on September 7, 2020.**

Our previous discussions:

- Same as item #7, these communications will be captured in that collection.

FOIA team discussion:

- Agreed

- 10. All documents, communications, or reports communicated to BPA on September 7, 2020, that a fire had been started in the vicinity of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam**

Our previous discussions:

- Same as item #7, these communications will be captured in that collection.

FOIA team discussion:

- Agreed

Please let me know when you would like to meet next week. We can work towards finalizing search parameters. Your request is currently number 23 of 24 in our queue, so we have ample time to plan a focused, reasonable search.

Thank you,

Jason E. Taylor
FOIA Public Liaison
Bonneville Power Administration
503-230-3537

[About the Freedom of Information Act at BPA](#)

King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Tuesday, March 7, 2023 12:21 PM
To: [Non-responsive per request] [Non-responsive per request]
Cc: Taylor,Jason E (BPA) - CGI-7
Subject: BPA-2022-00324-F [Non-] - Holiday Farm Fire records - 5 U.S.C. Sec. 552 processing update

Good afternoon, [Non-responsive per request] and [Non-responsive per request]

Just a brief FOIA processing update for you folks, here. I've communicated with our FOIA oversight attorneys last week and this week; our reviews of the responsive records continue. BPA continues processing the agency records you've requested—specifically with regards to providing those records to internal and external information submitters for their review and objection opportunities, permitted or required by 5 U.S.C. § 552(b), prior to public release. Those reviews are in motion.

Exemption 4 – Commercial & Confidential Information

BPA records collecting efforts in response your FOIA request has scooped up records containing your client's information, which information is responsive to your request. Many of those records are emails (with attachments) to and from your client — the [Non-responsive per request]. We mention this because the agency is required by FOIA Exemption 4 (i.e., 5 U.S.C. § 552 (b)(4)) to contact all third party information submitters prior to a public release of their commercial or/and confidential information contained in the responsive agency records set. BPA is required to give [Non-responsive per request] an objection opportunity under Exemption 4; the agency is required to make that formal outreach to your client, as well as to other third parties whose information is in the responsive records. This effort is applicable to your client and to you folks, as the FOIA requester, because an eventual release of all the responsive records would not only go to you, but also be disclosed to the general public – unless objected to by [Non-responsive per request]. That outreach to your client is in the development stages now and there is no action you need take. We just wanted to keep you informed of this particular component of the agency's FOIA response.

Exemption 5 – Deliberative and Pre-Decisional Information

The gathered records contain pre-decisional and deliberative internal agency information. BPA continues reviewing the responsive records for the permitted application of FOIA Exemption 5 (i.e., 5 U.S.C. § 552(b)(5)). Where an identifiable harm from a public release can be identified, BPA will consider applying Exemption 5 to germane and segregable portions of the responsive records. BPA will also make every effort to discretionarily release records, as encouraged by Exemption 5 to the FOIA. This effort is ongoing and I'm mentioning it here solely for the sake of information sharing.

Exemption 6 – Privacy Interest Information

Additionally, the agency is obliged by FOIA Exemption 6 (i.e., 5 U.S.C. § 552 (b)(6)) to redact any Personally Identifiable Information (PII) found in the responsive records. We are finding PII in the responsive records set. Historically, the redaction of all PII from requested records takes a notable amount of time to complete. That effort continues.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7

Sent: Tuesday, January 31, 2023 3:10 PM

To: Non-responsive per request <Non-responsive per request

Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>; Non-responsive per request <Non-responsive per request

Subject: BPA-2022-00324-F Non- - Holiday Farm Fire records - 5 U.S.C. Sec. 552 update

Hello, Non-responsive per request

Thanks for the inquiry. Here is the germane information that I have for you, at this date:

Reviews

The agency is proceeding with the reviews associated with the records responsive to your FOIA request. Those reviews are permitted or/and required by 5 U.S.C. Sec. 552. The agency will comply with all parts of 5 U.S.C. Sec. 552 in its ongoing efforts to respond to your FOIA request. I'm working with the agency's General Counsel Office to get records reviewed and lined up for release. I've been in touch with the reviewing attorney last week and we are moving forward. That effort, however, is dependent on available agency resources and reviewer workloads.

Resources

I can share that our FOIA office is a small one and the resources we've available are deployed and controlled by a queue based on, 1) request submission date, and 2) the complexity of the response/reviews, and 3) records volumes. BPA's FOIA queuing methodology is permitted by 5 U.S.C. Sec. 552 and U.S. Department of Energy FOIA regulations at 10 C.F.R. 1004. Our FOIA processing queue is in-line with FOIA requirements and aims to promote fairness in resource distribution to all citizen requesters.

Target

Your request response is relatively high up in the queue—as mentioned in previous communications, we are aiming for a March 22 release of at least some records responsive to your FOIA request.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: Non-responsive per request <Non-responsive per request

Sent: Tuesday, January 31, 2023 12:23 PM

To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>; Non-responsive per request <Non-responsive per request

Subject: [EXTERNAL] RE: BPA-2022-00324-F Non- - Holiday Farm Fire records - 5 U.S.C. Sec. 552 extension letter

Hi James and Jason,

Can you provide an update on the status of this request? Where are we in the queue, and is the target completion date still March 22, 2023? Is BPA able to provide any rolling releases of documents?

Thank you,

Non-responsive per request

From: King,James J (CONTR) - CGI-7 <jjking@bpa.gov>

Sent: Tuesday, July 12, 2022 2:50 PM

To: Non-responsive per request <*Non-responsive per request*>

Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Subject: BPA-2022-00324-F Non- - Holiday Farm Fire records - 5 U.S.C. Sec. 552 extension letter

Good afternoon, Non- re

The Bonneville Power Administration ("BPA") continues processing your Freedom of Information Act ("FOIA") request for agency records. We're currently working on the required exemption reviews, as prescribed by 5 U.S.C. § 552(b). A detailed response extension letter to you, as permitted by the FOIA, is attached. Thank you for your patience.

Best,

James

James King
CorSource Technology Group LLC
Assigned to the Bonneville Power Administration FOIA Office

From: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Sent: Tuesday, July 12, 2022 10:47 AM

To: Non-responsive per request <*Non-res*>

Subject: RE: FOIA BPA-2022-00324-F - Status of Your Request

Good morning,

Thank you for your message. I will meet with our case coordinator assigned to the request to determine our best estimate for delivery of records. Your request is currently 14 of 24 in our queue, and we have not yet started our record review due to the volume of records ahead of your request and the complexity of those requests. We will send you an updated extension letter within the week.

Regards,

Jason E. Taylor

FOIA Public Liaison

Bonneville Power Administration

503-230-3537

[About the Freedom of Information Act at BPA](#)

From: Non-responsive per request <*Non-responsive per request*>
Sent: Tuesday, July 12, 2022 9:18 AM
To: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: [EXTERNAL] RE: FOIA BPA-2022-00324-F - Status of Your Request

Hi Jason,

Just following up again. Has BPA begun review of our records? I believe BPA's original estimate was that it would produce records by July 18th.

Thank you,

Non-responsive per request



From: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Sent: Thursday, June 16, 2022 1:07 PM
To: Non-responsive per request <*Non-responsive per request*>
Subject: RE: FOIA BPA-2022-00324-F - Status of Your Request

Good afternoon, Jason,

We collected responsive records for your request. We currently have 23 requests in our queue, and yours is number 16. We have not yet started reviewing your records, but it will be next as soon as we have staff resources available to do so.

Regards,

Jason E. Taylor
FOIA Public Liaison
Bonneville Power Administration
503-230-3537
[About the Freedom of Information Act at BPA](#)

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Thursday, June 16, 2022 10:35 AM
To: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Cc: *Non-responsive per request* <*Non-responsive per request*>
Subject: [EXTERNAL] RE: FOIA BPA-2022-00324-F - Summary of Meeting with Agency Subject Matter Experts

Hi Jason,

Just checking in on the status of this request again. Can you provide an update on where we are in the queue?

Thank you,

Non-responsive per request



From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Sent: Friday, May 20, 2022 1:02 PM
To: *Non-responsive per request* <*Non-responsive per request*>
Cc: *Non-responsive per request* <*Non-responsive per request*>
Subject: RE: FOIA BPA-2022-00324-F - Summary of Meeting with Agency Subject Matter Experts

Hello, Jason,

We currently have all transmission subject matter experts collecting responsive records. Your request is 16 of 25 in our queue of open requests. We will begin reviewing and processing these for release as soon as possible.

Please let me know if you need additional information.

Regards,

Jason E. Taylor
FOIA Public Liaison
Bonneville Power Administration
503-230-3537
[About the Freedom of Information Act at BPA](#)

From: Non-responsive per request <Non-responsive per request>
Sent: Thursday, May 19, 2022 11:34 AM
To: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Cc: Non-responsive per request <Non-responsive per request>
Subject: [EXTERNAL] RE: FOIA BPA-2022-00324-F - Summary of Meeting with Agency Subject Matter Experts

Hi Jason,

Do you have any updates on your meeting with the transmission system subject matter expert? Can you provide any other updates on the status of our request?

Thank you,

Non-responsive per request



From: Non-responsive per request <Non-responsive per request>
Sent: Monday, April 4, 2022 4:20 PM
To: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>; Non-responsive per request <Non-responsive per request>
Subject: RE: FOIA BPA-2022-00324-F - Summary of Meeting with Agency Subject Matter Experts

Jason-

Thank you for the update. I agree with your summary. Please begin collecting records for items 1, 2, 5, and 6 while we wait for the experts at items 3, 4, and 7.

Thank you,

Non-responsive

Non-responsive per request

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Sent: Monday, April 4, 2022 4:14 PM

To: Non-responsive per request <Non-responsive per request> Non-responsive per request <Non-responsive per request>

Subject: FOIA BPA-2022-00324-F - Summary of Meeting with Agency Subject Matter Experts

Importance: High

Good afternoon,

I met with our Transmission experts last week, and, as we reviewed the FOIA request, they provided me names of additional subject matter experts. I contact those additional contacts over the last week, and we are now ready to present what we've learned. I've organized the summary in the table below, referring to the ten elements of your request, our previous meeting on March 8, my meeting with subject matter experts on March 28, and a conclusion/path for record searches:

Your FOIA Request	BPA-Requester Meeting	BPA-Agency Expert Meeting	Conclusion
1. All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on BPA's transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam.	You provided geographic markers, mileposts 42-48. We agreed to obtain from agency Transmission experts the definition of "transmission system."	Expert's definition of transmission system = power lines, substations, and microwave sites which support the communications network. Experts determined that mileposts are unnecessary because of limited scope and occurrence of events.	Experts can begin searching for requested records .
2. All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on third party transmission systems or related facilities interconnected to BPA's transmission system along the	Same as item #1 above	Same as item #1 above	Same as item #1 above

McKenzie River Highway or interconnected to the Cougar Dam.			
3. All documents and communications related to any incident reports concerning BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam.	Scope / Date range = Sep 6, 2020 – October 31, 2020.	The subject matter expert who led the incident team is out of office until April 11.	I will meet with the expert on the week of April 11.
4. All documents and communications related to any incident reports concerning third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.	Same as item #3 above	Same as item #3 above	Same as item #3 above
5. All documents and reports concerning any inspection of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam occurring after September 7, 2020.	Scope / Date range = Sep 6, 2002 – October 31, 2020	We identified several subject matter experts.	Experts can begin searching for requested records .
6. All documents, communications, and any underlying data relied upon in the creation of the document entitled: "Holiday Farm Fire Outage Sequence of Events"	Scope = All records to be collected from document author	Document author identified.	Expert can collect records.
7. All documents and communications related to investigations of the Holiday Farm Fire that were provide to the US Forest Service fire investigator. provided to USFS investigator	Collect all records the agency provided to USFS investigator. By collecting these records, we do not collect separate records for 8,9,10 below, as those records will be included in the records set provided to USFS.	Experts explained, the agency provided records to the Assistant US Attorney for the USFS fire investigation.	Agency counsel is working with AUSA to identify/collect the records provided to USFS.
8. All data, reports, alerts, warning systems, images or videos related to the Holiday Farm Fire.	See comments in #7 above		
9. All communications between BPA and any first responder, such as a fire department(s) or police department(s) or similar agency, regarding a potential fire related to a fault on the BPA transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam that occurred on September 7, 2020.	See comments in #7 above		

10. All documents, communications, or reports communicated to BPA on September 7, 2020, that a fire had been started in the vicinity of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam	See comments in #7 above		
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Please review and let me know if you agree with the summary above. If you agree, we can begin collecting records for items 1, 2 ,5, and 6 while we wait for the experts at items 3, 4, and 7.

Thank you,
Jason

From: Taylor,Jason E (BPA) - CGI-7
Sent: Monday, March 28, 2022 10:42 AM
To: *Non-responsive per request* <*Non-responsive per request*>
Subject: RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Thank you! I'm meeting with our Transmission experts this week. I will have answers and more information, soon.

-Jason

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Tuesday, March 22, 2022 7:42 AM
To: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Cc: *Non-responsive per request* <*Non-responsive per request*>
Subject: [EXTERNAL] RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Hi Jason-

Thanks for the update. To answer your questions:

1. Milepost 42-48 is the range we need.
2. On the date ranges, September 6, 2020–October 31, 2020

Let me know if you have any additional questions.

Thanks!

Non-responsive per request

Non-responsive per request

From: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Sent: Monday, March 21, 2022 3:37 PM

To: Non-responsive per request <Non-responsive per request>

Subject: RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Hi Non-responsive

A quick update: I have a meeting next week with our Transmission subject matter experts to discuss the items we talked about:

- Defining what parts comprise the "transmission system."
- Notifying author of "sequence of events report" to collect responsive records
- Identifying subject matter experts who provided records to US Forest Service for their fire report.

Also, my computer had a catastrophic failure last week and is now in my IT department's able hands for repair. Unfortunately, I lost a few notes from our last meeting. So, I need you to confirm two things that we discussed:

1. For some of the request, you identified specific mile posts/markers. I believe these were 42-46? Please confirm those numbers.
2. For some parts of the request, you cited a search scope of Sep 6, 2020 to October ? Please confirm the end date.

Thank you,
Jason

From: Non-responsive per request <Non-responsive per request>

Sent: Friday, March 4, 2022 10:14 AM

To: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Cc: Non-responsive per request <Non-responsive per request>

Subject: [EXTERNAL] Re: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Let's do 3pm. Thanks!

Non-responsive per request

Non-responsive per request

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Sent: Friday, March 4, 2022 10:13 AM
To: *Non-responsive per request* <*Non-responsive per request*>
Subject: RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Good morning, *Non-responsive*

I am available all day Tuesday. Please let me know if this works – and propose a time -- and then I will send you meeting details.

Regards,
Jason

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Wednesday, March 2, 2022 3:41 PM
To: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Cc: *Non-responsive per request* <*Non-responsive per request*>
Subject: [EXTERNAL] RE: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Hi Jason-

I wanted to follow up with you and set up a time for us to meet again. How does next week look for you?

Thanks,

Non-responsive

Non-responsive per request

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Sent: Friday, February 25, 2022 4:26 PM

To: Non-responsive per request <Non-responsive per request>

Subject: Your FOIA Request to the Bonneville Power Administration - Summary of 2-17-2022 Meeting

Hello, Non-responsive per request

Thank you for meeting last week to review your request and look at ways to focus your request to make collection and processing more efficient. Here are a few key items I described to you:

- The agency's FOIA office is not relying on the preservation hold we described to you. That record collection spans from 2009 to 2022. Therefore, the scope is too large and the FOIA Office does not have manpower or resources to sort that voluminous collection.
- Your request is really ten requests packaged as one, so this will require substantial time for collection, review, and processing.
- The agency's FOIA team is currently processing a similarly scoped fire-related request. It was received in March 2021 and is not yet complete.
- The agency did not conduct an investigation regarding the fire. An investigation was performed by the US Department of Forestry. We advised you to seek these records.

We suggested limiting the scope of records sought in the request, but you indicated you do not want to limit the overall scope of ten items, except for [one item. That is described below](#). We reviewed the ten items and agreed to certain time-scope limitations. I relayed our conversation to the FOIA team and they had several points they would like me to clarify with you before we begin searching for records. Details follow below:

1. **All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on BPA's transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam.**

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

2. **All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.**

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

3. **All documents and communications related to any incident reports concerning BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam from September 6th–8th, 2020.**

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

4. All documents and communications related to any incident reports concerning third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

5. All documents and reports concerning any inspection of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam occurring after September 7, 2020.

Our previous discussion:

- Requester to provide names of specific facilities. BPA will collect records from specified facility managers and /or subject matter experts.

FOIA team discussion:

- The FOIA team agrees. If we are to assist you with reseating and naming the facilities, this will add time needed for record collection.

6. All documents, communications, and any underlying data relied upon in the creation of the document entitled: "Holiday Farm Fire Outage Sequence of Events"

Our previous discussion

- Collect records from **author** of "sequence of events" document.

FOIA team discussion:

- Agreed

7. All documents and communications related to investigations of the Holiday Farm Fire, including information collected or created pursuant to such investigations.

Our previous discussion:

- Agency Cyber Forensics team to collect records.
 - Need to **specifically** define keyword searches. For example, what was fire called before it was named 'Holiday Farm Fire?'
 - Need to **specifically** define date range of records sought.

FOIA team discussion:

- Agreed. We need to specifically define scope of records sought; there are no do-overs.

8. All data, reports, alerts, warning systems, images or videos related to the Holiday Farm Fire.

Our previous discussion:

- BPA will not search for these individually. Rationale = they will be discovered via email exchange searches in items 7, 9, 10.

FOIA team discussion:

- Agreed

9. All communications between BPA and any first responder, such as a fire department(s) or police department(s) or similar agency, regarding a potential fire related to a fault on the BPA transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam that occurred on September 7, 2020.

Our previous discussions:

- Same as item #7, these communications will be captured in that collection.

FOIA team discussion:

- Agreed

10. All documents, communications, or reports communicated to BPA on September 7, 2020, that a fire had been started in the vicinity of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam

Our previous discussions:

- Same as item #7, these communications will be captured in that collection.

FOIA team discussion:

- Agreed

Please let me know when you would like to meet next week. We can work towards finalizing search parameters. Your request is currently number 23 of 24 in our queue, so we have ample time to plan a focused, reasonable search.

Thank you,

Jason E. Taylor

FOIA Public Liaison

Bonneville Power Administration

503-230-3537

[About the Freedom of Information Act at BPA](#)



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

March 21, 2023

In reply refer to: FOIA #BPA-2022-00324-F

SENT VIA EMAIL ONLY TO: *Non-responsive per request* *Non-responsive per request*

Non-responsive per request

Dear Colleagues,

This communication is the Bonneville Power Administration's (BPA) first partial response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"). Your FOIA request was received on January 7, 2022, and formally acknowledged on January 14, 2022.

Original Request

"...any and all information in BPA's possession, custody, or control related to the Holiday Farm Fire, which includes, but is not limited to:

- All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on BPA's transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam.
- All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.
- All documents and communications related to any incident reports concerning BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam from September 6th–8th, 2020.
- All documents and communications related to any incident reports concerning third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.

- All documents and reports concerning any inspection of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam occurring after September 7, 2020.
- All documents, communications, and any underlying data relied upon in the creation of the document entitled: "Holiday Farm Fire Outage Sequence of Events"
- All documents and communications related to investigations of the Holiday Farm Fire, including information collected or created pursuant to such investigations.
- All data, reports, alerts, warning systems, images or videos related to the Holiday Farm Fire.
- All communications between BPA and any first responder, such as a fire department(s) or police department(s) or similar agency, regarding a potential fire related to a fault on the BPA transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam that occurred on September 7, 2020.
- All documents, communications, or reports communicated to BPA on September 7, 2020, that a fire had been started in the vicinity of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam."

Scope Clarifications

Between January 14 and April 4, 2022, after reviewing your request, and explaining the types of agency records available, and developing a workable path towards release of responsive records, you and the agency agreed to revise your FOIA request as follows:

- "All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on BPA's transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam[, and;]
- All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam[, and;]
- All documents and communications related to any incident reports concerning BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam; scope of September 6, 2020 to October 31, 2020[, and;]
- All documents and communications related to any incident reports concerning third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam; scope of September 6, 2020 to October 31, 2020[, and;]
- All documents and reports concerning any inspection of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam; scope of September 6, 2020 to October 31, 2020[, and;]

- All documents, communications, and any underlying data relied upon in the creation of the document entitled: “Holiday Farm Fire Outage Sequence of Events.” All records to be collected from document author[, and;]
- All documents and communications related to investigations of the Holiday Farm Fire that were provide to the United States Forest Service fire investigator.

First Partial Response

BPA continues to process your request. In an effort to both accommodate the review of the large volume of responsive records, and to provide the records expediently, within the limitations of available agency resources, BPA is releasing responsive records to you in installments. Partial records releases are permitted by the FOIA. A first partial release of responsive records accompanies this communication. BPA is here releasing 1224 pages, as a first partial response to your FOIA request. The first partial response to your request includes redactions applied to 32 pages, made under 5 U.S.C. § 552(b)(6) (Exemption 6). The redactions enumerated above may appear at more than one instance on a particular page. A more detailed explanation of the applied exemptions follows.

Explanation of Exemptions

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains the FOIA’s nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

Exemption 6

Exemption 6 serves to protect Personally Identifiable Information (PII) contained in agency records when no overriding public interest in the information exists. BPA does not find an overriding public interest in a release of the information redacted under Exemption 6—specifically, employee identification numbers and mobile phone numbers, and landowner names and phone numbers found on the accompanying records. This information sheds no light on the executive functions of the agency and BPA finds no overriding public interest in its release. BPA cannot waive these redactions, as the protections afforded by Exemption 6 belong to individuals and not to the agency.

Lastly, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where, (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and release nonexempt information. The agency has determined that in certain instances partial disclosure is possible, and has accordingly segregated the records into exempt and non-exempt portions.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and information release described above. Your FOIA request BPA-2022-00324-F remains open, with available agency records still under process.

Appeal

Note that the records release certified above is partial. Additional records releases will be forthcoming as agency resources and records volumes permit. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this partial records release, within 90 calendar days from the date of this communication. 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.

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

Next Partial Release Target Date

As mentioned, BPA continues to review and process the remaining responsive records collected in response to your FOIA request. Required exemption reviews are ongoing.

Exemption 4

Some responsive records will be subject to 5 U.S.C. § 552(b)(4) (Exemption 4). Exemption 4 protects “trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.” (5 U.S.C. § 552(b)(4)). Information is considered commercial or financial in nature if it relates to business or trade. This exemption is intended to protect the interests of both the agency and third party submitters of information. Prior to publicly releasing agency records, BPA is required by Exemption 4 to solicit objections to the public release of any third party’s confidential commercial information contained in the responsive records set. The gathered records contain third party information belonging to several third parties, including *Non-responsive per request* and *Non-responsive per request*. In compliance with the FOIA and U.S. Department of Justice (DOJ) guidance on the application of Exemption 4, BPA will be reaching out to those, and other, information submitters. BPA will provide those third parties with a records review and objection opportunity. The FOIA does not permit a discretionary release of information otherwise protected by Exemption 4.

Exemption 5

In addition, the gathered records do or may contain potentially pre-decisional and deliberative internal agency information. In compliance with the FOIA, BPA is reviewing the records for the possible application of 5 U.S.C. § 552(b)(5) (Exemption 5), which serves to protect such information from public release. The agency’s Office of General Counsel will review that potentially pre-decisional and deliberative internal agency information. BPA will consider a discretionary release of information otherwise subject to Exemption 5, wherever permissible and as encouraged by the FOIA.

Consults

Some responsive records will be subject to inter-agency consults, as required by the FOIA. Prior to publicly releasing agency records, BPA is required by the FOIA to consult with the U.S. Forest Service (USFS), an agency of the U.S. Department of Agriculture. BPA will provide USFS with a records review opportunity prior to public release of certain responsive records.

Target Date

In light of the above conditions and determinations BPA currently estimates a next partial response to your FOIA request by September 8, 2023. BPA again invites you to contact us to narrow the scope of your request, if desirable, or to discuss this estimated completion date, if you are interested.

Questions about this communication or the status of your FOIA request may be directed to James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621.

Sincerely,

Candice D. Palen
Freedom of Information/Privacy Act Officer

[Responsive agency records accompany this communication.](#)



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

July 27, 2023

In reply refer to: FOIA #BPA-2022-00324-F

SENT VIA EMAIL ONLY TO: *Non-responsive per request* *Non-responsive per request*

Non-responsive per request

Dear Colleagues,

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"). Your FOIA request was received on January 7, 2022, and formally acknowledged on January 14, 2022. A first partial response to your request was sent to you on March 21, 2023.

Original Request

"...any and all information in BPA's possession, custody, or control related to the Holiday Farm Fire, which includes, but is not limited to:

- All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on BPA's transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam.
- All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.
- All documents and communications related to any incident reports concerning BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam from September 6th–8th, 2020.
- All documents and communications related to any incident reports concerning third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam.

- All documents and reports concerning any inspection of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam occurring after September 7, 2020.
- All documents, communications, and any underlying data relied upon in the creation of the document entitled: "Holiday Farm Fire Outage Sequence of Events"
- All documents and communications related to investigations of the Holiday Farm Fire, including information collected or created pursuant to such investigations.
- All data, reports, alerts, warning systems, images or videos related to the Holiday Farm Fire.
- All communications between BPA and any first responder, such as a fire department(s) or police department(s) or similar agency, regarding a potential fire related to a fault on the BPA transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam that occurred on September 7, 2020.
- All documents, communications, or reports communicated to BPA on September 7, 2020, that a fire had been started in the vicinity of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam."

Scope Clarifications

Between January 14 and April 4, 2022, after reviewing your request, and explaining the types of agency records available, and developing a workable path towards release of responsive records, you and the agency agreed to revise your FOIA request as follows:

- "All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on BPA's transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam[, and;]
- All documents and communications concerning any faults or outages, from September 6th–8th, 2020, on third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam[, and;]
- All documents and communications related to any incident reports concerning BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam; scope of September 6, 2020 to October 31, 2020[, and;]
- All documents and communications related to any incident reports concerning third party transmission systems or related facilities interconnected to BPA's transmission system along the McKenzie River Highway or interconnected to the Cougar Dam; scope of September 6, 2020 to October 31, 2020[, and;]
- All documents and reports concerning any inspection of BPA's transmission system or related facilities along the McKenzie River Highway or interconnected to the Cougar Dam; scope of September 6, 2020 to October 31, 2020[, and;]

- All documents, communications, and any underlying data relied upon in the creation of the document entitled: “Holiday Farm Fire Outage Sequence of Events.” All records to be collected from document author[, and;]
- All documents and communications related to investigations of the Holiday Farm Fire that were provide[d] to the United States Forest Service fire investigator.

Second Partial and Final Response

In an effort to both accommodate the review of the large volume of responsive records, and to provide the records expediently, within the limitations of available agency resources, BPA is releasing responsive records to you in installments. Partial records releases are permitted by the FOIA. The second partial and final release of responsive records accompanies this communication. The accompanying records are responsive to your request for, “All documents and communications related to investigations of the Holiday Farm Fire, which were provide[d] to the United States Forest Service (USFS) fire investigator.” BPA is here releasing 485 pages, and eight Excel files, with redactions applied to two pages, made under 5 U.S.C. § 552(b)(6) (Exemption 6). A more detailed explanation of the applied exemptions follows.

Explanation of Exemptions

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains the FOIA’s nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

Exemption 6

Exemption 6 serves to protect Personally Identifiable Information (PII) contained in agency records when no overriding public interest in the information exists. BPA does not find an overriding public interest in a release of the information redacted under Exemption 6—specifically, employee mobile phone numbers. This information sheds no light on the executive functions of the agency and BPA finds no overriding public interest in its release. BPA cannot waive these redactions, as the protections afforded by Exemption 6 belong to individuals and not to the agency.

Lastly, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where, (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and release nonexempt information. The agency has determined that in certain instances partial disclosure is possible, and has accordingly segregated the records into exempt and non-exempt portions.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and information release described above. Your FOIA request BPA-2022-00324-F is now closed with the responsive agency information provided.

Appeal

The records release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this final records release, within 90 calendar days from the date of this communication. 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.

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 or the status of your FOIA request may be directed to James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621.

Sincerely,

Candice D. Palen
Freedom of Information/Privacy Act Officer

[Responsive agency records accompany this communication.](#)

Non-responsive per request

Non-responsive per request

June 3, 2022

'22 JUN 23 AM9:05
OGC RECEIVED

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

FOIA Officer
Bonneville Power Administration
P.O. Box 3621CHI-7
Portland, OR 97208-3621

Re: FOIA/Touhy Request for Records

To Whom It May Concern:

The *Non-responsive per request* law firm represents the plaintiffs in *Non-responsive per request*, an action pending in the Circuit Court of Lane County, Oregon for damages suffered in the to the wildfire that started on September 7, 2020, at approximately 8pm in the Holiday Farm area of Lane County ("the Holiday Farm Fire"). The United States is not a party to that action. A copy of the operative complaint is included with this letter.

Pursuant to *United States Ex Rel. Touhy v. Ragen*, 340 U.S. 462 (1951), we write to request the following documents, which are relevant to the defendants' liability for the ignition of the Holiday Farm wildfire, and which cannot be reasonably obtained from another source. Specifically, we request documents in the possession, custody or control of the Bonneville Power Administration ("BPA") that discuss or refer to the Holiday Farm Fire, including:

1. Documents sufficient to establish any training and other procedures for mitigating fire risk that the BPA had in place in Lane County on September 7, 2020, including:
 - a. Documents sufficient to establish the existence and provisions of any public safety power shutoff program, or any similar program, that the BPA had in place in Lane County on September 7, 2020; and

- b. All documents that discuss or refer to vegetation management (including tree trimming and tree removal) on U.S. Forest Service (“USFS”) land or property at or in close proximity to Eugene Water and Electric Board’s (“EWEB”) 115kV transmission conductors between EWEB’s towers #131 and #132 near milepost #47 on Highway 126, in Blue River, Oregon (the “Holiday Farm Fire Area of Origin”).
2. All documents that reflect the BPA’s knowledge, prior to 20:00 on September 7, 2020, of any conditions that increased the risk of a wildfire on September 7, 2020, in the geographic area that was impacted by the Holiday Farm Fire;
3. All documents that discuss or refer to any efforts made by the BPA, the USFS, EWEB, and/or the Lane Electric Cooperative (“LEC”) to prevent, or minimize the risk of, a fire igniting in Lane County on or about September 6-8, 2020;
4. Documents sufficient to establish whether the BPA had the ability to deenergize the powerlines under and in close proximity to the Holiday Farm Fire Area of Origin;
5. Documents sufficient to establish which BPA powerlines needed to be deenergized on September 7, 2020, in order to cause the EWEB and LEC powerlines at the Holiday Farm Fire Area of Origin to be deenergized;
6. Video footage, aerial and other photographs, and LiDAR (Light Detection and Ranging) images that most accurately and completely reflect the conditions of the Holiday Farm Fire Area of Origin immediately before the Holiday Farm Fire ignited;
7. All documents, including audio recordings, from the BPA’s operations center in Lane County on September 7, 2020;
8. Any dispatch reports that the BPA received from LEC or EWEB on September 7, 2020;
9. Documents sufficient to indicate the exact time that the BPA learned that a fire had started on September 7, 2020, at the Holiday Farm Fire Area of Origin;
10. Documents sufficient to establish all actions the BPA took on September 7, 2020 in response to having learned that a fire had ignited at the Holiday Farm Fire Area of Origin;

11. All documents that discuss or refer to any efforts made by the BPA, USFS, EWEB, and/or LEC to contain or extinguish the Holiday Farm Fire;
12. All documents that constitute or reflect, in whole or in part, a communication on September 7, 2020, to or from the Lane County emergency response service, or to or from any other emergency or first responder in Lane County, regarding the Holiday Farm Fire;
13. Documents sufficient to establish whether, and at what time, the BPA received any public safety power shutdown request from any emergency services or firefighting entity on or about September 7, 2020;
14. All documents that constitute or reflect, in whole or in part, a communication regarding any public safety power shutdown request the BPA received from any emergency services or firefighting entity on September 7, 2020;
15. Documents sufficient to establish whether the BPA complied with any public safety power shutdown request it received from any emergency services or firefighting entity on or about September 7, 2020, including documents sufficient to establish the time of day that the BPA communicated its compliance to the requestor, and the person to whom the BPA communicated its compliance;
16. All videos, photographs, or other media, of all or any part of the Holiday Farm Fire;
17. All videos, photographs, or other media, of all or any part of the Holiday Farm Fire Area of Origin on or after September 7, 2020;
18. All documents that refer to information that the BPA's Supervisory Control and Data Acquisition ("SCADA") system generated from September 1-8, 2020;
19. All audio or video recordings relating to the Holiday Farm Fire, including communications on September 7-9, 2020, between (a) troublemen and (b) grid operators or any other BPA, LEC, or EWEB employees, contractors, or agents;
20. All documents that constitute, reflect, or refer to communications on September 7-9, 2020, between (a) troublemen and (b) grid operators or any other BPA, EWEB, or LEC employees, contractors, or agents;
21. All documents that refer to, discuss, or establish the specific location where the Holiday Farm Fire originated;

22. All documents that discuss or refer to the cause(s) or potential cause(s) of the Holiday Farm Fire;
23. All documents that constitute or reflect, in whole or in part, a communication regarding the Holiday Farm Fire's point of origin and/or its cause(s);
24. All documents that refer to any investigation regarding the Holiday Farm Fire including, without limitation, any investigation or evaluation of the BPA's personnel, protocols, policies, procedures, or equipment in connection with the Holiday Farm Fire;
25. Documents sufficient to identify the name, job title, employer, and/or contact information of any person with knowledge regarding any cause, and/or the point of origin, of the Holiday Farm Fire;
26. Documents sufficient to identify any individual or entity who investigated the cause of the Holiday Farm Fire, and/or the damage that the Holiday Farm Fire caused;
27. All documents that the BPA reviewed or created in order to respond to any questions posed or information sought by any governmental agency or entity regarding the Holiday Farm Fire;
28. All documents that the BPA submitted to or received from any governmental agency or entity regarding the Holiday Farm Fire, and any drafts thereof;
29. All documents that constitute, reflect, or refer to communications about the Holiday Farm Fire between or involving the BPA and any emergency services providers or other government or public authorities, and any drafts thereof;
30. All documents that the BPA has provided to the U.S. Department of Agriculture or the U.S. Attorney's Office regarding the Holiday Farm Fire;
31. All communications with the U.S. Department of Agriculture or the U.S. Attorney's Office regarding the Holiday Farm Fire;
32. Documents sufficient to establish the nature and dollar amount of any claims that have been asserted against the BPA for damage incurred due to the Holiday Farm Fire, including the name(s) of any claimant, the basis for the claim, and the amount of damages claimed; and

33. All documents that the BPA has provided to any other requestor regarding the cause(s) of the Holiday Farm Fire.
34. Certain documents related to the components of the BPA's electric system located between the Trailbridge Powerhouse and the Thurston Substation (the "BPA Trailbridge-Thurston Electric System"), and/or any lines or components owned or operated by EWEB or LEC between and including the Trailbridge Powerhouse and the Thurston Substation ("EWEB's or LEC's Trailbridge-Thurston Electric Systems"):
 - a. Documents sufficient to establish the extent of the BPA's compliance with any and all of the Oregon Public Utility Code's requirements with respect the BPA Trailbridge-Thurston Electric System from January 1, 2019 to January 1, 2021;
 - b. All communications regarding the terms of, or parties' performance pursuant to, any contract or agreement the BPA had in September 2020 with EWEB or LEC regarding the BPA Trailbridge-Thurston Electric System;
 - c. Documents sufficient to establish whether, in September 2020, EWEB or LEC were entitled to any penalties or bonuses regarding their operation of any of the BPA lines that leave their substations between the Trailbridge Powerhouse and the Thurston Substation, and if so, what those penalties or bonuses were and how they were calculated or otherwise determined;
 - d. Documents sufficient to show the names, titles, and job duties of the BPA staff assigned to, or given any operational or safety responsibilities regarding, the BPA Trailbridge-Thurston Electric System during the period of September 1-7, 2020;
 - e. Documents sufficient to establish whether, in September 2020, the BPA had the ability and/or the authority to deenergize the BPA lines that leave any of the EWEB or LEC substations in the BPA Trailbridge-Thurston Electric System;
 - f. Documents sufficient to establish every person who had the knowledge, ability, and authority to deenergize the BPA Trailbridge-Thurston Electric System on September 7, 2020;

- g. Documents sufficient to determine the nature and extent of any outages that occurred on the BPA Trailbridge-Thurston Electric System, or on EWEB's or LEC's Trailbridge-Thurston Electric Systems, on September 7, 2020, including any reason therefor;
- h. All documents that constitute or reflect, in whole or in part, a communication regarding the nature and extent of any outages that occurred on the BPA Trailbridge-Thurston Electric System, or on EWEB's or LEC's Trailbridge-Thurston Electric Systems, on September 7, 2020;
- i. Documents sufficient to establish the results of any patrol or inspection that the BPA conducted on September 7, 2020 of the BPA Trailbridge-Thurston Electric System, including of EWEB's or LEC's Trailbridge-Thurston Electric Systems”;
- j. All documents that constitute or reflect, in whole or in part, a communication regarding any patrol or inspection the BPA conducted on September 7, 2020 of the BPA Trailbridge-Thurston Electric System, or of EWEB's or LEC's Trailbridge-Thurston Electric Systems, including the results of any such patrols or inspections;
- k. All documents that constitute or reflect, in whole or in part, a communication on September 7, 2020 or September 8, 2020 regarding the Holiday Farm Fire, the BPA Trailbridge-Thurston Electric System, or EWEB's or LEC's Trailbridge-Thurston Electric Systems;
- l. Documents sufficient to show all phone calls internal to the BPA, or between the BPA and any external person or entity, between September 1, 2020 and September 8, 2020, regarding the Holiday Farm Fire, the BPA Trailbridge-Thurston Electric System, and/or EWEB's or LEC's Trailbridge-Thurston Electric Systems;
- m. Documents sufficient to establish which, if any, lines or other components of the BPA Trailbridge-Thurston Electric System, or EWEB's or LEC's Trailbridge-Thurston Electric Systems, were patrolled by the BPA on September 8, 2020, and why;
- n. Documents sufficient to establish the results of any patrol the BPA conducted on September 8, 2020 of any lines or other components of the

BPA Trailbridge-Thurston Electric System, or EWEB's or LEC's Trailbridge-Thurston Electric Systems;

- o. All documents that constitute or reflect, in whole or in part, a communication regarding any patrols or inspections the BPA conducted on September 8, 2020 of any lines or other components of the BPA Trailbridge-Thurston Electric System, or of EWEB's or LEC's Trailbridge-Thurston Electric Systems;
- p. All audio or video recordings made on September 7-9, 2020 of third parties, including BPA customers, who communicated any observations or reports about the BPA Trailbridge-Thurston Electric System, or EWEB's or LEC's Trailbridge-Thurston Electric Systems, or the Holiday Farm Fire;
- q. All documents that constitute, reflect, or refer to communications about the Holiday Farm Fire, including communications involving third parties and/or customers conveying any observations or reports about the BPA Trailbridge-Thurston Electric System, or EWEB's or LEC's Trailbridge-Thurston Electric Systems, or the Holiday Farm Fire;
- r. Documents sufficient to indicate why the BPA did not do a public safety power shutoff of the BPA Trailbridge-Thurston Electric System on September 7, 2020;
- s. All documents that constitute or reflect, in whole or in part, a communication that concerns or reflects any reason why the BPA did not do a public safety power shutoff of the BPA Trailbridge-Thurston Electric System on September 7, 2020;
- t. Documents sufficient to indicate whether the portion of the BPA Trailbridge-Thurston Electric System, or of EWEB's or LEC's Trailbridge-Thurston Electric Systems, that is located at the Holiday Farm Fire Area of Origin would have been deenergized at the time the Holiday Farm Fire ignited if EWEB's Trailbridge-Thurston Electric System had been deenergized, in whole or in part, at that time;
- u. Documents sufficient to establish the extent to which the BPA Trailbridge-Thurston Electric System was the cause, in whole or in part, of the Holiday Farm Fire;

- v. All documents that constitute or reflect, in whole or in part, a communication regarding the extent to which the BPA Trailbridge-Thurston Electric System was the cause, in whole or in part, of the Holiday Farm Fire;
- w. Documents sufficient to establish the extent to which EWEB's Trailbridge-Thurston Electric System was the cause, in whole or in part, of the Holiday Farm Fire;
- x. All documents that constitute or reflect, in whole or in part, a communication regarding the extent to which EWEB's Trailbridge-Thurston Electric System was the cause, in whole or in part, of the Holiday Farm Fire;
- y. All of the SCADA data from all of the grids in the BPA Trailbridge-Thurston Electric System for September 1-8, 2020;
- z. All data other than SCADA that can be extracted/downloaded from protection devices (such as breakers, switches, and reclosers) from the BPA Trailbridge-Thurston Electric System for September 1-8, 2020;
- aa. Documents sufficient to indicate what, if any, component of the BPA Trailbridge-Thurston Electric System was replaced or installed on or after September 8, 2020, including the date of any such replacement or installation, and all reasons for such replacement or installation;
- bb. Documents sufficient to establish what information the BPA has provided to any third party regarding the BPA Trailbridge-Thurston Electric System, or EWEB's or LEC's Trailbridge-Thurston Electric Systems, and the role that any of those systems, or any components thereof, may have played in starting or spreading the Holiday Farm Fire; and
- cc. All documents that constitute or reflect, in whole or in part, a communication with any third party regarding the extent to which the BPA Trailbridge-Thurston Electric System, or EWEB's or LEC's Trailbridge-Thurston Electric Systems, were the cause, in whole or in part, of the Holiday Farm Fire.

35. Certain documents related to evidence preservation:

- a. Documents sufficient to establish the BPA's protocols, policies, or procedures for preserving evidence from the Holiday Farm Fire, and the extent to which the BPA did, or did not, comply therewith;
- b. Documents sufficient to indicate what, if anything, the BPA removed from the Holiday Farm Fire Area of Origin on or after September 7, 2020, and the reason(s) therefor; and
- c. Documents sufficient to indicate who currently controls and/or possesses anything the BPA removed from the Holiday Farm Fire Area of Origin on or after September 7, 2020.

36. Certain documents related to the BPA "Holiday Farm Fire Outage Sequence of Events" Report (the "BPA Report"):

- a. All documents that were reviewed, consulted, or created as part of the preparation of the BPA Report;
- b. Documents sufficient to identify every person who provided content for the BPA Report; and
- c. All drafts of the BPA Report.

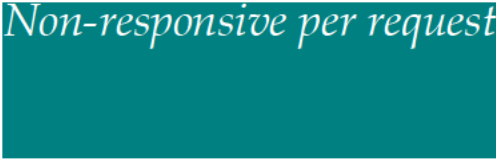
We also request the following documents, which are relevant to the defendants' liability for the ignition and spread of the Holiday Farm Fire:

- 1. Any contracts or agreements between:
 - a. The BPA and EWEB; and
 - b. The BPA and LEC.
- 2. Documents sufficient to establish whether the BPA owns and/or operates:
 - a. The Cougar hydroelectric project and powerhouse in Lane County;
 - b. All of the 115kV transmission lines and equipment that run from the Cougar powerhouse to the Holden Creek substation in Lane County;
 - c. A 115kV tap line that goes into the Blue River substation in Lane County; and
 - d. Two sectionalizing switches at the Blue River Tap (B-1449 and B-1460) that operate to isolate parts of the system in the event of a fault.

Thank you for your assistance with this matter. Please do not hesitate to contact me with any questions or concerns about this request. We look forward to your prompt response.

Sincerely,

Non-responsive per request

A solid teal rectangular box redacting the signature of the sender.

Enclosure: Third Amended Complaint

'22 JUN 23 AM 9:05
OGC RECEIVED

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LANE

ANDERSON, JODY; ANDERSON, WINONA;
ANZALONE, GIAMO; BAINES,
JACQUELINE MARIE; BARRETT, ADAM;
BARRIOS, FREDDY; BILICK, GARY;
BIRKHOLZ, JULIE; BOBBITT, STEPHANIE;
BOECHLER, CHARLES; BOLTON, KIRK;
BOONE, CORTNEY; BORG, SHAUN KELLY;
BRADFORD, SETH; BREDEN, DANIEL;
BROWNING, FRANK; CANTERBERRY,
DEBRA; CANTERBERRY, RICHARD;
CARSNER, MICHAEL; CARSNER,
STEPHANIE; CASSIDY, BRIAN; CASTRO,
ANGELIQUE; CHMIEL, LINDA;
CHRISTIANSON, CHAUNCEY;
CHRISTIANSON, SHANDI; CONACHEN,
BEVERLY; CONACHEN, JAMES; COOPER,
CODY; COOPER, JACK; COOPER, SHERI;
CORBAN, KATHERINE; COTTA, ADAM;
CURTIS, JAMES; COURGAIN, ANNA;
CURTIS, MOIRA; CURTIS, STEWART;
DAVIS, GREG; DAWDY, NORMAN;
DELLENBAC-OUELLETTE, CY BENEDICT;
DELLENBAC-OUELLETTE, VAN JACKSON;
DYE, GARY; ENGLISH, MICHAEL;
EVELAND, TRAVIS; FERGASON, TOMMY;
FLORES, CHRISTOPHER; FLORES,
TAMARA; FRANCE, SHERRI; FREDERICK,
MARK DEWANE; FREDERICK, VIVIAN
CIVISH; GARR, BILLY; GARR, DANIEL;
GARR, DYLAN; GARR, ILA; GARR, JAMIE;
GERBER, JOSEPH ALAN; GIFFEN, ERIK;
GILBERT, THOMAS MALCOLM; GOHL,
CHRISTOPHER; GOODRICK, ELISHA;
HAGERMAN, RYAN; HARVEY, TIFFANY;
HATCHER, JAMES; HEINONEN,
KATHRYN; HENINGTON, JEFFREY KING;
HERNANDEZ, CHRISTOPHER; HICKMAN,
ERIC; HUERTA, DOUGLAS; JENKINS,

Case No. 21-CV-15031

**THIRD AMENDED COMPLAINT
FOR DAMAGES (Negligence;
Trespass; Nuisance; Inverse
Condemnation Under Article I, § 18 of
the Oregon Constitution; Inverse
Condemnation Under Article XI § 4 of
the Oregon Constitution)**

Prayer amount: in excess of \$10,000,000

Fee Authority: ORS § 21.160(1)(e):
\$1,178

NOT SUBJECT TO MANDATORY
ARBITRATION

Jury Trial Requested on all Claims So
Triable

LINDSEY; JOHNSON, JAMES; JONES,
MICHAEL KEVIN; JORDAN, JIMMY;
JOURNEY, ERIK ANDREW; KEAS, ELLEN;
KEASLING, MICHELLE; KEEGAN,
MATTHEW JOHN; KILPATRICK, OLIVIA;
KIMBLE, TERRANCE; LAFONT, ROBERT;
LEDFORD, CHRISTINA; LIVINGSTON,
ALLEN; LIVINGSTON, ELIZABETH MAY;
LOKEY, YEVONNA; MADDEN,
CHRISTOPHER; MARSHALL, JODEY;
MASSINGHAM, PAMILA; MASSINGHAM,
RAND; MATAISZ, DEJA; MAYBERRY,
DAVID; MAYR, CRETH; MAYR, FRANCIS
MERCEDES; MCCLASKEY, REBECCA;
MCCLASKEY, ROYAL; MCCORMICK,
WAYNE ALLAN; MELBYE, DAVID;
MONICAL, DELMARE; MORITZ, CESTLA;
MOTT, CALVIN; MUELLER, HALIA;
MUELLER, HOPE; MUELLER, KARL;
MULLINS, ANDREA; MYERS, MICHAEL;
NAVARRO, SHANE; NEGRETE, KARIN;
OCHOA, ALVARO; OCHOA, EDITH;
OLIVER, AMBER; OLIVER, ANDREW;
OUAKIL, SHARON; OYERVIDES, CHRIS;
PANICCIA, ALYSSA; PANICCIA, MICHAEL;
PANTEL, PEGGY; PENDERGAST, CASSIE;
PETERS, DREW; PETERSON, DJ;
PETERSON-OYERVIDES, TINA; PETRENY,
BRITTANY; PIAZZA, KIMBERLY;
POMEROY, CHARLES; POMEROY,
JENEAN; RETHAFORD, JAMES;
RICHARDS, KYLE; RICHARDSON,
PATRICIA; ROLFE, DENISE; ROMAN, JIM;
ROSINI, JENNIFER; RUMBLE, CODY;
SALAZAR, JAIME; SCHRUM, KURT;
SHELLY, MEGAN MARIE; SHIFFLETT,
JESSICA; SHIRLEY, JOSIAH; SHUSTER,
ROBERT; SIMMONS, TERESA SIMPSON,
JAMERSON; SIRECI, LAURA; SLAVEN,
ROBIN ELAINE; SMELTZER, KENDALL;
SMITH, HAILEE; SMYTH, CLIFFORD;
SPENCER, ANDREW; ST. VINCENT,
ZACHARY; STATEN, ANN; STEVENS,
GARRETT; STOCKTON, NATALIA; STONE,
JOSH; THOMPSON, DACHIA; THOMPSON,
RICHARD; THOMPSON, TRISTAN;
THULSTRUP, DAVID; THULSTRUP,

1 LUANNE; TRINE, STEVEN; TROUTMAN,
2 KAYLA; VARNEY, BRIAN THOMAS;
3 VARNEY, MELISSA ANN; VIBBERT,
4 ROBERT; VILLA, GABRIEL; WALKER,
5 JASON DUPREE; WERNER, SHANTEL;
6 WEST, RUSSELL GLENN; WESTON,
7 STEWART; WHITAKER, PEMA;
8 WHITAKER, WILLIAM; WILCHER, JULIE;
9 WILLSON, LISA; WILLSON, MORGAN
10 ROSE; WILSON, AUSTIN; WILSON,
11 CHANCE; WILSON, JANET; WILSON,
12 MICHELLE; WILSON, SHAWN; WILSON,
13 TERRY SHANE; WINTERS, ROBYN;
14 WOLFORD, PENNIE; AND WOODWARD,
15 LARRY,

16
17 Plaintiffs,

18 v.

19 EUGENE WATER & ELECTRIC BOARD, an
20 Oregon registered electric utility and LANE
21 ELECTRIC COOPERATIVE, INC, an Oregon
22 registered electric utility,

23 Defendants.

24 INTRODUCTION

25 1.

26 This Complaint arises from the Holiday Farm Fire, which is a wildfire that Defendants' powerlines
27 caused on September 7, 2020, in Lane County.

28 2.

In the days leading up to September 7, 2020, the National Weather Service issued numerous dire
warnings about unusually dangerous weather conditions expected to strike Oregon. The Service
predicted hot, dry winds from the east that could exceed 60 miles per hour for the evening of September
7th. It repeatedly warned that these conditions would create the perfect environment for wildfires. It
even issued the rare "extremely critical" designation, which is reserved only for when forecasters are
confident of extremely dangerous wildfire conditions. In response to these warnings, many utilities in

1 Oregon deenergized powerlines when the winds started on September 7, 2020. Their decisions saved
2 lives and spared property.

3 3.

4 The defendants in this action, Eugene Water & Electric Board ("EWEB") and Lane Electric
5 Cooperative, Inc. ("LEC"), knew about the extreme threat of wildfires on the evening of September 7.
6 They also knew that deenergizing their powerlines was a proven way to prevent wildfires. Indeed, both
7 of their websites have acknowledged that shutting off their power lines reduces the risk of fire. But
8 unlike other utilities, EWEB and LEC intentionally refused to deenergize their powerlines so that they
9 could continue providing electricity to the public.

10 4.

11 After EWEB and LEC refused to deenergize their powerlines, the predictable occurred. The strong, dry
12 winds came on the evening of September 7 and toppled EWEB and LEC's powerlines. The downed
13 powerlines predictably ignited surrounding vegetation in communities across Oregon, including in the
14 Holiday Farm area.

15 5.

16 Defendants' indefensible refusal to deenergize their powerlines throughout the day and evening of
17 September 7, 2020 was made even more so by Defendants':

- 18 (a) Knowledge that their electric utility infrastructures could pass electricity through
19 exposed powerlines in vegetated areas;
- 20 (b) Failure to maintain the proper tension in their powerlines, which prevents sagging that
21 leads to fires igniting;
- 22 (c) Failure to implement proper vegetation management programs to prevent trees from
23 crashing into their powerlines during high winds;
- 24 (d) Knowledge that numerous trees had fallen onto their powerlines; and
- 25 (e) Knowledge that first responders would need confirmation that the powerlines were
26 deenergized before they could attempt to extinguish any fire that ignited.

Moreover, on the evening of September 7, 2020 EWEB deliberately decided to delay patrolling and inspecting its downed powerlines near the Holiday Farm Fire ignition point until the following day, which it justified by citing to the “heavy winds in the area and extreme fire danger” and its desire to wait to do any patrolling or inspection until conditions improved. And more than 3 hours passed between the time an LEC employee who was patrolling LEC’s lines told LEC to deenergize a line with a tree on it that was a fire danger, and the time LEC communicated to first responders that the line was deenergized so that they could safely enter the area and attempt to extinguish a fire before it spread.

6.

The resulting fire in the Holiday Farm area was devastating. Over 170,000 acres burned. Hundreds of homes, schools, and businesses were destroyed. People’s priceless possessions were incinerated. Their beloved pets and other animals suffered horrific deaths. For some, everything they had spent a lifetime gathering was lost. The wedding ring from their grandmother ruined. Their child’s first set of shoes blackened beyond recognition. Irreplaceable pictures left in ashes. And all because EWEB and LEC refused to deenergize their powerlines.



A firefighter risks his life to battle the Holiday Farm Fire. Photo taken from the KPIC, Channel 4 website.

1
2
3
4 *A small statue is all that is recognizable*
5 *from an area where a library once stood.*
6 *Photo by Andy Nelson/The Register-*
7 *Guard and published in The Bulletin.*
8
9



10 7.

11 Plaintiffs—all victims of the Holiday Farm Fire—now sue Defendants to recover damages for some of
12 what they lost. They make the allegations in this complaint based on personal knowledge, information
13 and belief, and/or the investigation and research of counsel.

14 **PARTIES**

15 **I. Plaintiffs**

16 8.

17 Plaintiffs are individuals, representatives, and legal entities. At all times relevant to this pleading,
18 Plaintiffs were homeowners, renters, business owners, residents, and occupants of real property located
19 in Lane County, and/or who had a property interest located therein. The Holiday Farm Fire injured
20 Plaintiffs personally, interfered with their personal rights and interests in their property, and/or
21 damaged their property.

22 9.

23 Plaintiffs have elected to join their individual lawsuits in a single action under rules of permissive
24 joinder as set forth in ORCP 28A. Plaintiffs do not seek class certification or relief on any collective
25 basis. Instead, they seek damages and other remedies on an individual basis.

26 ///

27 ///

1 **II. Defendants**

2 10.

3 EWEB is an Oregon Corporation doing business as a public utility in Oregon. EWEB's primary place
4 of business is in Lane County, Oregon at 500 East Fourth Avenue, Eugene, Oregon 97401. It conducts
5 regular, sustained business in Oregon and Lane County. It owns and operates powerlines and other
6 electric equipment and infrastructure (collectively, "electric utility infrastructure") in Oregon to
7 transmit, supply, and provide electricity to private and public consumers. EWEB is a public entity.

8 11.

9 Plaintiffs have complied with ORS 30.725's 180-day notice requirement for actions against public
10 entities, as amended by Executive Order 20-03, House Bill 4212, and Executive Order 21-15. The
11 Holiday Farm Fire was ignited on September 7, 2020 and was contained no sooner than October 29,
12 2020. Plaintiffs gave EWEB formal and actual notice of this claim on April 8, 2021 by sending EWEB
13 and its legal counsel a substantially similar copy of this complaint.

14 12.

15 LEC is an Oregon Corporation doing business as a public utility in Oregon. LEC's primary place of
16 business is in Lane County, Oregon at 787 Bailey Hill Road, Eugene, Oregon, 97402. It conducts
17 regular, sustained business in Oregon and Lane County. It owns and operates an electric utility
18 infrastructure in Oregon to transmit, supply, and provide electricity to private and public consumers.

19 13.

20 "Defendants" refers collectively to EWEB and LEC.

21 **JURISDICTION AND VENUE**

22 14.

23 Plaintiffs are citizens and residents of Oregon. EWEB and LEC are Oregon corporations that engage in
24 regular, sustained business in Oregon and Lane County. This Court thus has jurisdiction over the parties
25 and this case.

26 15.

27 This is an action for interference with personal rights and interests in property, personal injuries, and
28

1 damage to property in Lane County, Oregon. Venue is thus proper in Lane County under ORS 14.040.

2 **ALLEGATIONS**

3 **I. Defendants have a duty to safely maintain and operate their electric utility infrastructures.**

4 16.

5 Defendants supply electricity throughout Lane County. They own, operate, maintain, and repair
6 electric utility infrastructures that transmit electricity to residents, businesses, schools, and industries
7 in Oregon, including in and around the ignition point in the Holiday Farm area.

8 17.

9 Operating high-voltage electric equipment as part of an electric utility infrastructure carries inherent
10 dangers. The inherent and heightened danger associated with the transmission and distribution of
11 electricity through overhead powerlines in vegetated areas requires Defendants to exercise an
12 increased level of care to protect the public and the communities in which their electric utility
13 infrastructures operate. Moreover, Defendants have a level of expertise about the operation of an
14 electric utility infrastructure far beyond that of a layperson and, as such, owe a heightened duty
15 commensurate with this expertise.

16 18.

17 Oregon lawmakers recognize that Defendants' electric utility infrastructures pose real and significant
18 fire threats. As Governor Kate Brown's Wildfire Council explained in its Recommendations on Utility
19 Preparedness: "As the frequency, intensity and duration of wildfires has increased in the West, there is
20 a need to have electrical companies take measures to reduce the risk of these events. For example,
21 powerline fires are on average 10 times larger than fires from other causes." In California, of the top
22 twenty most destructive wildfires in state history, at least eight were caused by electric utilities and
23 seven occurred between 2015 and 2018—including the devastating Camp Fire in November 2018 that
24 caused eighty-five deaths, destroyed 18,804 structures, and burned 153,336 acres.

25 19.

26 Defendants have a duty to adequately operate, monitor, maintain, and repair their electric utility
27 infrastructures to ensure that they do not cause fires. This duty includes deenergizing their powerlines

1 during periods of critical fire risk to prevent fires and to allow first responders to safely access ignited
2 areas to put out fires. Defendants' duty also includes maintaining the land and vegetation around their
3 infrastructure and equipment to ensure that vegetation, objects, and structures will not come into contact
4 with their electric utility infrastructures.

5 **II. Defendants knew about the extreme fire risk on Labor Day 2020.**

6 20.

7 Due in part to extreme drought conditions on both sides of the Cascade Mountains through 2020, fire
8 potential in Lane County was well above normal levels at the beginning of September 2020.

9 21.

10 Starting on Wednesday, September 2, 2020, the National Weather Service (the "Service") began
11 issuing warnings about dangerous weather conditions for fires in Oregon. The Service noted that
12 beginning on Monday, September 7, 2020—Labor Day—there would be gusty offshore winds leading
13 to "fire weather concerns[.]"

14 22.

15 On Friday, September 4, 2020, the Service continued to issue warnings about the weather that would
16 begin the following Monday. The Service predicted winds of a magnitude that one would expect to see
17 "once every 30 years." The Service warned that, as "a result . . . fire weather concerns abound." The
18 Service recognized that this was "an unusual amount of lead time for a watch[.]" But because of "the
19 high level of confidence in a strong east wind event," the Service felt it was "prudent to give fire
20 officials as much time to prepare as possible." The Service urged "extreme caution[.]" In issuing this
21 warning, the Service specifically identified geographic areas of concern, including an area that covered
22 the Holiday Farm area. It also again identified "Monday evening" as when the extreme winds would
23 begin and create the "potential to see rapid fires spread[.]"

24 23.

25 On Saturday, September 5, 2020, the Service issued a "Red Flag Warning" that would begin at noon on
26 Monday (Labor Day) and end at 10 p.m. on Tuesday, and predicted extreme winds between 35 and 50
27 miles per hour. The Service issues a "Red Flag warning" when "warm temperatures, very low
28

1 humidities, and stronger winds are expected to combine to produce an increased risk of fire danger.”
2 National Weather Service, Red Flag Warning, *available at* <https://www.weather.gov/mqt/redflagtips>
3 (last visited March 14, 2022).

4 24.

5 The Service continued to issue warnings in the days and hours leading up to the evening of Monday,
6 September 7. On Sunday, September 6, the Service reiterated that there were “many concerns” about
7 the winds beginning Monday evening. Among those concerns was “the extreme fire danger[.]” And by
8 Sunday evening, the Service identified 8 p.m. Monday through 1 p.m. Tuesday as the most concerning
9 time period.

10 25.

11 On the morning of September 7, 2020, the Service informed the public that they were on “track for an
12 extremely dangerous period of fire weather[.]” Winds were expected to reach speeds of 60 to 80 miles
13 per hour. The conditions put much of Oregon—including the Holiday Farm area—in the “Extremely
14 Critical” category. This rare category is reserved for situations in which forecasters are confident about
15 extremely dangerous wildfire conditions on a given day. Before September 7, 2020, the Service had
16 placed Oregon in this category only twice before, in the summer of 2000.

17 26.

18 By the morning of September 7, Defendants knew that there was an extreme fire risk throughout
19 Oregon, including in the Holiday Farm area, for that evening. Indeed, early that evening an EWEB
20 employee reported to the Bonneville Power Administration that EWEB had decided to delay patrolling
21 and inspecting its downed powerlines near the Holiday Farm Fire ignition point until the following day
22 because of the “heavy winds in the area and extreme fire danger,” and EWEB’s desire to wait to do any
23 patrolling or inspection until conditions improved.

24 **III. Defendants knew what to do to prevent wildfires during extreme weather conditions.**

25 27.

26 Well before Labor Day 2020, Defendants knew that deenergizing powerlines is an effective way to
27 prevent wildfires during periods of elevated fire danger, including during high wind events. Electric
28

1 utilities on the West Coast have long used intentional temporary outages to prevent fires. Indeed, many
2 utilities in Oregon deenergized their powerlines in anticipation of the high winds that blew through on
3 Labor Day 2020.

4 28.

5 EWEB's own website acknowledged that deenergizing its powerlines is a way to prevent wildfires. On
6 April 8, 2021, the "Wildfire and Safety Prevention" page of EWEB's website stated: "When there is a
7 high risk for a wildfire, we may temporarily shut off power to certain neighborhoods to prevent our
8 electric utility infrastructure from becoming the source of an ignition" In making the decision whether
9 to deenergize its powerlines, EWEB stated that it looked at whether there is a "Red Flag Warning" by
10 the Service; whether the forecast called for "[s]ustained winds over 20 mph and gusts above 30 mph";
11 whether there were humidity levels under 20 percent; and whether there was "[d]ry [m]aterial on the
12 [g]round." *Id.* As EWEB knew, *all* these factors mandated that it deenergize its powerlines on the
13 evening of September 7, 2020.

14 29.

15 Likewise, LEC's website acknowledges that deenergizing its powerlines is a way to prevent wildfires.
16 *See* Lane Electric, "Holiday Farm Fire," *available at* <https://lancelectric.com/outages/holiday-farm-fire/>
17 (last visited March 10, 2022). LEC's website notes that it considers the "temperature, relative humidity,
18 [and] wind" when deciding whether to shut off its powerlines. As LEC knew, *all* these factors
19 compelled it to deenergize its powerlines on the evening of September 7, 2020.

20 **IV. Defendants' actions and inactions predictably and inevitably led to a fire igniting during**
21 **the evening of September 7, 2020.**

22 30.

23 Owners and operators of electric utility infrastructures in Oregon other than EWEB and LEC
24 deenergized their powerlines on Labor Day weekend of 2020 because of the fire danger. These other
25 owners and operators made public announcements long before the shutoffs, including in major media
26 outlets, alerting everyone that because of the elevated risk of wildfire, electricity would be temporarily
27 shut off.

1 31.

2 Defendants, however, intentionally chose not to deenergize their powerlines, including in the Holiday
3 Farm area. They did so despite the Service's warnings, and despite all the other information Defendants
4 knew about the elevated risk of fire on Labor Day. Defendants' decision not to deenergize their lines on
5 September 7th was even more egregious in light of the condition of their electric utility infrastructures.
6 Defendants knew that their electric utility infrastructures could pass electricity through exposed
7 powerlines in vegetated areas and that they had improperly maintained the line tension in their electric
8 utility infrastructure. Defendants also knew that they had failed to properly, safely, and prudently
9 maintain the vegetation and land surrounding their powerlines. Indeed, Defendants' vegetation
10 management policies and practices made it substantially certain that, unless some other event came into
11 play to alter what would otherwise occur, vegetation would fall against Defendants' powerlines in high
12 winds. Similarly, Defendants' maintenance standards for line tension ensured that arcing and sparks
13 would occur when powerlines came into contact with each other in high winds.

14 32.

15 The natural, ordinary, and predictable consequence of Defendants' intentional conduct and choices led
16 to their powerlines falling and, shortly thereafter, starting a fire in the Holiday Farm area at about 8:00
17 pm on September 7, 2020. At the time of ignition, the wind gusts were likely around 60 miles per hour,
18 with sustained winds of about 40 miles per hour. The inevitable consequence of the ignited fire, in light
19 of the predicted conditions (including wind speed and direction, topography, and the predictable way in
20 which wildfires spread) was the fire's spread to Plaintiffs' properties.

21 33.

22 The Holiday Farm Fire eventually destroyed over 170,000 acres. It killed at least one person, injured
23 countless others, and caused millions of dollars in property damage.

24 **V. Defendants' actions predictably led to Plaintiffs' harm.**

25 34.

26 Defendants knew that any fire started on September 7, 2020 would be almost impossible to contain due
27 conditions that were known or predicted, including high winds, dryness, high fuel loads, topography,
28

1 high energy release conditions, limited escape routes, limited access for firefighters and emergency
2 personnel, and limited firefighting resources available due to fires elsewhere.

3 35.

4 The inevitable consequence of the fire that Defendants' intentional decisions caused was that flames,
5 smoke, embers, ash, odors, gases, and airborne particles came into contact with, were deposited on,
6 damaged, destroyed, and/or otherwise trespassed on Plaintiffs' real and personal property, causing very
7 hazardous and unhealthy conditions, and interfering with Plaintiffs' right to enjoy their properties. This
8 interference is ongoing, as Plaintiffs face an ongoing risk of harm to themselves and their property from
9 rockfall, flooding, debris flows, diminished drinking water quality, decreased soil productivity, and
10 increased noxious weed spread – all caused by the Holiday Farm Fire.

11 36.

12 Another inevitable consequence of the fire that Defendants' intentional decisions caused was that many
13 people who were in the area that the fire impacted suffered serious, ongoing personal injuries. The
14 health impacts of wildfire smoke are on the same order of magnitude, or possibly even greater, than
15 firefighting costs and property damage. This is in part because one of the main components of wildfire
16 smoke are so-called PM2.5 particles, which are up to 10 times more harmful to humans than particles
17 released from other sources, such as car exhaust. PM2.5 particles can pass through the nose and lungs,
18 bypassing the body's defense mechanisms, and enter the bloodstream. From there they can harm the
19 heart, lungs, and other vital organs, increasing the risk of stroke, heart attacks and respiratory problems.
20 People with certain preexisting conditions are particularly vulnerable.

21 37.

22 The Holiday Farm Fire caused Plaintiffs to suffer substantial harm to their persons, interests, and
23 property including, but not limited to, interference with their personal rights and interests in their use
24 and quiet enjoyment of their real and personal properties; interference with their normal and usual
25 activities; personal injuries including irritation of the eyes and respiratory tract, coughing, phlegm,
26 wheezing, difficulty breathing, fear for their lives and personal safety, mental suffering, emotional
27 distress, stress, anxiety, annoyance and inconvenience; medical bills; increased risks of emergency room
28

visits, hospital admissions, and premature death; damage to and destruction of real property; damage to and loss of structures, personal property, and cherished possessions; out-of-pocket expenses directly and proximately incurred as a result of the fire; additional living expenses; evacuation expenses; uncompensated time engaged in recovery efforts; lost wages; loss of earning capacity; and loss of business income and goodwill.

FIRST CLAIM FOR RELIEF

Negligence

(Against All Defendants)

38.

All previous paragraphs are incorporated into this claim for relief.

39.

Electricity is a dangerous instrumentality that poses an inherent risk to people and property. The provision of electrical services involves a peculiar and inherent risk of wildfire and requires the exercise of increased care and precaution commensurate with and proportionate to that increased risk, so as to make the transport of electricity through an electric utility infrastructure safe under all circumstances and exigencies.

40.

Defendants each have special knowledge and expertise far beyond that of a layperson about the safe operation, maintenance, and repair of electric utility infrastructures including vegetation management efforts.

41.

Prior to and on September 7, 2020, Defendants had a non-delegable duty to apply a level of care commensurate with, and proportionate to, the inherent dangers in operating, maintaining, and repairing electric utility infrastructures. This duty also required Defendants to maintain appropriate vegetation management programs for the control of vegetation surrounding Defendants' exposed power lines. This duty also required Defendants to consider the changing conditions of Defendants' electric utility infrastructures, as well as changing geographic, weather, and ecological conditions. This duty also

1 required Defendants to take special precautions to protect nearby properties from wildfires caused by
2 Defendants' electric utility infrastructures.

3 42.

4 Defendants each breached their duties by, among other things:

- 5 a. Failing to operate, maintain, and repair their electric utility infrastructures so that the
- 6 systems would withstand the foreseeable risk of fires;
- 7 b. Failing to prevent powerlines from improperly sagging or making contact with metal or
- 8 other powerlines;
- 9 c. Failing to properly inspect and maintain vegetation within proximity to their energized
- 10 powerlines to mitigate the foreseeable risk of fire;
- 11 d. Failing to conduct reasonably prompt, proper, and frequent inspections of their electric
- 12 utility infrastructures;
- 13 e. Failing to promptly deenergize their powerlines during fire-prone conditions;
- 14 f. Failing to promptly deenergize their electric utility infrastructures after vegetation fell on
- 15 their powerlines;
- 16 g. Failing to promptly inspect their powerlines after vegetation fell on them;
- 17 h. Failing to properly train and supervise employees and agents responsible for maintenance
- 18 and inspection of their electric utility infrastructures; and/or
- 19 i. Failing to implement and follow regulations and reasonably prudent practices to avoid fire
- 20 ignition.

21 43.

22 Defendants knew of the extreme fire danger that the conditions immediately before September 7, 2020
23 created, and they breached their duties of reasonable care to Plaintiffs by failing to act reasonably in
24 light of that knowledge. The Holiday Farm Fire was a direct and legal result of Defendants' breach of
25 their duties of reasonable care to Plaintiffs.

26 44.

27 Defendants acted with indifference to the probable and foreseeable consequences of their acts and
28

omissions. Their gross negligence caused the Holiday Farm Fire and was a substantial factor in causing Plaintiffs to suffer foreseeable harm to their persons, interests, and property.

45.

Plaintiffs each seek damages on an individual basis as specified in paragraphs 97-296 below. Plaintiffs also seek damages equal to twice the amount of their property and economic damages to the extent available under ORS 477.089(2)(b). Plaintiffs do NOT seek any noneconomic damages based on the property damage that Defendants' negligence caused, nor do they seek twice the noneconomic damages that Defendants' negligence caused.

SECOND CLAIM FOR RELIEF

Trespass

(Against All Defendants)

46.

Paragraphs 1-37 are incorporated into this claim for relief.

47.

On September 7, 2020, Plaintiffs were the owners, tenants, or lawful occupiers of real properties in the Holiday Farm area of Oregon. Plaintiffs' possessory interests in their properties was exclusive.

48.

Defendants negligently, recklessly, and/or intentionally allowed fire to ignite and/or spread out of control, which damaged Plaintiffs' persons, interests, and properties. Flames, smoke, embers, ash, odors, gases, and airborne particles came into contact with, were deposited on, damaged, destroyed, and/or otherwise trespassed on Plaintiffs' real and personal property.

49.

Defendants knew that a trespass would result from their actions and failures to act. Defendants' actions and inactions in setting in motion the unauthorized entry and trespass were undertaken knowing that a trespass would result, and a trespass resulted from those actions and inactions.

50.

Plaintiffs did not grant permission for any fire to enter their properties.

1 51.

2 This trespass was a substantial factor in causing Plaintiffs to suffer foreseeable harm to their persons,
3 interests, and property.

4 52.

5 Plaintiffs each seek damages on an individual basis as specified in paragraphs 97-296 below. Plaintiffs
6 also seek damages equal to twice the amount of their property and economic damages to the extent
7 allowed under ORS 477.089(2)(b). Plaintiffs do NOT seek any noneconomic damages based on the
8 property damage Defendants caused.

9 **THIRD CLAIM FOR RELIEF**

10 **Nuisance**

11 **(Against All Defendants)**

12 53.

13 Paragraphs 1-37 are incorporated into this claim for relief.

14 54.

15 On September 7, 2020, Plaintiffs were the owners, tenants, and/or lawful occupiers of real properties in
16 the area to which the Holiday Farm fire spread. Plaintiffs had a possessory interest in real property that
17 the Holiday Farm Fire damaged and destroyed, including the right to quiet use and enjoyment.

18 55.

19 Defendants owned, maintained, controlled, and/or operated the electric utility infrastructures that caused
20 the Holiday Farm Fire.

21 56.

22 Defendants' negligent, reckless, intentional and/or abnormally dangerous actions and inactions with
23 respect to their electric utility infrastructures created conditions and/or permitted conditions to exist that
24 (a) were harmful to health; (b) offensive to the senses; (c) an obstruction to the free use of property, so
25 as to substantially interfere with the comfortable enjoyment of life and property; and (d) unlawfully
26 obstructed the free passage or use, in the customary manner, of public streets and highways.

27 ///

1 57.

2 These conditions, including flames, smoke, embers, ash, odors, gases, and airborne particles, interfered
3 with Plaintiffs' right to quiet enjoyment of their properties in a way unique to each Plaintiff.

4 58.

5 These conditions also affected a substantial number of people at the same time.

6 59.

7 At no time did Plaintiffs consent to Defendants' actions and inactions in creating these conditions.

8 60.

9 An ordinary person would be reasonably annoyed and disturbed by Defendants' actions and inactions
10 in creating these conditions.

11 61.

12 Defendants realized or should have realized that the objectionable condition posed an unreasonable risk
13 of fire that could spread and cause harm to Plaintiffs' persons, interests, and property.

14 62.

15 Defendants could have fully eliminated the risk of fire, at little or no cost, by deenergizing their
16 powerlines during extremely dangerous conditions, and their failure to do so was negligent, reckless,
17 abnormally dangerous, and/or intentional.

18 63.

19 Defendants' actions and inactions in creating these conditions were a substantial factor in causing
20 Plaintiffs to suffer foreseeable harm to their persons, interests, and property. Such harms were unique to
21 each plaintiff and different from damages suffered by other plaintiffs.

22 64.

23 Oregon law (ORS 477.064) declares that any fire on any forestland in Oregon burning uncontrolled or
24 without proper action being taken to prevent its spread, notwithstanding its origin, is a public nuisance
25 by reason of its menace to life, forest resources or property. Oregon law also states that the spread of fire
26 in forestland across an ownership boundary is prima facie evidence of fire burning uncontrolled.

1 65.

2 The Holiday Farm Fire burned out of control on forestland and across one or more ownership
3 boundaries. Defendants did not take proper action to prevent the Holiday Farm Fire's spread.

4 66.

5 Defendants' negligence, recklessness, intentional, and/or abnormally dangerous behavior substantially
6 and unreasonably interfered with Plaintiffs' use and enjoyment of their real and personal property, and
7 was a substantial factor in causing Plaintiffs to suffer foreseeable harm to their persons, interests, and
8 property.

9 67.

10 Plaintiffs suffered a special injury distinct from the general public because the Holiday Farm Fire
11 injured them personally, and damaged and destroyed their real and personal property.

12 68.

13 Whatever social utility Defendants' behavior may provide is outweighed by the harm their operations
14 have imposed on Plaintiffs.

15 69.

16 Plaintiffs each seek damages on an individual basis as specified in paragraphs 97-296 below. Plaintiffs
17 also seek damages equal to twice the amount of their property and economic damages to the extent
18 allowed under ORS 477.089(2)(b). Plaintiffs do NOT seek any noneconomic damages based on the
19 property damage Defendants caused.

20 **FOURTH CLAIM FOR RELIEF**

21 **Inverse Condemnation Under Article I Section 18 of the Oregon Constitution**
22 **(Against EWEB)**

23 70.

24 Paragraphs 1-37, 47-51, and 54-68 are incorporated into this claim for relief.

25 71.

26 On September 7, 2020, Plaintiffs were the owners of, or otherwise held an interest in, property in Lane
27 County.

1 72.

2 EWEB has the power of condemnation pursuant to ORS Chapter 35 and the Oregon Constitution.

3 EWEB exercised this power prior to and on September 7, 2020, when it installed, operated, controlled,
4 used, and/or maintained its electric utility infrastructure, in and around the location of the Holiday Farm
5 Fire, for the purpose of providing electrical services to large swaths of the public.

6 73.

7 EWEB's electric utility infrastructure is a public improvement for the supplying of electricity to the
8 public for public use.

9 74.

10 EWEB exercised control and dominion over its electric utility infrastructure.

11 75.

12 On September 7, 2020, EWEB intentionally decided not to deenergize its powerlines in advance of the
13 arrival of the high winds about which the National Weather Service had repeatedly warned. After the
14 winds arrived, EWEB again intentionally decided not to deenergize its powerlines, even though it was
15 receiving multiple reports of downed powerlines throughout Lane County. And after EWEB learned that
16 the specific powerline that eventually ignited the Holiday Farm Fire had been downed, it still refused to
17 deenergize its powerlines.

18 76.

19 Each time EWEB refused to deenergize its powerlines on September 7, 2020, its purpose in doing so
20 was to serve the public by enabling the public to continue to have electricity.

21 77.

22 The inherent danger in EWEB's repeated decisions not to deenergize its powerlines materialized when
23 one of its downed powerlines ignited the Holiday Farm Fire, causing a trespass of Plaintiffs' properties.

24 78.

25 The Holiday Farm Fire was the predictable, natural, ordinary and inevitable result of EWEB's
26 intentional actions and inactions. EWEB's repeated decisions on September 7, 2020, not to deenergize
27 its powerlines in the Holiday Farm area, given all of the other circumstances that existed, and about
28

1 which EWEB had knowledge, made it substantially certain that a wildfire would ignite in the Holiday
2 Farm area. These circumstances about which EWEB had knowledge include: (a) its electric utility
3 infrastructure could pass electricity through exposed powerlines in vegetated areas; (b) it had failed to
4 maintain the proper tension in its powerlines, which prevents sagging that leads to fires igniting; (c) it
5 had failed to implement proper vegetation management programs to prevent trees from crashing into its
6 powerlines during high winds; (d) the National Weather Service had issued a Red Flag warning and
7 numerous other warnings; (d) numerous trees had fallen onto its powerlines on September 7, 2020
8 before the Holiday Farm Fire was ignited; (e) first responders would need confirmation that the
9 powerlines were deenergized before they could attempt to extinguish any fire that ignited; and (f) it had
10 intentionally decided to delay patrolling and inspecting its downed powerlines near the Holiday Farm
11 Fire ignition point until September 8, because, as one of its employees stated, there were “heavy winds
12 in the area and extreme fire danger” the evening of September 7 and EWEB wanted to wait until
13 conditions improved.

14 79.

15 The predictable and inevitable consequence of EWEB’s repeated deliberate decisions to not deenergize
16 its powerlines on September 7, 2020, was a trespass and a nuisance that damaged a property interest
17 protected by Article I, § 18 of the Oregon Constitution and deprived or substantially interfered with
18 Plaintiffs’ use and enjoyment of their properties.

19 80.

20 EWEB’s trespass and nuisance that affected Plaintiffs’ specific properties was a necessary, substantially
21 certain, and/or inevitable consequence of EWEB’s repeated deliberate decisions to not deenergize its
22 powerlines on September 7, 2020, so that it could continue to provide electricity to the public. In other
23 words, when EWEB refused to deenergize its powerlines, it did so knowing not only that it was
24 substantially likely that a fire would be ignited, but also knowing that it was substantially likely that the
25 fire would become a wildfire that would spread to Plaintiffs’ specific properties. This is because
26 wildfires move in a direction and at a speed that is predictable and inevitable given known wind
27 patterns, heat, and humidity at the time of ignition. The weather conditions that arose prior to, and on,

September 7, 2020, were forecasted, and involved fully understood weather phenomena such as wind patterns that regularly blow in certain directions and with certain intensities during late summer heat. Computer algorithms permit utility companies to have substantial advance notice of weather patterns and the predictable outcome of a resulting fire. Responsible electric utilities use computer modeling and analysis on a regular basis as part of their deenergization programs to predict how a weather pattern will evolve and how a fire would be spread amidst such winds, heat, and lack of humidity. Given these circumstances, and the specific locations of Plaintiffs' properties in Lane County, once the Holiday Farm Fire was ignited, the inevitable result in the ordinary course of events was a trespass that invaded Plaintiffs' properties and a nuisance that substantially interfered with Plaintiffs' use and enjoyment of their properties.

81.

Plaintiffs could not have taken any preventive steps to alleviate the risk of the Holiday Farm Fire. EWEB has special knowledge and expertise above that of a layperson which is required to safely use and maintain its electric utility infrastructure.

82.

Plaintiffs have not been adequately compensated, if at all, for this taking.

83.

Plaintiffs seek just compensation for this taking, including damages on an individual basis as set forth in paragraphs 97-296 below. They also seek their reasonable attorney fees and costs pursuant to ORS 20.085.

FIFTH CLAIM FOR RELIEF

Inverse Condemnation Under Article XI Section 4 of the Oregon Constitution (Against All Defendants)

84.

Paragraphs 1-37, 47-51, and 54-68 are incorporated into this claim for relief.

85.

Defendants have the power of condemnation pursuant to ORS Chapter 35 and the Oregon Constitution.

1 Defendants exercised this power prior to and on September 7, 2020, when they installed, operated,
2 controlled, used, and/or maintained their electric utility infrastructure, in and around the location of the
3 Holiday Farm Fire, for the purpose of providing electrical services to large swaths of the public.

4 86.

5 Defendants' electric utility infrastructures are public improvements for the supplying of electricity to the
6 public for public use.

7 87.

8 Defendants exercised control and dominion over their electric utility infrastructures.

9 88.

10 On September 7, 2020, Defendants intentionally decided not to deenergize their powerlines in advance
11 of the arrival of the high winds about which the National Weather Service had repeatedly warned. After
12 the winds arrived, Defendants again intentionally decided not to deenergize their powerlines, even
13 though they were receiving multiple reports of downed powerlines throughout Lane County. And after
14 Defendants learned that the specific powerline that eventually ignited the Holiday Farm Fire had been
15 downed, they still refused to deenergize their powerlines.

16 89.

17 Each time Defendants refused to deenergize their powerlines on September 7, 2020, their purpose in
18 doing so was to serve the public by enabling the public to continue to have electricity.

19 90.

20 The inherent danger in Defendants' repeated decisions not to deenergize their powerlines materialized
21 when their powerlines ignited the Holiday Farm Fire, causing a trespass of Plaintiffs' properties and
22 creating a nuisance.

23 91.

24 The Holiday Farm Fire was the predictable, natural, ordinary and inevitable result of Defendants'
25 intentional actions and inactions. Defendants' repeated decisions on September 7, 2020, not to
26 deenergize their powerlines in the Holiday Farm area, given all of the other circumstances that existed,
27
28

1 and about which Defendants had knowledge, made it substantially certain that a wildfire would ignite
2 in the Holiday Farm area.

3 92.

4 The predictable and inevitable consequence of Defendants' repeated deliberate decisions to not
5 deenergize their powerlines on September 7, 2020, was a trespass and a nuisance that damaged
6 Plaintiffs' property interests under Article XI, § 4 of the Oregon Constitution and deprived or
7 substantially interfered with Plaintiffs' use and enjoyment of their properties.

8 93.

9 Defendants' trespass of Plaintiffs' specific properties and unlawful interference with Plaintiffs' use and
10 enjoyment of their land was a necessary, substantially certain, and/or inevitable consequence of
11 Defendants' repeated deliberate decisions to not deenergize their powerlines on September 7, 2020, so
12 that they could continue to provide electricity to the public. Wildfires move in a direction and at a speed
13 that is predictable and inevitable given known wind patterns, heat, and humidity at the time of ignition.
14 The weather conditions that arose prior to, and on, September 7, 2020, were forecasted, and involved
15 fully understood weather phenomena such as wind patterns that regularly blow in certain directions and
16 with certain intensities during late summer heat. Computer algorithms permit utility companies to have
17 substantial advance notice of weather patterns and the predictable outcome of a resulting fire.
18 Responsible electric utilities use computer modeling and analysis on a regular basis as part of their
19 deenergization programs to predict how a weather pattern will evolve and how a fire would be spread
20 amidst such winds, heat, and lack of humidity. Given these circumstances, and the specific locations of
21 Plaintiffs' properties in Lane County, once the Holiday Farm Fire was ignited, the inevitable result in the
22 ordinary course of events was the invasion of Plaintiffs' properties and the interference with Plaintiffs'
23 use and enjoyment of those properties.

24 94.

25 Plaintiffs could not have taken any preventive steps to alleviate the risk of the Holiday Farm Fire.
26 Defendants have special knowledge and expertise above that of a layperson which is required to safely
27 use and maintain their electric utility infrastructures.

1 95.

2 Plaintiffs have not been adequately compensated, if at all, for this taking.

3 96.

4 Plaintiffs seek just compensation for this taking, including damages on an individual basis as set forth in
5 paragraphs 97-296 below. They also seek their reasonable attorney fees and costs pursuant to ORS
6 20.085.

7 **DAMAGES**

8 97.

9 **Jody Anderson and Winona Anderson**

10 Plaintiffs Jody Anderson and Winona Anderson rented and maintained real and personal property that
11 was damaged and/or destroyed by the Holiday Farm Fire including an RV, common household items,
12 and food. They have been denied use of their property, have incurred costs to inspect, clean, repair,
13 replant and/or restore it to its original condition, and were required to expend notable uncompensated
14 time on recovery efforts.

15 98.

16 The Andersons suffered personal injuries due to the Holiday Farm Fire, including fear for their lives and
17 personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with
18 normal and usual activities, and ongoing interference with the use and enjoyment of their property. Their
19 economic losses are currently estimated to total \$100,000, and their noneconomic losses are currently
20 estimated to be \$1,200,000 each.

21 99.

22 **Giamo Anzalone**

23 Plaintiff Giamo Anzalone rented and maintained real and personal property that was damaged and/or
24 destroyed by the Holiday Farm Fire including an apartment, a vehicle, and common household items.
25 He has been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or
26 restore it to its original condition, and was required to expend notable uncompensated time on recovery
27 efforts.

100.

Mr. Anzalone suffered personal income loss due to the Holiday Farm Fire. He also suffered personal injuries including a persistent cough, shortness of breath, fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of his property. Mr. Anzalone's economic losses are currently estimated to total \$100,000 and his noneconomic losses are currently estimated to be \$700,000.

101.

Adam Barrett

Plaintiff Adam Barrett owned and maintained property that was damaged and/or destroyed by the Holiday Farm Fire, including two motor homes. He also lost his cat in the fire because he was not able to evacuate it in time. Mr. Barrett has been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to expend notable uncompensated time on recovery efforts. In addition, the market value of his real property has been significantly reduced.

102.

Mr. Barrett suffered personal income loss due to the Holiday Farm Fire. He also suffered personal injuries including fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of his property. His economic losses are currently estimated to total \$2,000,000, and his noneconomic losses are currently estimated to be \$2,500,000.

103.

Gary L. Billick

Plaintiff Gary Billick rented real property, and owned and maintained personal property that was damaged and/or destroyed by the Holiday Farm Fire. He has been denied use of his property, has incurred costs to inspect, clean, repair, replant and/or restore it to its original condition, and was required to expend notable uncompensated time on recovery efforts.

104.

Mr. Billick suffered personal income loss of approximately four months due to the Holiday Farm Fire. He also suffered personal injuries including mental suffering, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of his property. His economic losses are currently estimated to total \$400,000, and his noneconomic losses are currently estimated to be \$550,000.

105.

Julie Birkholz and Kurt Schrum

Plaintiffs Julie Birkholz and Kurt Schrum rented and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire including a mobile home, a shed, vehicles, and common household items. They have been denied use of their property, have incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and were required to expend notable uncompensated time on recovery efforts. They also lost an aquarium full of fish who perished in the fire because they could not be evacuated in time.

106.

Mr. Schrum suffered personal income loss of approximately two weeks due to the Holiday Farm Fire. He also suffered personal injuries including an injury to his back, shortness of breath, fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of his property. Ms. Birkholz suffered from shortness of breath, fear for her life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of her property. Their economic losses are currently estimated to total \$100,000 and their noneconomic losses are currently estimated to be \$1,200,000 each.

107.

Charles Boechler

Plaintiff Charles Boechler owned and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire, including a shed, gates, fencing, miscellaneous personal property,

1 and a significant number of trees, vegetation, landscaping, and other beneficial foliage. He has been
2 denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its
3 original condition, and was required to expend notable uncompensated time on recovery efforts. In
4 addition, the market value of his real property, which has since been sold, was significantly reduced. Mr.
5 Boechler's economic losses are currently estimated to total \$500,000.

6 108.

7 **Kirk Bolton and Yevonna Lokey**

8 Plaintiffs Kirk Bolton and Yevonna Lokey rented and maintained real and personal property that was
9 damaged and/or destroyed by the Holiday Farm Fire including a manufactured home, outdoor
10 equipment, and common household items. They have been denied use of their property, have incurred
11 costs to inspect, inspect, clean, repair, replant and/or restore it to its original condition, and were
12 required to expend notable uncompensated time on recovery efforts.

13 109.

14 Mr. Bolton and Ms. Lokey suffered personal injuries due to the Holiday Farm Fire, including shortness
15 of breath, fear for their lives and personal safety, mental suffering, emotional distress, stress, anxiety,
16 inconvenience, interference with normal and usual activities, and ongoing interference with the use and
17 enjoyment of their property. Mr. Bolton and Ms. Lokey's economic losses are currently estimated to
18 total \$750,000 and their noneconomic losses are currently estimated to be \$1,600,000 each.

19 110.

20 **Seth Bradford and Cest'la Moritz**

21 Plaintiffs Seth Bradford and Cest'la Moritz rented and maintained real and personal property that was
22 damaged and/or destroyed by the Holiday Farm Fire, including a multi-family home, other structures,
23 tools, generators, crops, a significant amount of vegetation, and common household items. They also
24 lost their cat Pogo, who perished in the fire. They have been denied use of their property, have incurred
25 costs to inspect, clean, repair, replant and/or restore it to its original condition, and were required to
26 expend notable uncompensated time on recovery efforts. In addition, the market value of their real
27 property has been significantly reduced.

111.

Mr. Bradford and Ms. Moritz suffered business and/or personal income loss due to the Holiday Farm Fire. They also suffered personal injuries, including a persistent cough from smoke inhalation, fear for their lives and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of their property. Their economic damages are currently estimated to total \$500,000, and their noneconomic damages are currently estimated to be \$2,100,000 each.

112.

Daniel Breden

Plaintiff Daniel Breden rented and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire including a multi-family home and common household items. He has been denied use of his property, has incurred costs to inspect, clean, repair, replant and/or restore it to its original condition and was required to expend notable uncompensated time on recovery efforts.

113.

Mr. Breden suffered personal injuries due to the Holiday Farm Fire, including respiratory issues, fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of his property. His economic damages are currently estimated to total \$100,000 and his noneconomic damages are currently estimated to be \$1,100,000.

114.

Frank Browning

Plaintiff Frank Browning rented and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire including a residence, a personal garden, and landscaping. He has been denied use of his property, has incurred costs to inspect, clean, repair, replant and/or restore it to its original condition, and was required to expend notable uncompensated time on recovery efforts.

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1 115.

2 Mr. Browning suffered personal income loss of approximately three weeks due to the Holiday Farm
3 Fire. He also suffered personal injuries including severe smoke inhalation, the exacerbation of a
4 preexisting condition, fear for his life and personal safety, mental suffering, emotional distress, stress,
5 anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the
6 use and enjoyment of his property. His economic losses are currently estimated to total \$600,000, and
7 his noneconomic losses are currently estimated to be \$6,200,000.

8 116.

9 **Debra Canterbury and Richard Canterbury**

10 Plaintiffs Debra and Richard Canterbury rented and maintained real and personal property that was
11 damaged and/or destroyed by the Holiday Farm Fire including a residence, a shed, and a 4-wheeler.
12 They have been denied the use of their property, have incurred costs to inspect, clean, repair, replant
13 and/or restore it to its original condition, and were required to expend notable uncompensated time on
14 recovery efforts.

15 117.

16 The Canterberrys suffered personal income loss of approximately two weeks due to the Holiday Farm
17 Fire. They also suffered personal injuries including smoke inhalation, fear for their lives and personal
18 safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and
19 usual activities, and ongoing interference with the use and enjoyment of their property. Their economic
20 losses are currently estimated to total \$100,000, and their noneconomic losses are currently estimated to
21 be \$1,700,000 each.

22 118.

23 **Brian Cassidy**

24 Plaintiff Brian Cassidy rented and maintained real and personal property that was damaged and/or
25 destroyed by the Holiday Farm Fire, including an RV, clothing, a guitar, electronic devices, and
26 household items. He has been denied use of his property, has incurred costs inspect, clean, repair,
27
28

1 replant and/or restore it to its original condition, and was required to expend notable uncompensated
2 time on recovery efforts.

3 119.

4 Mr. Cassidy suffered personal injuries because of the Holiday Farm Fire, including permanent lung
5 damage, the exacerbation of a preexisting condition, fear for his life and personal safety, mental
6 suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual
7 activities, and ongoing interference with the use and enjoyment of his property. His economic losses are
8 currently estimated to total \$1,300,000, and his non-economic losses are currently estimated to be
9 \$7,100,000.

10 120.

11 **Michael and Stephanie Carsner**

12 Plaintiffs Michael and Stephanie Carsner owned and maintained real and personal property that was
13 damaged and/or destroyed by the Holiday Farm Fire including a residence and 500 Christmas trees.
14 They have been denied use of their property, have incurred costs to inspect, clean, repair, replant, and/or
15 restore it to its original condition, and were required to expend notable uncompensated time on recovery
16 efforts. In addition, the market value of their real property has been significantly reduced.

17 121.

18 The Carsners suffered personal income loss due to the Holiday Farm Fire. They also suffered personal
19 injuries including mental suffering, stress, anxiety, inconvenience, interference with normal and usual
20 activities, and ongoing interference with the use and enjoyment of their property. Their economic losses
21 are currently estimated to total \$1,000,000, and their noneconomic losses are currently estimated to be
22 \$2,000,000 each.

23 122.

24 **Linda Chmiel**

25 Plaintiff Linda Chmiel owned and maintained real and personal property that was damaged and/or
26 destroyed by the Holiday Farm Fire, including a residence, greenhouses, sheds, a gazebo, other
27 structures, and a significant number of trees, vegetation, orchards, landscaping, and other beneficial
28

1 foliage. She has been denied use of her property, has incurred costs to inspect, clean, repair, replant,
2 and/or restore it to its original condition, and was required to expend notable uncompensated time on
3 recovery efforts. In addition, the market value of her real property has been significantly reduced.

4 123.

5 Ms. Chmiel suffered income loss of approximately thirteen months due to the Holiday Farm Fire. She
6 also suffered personal injuries including cuts, bruises, a hurt elbow, fear for her life and personal safety,
7 mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual
8 activities, and ongoing interference with the use and enjoyment of her property. Her economic losses are
9 currently estimated to total \$2,000,000, and her noneconomic losses are currently estimated to be
10 \$2,000,000.

11 124.

12 **Shandi and Chauncey Christianson**

13 Plaintiffs Shandi and Chauncey Christianson rented and maintained real and personal property that was
14 damaged and/or destroyed by the Holiday Farm Fire, including a single-family home, a boat, and
15 common household items. The Christiansons have been denied use of their property, have incurred costs
16 to inspect, clean, repair, replant, and/or restore it to its original condition, and were required to expend
17 notable uncompensated time on recovery efforts. In addition, their dog Charlie suffered injuries that
18 required surgery.

19 125.

20 The Christiansons suffered personal income loss of approximately three weeks due to the Holiday Farm
21 Fire. They also suffered personal injuries including fear for their lives and personal safety, mental
22 suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual
23 activities, and ongoing interference with the use and enjoyment of their property. In addition, Mr.
24 Christianson suffered a persistent cough, shortness of breath, and a back injury from the evacuation, and
25 Ms. Christianson suffered a persistent cough, shortness of breath, and burns. The Christiansons'
26 economic losses are currently estimated to total \$750,000 and their noneconomic losses are currently
27 estimated to be \$2,100,000 each.

126.

James and Beverly Conachen

Plaintiffs James and Beverly Conachen rented and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire including a single-family home, vehicles, and common household items. They have been denied use of their property, have incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and were required to expend notable uncompensated time on recovery efforts.

127.

Mr. Conachen suffered personal income loss due to the Holiday Farm Fire. Mr. and Ms. Conachen suffered personal injuries including fear for their lives and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of their property. In addition, Mr. Conachen suffered from respiratory issues. The Conachens' economic losses are currently estimated to total \$600,000 and their noneconomic losses are currently estimated to be \$1,100,000 each.

128.

Sheri, Cody, and Jack Cooper

Plaintiffs Sheri and Jack Cooper owned and maintained real property that was damaged/or destroyed by the Holiday Farm Fire, including a single-family home where they and their son Cody lived. The Coopers also owned and maintained personal property that was damaged/or destroyed by the Holiday Farm Fire including furniture, clothing, and common household items. The Coopers have been denied use of their property, incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and were required to expend notable uncompensated time on recovery efforts. In addition, the market value of their real property has been significantly reduced.

129.

Ms. Cooper suffered personal income loss of approximately two weeks due to the Holiday Farm Fire. The Coopers suffered personal injuries including mental suffering, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of

1 their property. The Coopers economic losses are currently estimated to total \$200,000. Jack and Sherri
2 Cooper's noneconomic losses are currently estimated to be \$900,000 each, and their son Cody's
3 noneconomic losses are currently estimated to be \$700,000.

4 130.

5 **Katherine Corban and Thomas Malcolm Gilbert**

6 Plaintiffs Katherine Corban and Thomas Malcolm Gilbert owned and maintained real and personal
7 property that was damaged and/or destroyed by the Holiday Farm Fire including a single-family home,
8 clothing, furniture, a vehicle, a 600 square-foot wood shop, a garden, and landscaping. They have been
9 denied use of their property, have incurred costs to inspect, clean, repair, replant, and/or restore it to its
10 original condition, and were required to expend notable uncompensated time on recovery efforts. In
11 addition, the market value of their real property has been significantly reduced.

12 131.

13 Ms. Corban and Mr. Gilbert suffered personal injuries due to the Holiday Farm Fire, including
14 headaches, dizziness, irritated throat, irritated eyes, coughing, difficulty breathing, fear for their lives
15 and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference
16 with normal and usual activities, and ongoing interference with the use and enjoyment of their property.
17 Their economic losses are currently estimated to total \$200,000, and their noneconomic losses are
18 currently estimated to be \$1,200,000 each.

19 132.

20 **James Allan Curtis, Moira Ruth Curtis, and Stewart Gavin Curtis**

21 Plaintiff James Allan Curtis owned and maintained real property that was damaged by the Holiday Farm
22 Fire including a single-family home. Plaintiffs James Allan Curtis, Moira Ruth Curtis, and Stewart
23 Gavin Curtis owned and maintained personal property that was damaged by the fire. They have been
24 denied use of their property, have incurred costs to inspect, clean, repair, replant, and/or restore it to its
25 original condition, and were required to expend notable uncompensated time on recovery efforts. In
26 addition, the market value of Mr. Curtis' real property has been significantly reduced.

27 ///

1 133.

2 James Allan Curtis suffered personal income loss of approximately four weeks due to the Holiday Farm
3 Fire. He, Ms. Curtis, and Stewart Curtis also suffered personal injuries including fear for their lives and
4 personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with
5 normal and usual activities, and ongoing interference with the use and enjoyment of their property. Their
6 economic losses are currently estimated to total \$200,000, and their non-economic losses are currently
7 estimated to be \$1,700,000 each.

8 134.

9 **Norman Dawdy and Jennifer Rosini**

10 Plaintiffs Norman Dawdy and Jennifer Rosini rented and maintained personal property that was
11 destroyed by the Holiday Farm Fire, including an RV and miscellaneous personal items. They have been
12 denied use of their property, have incurred costs to inspect, clean, repair, replant, and/or restore it to its
13 original condition, and were required to expend notable uncompensated time on recovery efforts.

14 135.

15 Mr. Dawdy and Ms. Rosini suffered personal income loss due to the Holiday Farm Fire. Mr. Dawdy also
16 suffered personal injuries including smoke inhalation, difficulty breathing, hard coughing, sore throat,
17 skin and eye irritations, fear for his life and personal safety, mental suffering, emotional distress, stress,
18 anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the
19 use and enjoyment of his property. Ms. Rosini suffered personal injuries including permanent lung
20 damage, the exacerbation of a preexisting condition, fear for her life and personal safety, mental
21 suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual
22 activities, and ongoing interference with the use and enjoyment of her property. Their economic losses
23 are currently estimated to total \$900,000, and their non-economic losses are currently estimated to be
24 \$6,200,000 each.

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27 ///

1 136.

2 **Gary Dye and Cassie Pendergast**

3 Plaintiffs Gary Dye and Cassie Pendergast rented and maintained real and personal property that was
4 damaged and/or destroyed by the Holiday Farm Fire including a residence, vehicles, tools, common
5 household items, and pets. Some of their personal property was stolen by looters after the fire. They
6 have been denied use of their property, have incurred costs to inspect, clean, repair, replant, and/or
7 restore it to its original condition and were required to expend notable uncompensated time on recovery
8 efforts. They lost five fish who perished in the fire, and their three dogs and six cats suffer from
9 lingering issues that require ongoing expensive veterinary care.

10 137.

11 Mr. Dye and Ms. Pendergast suffered personal income loss due to the Holiday Farm Fire. They also
12 suffered personal injuries including fear for their lives and personal safety, mental suffering, emotional
13 distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing
14 interference with the use and enjoyment of their property. Their economic losses are currently estimated
15 to total \$750,000 and their noneconomic losses are currently estimated to be \$1,600,000 each.

16 138.

17 **Michael English**

18 Plaintiff Michael English rented and maintained real and personal property that was damaged by the
19 Holiday Farm Fire including a single-family home and three vehicles. He has been denied use of his
20 property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition,
21 and was required to expend notable uncompensated time on recovery efforts.

22 139.

23 Mr. English suffered personal income loss due to the Holiday Farm Fire. He also suffered personal
24 injuries including irritated eyes, smoke inhalation that caused difficulty breathing, fear for his life and
25 personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with
26 normal and usual activities, and ongoing interference with the use and enjoyment of his property. His
27
28

1 economic losses are currently estimated to total \$100,000, and his noneconomic losses are currently
2 estimated to be \$1,200,000.

3 140.

4 **Travis Eveland and Andrea Mullins**

5 Plaintiffs Travis Eveland and Andrea Mullins owned and maintained real and personal property that was
6 damaged and/or destroyed by the Holiday Farm Fire, including a single-family home, a shed, a well, a
7 septic system, cedarwood fencing, landscaping, a Samsung TV, a 16-foot boat, and \$400 worth of
8 groceries. They have been denied use of their property, have incurred costs to inspect, clean, repair,
9 replant, and/or restore it to its original condition, and were required to expend notable uncompensated
10 time on recovery efforts. In addition, their dog Zayn tore his ACL during the evacuation, and the market
11 value of their real property has been significantly reduced.

12 141.

13 Mr. Eveland suffered personal income loss of approximately ten days due to the Holiday Farm Fire. He
14 and Ms. Mullins also suffered personal injuries including fear for their lives and personal safety, mental
15 suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual
16 activities, and ongoing interference with the use and enjoyment of their property. Their economic losses
17 are currently estimated to total \$200,000, and their noneconomic losses are currently estimated to be
18 \$900,000 each.

19 142.

20 **Tommy Fergason**

21 Plaintiff Tommy Fergason rented and maintained real and personal property that was damaged and/or
22 destroyed by the Holiday Farm Fire including a mobile home, a trailer, a boat, a vehicle, and common
23 household items. He has been denied use of his property, has incurred costs to inspect, clean, repair,
24 replant, and/or restore it to its original condition, and was required to expend notable uncompensated
25 time on recovery efforts.

26 ///

27 ///

1 143.

2 Mr. Ferguson suffered personal income loss due to the Holiday Farm Fire. He also suffered personal
3 injuries including fear for his life and personal safety, mental suffering, emotional distress, stress,
4 anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the
5 use and enjoyment of his property. His economic losses are currently estimated to total \$800,000 and his
6 noneconomic losses are currently estimated to be \$1,600,000.

7 144.

8 **Sherri France and Calvin Mott**

9 Plaintiffs Sherri France and Calvin Mott owned and maintained real and personal property that was
10 damaged and/or destroyed by the Holiday Farm Fire including a single-family home, clothing, and a
11 fifth-wheel camper. They have been denied use of their property, have incurred costs to inspect, clean,
12 repair, replant, and/or restore it to its original condition, and were required to expend notable
13 uncompensated time on recovery efforts. In addition, the market value of their real property has been
14 significantly reduced.

15 145.

16 Ms. France suffered personal income loss due to the Holiday Farm Fire. Ms. France and Mr. Mott also
17 suffered personal injuries including fear for their lives and personal safety, mental suffering, emotional
18 distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing
19 interference with the use and enjoyment of their property. Their economic losses are currently estimated
20 to total \$200,000, and their noneconomic losses are currently estimated to be \$1,900,000 each.

21 146.

22 **Mark Dewane Frederick and Vivian Civish Frederick**

23 Plaintiffs Mark Dewane Frederick and Vivian Civish Frederick owned and maintained real and personal
24 property that was damaged and/or destroyed by the Holiday Farm Fire including a single-family home,
25 furniture, curtains, clothing, picture frames, air filters, and landscaping. They have been denied use of
26 their property, have incurred costs to inspect, clean, repair, replant, and/or restore it to its original
27
28

1 condition, and were required to expend notable uncompensated time on recovery efforts. In addition, the
2 market value of their real property has been significantly reduced.

3 147.

4 The Fredericks suffered personal income loss of approximately two weeks due to the Holiday Farm Fire.
5 They also suffered personal injuries, including difficulty breathing, fear for their lives and personal
6 safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and
7 usual activities, and ongoing interference with the use and enjoyment of their property. Their economic
8 losses are currently estimated to total \$200,000, and their noneconomic losses are currently estimated to
9 be \$700,000 each.

10 148.

11 **Daniel Garr and Jamie Garr**

12 Plaintiffs Daniel and Jaime Garr rented and maintained real and personal property that was destroyed
13 and/or damaged by the Holiday Farm Fire including a single-family home, a shed, tools, and common
14 household items. They have been denied use of their property, have incurred costs to inspect, clean,
15 repair, replant, and/or restore it to its original condition, and were required to expend notable
16 uncompensated time on recovery efforts.

17 149.

18 The Garrs suffered personal income loss due to the Holiday Farm Fire. They also suffered personal
19 injuries, including fear for their lives and personal safety, mental suffering, emotional distress, stress,
20 anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the
21 use and enjoyment of their property. Their economic losses are currently estimated to total \$100,000,
22 and their noneconomic losses are currently estimated to be \$1,700,000 each.

23 150.

24 **Ila Garr, Billy Garr, Dylan Garr, and Hailee Smith**

25 Plaintiffs Ila and Billy Garr owned and maintained real property that was damaged and/or destroyed by
26 the Holiday Farm Fire including a single-family home, a barn, structures, a significant number of trees,
27 vegetation, crops, and landscaping. Mr. and Ms. Garr resided at the subject property with Dylan and
28

1 Hailee. All four of them owned and maintained personal property that was damaged and/or destroyed by
2 the fire including a boat, tools, and common household items. They have been denied use of their
3 property, have incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition,
4 and were required to expend notable uncompensated time on recovery efforts. In addition, the market
5 value of Mr. and Ms. Garr's real property has been significantly reduced.

6 151.

7 The Garrs and Ms. Smith suffered personal injuries due to the Holiday Farm Fire, including fear for
8 their lives and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience,
9 interference with normal and usual activities, and ongoing interference with the use and enjoyment of
10 their property. Their economic losses are currently estimated to total \$1,000,000. Mr. Garr's
11 noneconomic losses are currently estimated to be \$1,900,000. The noneconomic losses for Ms. Garr,
12 Dylan and Hailee are currently estimated to be \$900,000 each.

13 152.

14 **The Estate of Joseph Alan Gerber**

15 Joseph Alan Gerber rented and maintained real and personal property that was damaged and/or
16 destroyed by the Holiday Farm Fire including a mobile home and common household items. Mr. Gerber,
17 and now his estate, have been denied use of his property, have incurred costs to inspect, clean, repair,
18 replant, and/or restore it to its original condition, and were required to expend notable uncompensated
19 time on recovery efforts. Mr. Gerber's Estate has suffered economic losses that are currently estimated
20 to total \$750,000.

21 153.

22 **Erik Giffen and Cortney Boone**

23 Plaintiffs Erik Giffen and Cortney Boone rented and maintained real and personal property that was
24 damaged and/or destroyed by the Holiday Farm Fire including an RV, a motorcycle, lumber, and yard
25 tools. They have been denied use of their property, have incurred costs to inspect, clean, repair, replant,
26 and/or restore it to its original condition, and were required to expend notable uncompensated time on
27 recovery efforts.

1 154.

2 Mr. Giffen suffered personal income loss due to the Holiday Farm Fire. He also suffered personal
3 injuries including respiratory irritation from smoke inhalation, which caused coughing and difficulty
4 breathing, fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety,
5 inconvenience, interference with normal and usual activities, and ongoing interference with the use and
6 enjoyment of his property. Ms. Boone suffered personal injuries including fear for her life and personal
7 safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and
8 usual activities, and ongoing interference with the use and enjoyment of her property. Their economic
9 losses are currently estimated to total \$800,000, and their noneconomic losses are currently estimated to
10 be \$2,100,000 each.

11 155.

12 **Elisha Goodrick and James Rethaford**

13 Plaintiffs Elisha Goodrick and James Rethaford rented and maintained real and personal property that
14 was damaged and/or destroyed by the Holiday Farm Fire including furniture and common household
15 items. They have been denied use of their property, have incurred costs to inspect, clean, repair, replant,
16 and/or restore it to its original condition, and were required to expend notable uncompensated time on
17 recovery efforts.

18 156.

19 Ms. Goodrick suffered personal injuries due to the Holiday Farm Fire, including headaches, irritated
20 eyes, fear for her life and personal safety, mental suffering, emotional distress, stress, anxiety,
21 inconvenience, interference with normal and usual activities, and ongoing interference with the use and
22 enjoyment of her property. Mr. Rethaford suffered personal injuries including difficulty breathing,
23 exacerbation of previous conditions and injuries, fear for his life and personal safety, mental suffering,
24 emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and
25 ongoing interference with the use and enjoyment of his property. Ms. Goodrick's and Mr. Rethaford's
26 economic losses are currently estimated to total \$100,000, and their noneconomic losses are currently
27 estimated to be \$1,700,000 each.

157.

Ryan Hagerman

Plaintiff Ryan Hagerman owned and maintained real and personal property that was damaged and stolen due to the Holiday Farm Fire, including a single-family home, tools, and equipment. He has been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to expend notable uncompensated time on recovery efforts. In addition, the market value of his real property has been significantly reduced.

158.

Mr. Hagerman suffered personal income loss of approximately four weeks due to the Holiday Farm Fire. He also suffered personal emotional injuries including fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of his property. His economic losses are currently estimated to total \$200,000, and his noneconomic losses are currently estimated to be \$1,900,000.

159.

James Hatcher

Plaintiff James Hatcher rented and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire including a mobile home and common household items. He has been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to expend notable uncompensated time on recovery efforts.

160.

Mr. Hatcher suffered personal injuries due to the Holiday Farm Fire, including fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of his property. His economic losses are currently estimated to total \$800,000, and his noneconomic losses are currently estimated to be \$2,100,000.

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1 161.

2 **Jeffrey King Henington**

3 Plaintiff Jeffrey King Henington rented and maintained real and personal property that was damaged
4 and/or destroyed by the Holiday Farm Fire including a mobile home and common household items. He
5 also lost his two cats who perished in the fire. He has been denied use of his property, has incurred costs
6 to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to expend
7 notable uncompensated time on recovery efforts.

8 162.

9 Mr. Henington suffered personal injuries due to the Holiday Farm Fire, including fear for his life and
10 personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with
11 normal and usual activities, and ongoing interference with the use and enjoyment of his property. His
12 economic losses are currently estimated to total \$750,000 and his noneconomic losses are currently
13 estimated to be \$2,100,000.

14 163.

15 **Lindsey Jenkins**

16 Plaintiff Lindsey Jenkins rented and maintained real and personal property that was damaged and/or by
17 the Holiday Farm Fire including an RV and home appliances. She has been denied use of her property,
18 has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was
19 required to expend notable uncompensated time on recovery efforts.

20 164.

21 Ms. Jenkins suffered personal income loss of approximately sixteen weeks due to the Holiday Farm
22 Fire. She also suffered personal injuries including difficulty breathing, fear for her life and personal
23 safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and
24 usual activities, and ongoing interference with the use and enjoyment of her property. Her economic
25 losses are currently estimated to total \$100,000, and her noneconomic losses are currently estimated to
26 be \$1,200,000.

27 ///

1 165.

2 **James Johnson**

3 Plaintiff James Johnson rented and maintained real and personal property that was damaged and/or
4 destroyed by the Holiday Farm Fire including a single-family home, a vehicle, and common household
5 items. He has been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or
6 restore it to its original condition, and was required to expend notable uncompensated time on recovery
7 efforts.

8 166.

9 Mr. Johnson suffered personal income loss due to the Holiday Farm Fire. He also suffered personal
10 injuries, including shortness of breath, fear for his life and personal safety, mental suffering, emotional
11 distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing
12 interference with the use and enjoyment of his property. His economic losses are currently estimated to
13 total \$100,000, and his noneconomic losses are currently estimated to be \$1,200,000.

14 167.

15 **Michael Kevin Jones**

16 Plaintiff Michael Kevin Jones rented and maintained real and personal property that was damaged
17 and/or destroyed by the Holiday Farm Fire including a mobile home, a motorcycle, and common
18 household items. He has been denied use of his property, has incurred costs to inspect, clean, repair,
19 replant, and/or restore it to its original condition, and was required to expend notable uncompensated
20 time on recovery efforts.

21 168.

22 Mr. Jones suffered personal income loss due to the Holiday Farm Fire. He also suffered personal injuries
23 including fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety,
24 inconvenience, interference with normal and usual activities, and ongoing interference with the use and
25 enjoyment of his property. His economic losses are currently estimated to total \$800,000 and his
26 noneconomic losses are currently estimated to be \$1,600,000.

27 ///

169.

Erik Journey

Plaintiff Erik Journey rented and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire, including a manufactured home, a garage/workshop, a woodshed, other structures, miscellaneous personal property, and a significant amount of vegetation, landscaping, and other beneficial foliage. He has been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to expend notable uncompensated time on recovery efforts.

170.

Mr. Journey suffered personal income loss of approximately one week due to the Holiday Farm Fire. He also suffered personal injuries including difficulty breathing, coughing, eye irritation, fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of his property. His economic losses are currently estimated to total \$800,000, and his non-economic losses are currently estimated to be \$1,600,000.

171.

Michelle Keasling, Pema Whitaker, and William Whitaker

Plaintiffs Michelle Keasling and William Whitaker rented and maintained real property that was damaged by the Holiday Farm Fire including a single-family home. Ms. Keasling, Mr. Whitaker, and Pema Whitaker owned and maintained personal property that was damaged by the Holiday Farm Fire including clothing, vehicles, a personal garden, and furniture. They have been denied use of their property, have incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and were required to expend notable uncompensated time on recovery efforts.

172.

Ms. Keasling, Mr. Whitaker, and Ms. Whitaker suffered personal injuries because of the Holiday Farm Fire, including throat, eye, and lung irritation, fear for their lives and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and

1 ongoing interference with the use and enjoyment of their property. Their economic losses are currently
2 estimated to total \$100,000, and their noneconomic losses are currently estimated to be \$1,700,00 each.

3 173.

4 **Matthew Keegan**

5 Plaintiff Matthew Keegan rented and maintained real and personal property that was damaged and/or
6 destroyed by the Holiday Farm Fire including his residence, trailers, a tool shed, equipment, chickens,
7 and other personal property. He has been denied use of his real and personal property, has incurred costs
8 to inspect, clean, repair, replant, and/or restore it, and was required to expend notable uncompensated
9 time on recovery efforts.

10 174.

11 Mr. Keegan suffered personal injuries due to the Holiday Farm Fire, including fear for his life and
12 personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with
13 normal and usual activities, and ongoing interference with the use and enjoyment of his property. His
14 economic losses are currently estimated to total \$750,000, and his non-economic losses are currently
15 estimated to be \$1,600,000

16 175.

17 **Olivia Kilpatrick**

18 Plaintiff Olivia Kilpatrick rented and maintained real and personal property that was damaged and/or
19 destroyed by the Holiday Farm Fire including an RV, household items, and clothing. She has been
20 denied use of her property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its
21 original condition, and was required to expend notable uncompensated time on recovery efforts.

22 176.

23 Ms. Kilpatrick suffered personal injuries because of the Holiday Farm Fire, including difficulty
24 breathing, fear for her life and personal safety, mental suffering, emotional distress, stress, anxiety,
25 inconvenience, interference with normal and usual activities, and ongoing interference with the use and
26 enjoyment of her property. Her economic losses are currently estimated to total \$100,000, and her
27 noneconomic losses are currently estimated to be \$1,700,000.

1 177.

2 **Terrance Kimble**

3 Plaintiff Terrance Kimble rented and maintained real and personal property that was damaged and/or
4 destroyed by the Holiday Farm Fire including a residence, furniture, windowsills, three vehicles,
5 electronics, couches, bedding, beds, clothing, and appliances. He has been denied use of his property,
6 has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was
7 required to expend notable uncompensated time on recovery efforts.

8 178.

9 Mr. Kimble suffered personal income loss due to the Holiday Farm Fire. He also suffered personal
10 injuries including breathing issues that required immediate medical attention, fear for his life and
11 personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with
12 normal and usual activities, and ongoing interference with the use and enjoyment of his property. His
13 economic losses are currently estimated to total \$600,000, and his noneconomic losses are currently
14 estimated to be \$6,200,000.

15 179.

16 **Robert Lafont**

17 Plaintiff Robert Lafont owned and maintained real and personal property that was damaged and/or
18 destroyed by the Holiday Farm Fire, including a residence, two sheds, tools, three vehicles, motorhome
19 electronics, clothing, furniture, a fifth wheel, and other household items. He has been denied use of his
20 property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition,
21 and was required to expend notable uncompensated time on recovery efforts. In addition, the market
22 value of his real property has been significantly reduced.

23 180.

24 Mr. Lafont suffered personal injuries due to the Holiday Farm Fire, including fear for his life and
25 personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with
26 normal and usual activities, and ongoing interference with the use and enjoyment of his property. His
27
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1 economic losses are currently estimated to total \$2,000,000, and his noneconomic losses are currently
2 estimated to be \$2,500,000.

3 181.

4 **Christina Dorene Ledford**

5 Plaintiff Christina Dorene Ledford rented and maintained real and personal property that was damaged
6 and/or destroyed by the Holiday Farm Fire, including a residence. She has been denied use of her
7 property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition,
8 and was required to expend notable uncompensated time on recovery efforts. She also owned a pet dog
9 who suffered from smoke inhalation.

10 182.

11 Ms. Ledford suffered personal injuries because of the Holiday Farm Fire, including coughing, asthma
12 exacerbated from smoke inhalation, fear for her life and personal safety, mental suffering, emotional
13 distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing
14 interference with the use and enjoyment of her property. Her economic losses are currently estimated to
15 total \$100,000, and her noneconomic losses are currently estimated to be \$600,000.

16 183.

17 **Allen Livingston and Elizabeth May Livingston**

18 Plaintiffs Elizabeth May and Allen Livingston rented and maintained real and personal property that was
19 damaged and/or destroyed by the Holiday Farm Fire, including a trailer, a generator, automobile parts, a
20 jeep, and other personal property. They have been denied use of their real and personal property, have
21 incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and were
22 required to expend notable uncompensated time on recovery efforts.

23 184.

24 The Livingstons suffered personal income loss due to the Holiday Farm Fire. Ms. Livingston also
25 suffered personal injuries including eye and skin irritation, coughing, a twisted ankle, difficulty
26 breathing due to smoke inhalation, fear for her life and personal safety, mental suffering, emotional
27 distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing

1 interference with the use and enjoyment of her property. Mr. Livingston also suffered personal injuries
2 including coughing, skin and eye irritation, headaches, smoke inhalation which has exacerbated a
3 preexisting condition, fear for his life and personal safety, mental suffering, emotional distress, stress,
4 anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the
5 use and enjoyment of his property. The Livingstons' economic losses are currently estimated to total
6 \$750,000. Ms. Livingston's noneconomic losses are currently estimated to be \$1,100,000, and Mr.
7 Livingston's noneconomic losses are currently estimated to be \$2,100,000.

8 185.

9 **Christopher Madden and Ellen Keas**

10 Plaintiffs Christopher Madden and Ellen Keas rented and maintained real and personal property that was
11 damaged and/or destroyed by the Holiday Farm Fire including a trailer, a vehicle, a shed, tools, and
12 memorabilia. They have been denied use of their property, have incurred costs to inspect, clean, repair,
13 replant, and/or restore it to its original condition, and were required to expend notable uncompensated
14 time on recovery efforts. They also owned two cats who were killed by the fire.

15 186.

16 Ms. Keas suffered personal income loss of approximately three months due to the Holiday Farm Fire.
17 She and Mr. Madden also suffered personal injuries including fear for their lives and personal safety,
18 mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual
19 activities, and ongoing interference with the use and enjoyment of their property. Their economic losses
20 are currently estimated to total \$600,000 and their noneconomic losses are currently estimated to be
21 \$2,100,000 each.

22 187.

23 **Jodey Marshall**

24 Plaintiff Jodey Marshall rented and maintained real and personal property that was damaged and/or
25 destroyed by the Holiday Farm Fire including a single-family home, equipment, a vehicle, and a
26 personal garden. She has been denied use of her property, has incurred costs to inspect, clean, repair,
27
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1 replant, and/or restore it to its original condition, and was required to expend notable uncompensated
2 time on recovery efforts.

3 188.

4 Ms. Marshall suffered personal injuries because of the Holiday Farm Fire, including irritated eyes, a
5 sinus infection, coughing, difficulty breathing, mental suffering, stress, anxiety, inconvenience,
6 interference with normal and usual activities, and ongoing interference with the use and enjoyment of
7 her property. Her economic losses are currently estimated to total \$100,000, and her noneconomic
8 losses are currently estimated to be \$100,000.

9 189.

10 **Pamila Massingham and Rand Massingham**

11 Plaintiffs Rand and Pamila Massingham rented and maintained real and personal property that was
12 damaged and/or destroyed by the Holiday Farm Fire including an RV, electronics, appliances, tools,
13 linens, clothing, accessories, furniture, cookware, pet supplies, holiday items, home décor, housewares,
14 and cherished possessions. They have been denied use of their property, have incurred costs to inspect,
15 clean, repair, replant, and/or restore it to its original condition, and were required to expend notable
16 uncompensated time on recovery efforts.

17 190.

18 Ms. Massingham suffered personal injuries due to the Holiday Farm Fire, including smoke inhalation,
19 fear for her life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience,
20 interference with normal and usual activities, and ongoing interference with the use and enjoyment of
21 her property. Mr. Massingham also suffered personal injuries due to the Holiday Farm Fire, including
22 fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience,
23 interference with normal and usual activities, and ongoing interference with the use and enjoyment of
24 his property. Their economic losses are currently estimated to total \$750,000, and their noneconomic
25 losses are currently estimated to be \$1,200,000 each.

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27 ///

191.

Deja Mataisz

Plaintiff Deja Mataisz owned and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire, including a house, a wellhouse, a barn, an RV carport, a shop, a greenhouse, other structures, personal property, and a significant amount of trees, vegetation, landscaping, crops, and other beneficial foliage. Mataisz has been denied use of real and personal property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to expend notable uncompensated time on recovery efforts. In addition, the market value of the real property has been significantly reduced.

192.

Mataisz suffered business and personal income loss due to the Holiday Farm Fire. Mataisz also suffered personal injuries including fear for life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of property. Mataisz's economic losses are currently estimated to total \$1,500,000, and the noneconomic losses are currently estimated to be \$1,400,000.

193.

David Mayberry

Plaintiff David Mayberry rented and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire, including a residence. He has been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to expend notable uncompensated time on recovery efforts.

194.

Mr. Mayberry suffered personal injuries due to the Holiday Farm Fire, including fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of his property. His economic losses are currently estimated to total \$100,000, and his noneconomic losses are currently estimated to be \$700,000.

195.

Creth Mayr, Francis Mercedes Mayr, and Gabriel Villa

Plaintiffs Creth and Francis Mercedes Mayr owned, rented, and maintained real property that was damaged and/or destroyed by the Holiday Farm Fire including a mobile home, where they lived with their son Gabriel, and a separate structure. The Mayrs and Gabriel owned and maintained personal property that was damaged/or destroyed by the Holiday Farm Fire including a boat, tools, pottery, and common household items. They have been denied use of their property, have incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and were required to expend notable uncompensated time on recovery efforts. They also lost their pet bird Mickey, who perished in the fire.

196.

Mr. Mayr suffered personal income loss of approximately one week due to the Holiday Farm Fire. The Mayrs and Gabriel also suffered personal injuries, including fear for their lives and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of their property. Their economic losses are currently estimated to total \$800,000 and their noneconomic losses are currently estimated to be \$2,100,000 each.

197.

Rebecca Lynn Mcclaskey and Royal Alexander Mcclaskey

Plaintiffs Rebecca Lynn and Royal Alexander Mcclaskey rented and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire including a single-family home, a personal garden, and vehicles. They have been denied use of their property, have incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and were required to expend notable uncompensated time on recovery efforts.

198.

Mr. Mcclaskey suffered personal income loss of approximately two weeks due to the Holiday Farm Fire. He and Ms. Mcclaskey also suffered personal injuries including shortness of breath, difficulty breathing, fear for their lives and personal safety, mental suffering, emotional distress, stress, anxiety,

1 inconvenience, interference with normal and usual activities, and ongoing interference with the use and
2 enjoyment of their property. Their economic losses are currently estimated to total \$100,000, and their
3 noneconomic losses are currently estimated to be \$600,000 each.

4 199.

5 **Wayne Allan McCormick**

6 Plaintiff Wayne Allan McCormick rented and maintained real and personal property that was damaged
7 and/or destroyed by the Holiday Farm Fire including a residence, furniture, clothing, and tools. He has
8 been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or restore it to
9 its original condition, and was required to expend notable uncompensated time on recovery efforts. He
10 also owned a pet dog, Mia, who was killed in the fire.

11 200.

12 Mr. McCormick suffered personal income loss due to the Holiday Farm Fire. He also suffered personal
13 injuries, including fear for his life and personal safety, mental suffering, emotional distress, stress,
14 anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the
15 use and enjoyment of his property. His economic losses are currently estimated to total \$750,000, and
16 his noneconomic losses are currently estimated to be \$2,100,000.

17 201.

18 **David Melbye**

19 Plaintiff David Melbye owned and maintained real and personal property that was damaged and/or
20 destroyed by the Holiday Farm Fire including a single-family home, gear, and equipment. He has been
21 denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its
22 original condition, and was required to expend notable uncompensated time on recovery efforts. In
23 addition, the market value of his real property has been significantly reduced.

24 202.

25 Mr. Melbye suffered personal injuries due to the Holiday Farm Fire, including coughing, smoke
26 inhalation, difficulty breathing, fear for his life and personal safety, mental suffering, emotional distress,
27 stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference
28

1 with the use and enjoyment of his property. His economic losses are currently estimated to total
2 \$200,000, and his noneconomic losses are currently estimated to be \$700,000.

3 203.

4 **Delmare Monical**

5 Plaintiff Delmare Monical rented and maintained real and personal property that was damaged and/or
6 destroyed by the Holiday Farm Fire including a mobile home, a vehicle, tools, and common household
7 items. He has been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or
8 restore it to its original condition, and was required to expend notable uncompensated time on recovery
9 efforts.

10 204.

11 Mr. Monical suffered personal income loss due to the Holiday Farm Fire. He also suffered personal
12 injuries, including shortness of breath, fear for his life and personal safety, mental suffering, emotional
13 distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing
14 interference with the use and enjoyment of his property. Mr. Monical's economic losses are currently
15 estimated to total \$750,000 and his noneconomic losses are currently estimated to be \$2,100,000.

16 205.

17 **Halia Mueller, Hope Mueller, Karl Mueller, and Freddy Barrios**

18 Plaintiffs Karl and Hope Mueller owned and maintained real property that was damaged and/or
19 destroyed by the Holiday Farm Fire including a single-family home, a barn, a shop, and a studio. Mr.
20 Mueller, Ms. Mueller, Halia Mueller, and Freddy Barrios owned and maintained personal property that
21 was damaged by the Holiday Farm Fire including an RV, vehicles, two deep freezers, food, and
22 clothing. They have been denied use of their property, have incurred costs to inspect, clean, repair,
23 replant, and/or restore it to its original condition, and were required to expend notable uncompensated
24 time on recovery efforts. In addition, the market value of Mr. and Ms. Mueller's real property has been
25 significantly reduced.

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206.

All four plaintiffs suffered personal injuries due to the Holiday Farm Fire, including fear for their lives and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of their property. Mr. Mueller and Mrs. Mueller's economic losses are currently estimated to total \$200,000, and their noneconomic losses are currently estimated to be \$1,400,000 each. Halia Mueller's and Mr. Barrios' economic losses are currently estimated to total \$100,000, and their noneconomic losses are currently estimated to be \$1,200,000 each.

207.

Michael Myers and Jacqueline Marie Baines

Plaintiff Michael Myers rented and maintained real property that was destroyed by the Holiday Farm Fire. Mr. Myers and Jacqueline Marie Baines owned and maintained personal property that was destroyed by the fire, including an RV, cherished possessions, and clothing. They have been denied use of their property, have incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and were required to expend notable uncompensated time on recovery efforts.

208.

Mr. Myers suffered personal income loss due to the Holiday Farm Fire. He and Ms. Baines also suffered personal injuries including respiratory problems, fear for their lives and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of their property. Their economic losses are currently estimated to total \$750,000, and their noneconomic losses are currently estimated to be \$2,100,000 each.

209.

Shane Navarro

Plaintiff Shane Navarro owned and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire including a residence, vehicles, and trees. He has been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition.

1 and was required to expend notable uncompensated time on recovery efforts. In addition, the market
2 value of his real property has been significantly reduced.

3 210.

4 Mr. Navarro suffered business and personal income loss of approximately four weeks due to the Holiday
5 Farm Fire. He also suffered personal injuries, including fear for his life and personal safety, mental
6 suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual
7 activities, and ongoing interference with the use and enjoyment of his property. His economic losses are
8 currently estimated to total \$200,000, and his noneconomic losses are currently estimated to be
9 \$1,400,000.

10 211.

11 **Karin Negrete and Eric Hickman**

12 Plaintiffs Karin Negrete and Eric Hickman rented and maintained real and personal property that was
13 damaged and/or destroyed by the Holiday Farm Fire including two single family homes, a camper,
14 structures, a significant amount of trees, vegetation, landscaping, tools, and common household items.
15 They have been denied use of their property, have incurred costs to inspect, clean, repair, replant, and/or
16 restore it to its original condition, and were required to expend notable uncompensated time on recovery
17 efforts. In addition, the market value of their real property has been significantly reduced. They also lost
18 their dog Genner, who ran away during the chaos of the evacuation and was hit by a car and killed.

19 212.

20 Ms. Negrete and Mr. Hickman suffered personal income loss due to the Holiday Farm Fire. Ms. Negrete
21 also suffered personal injuries including fear for her life and personal safety, mental suffering, emotional
22 distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing
23 interference with the use and enjoyment of their property. Mr. Hickman suffered permanent heart
24 damage, the exacerbation of a preexisting condition, fear for his life and personal safety, mental
25 suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual
26 activities, and ongoing interference with the use and enjoyment of his property. Ms. Negrete and Mr.
27 Hickman's economic losses are currently estimated to total \$4,500,000. Ms. Negrete's noneconomic

1 losses are currently estimated to be \$1,250,000 and Mr. Hickman's noneconomic losses are currently
2 estimated to be \$6,250,000.

3 213.

4 **Alvaro Ochoa and Edith Ochoa**

5 Plaintiff Alvaro Ochoa owned and maintained real property that was damaged by the Holiday Farm Fire.
6 He and plaintiff Edith Ochoa owned and maintained personal property that was damaged by the Holiday
7 Farm Fire including vehicles. They have been denied use of their property, have incurred costs to
8 inspect, clean, repair, replant, and/or restore it to its original condition, and were required to expend
9 notable uncompensated time on recovery efforts. In addition, the market value of Mr. Ochoa's real
10 property has been significantly reduced.

11 214.

12 Mr. Ochoa suffered business and personal income loss of approximately one week due to the Holiday
13 Farm Fire. He and Ms. Ochoa also suffered personal injuries including mental suffering, stress, anxiety,
14 inconvenience, interference with normal and usual activities, and ongoing interference with the use and
15 enjoyment of their property. Their economic losses are currently estimated to total \$500,000, and their
16 noneconomic losses are currently estimated to be \$900,000 each.

17 215.

18 **Amber Michelle Oliver and Kendall Smeltzer**

19 Plaintiffs Amber Michelle Oliver and Kendall Smeltzer owned and maintained personal property that
20 was damaged and destroyed by the Holiday Farm Fire including clothing, jewelry, and cherished
21 possessions. They have been denied use of their property, have incurred costs to inspect, clean, repair,
22 replant, and/or restore it to its original condition, and were required to expend notable uncompensated
23 time on recovery efforts.

24 216.

25 Ms. Oliver suffered personal injuries due to the Holiday Farm Fire, including breathing difficulties,
26 shortness of breath, fear for her life and personal safety, mental suffering, emotional distress, stress,
27 anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the
28

1 use and enjoyment of her property. Mr. Smeltzer also suffered personal injuries, including fear for his
2 life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference
3 with normal and usual activities, and ongoing interference with the use and enjoyment of his property.
4 Their economic losses are currently estimated to total \$100,000, and their noneconomic losses are
5 currently estimated to be \$1,050,000 each.

6 217.

7 **Andrew Oliver**

8 Plaintiff Andrew Oliver rented and maintained real and personal property that was damaged and/or
9 destroyed by the Holiday Farm Fire including a residence, vehicles, and common household items. He
10 has been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or restore it
11 to its original condition, and was required to expend notable uncompensated time on recovery efforts.

12 218.

13 Mr. Oliver suffered business and personal income loss due to the Holiday Farm Fire. He also suffered
14 personal injuries including severe smoke inhalation that requires ongoing medical care and treatment,
15 fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience,
16 interference with normal and usual activities, and ongoing interference with the use and enjoyment of
17 his property. His economic losses are currently estimated to total \$600,000, and his noneconomic losses
18 are currently estimated to be \$6,700,000.

19 219.

20 **Alyssa Paniccia and Michael Paniccia**

21 Plaintiffs Alyssa and Michael Paniccia owned and maintained real and personal property that was
22 destroyed by the Holiday Farm Fire including a mobile home, five sheds, native trees, landscaping, two
23 gardens, three Japanese maple trees, cherished possessions, a swing set, a jungle gym, and a \$5,000
24 organic cotton natural latex bed. They have been denied use of their property, have incurred costs to
25 inspect, clean, repair, replant, and/or restore it to its original condition, and were required to expend
26 notable uncompensated time on recovery efforts. In addition, the market value of their real property has
27
28

1 been significantly reduced. Their five chickens and seven rabbits (Binky, Rascal, Hopper, Mico,
2 Weasley, Clock, and Spiral) died in the fire because they could not be evacuated in time.

3 220.

4 Ms. Paniccia suffered personal income loss of approximately four weeks due to the Holiday Farm Fire.
5 She and Mr. Paniccia also suffered personal injuries including fear for their lives and personal safety,
6 mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual
7 activities, and ongoing interference with the use and enjoyment of their property. Their economic losses
8 are currently estimated to total \$2,000,000, and their noneconomic losses are currently estimated to be
9 \$2,500,000 each.

10 221.

11 **Peggy J. Pantel**

12 Plaintiff Peggy J. Pantel owned and maintained real and personal property that was damaged and/or
13 destroyed by the Holiday Farm Fire including a residence, two sheds, landscaping, a personal garden,
14 furniture, carpeting, drapery, and mattresses. She has been denied use of her property, has incurred costs
15 to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to expend
16 notable uncompensated time on recovery efforts. In addition, the market value of her real property has
17 been significantly reduced.

18 222.

19 Ms. Pantel suffered personal injuries due to the Holiday Farm Fire, including fear for her life and
20 personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with
21 normal and usual activities, and ongoing interference with the use and enjoyment of her property. Her
22 economic losses are currently estimated to total \$750,000, and her noneconomic losses are currently
23 estimated to be \$1,400,000.

24 223.

25 **Drew Peters**

26 Plaintiff Drew Peters rented, owned, and maintained real and personal property that was damaged
27 and/or destroyed by the Holiday Farm Fire including a manufactured mobile home, common household
28

1 items, a vehicle, a personal garden, and trees. He has been denied use of his property, has incurred costs
2 to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to expend
3 notable uncompensated time on recovery efforts. In addition, the market value of his real property has
4 been significantly reduced.

5 224.

6 Mr. Peters suffered personal injuries including smoke inhalation that requires ongoing medical care and
7 treatment, fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety,
8 inconvenience, interference with normal and usual activities, and ongoing interference with the use and
9 enjoyment of his property. His economic losses are currently estimated to total \$700,000, and his
10 noneconomic losses are currently estimated to be \$6,700,000.

11 225.

12 **Tina Peterson-Oyervides. Chris Oyervides, DJ Peterson, Angelique Castro, Sharon Ouakil, and**
13 **Patricia Richardson**

14 Plaintiffs Tina Peterson-Oyervides owned and maintained real property that was damaged and/or
15 destroyed by the Holiday Farm Fire including a manufactured home and other structures. Ms. Peterson-
16 Oyervides, Mr. Oyervides, DJ Peterson, Angelique Castro, Sharon Ouakil and Patricia Richardson
17 resided at the subject property, and they each owned and maintained personal property there that was
18 damaged and/or destroyed by the Holiday Farm Fire including a boat, a significant number of trees,
19 vegetation, vehicles, and common household items. They have been denied use of their property, have
20 incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and were
21 required to expend notable uncompensated time on recovery efforts. In addition, the market value of Ms.
22 Peterson-Oyervides' real property has been significantly reduced. They also lost two cats, a dog, a
23 bearded dragon and a boa snake who all perished in the fire.

24 226.

25 Ms. Peterson-Oyervides, Mr. Oyervides, Mr. Peterson, and Ms. Castro suffered personal income loss
26 due to the Holiday Farm Fire. In addition, they, Ms. Ouakil, and Ms. Richardson suffered personal
27 injuries due to the fire, including fear for their lives and personal safety, mental suffering, emotional
28

1 distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing
2 interference with the use and enjoyment of their property. Their economic losses are currently estimated
3 to total \$2,000,000. Ms. Peterson-Oyervides' and Mr. Oyervides' noneconomic losses are currently
4 estimated to be \$2,500,000 each. Mr. Peterson's, Ms. Ouakil's and Ms. Richardson's noneconomic
5 losses are currently estimated to be \$2,100,000 each, and Ms. Castro's noneconomic losses are currently
6 estimated to be \$1,600,000.

7 227.

8 **Brittany R. Petreny**

9 Plaintiff Brittany R. Petreny rented and maintained real and personal property that was damaged and/or
10 destroyed by the Holiday Farm Fire, including a residence, a pool, a personal garden, food, and common
11 household items. She has been denied use of her property, has incurred costs inspect, clean, repair,
12 replant, and/or restore it to its original condition, and was required to expend notable uncompensated
13 time on recovery efforts.

14 228.

15 Ms. Petreny suffered personal injuries because of the Holiday Farm Fire, including difficulty breathing,
16 fear for her life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience,
17 interference with normal and usual activities, and ongoing interference with the use and enjoyment of
18 her property. Her economic losses are currently estimated to total \$100,000, and her noneconomic losses
19 are currently estimated to be \$1,700,000.

20 229.

21 **Kimberly Piazza, Christopher Flores, Tamara Flores, and Clifford Smyth**

22 Plaintiff Kimberly Piazza owned and maintained real property that was damaged by the Holiday Farm
23 Fire including a single-family home. Ms. Piazza, Christopher Flores, Tamara Flores, and Clifford Smyth
24 owned and maintained personal property that was damaged and destroyed by the Holiday Farm Fire
25 including a patio cover, outdoor and indoor furniture, a bar, and a cart. They have been denied use of
26 their property, have incurred costs to inspect, clean, repair, replant, and/or restore it to its original
27 condition, and were required to expend notable uncompensated time on recovery efforts. In addition, the
28

1 market value of Ms. Piazza's real property has been significantly reduced. Ms. Piazza also owned a koi
2 pond, and her fish died in the fire.

3 230.

4 Ms. Piazza suffered personal income loss due to the Holiday Farm Fire. She, Mr. Flores, Ms. Flores, and
5 Mr. Smyth suffered personal injuries because of the Holiday Farm Fire including fear for their lives and
6 personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with
7 normal and usual activities, and ongoing interference with the use and enjoyment of their property. Their
8 economic losses are currently estimated to total \$200,000, and their noneconomic losses are currently
9 estimated to be \$1,400,000 each.

10 231.

11 **Charles Pomeroy and Jenean Pomeroy**

12 Plaintiffs Charles and Jenean Pomeroy owned and maintained real and personal property that was
13 damaged and/or destroyed by the Holiday Farm Fire including a single-family home, a chicken coop,
14 refrigerators, a deep freezer, and household items. They have been denied use of their property, have
15 incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and were
16 required to expend notable uncompensated time on recovery efforts. In addition, the market value of
17 their real property has been significantly reduced. The Pomeroy's also owned six chickens and twelve
18 pheasants; they lost the pheasants because they released them during the fire in the hopes of saving
19 them. The six chickens were killed in the fire.

20 232.

21 Ms. Pomeroy suffered personal injuries because of the Holiday Farm Fire, including breathing
22 difficulties, headaches, heart complications, fear for her life and personal safety, mental suffering,
23 emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and
24 ongoing interference with the use and enjoyment of her property. Mr. Pomeroy also suffered personal
25 injuries including fear for his life and personal safety, mental suffering, emotional distress, stress,
26 anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the
27

1 use and enjoyment of his property. Their economic losses are currently estimated to total \$200,000, and
2 their noneconomic losses are currently estimated to be \$1,400,000 each.

3 233.

4 **Kyle Richards, Greg Davis, Kathryn Heinonen, and Ann Staten**

5 Plaintiffs Kyle Richards and Ann Staten rented and maintained real property that was damaged by the
6 Holiday Farm Fire, including a residence, a shed, and a gazebo. Mr. Richards, Greg Davis, Kathryn
7 Heinonen, and Ms. Staten owned and maintained personal property that was damaged by the Holiday
8 Farm Fire including clothing and family heirlooms, and Mr. Richards owned a vehicle. They have been
9 denied use of their property, have incurred costs to inspect, clean, repair, replant, and restore it to its
10 original condition, and were required to expend notable uncompensated time on recovery efforts.

11 234.

12 Mr. Richards suffered personal injuries due to the Holiday Farm Fire including eye irritation, smoke
13 inhalation that caused difficulty breathing, fear for his life and personal safety, mental suffering,
14 emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and
15 ongoing interference with the use and enjoyment of his property. Mr. Davis suffered personal injuries
16 including fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety,
17 inconvenience, interference with normal and usual activities, and ongoing interference with the use and
18 enjoyment of his property. Ms. Heinonen suffered personal injuries including difficulty breathing, fear
19 for her life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience,
20 interference with normal and usual activities, and ongoing interference with the use and enjoyment of
21 her property. Ms. Staten suffered personal injuries including eye irritation, smoke inhalation that
22 exacerbated a pre-existing condition, fear for her life and personal safety, mental suffering, emotional
23 distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing
24 interference with the use and enjoyment of her property. The economic losses of Mr. Richards, Mr.
25 Davis, Ms. Heinonen and Ms. Staten are currently estimated to total \$100,000, and their noneconomic
26 losses are currently estimated to be \$1,700,000 each.

27 ///

235.

Phoenix Riesing

Plaintiff Phoenix Riesing (formerly Jessica Shifflett) rented and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire including a single-family residence, a vehicle, and a personal garden. She has been denied use of her property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to expend notable uncompensated time on recovery efforts.

236.

Ms. Riesing suffered personal injuries because of the Holiday Farm Fire, including coughing, difficulty breathing, headaches, irritated eyes, sinus congestion, fear for her life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of her property. Her economic losses are currently estimated to total \$100,000, and her noneconomic losses are currently estimated to be \$1,200,000.

237.

Denise Rolfe and Larry Woodward

Plaintiffs Denise Rolfe and Larry Woodward rented and maintained real and personal property that was damaged and/or destroyed because of the Holiday Farm Fire, including a residence, a personal garden, clothing, family heirlooms, jewelry, bedding, furniture, electronics, and tools. They have been denied use of their property, have incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and were required to expend notable uncompensated time on recovery efforts. They also lost a cat and the cat's three kittens, who were killed in the fire because they could not be evacuated in time.

238.

Ms. Rolfe suffered personal injuries due to the Holiday Farm Fire, including difficulty breathing, fear for her life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of her property. Mr. Woodward suffered personal injuries including respiratory issues, fear for his life and

1 personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with
2 normal and usual activities, and ongoing interference with the use and enjoyment of his property. Their
3 economic losses are currently estimated to total \$750,000, and their noneconomic losses are currently
4 estimated to be \$2,100,000 each.

5 239.

6 **Jim Douglas Clinton Roman**

7 Plaintiff Jim Douglas Clinton Roman owned and maintained real and personal property that was
8 damaged and/or destroyed by the Holiday Farm Fire including a residence, other structures, trailers,
9 vegetation, landscaping, and common household items. He has been denied use of his property, has
10 incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was
11 required to expend notable uncompensated time on recovery efforts. In addition, the market value of his
12 real property has been significantly reduced.

13 240.

14 Mr. Roman suffered personal income loss due to the Holiday Farm Fire. He also suffered personal
15 injuries including fear for his life and personal safety, mental suffering, emotional distress, stress,
16 anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the
17 use and enjoyment of his property. His economic losses are currently estimated to total \$2,000,000 and
18 his noneconomic losses are currently estimated to be \$2,500,000.

19 241.

20 **Cody Rumble**

21 Plaintiff Cody Rumble rented and maintained real and personal property that was destroyed by the
22 Holiday Farm Fire including an RV, clothing, and personal items. He has been denied use of his
23 property, incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and
24 was required to expend notable uncompensated time on recovery efforts.

25 242.

26 Mr. Rumble suffered personal income loss due to the Holiday Farm Fire. He also suffered personal
27 injuries including fear for his life and personal safety, mental suffering, emotional distress, stress,
28

1 anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the
2 use and enjoyment of his property. His economic losses are currently estimated to total \$750,000, and
3 his noneconomic losses are currently estimated to be \$2,100,000.

4 243.

5 **Jaime Salazar**

6 Plaintiff Jaime Salazar rented and maintained real and personal property that was damaged by the
7 Holiday Farm Fire including a residence and clothing. He has been denied use of his property, incurred
8 costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to
9 expend notable uncompensated time on recovery efforts.

10 244.

11 Mr. Salazar suffered personal income loss of approximately two weeks due to the Holiday Farm Fire. He
12 also suffered personal injuries including mental suffering, stress, anxiety, inconvenience, interference
13 with normal and usual activities, and ongoing interference with the use and enjoyment of his property.
14 His economic losses are currently estimated to total \$150,000, and his noneconomic losses are currently
15 estimated to be \$100,000.

16 245.

17 **Megan Marie Shelly, Cy Benedict Dellenback-Ouellette, and Van Dellenback-Ouellette**

18 Plaintiffs Megan Marie Shelly, Cy Benedict Dellenback-Ouellette, and Van Jackson Dellenback-
19 Ouellette rented and maintained real and personal property that was damaged and/or destroyed by the
20 Holiday Farm Fire including a residence, family heirlooms, clothing, furniture, food, a personal garden,
21 appliances, and tools. They have been denied use of their property, have incurred costs to inspect, clean,
22 repair, replant, and/or restore it to its original condition, and were required to expend notable
23 uncompensated time on recovery efforts.

24 246.

25 Ms. Shelly, Cy, and Van suffered personal injuries due to the Holiday Farm Fire, including smoke
26 inhalation, difficulty breathing, coughing, eye irritation, fear for their lives and personal safety, mental
27 suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual
28

activities, and ongoing interference with the use and enjoyment of their property. Their economic losses are currently estimated to total \$100,000, and their noneconomic losses are currently estimated to be \$1,200,000 each.

247.

Josiah Shirley

Plaintiff Josiah Shirley rented and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire including a residence, a pond, landscaping, a garden, a vehicle, air filters, and fish. He has been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to expend notable uncompensated time on recovery efforts.

248.

Mr. Shirley suffered personal income loss of approximately five days due to the Holiday Farm Fire. He also suffered personal injuries including difficulty breathing, fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of his property. His economic losses are currently estimated to total \$100,000, and his noneconomic losses are currently estimated to be \$1,200,000.

249.

Robert Shuster

Plaintiff Robert Shuster rented and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire including an RV, a vehicle, air filters, and soft goods. He has been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to expend notable uncompensated time on recovery efforts.

250.

Mr. Shuster suffered personal injuries due to the Holiday Farm Fire, including a bone fracture, irritated eyes, difficulty breathing, fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference

1 with the use and enjoyment of his property. His economic losses are currently estimated to total
2 \$100,000, and his noneconomic losses are currently estimated to be \$1,700,000.

3 251.

4 **Teresa Simmons and Christopher Hernandez**

5 Plaintiffs Teresa Simmons and Christopher Hernandez rented, owned and maintained real and personal
6 property that was damaged and/or destroyed by the Holiday Farm Fire including a mobile home and
7 common household items. They have been denied use of their property, have incurred costs to inspect,
8 clean, repair, replant, and/or restore it to its original condition, and were required to expend notable
9 uncompensated time on recovery efforts. In addition, the market value of their real property has been
10 significantly reduced. Their dog JJ suffered injuries from the fire that will require ongoing veterinary
11 care.

12 252.

13 Mr. Hernandez suffered personal income loss due to the Holiday Farm Fire. He and Ms. Simmons also
14 suffered personal injuries including fear for their lives and personal safety, mental suffering, emotional
15 distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing
16 interference with the use and enjoyment of their property. In addition, Ms. Simmons suffered from
17 shortness of breath and wheezing. Ms. Simmons' and Mr. Hernandez's economic losses are currently
18 estimated to total \$800,000 and their noneconomic losses are currently estimated to be \$2,100,000 each.

19 253.

20 **Jamerson Simpson**

21 Plaintiff Jamerson Simpson owned and maintained real and personal property that was damaged and/or
22 destroyed by the Holiday Farm Fire including a residence, a barbecue patio, landscaping, kitchen
23 supplies, clothing, and furniture. He has been denied use of his property, has incurred costs to inspect,
24 clean, repair, replant, and restore it to its original condition, and was required to expend notable
25 uncompensated time on recovery efforts. In addition, his five pet rabbits (Jack, Clover, Bonney,
26 Blackberry, and Skunk) perished from smoke inhalation, and the market value of his real property has
27 been significantly reduced.

1 254.

2 Mr. Simpson suffered personal income loss of approximately four weeks due to the Holiday Farm Fire.
3 He also suffered personal injuries including irritated eyes, shortness of breath, mental suffering,
4 emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and
5 ongoing interference with the use and enjoyment of his property. His economic losses are currently
6 estimated to total \$200,000, and his noneconomic losses are currently estimated to be \$200,000.

7 255.

8 **Laura Sireci**

9 Plaintiff Laura Sireci owned and maintained real and personal property that was damaged and/or
10 destroyed by the Holiday Farm Fire including a residence, a personal garden, clothing, furniture,
11 bedding, appliances, family heirlooms, and a one carat diamond engagement ring. She has been denied
12 use of her property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original
13 condition, and was required to expend notable uncompensated time on recovery efforts. In addition, her
14 two koi fish and three goldfish were killed in the fire, and the market value of her real property has been
15 significantly reduced.

16 256.

17 Ms. Sireci suffered personal income loss due to the Holiday Farm Fire. She also suffered personal
18 injuries including difficulty breathing, fear for her life and personal safety, mental suffering, emotional
19 distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing
20 interference with the use and enjoyment of her property. Her economic losses are currently estimated to
21 total \$2,000,000, and her noneconomic losses are currently estimated to be \$2,500,000.

22 257.

23 **Robin Elaine Slaven**

24 Plaintiff Robin Elaine Slaven rented and maintained real and personal property that was damaged and/or
25 destroyed by the Holiday Farm Fire including a residence, carpets, a barn, a shed, a pool, clothing,
26 vehicles, food, and furniture. She has been denied use of her property, has incurred costs to inspect,
27
28

1 clean, repair, replant and/or restore it to its original condition, and was required to expend notable
2 uncompensated time on recovery efforts.

3 258.

4 Ms. Slaven suffered personal injuries due to the Holiday Farm Fire including severe smoke inhalation,
5 lung damage that requires ongoing medical care and treatment, fear for her life and personal safety,
6 mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual
7 activities, and ongoing interference with the use and enjoyment of her property. Her economic losses
8 are currently estimated to total \$600,000, and her noneconomic losses are currently estimated to be
9 \$6,200,000.

10 259.

11 **Andrew E. Spencer and Anna K. Courgain**

12 Plaintiffs Andrew E. Spencer and Anna K. Courgain rented and maintained real and personal property
13 that was damaged by the Holiday Farm Fire, including a residence, a vehicle, and a pool. They have
14 been denied use of their property, incurred costs to inspect, clean, repair, replant and/or restore it to its
15 original condition, and were required to expend notable uncompensated time on recovery efforts.

16 260.

17 Mr. Spencer and Ms. Courgain suffered physical injuries due to the Holiday Farm Fire, including
18 exacerbation of a pre-existing condition that caused difficulty breathing, fear for their lives and personal
19 safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and
20 usual activities, and ongoing interference with the use and enjoyment of their property. Their economic
21 losses are currently estimated to total \$100,000, and their noneconomic losses are currently estimated to
22 be \$1,200,000 each.

23 261.

24 **Zachary St. Vincent and Natalia Stockton**

25 Plaintiffs Zachary St. Vincent and Natalia Stockton rented and maintained real and personal property
26 that was damaged and/or destroyed by the Holiday Farm Fire including a mobile home and common
27 household items. They have been denied use of their property, have incurred costs to inspect, clean,
28

1 repair, replant, and/or restore it to its original condition, and were required to expend notable
2 uncompensated time on recovery efforts.

3 262.

4 Mr. St. Vincent suffered personal income loss of approximately one week due to the Holiday Farm Fire.
5 He and Ms. Stockton suffered personal injuries due to the Holiday Farm Fire, including mental
6 suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual
7 activities, and ongoing interference with the use and enjoyment of their property. Their economic losses
8 are currently estimated to total \$200,000, and their noneconomic losses are currently estimated to be
9 \$600,000 each.

10 263.

11 **Garrett Stevens, Stephanie Bobbitt, Douglas Huerta, and Jimmy Jordan**

12 Plaintiffs Garrett Stevens, Stephanie Bobbitt, Douglas Huerta, and Jimmy Jordan owned, rented, and
13 maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire
14 including mobile homes, tools, a garden, vegetation, a motorcycle, and common household items. They
15 have been denied use of their property, have incurred costs to inspect, clean, repair, replant, and/or
16 restore it to its original condition, and were required to expend notable uncompensated time on recovery
17 efforts.

18 264.

19 Mr. Stevens suffered personal income loss of approximately two weeks due to the Holiday Farm Fire.
20 He, Ms. Bobbitt, Mr. Huerta, and Mr. Jordan suffered personal injuries including fear for their lives and
21 personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with
22 normal and usual activities, and ongoing interference with the use and enjoyment of their property. Their
23 economic losses are currently estimated to total \$100,000 and their noneconomic losses are currently
24 estimated to be \$1,200,000 each.

25 ///

26 ///

27 ///

1 265.

2 **Josh Stone and Shantel Werner**

3 Plaintiffs Josh Stone and Shantel Werner rented and maintained real and personal property that was
4 damaged and/or destroyed by the Holiday Farm Fire including a single-family home and common
5 household items. They have been denied use of their property, have incurred costs to inspect, clean,
6 repair, replant, and/or restore it to its original condition, and were required to expend notable
7 uncompensated time on recovery efforts.

8 266.

9 Mr. Stone suffered personal income loss due to the Holiday Farm Fire. He and Ms. Werner suffered
10 personal injuries including mental suffering, emotional distress, stress, anxiety, inconvenience,
11 interference with normal and usual activities, and ongoing interference with the use and enjoyment of
12 their property. Their economic losses are currently estimated to total \$100,000 and their noneconomic
13 losses are currently estimated to be \$600,000 each.

14 267.

15 **Dachia Thompson, Richard Thompson, Tristan Thompson, Adam Cotta, and Christopher Gohl**

16 Plaintiffs Richard Thompson and Dachia Thompson owned and maintained two single-family homes
17 that were damaged by the Holiday Farm Fire; plaintiff Christopher Gohl rented one of those homes. All
18 five plaintiffs owned and maintained personal property that was damaged by the Holiday Farm Fire,
19 including furniture, appliances, clothing, and common household items. They have been denied use of
20 their property, incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition,
21 and were required to expend notable uncompensated time on recovery efforts. In addition, the market
22 value of Richard and Dachia Thompson's real property has been significantly reduced.

23 268.

24 Richard Thompson suffered personal income loss due to the Holiday Farm Fire. All five plaintiffs
25 suffered personal injuries including fear for their lives and personal safety, mental suffering, emotional
26 distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing
27 interference with the use and enjoyment of their property. Ms. Thompson and Mr. Cotta also

1 experienced difficulty breathing. Richard and Dachia Thompson's economic losses are currently
2 estimated to total \$200,000, and their noneconomic losses are currently estimated to be \$1,400,00 each.
3 Tristan Thompson, Mr. Cotta, and Mr. Gohl's economic losses are currently estimated to total \$100,000,
4 and their noneconomic losses are currently estimated to be \$1,200,000 each.

5 269.

6 **David Thulstrup and Luanne Thulstrup**

7 Plaintiffs David and Luanne Thulstrup rented and maintained real and personal property that was
8 damaged and/or destroyed by the Holiday Farm Fire including a mobile home, other structures, vehicles,
9 a personal garden, medical equipment, and common household items. They have been denied use of
10 their property, have incurred costs to inspect, clean, repair, replant, and/or restore it to its original
11 condition, and were required to expend notable uncompensated time on recovery efforts.

12 270.

13 Mr. Thulstrup and Ms. Thulstrup suffered personal injuries due to the Holiday Farm Fire, including fear
14 for their lives and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience,
15 interference with normal and usual activities, and ongoing interference with the use and enjoyment of
16 their property. In addition, Mr. Thulstrup suffered from respiratory issues, and Ms. Thulstrup suffered
17 from a sore throat and red eyes. Their economic losses are currently estimated to total \$100,000 and
18 their noneconomic losses are currently estimated to be \$1,700,000 each.

19 271.

20 **Steven Trine and Tiffany Harvey**

21 Plaintiffs Steven Trine and Tiffany Harvey owned and maintained real and personal property that was
22 damaged and/or destroyed by the Holiday Farm Fire including a single-family home, vehicles, livestock,
23 and common household items. They have been denied use of their property, have incurred costs to
24 inspect, clean, repair, replant, and/or restore it to its original condition, and were required to expend
25 notable uncompensated time on recovery efforts. They also lost a calf, who died after being born
26 prematurely due to the stress of the evacuation.

27 ///

272.

Mr. Trine and Ms. Harvey suffered personal income loss of approximately one week due to the Holiday Farm Fire. They also suffered personal injuries including fear for their lives and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of their property. Mr. Trine and Ms. Harvey's economic losses are currently estimated to total \$200,000, and their noneconomic losses are currently estimated to be \$1,400,000 each.

273.

Kayla Troutman and Shaun Kelly Borg

Plaintiffs Kayla Troutman and Shaun Kelly Borg rented and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire including a mobile home, vehicles and common household items. They have been denied use of their property, have incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and were required to expend notable uncompensated time on recovery efforts.

274.

Ms. Troutman and Mr. Borg suffered personal income loss due to the Holiday Farm Fire. They also suffered personal injuries including fear for their lives and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of their property. In addition, Ms. Troutman suffered respiratory issues. Ms. Troutman and Mr. Borg's economic losses are currently estimated to total \$100,000 and their noneconomic losses are currently estimated to be \$600,000 each.

275.

Brian Thomas Varney and Melissa Ann Varney

Plaintiffs Melissa Ann and Brian Thomas Varney rented and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire including a residence, clothing, bedding, furniture, appliances, and cherished possessions. They have been denied use of their property, have

1 incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and were
2 required to expend notable uncompensated time on recovery efforts.

3 276.

4 Mr. Varney suffered personal income loss of approximately two weeks due to the Holiday Farm Fire.
5 Mr. Varney also suffered personal injuries including difficulty breathing, fear for his life and personal
6 safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and
7 usual activities, and ongoing interference with the use and enjoyment of his property. Ms. Varney also
8 suffered personal injuries including fear for her life and personal safety, mental suffering, emotional
9 distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing
10 interference with the use and enjoyment of her property. The Varneys' economic losses are currently
11 estimated to total \$750,000, and their noneconomic losses are currently estimated to be \$2,100,000 each.

12 277.

13 **Robert Vibbert**

14 Plaintiff Robert Vibbert rented and maintained real and personal property that was damaged and/or
15 destroyed by the Holiday Farm Fire including a single-family home, clothing, furniture, and appliances.
16 He has been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or
17 restore it to its original condition, and was required to expend notable uncompensated time on recovery
18 efforts.

19 278.

20 Mr. Vibbert suffered personal income loss due to the Holiday Farm Fire. He also suffered personal
21 injuries including smoke inhalation, fear for his life and personal safety, mental suffering, emotional
22 distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing
23 interference with the use and enjoyment of his property. His economic losses are currently estimated to
24 total \$100,000, and his noneconomic losses are currently estimated to be \$1,200,000.

25 ///

26 ///

27 ///

279.

Jason Dupree Walker

Plaintiff Jason Dupree Walker owned and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire including a manufactured home, structures, a vehicle, a significant amount of trees, vegetation, landscaping, and common household items. He has been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to expend notable uncompensated time on recovery efforts. In addition, numerous chickens and ducks that he owned perished in the fire because they could not be evacuated in time.

280.

Mr. Walker suffered personal income loss due to the fire. He also suffered personal injuries including fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of his property. His economic losses are currently estimated to total \$2,000,000 and his noneconomic losses are currently estimated to be \$2,500,000.

281.

Russell Glenn West

Plaintiff Russell Glenn West owned and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire including a single-family home, other structures, a significant amount of trees, vegetation, landscaping, and common household items. He has been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to expend notable uncompensated time on recovery efforts. In addition, the market value of his real property has been significantly reduced.

282.

Mr. West suffered personal income loss due to the Holiday Farm Fire. He also suffered personal injuries, including fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the

1 use and enjoyment of his property. His economic losses are currently estimated to total \$750,000 and his
2 noneconomic losses are currently estimated to be \$1,900,000.

3 283.

4 **Julie Wilcher**

5 Plaintiff Julie Wilcher rented and maintained real and personal property that was damaged and/or
6 destroyed by the Holiday Farm Fire including a fifth wheeler, clothing, bedding, furniture, and
7 documents. She has been denied use of her property, incurred costs to inspect, clean, repair, replant,
8 and/or restore it to its original condition, and was required to expend notable uncompensated time on
9 recovery efforts.

10 284.

11 Ms. Wilcher suffered personal income loss of approximately twenty-six weeks due to the Holiday Farm
12 Fire. She also suffered personal injuries including fear for her life and personal safety, mental suffering,
13 emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and
14 ongoing interference with the use and enjoyment of her property. Her economic losses are currently
15 estimated to total \$750,000 and her noneconomic losses are currently estimated to be \$1,600,000.

16 285.

17 **Lisa Willson and Morgan Rose Willson**

18 Plaintiffs Lisa and Morgan Rose Willson rented and maintained real and personal property that was
19 damaged and/or destroyed by the Holiday Farm Fire including a single-family home, vehicles, a
20 personal garden, and common household items. They have been denied use of their property, have
21 incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and were
22 required to expend notable uncompensated time on recovery efforts.

23 286.

24 Lisa Willson suffered personal income loss of approximately two weeks due to the Holiday Farm Fire.
25 The Willsons also suffered personal injuries, including fear for their lives and personal safety, mental
26 suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual
27 activities, and ongoing interference with the use and enjoyment of their property. In addition, Lisa

1 Willson suffered a chronic cough and shortness of breath, and Morgan Rose Willson suffered from
2 respiratory issues. Their economic losses are currently estimated to total \$100,000 and their
3 noneconomic losses are currently estimated to be \$1,200,000 each.

4 287.

5 **Janet Wilson**

6 Plaintiff Janet Wilson rented and maintained real and personal property that was damaged and/or
7 destroyed by the Holiday Farm Fire including an apartment, clothing, and common household items.
8 She has been denied use of her property, has incurred costs to inspect, clean, repair, replant, and/or
9 restore it to its original condition, and was required to expend notable uncompensated time on recovery
10 efforts.

11 288.

12 Ms. Wilson suffered personal injuries due to the Holiday Farm Fire including respiratory issues, fear for
13 her life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience,
14 interference with normal and usual activities, and ongoing interference with the use and enjoyment of
15 her property. Her economic losses are currently estimated to total \$100,000, and her noneconomic losses
16 are currently estimated to be \$1,200,000.

17 289.

18 **Michelle Wilson, Shawn Wilson, Chance Wilson, and Austin Wilson**

19 Plaintiffs Michelle and Shawn Wilson owned and maintained real property that was damaged and/or
20 destroyed by the Holiday Farm Fire, including a multi-family home and structures where their sons
21 Chance and Austin lived. All of the Wilsons owned and maintained personal property that was
22 damaged/or destroyed by the Holiday Farm Fire including a boat, vehicles, furniture, clothing, and
23 common household items. They have been denied use of their property, have incurred costs to inspect,
24 clean, repair, replant, and/or restore it to its original condition, and were required to expend notable
25 uncompensated time on recovery efforts. Their cat ("Momma Cat") suffered injuries that required
26 veterinary care.

27 ///

290.

Ms. Wilson suffered personal income loss of approximately two weeks due to the Holiday Farm Fire. The Wilsons suffered personal injuries due to the fire, including fear for their lives and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of their property. In addition, Ms. Wilson suffered from shortness of breath. The Wilsons' economic losses are currently estimated to total \$200,000. Michelle and Shawn Wilson's noneconomic losses are currently estimated to be \$1,900,000 each. Chance and Austin Wilson's noneconomic losses are currently estimated to be \$1,700,000 each.

291.

Terry Shane Wilson

Plaintiff Terry Shane Wilson rented and maintained real and personal property that was destroyed by the Holiday Farm Fire including an RV, tools, a motorcycle, a boat, a chicken coop, and animals. He has been denied use of his property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to expend notable uncompensated time on recovery efforts.

292.

Mr. Wilson suffered personal income loss due to the Holiday Farm Fire. He also suffered personal injuries including fear for his life and personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the use and enjoyment of his property. His economic losses are currently estimated to total \$750,000 and his noneconomic losses are currently estimated to be \$1,600,000.

293.

Robyn L. Winters

Plaintiff Robyn L. Winters rented and maintained real and personal property that was damaged and/or destroyed by the Holiday Farm Fire, including an RV, a quad dirt bike, tools, clothing, and other household items. She has been denied use of her property, has incurred costs to inspect, clean, repair, replant, and/or restore it to its original condition, and was required to expend notable uncompensated time on recovery efforts.

1 294.

2 Ms. Winters suffered personal income loss due to the Holiday Farm Fire. She also suffered personal
3 injuries including fear for her life and personal safety, mental suffering, emotional distress, stress,
4 anxiety, inconvenience, interference with normal and usual activities, and ongoing interference with the
5 use and enjoyment of her property. Her economic losses are currently estimated to total \$800,000 and
6 her noneconomic losses are currently estimated to be \$1,600,000.

7 295.

8 **Pennie Welford and Stewart Weston**

9 Plaintiffs Pennie Welford and Stewart Weston rented and maintained real and personal property that was
10 damaged and/or destroyed by the Holiday Farm Fire, including an RV, a 2000 Mustang automobile,
11 clothing, and a couch. They have been denied use of their property, incurred costs to inspect, clean,
12 repair, replant, and/or restore to its original condition, and were required to expend notable
13 uncompensated time on recovery efforts.

14 296.

15 Mr. Weston suffered personal income loss due to the Holiday Farm Fire. He and Ms. Welford also
16 suffered personal injuries including irritated eyes, burning throats, lung pain, fear for their lives and
17 personal safety, mental suffering, emotional distress, stress, anxiety, inconvenience, interference with
18 normal and usual activities, and ongoing interference with the use and enjoyment of their property. Their
19 economic losses are currently estimated to total \$100,000, and their noneconomic losses are currently
20 estimated to be \$1,200,000 each.

21 **PRAYER FOR RELIEF**

22 Plaintiffs seek:

- 23 (a) Damages on an individual basis in accordance with the allegations asserted above, and as set
24 forth in paragraphs 97-296;
- 25 (b) Attorneys' fees, expert fees, consultant fees, and litigation costs and expenses, to the extent
26 permitted under ORS 20.085 and ORCP 68B;
- 27 (c) Twice the amount of their economic and property damages, to the extent permitted under ORS
28

1 477.089(2)(b);

2 (d) Prejudgment interest as authorized by ORS 82.010(1)(a); and

3 (e) Any other relief as the Court shall deem proper, all according to proof.

4 **JURY TRIAL REQUEST**

5 Plaintiffs request a jury trial on all claims for relief for which a jury trial is available under the law.

6
7 Dated: March 27, 2022

8 Singleton Schreiber LLP

9 By:

/s/ Susan B. Dussault

10 Gerald Singleton, OSB #210955
11 gsingleton@singletonschreiber.com
12 Susan B. Dussault, OSB #021125
13 sdussault@singletonschreiber.com
14 Doug Keller, *pro hac vice*
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19 Tel. (619) 771-3473
20 Attorneys for Plaintiffs
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27
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From: [Taylor, Jason E. \(BPA\) - CGI-7](#)
To: [Non-responsive per request](#)
Subject: Your FOIA Request to the Bonneville Power Administration - BPA-2022-01001-F - Summary of Discussion
Date: Tuesday, July 5, 2022 1:50:00 PM
Attachments: [Records Collected for Holiday Farm Fire.pdf](#)

Good afternoon, [Non-responsive p](#)

Thank you for making time to discuss your FOIA request with me. We assigned it the tracking number BPA-2022-01001-F. As I described to you, our FOIA team collected records for a similar FOIA request received in March, 2022. That requester also sought a voluminous amount of records. After several weeks of negotiating, we agreed on a record collection that meets their needs for relevant documents and data. I attached a summary of that search for your review.

Because your request for “any and all” records would likely take my team several years to process, and because we do not want to make you wait that long for our response, I am proposing that we narrow the scope of your request to the records collected for the aforementioned March 2022 request. Please take a look at the search summary and let me know what your team thinks.

I explained that we collected all the underlying records for the U.S. Forest Service fire investigation. The reason we did this is because the requester was not aware of it, and because BPA did not conduct a fire investigation (as a power marketing administrations, the agency does not have staff with expertise to undertake such activities). We also collected all underlying records from the agency’s author of the “Holiday Farm Fire Outage Sequence of Events.” We believe these key records will provide the critical information you seek.

Again, thank you for your time and the frank, honest discussion. We look forward to hearing from you.

Kind regards,

Jason E. Taylor
FOIA Public Liaison
Bonneville Power Administration
503-230-3537
[About the Freedom of Information Act at BPA](#)

From: [Non-responsive per request](#)
To: [Taylor, Jason E \(BPA\) - CGI-7](#)
Subject: [EXTERNAL] RE: Your FOIA Request to the Bonneville Power Administration - BPA-2022-01001-F - Summary of Discussion
Date: Saturday, July 16, 2022 1:31:59 PM
Attachments: [image001.png](#)

Thank you for sending this. Your approach is excellent – I appreciate you suggesting it. We agree to narrow the scope of our request to the records collected for the March 2022 request, as indicated in the attached.

Non-responsive per request

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Sent: Tuesday, July 5, 2022 1:51 PM
To: [Non-responsive per request](#)
Subject: Your FOIA Request to the Bonneville Power Administration - BPA-2022-01001-F - Summary of Discussion

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

You don't often get email from jetaylor@bpa.gov. [Learn why this is important](#)

Good afternoon, [Non-responsive](#)

Thank you for making time to discuss your FOIA request with me. We assigned it the tracking number BPA-2022-01001-F. As I described to you, our FOIA team collected records for a similar FOIA request received in March, 2022. That requester also sought a voluminous amount of records. After several weeks of negotiating, we agreed on a record collection that meets their needs for relevant documents and data. I attached a summary of that search for your review.

Because your request for “any and all” records would likely take my team several years to process, and because we do not want to make you wait that long for our response, I am proposing that we narrow the scope of your request to the records collected for the aforementioned March 2022 request. Please take a look at the search summary and let me know what your team thinks.

I explained that we collected all the underlying records for the U.S. Forest Service fire investigation. The reason we did this is because the requester was not aware of it, and because BPA did not conduct a fire investigation (as a power marketing administration, the agency does not have staff with expertise to undertake such activities). We also collected all underlying records from the agency's author of the "Holiday Farm Fire Outage Sequence of Events." We believe these key records will provide the critical information you seek.

Again, thank you for your time and the frank, honest discussion. We look forward to hearing from you.

Kind regards,

Jason E. Taylor
FOIA Public Liaison
Bonneville Power Administration
503-230-3537
[About the Freedom of Information Act at BPA](#)



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

March 21, 2023

In reply refer to: FOIA #BPA-2022-01001-F

SENT VIA EMAIL ONLY TO: *Non-responsive per request*

Non-responsive per request

This communication is the Bonneville Power Administration's (BPA) first partial response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"). Your FOIA request was received on June 3, 2022, and formally acknowledged on July 19, 2022.

Original Request

BPA stipulates to the lengthy content of your June 3, 2022, FOIA request letter to the agency as a perfected and complete FOIA request. The agency's acknowledgement letter dated July 19, 2022 documents your discussions with the BPA FOIA Office and your re-scoped request.

First Partial Response

BPA continues to process your request. In an effort to both accommodate the review of the large volume of responsive records, and to provide the records expediently, within the limitations of available agency resources, BPA is releasing responsive records to you in installments. Partial records releases are permitted by the FOIA. A first partial release of responsive records accompanies this communication. BPA is here releasing 1224 pages, as a first partial response to your FOIA request. The first partial response to your request includes redactions applied to 32 pages, made under 5 U.S.C. § 552(b)(6) (Exemption 6). The redactions enumerated above may appear at more than one instance on a particular page. A more detailed explanation of the applied exemptions follows.

Explanation of Exemptions

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains

the FOIA's nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

Exemption 6

Exemption 6 serves to protect Personally Identifiable Information (PII) contained in agency records when no overriding public interest in the information exists. BPA does not find an overriding public interest in a release of the information redacted under Exemption 6—specifically, employee identification numbers and mobile phone numbers, and landowner names and phone numbers found on the accompanying records. This information sheds no light on the executive functions of the agency and BPA finds no overriding public interest in its release. BPA cannot waive these redactions, as the protections afforded by Exemption 6 belong to individuals and not to the agency.

Lastly, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where, (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and release nonexempt information. The agency has determined that in certain instances partial disclosure is possible, and has accordingly segregated the records into exempt and non-exempt portions.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and information release described above. Your FOIA request BPA-2022-01001-F remains open, with available agency records still under process.

Appeal

Note that the records release certified above is partial. Additional records releases will be forthcoming as agency resources and records volumes permit. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this partial records release, within 90 calendar days from the date of this communication. 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.

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

Next Partial Release Target Date

As mentioned, BPA continues to review and process the remaining responsive records collected in response to your FOIA request. Required exemption reviews are ongoing.

Exemption 4

Some responsive records will be subject to 5 U.S.C. § 552(b)(4) (Exemption 4). Exemption 4 protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." (5 U.S.C. § 552(b)(4)). Information is considered commercial or financial in nature if it relates to business or trade. This exemption is intended to protect the interests of both the agency and third party submitters of information. Prior to publicly releasing agency records, BPA is required by Exemption 4 to solicit objections to the public release of any third party's confidential commercial information contained in the responsive records set. The gathered records contain third party information belonging to several third parties, including *Non-responsive per request* and *Non-responsive per request*. In compliance with the FOIA and U.S. Department of Justice (DOJ) guidance on the application of Exemption 4, BPA will be

reaching out to those, and other, information submitters. BPA will provide those third parties with a records review and objection opportunity. The FOIA does not permit a discretionary release of information otherwise protected by Exemption 4.

Exemption 5

In addition, the gathered records do or may contain potentially pre-decisional and deliberative internal agency information. In compliance with the FOIA, BPA is reviewing the records for the possible application of 5 U.S.C. § 552(b)(5) (Exemption 5), which serves to protect such information from public release. The agency's Office of General Counsel will review that potentially pre-decisional and deliberative internal agency information. BPA will consider a discretionary release of information otherwise subject to Exemption 5, wherever permissible and as encouraged by the FOIA.

Consults

Some responsive records will be subject to inter-agency consults, as required by the FOIA. Prior to publicly releasing agency records, BPA is required by the FOIA to consult with the U.S. Forest Service (USFS), an agency of the U.S. Department of Agriculture. BPA will provide USFS with a records review opportunity prior to public release of certain responsive records.

Target Date

In light of the above conditions and determinations BPA currently estimates a next partial response to your FOIA request by September 8, 2023. BPA again invites you to contact us to narrow the scope of your request, if desirable, or to discuss this estimated completion date, if you are interested.

Questions about this communication or the status of your FOIA request may be directed to James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621.

Sincerely,

Candice D. Palen
Freedom of Information/Privacy Act Officer

[Responsive agency records accompany this communication.](#)



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

July 27, 2023

In reply refer to: FOIA #BPA-2022-01001-F

SENT VIA EMAIL ONLY TO: *Non-responsive per request*

Non-responsive per request

Dear *Non-responsive per request*,

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"). Your FOIA request was received on June 3, 2022, and formally acknowledged on July 19, 2022. A first partial response was sent to you on March 21, 2023.

Original Request

BPA stipulates to the lengthy content of your June 3, 2022, FOIA request letter to the agency as a perfected and complete FOIA request. The agency's acknowledgement letter dated July 19, 2022 documents your discussions with the BPA FOIA Office and your re-scoped request.

Second Partial and Final Response

In an effort to both accommodate the review of the large volume of responsive records, and to provide the records expediently, within the limitations of available agency resources, BPA is releasing responsive records to you in installments. Partial records releases are permitted by the FOIA. The second partial and final release of responsive records accompanies this communication. Those records are responsive to your request for all documents and communications related to investigations of the Holiday Farm Fire that were provided to the United States Forest Service fire investigator. BPA is here releasing 485 pages, and eight Excel files, with redactions applied to two pages, made under 5 U.S.C. § 552(b)(6) (Exemption 6). A more detailed explanation of the applied exemptions follows.

Explanation of Exemptions

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains

the FOIA's nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

Exemption 6

Exemption 6 serves to protect Personally Identifiable Information (PII) contained in agency records when no overriding public interest in the information exists. BPA does not find an overriding public interest in a release of the information redacted under Exemption 6—specifically, employee mobile phone numbers. This information sheds no light on the executive functions of the agency and BPA finds no overriding public interest in its release. BPA cannot waive these redactions, as the protections afforded by Exemption 6 belong to individuals and not to the agency.

Lastly, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where, (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and release nonexempt information. The agency has determined that in certain instances partial disclosure is possible, and has accordingly segregated the records into exempt and non-exempt portions.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and information release described above. Your FOIA request BPA-2022-01001-F is now closed with the responsive agency information provided.

Appeal

Note that the records release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this records release, within 90 calendar days from the date of this communication. 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.

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 or the status of your FOIA request may be directed to James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621.

Sincerely,

Candice D. Palen
Freedom of Information/Privacy Act Officer

[Responsive agency records accompany this communication.](#)

The following list contains the entire submission submitted March 16, 2021 01:20:02pm ET, and is formatted for ease of viewing and printing.

Contact information

First name

Last name

Mailing Address

City

State/Province

Postal Code

Country

Phone

Company/Organization

Email

Non-responsive per request



Request

Request ID 202916

Confirmation ID 202391

**Request
description**

For purposes of this request— 1. “SANTIAM CANYON AREA” shall mean in and around the Santiam Canyon area in Oregon, including the area generally west of Detroit and east of Salem, near the county line between Marion and Linn Counties and Route 22, and including the communities of Lyons, Mill City, and Gates, Oregon. 2. “BEACHIE CREEK FIRE” shall mean the wildfire in Oregon beginning on or about August 16, 2020, which burned 193,573 acres and which was officially contained October 31, 2020. 3. “INCLUDING” or “INCLUDES” shall mean including but not limited to. Please provide a copy of, or allow for the inspection and copying of, the following records that are in your possession: 1. All photographs or videos from September 6, 2020 to present, depicting any fire activity, INCLUDING the BEACHIE CREEK FIRE or any indicia thereof (i.e., smoke, ash, burning, evacuation), within the SANTIAM CANYON AREA, whether created by any employee in your office, the BPA, any other responding agency, or any witness to the fire or member of the public. Please include any information identifying the location, date, and time (such as filenames) of such photographs or videos; and the full name(s) and contact information for the photographer(s)/videographer(s) of such photographs or videos. 2. All photographs and videos from September 6, 2020 to September 13, 2020 depicting PacifiCorp-owned or operated equipment, INCLUDING conductors, power lines, and poles. Please include any information identifying the location, date, and time of such photographs or videos (such as filenames, logs, or notes); and the full name(s) and contact information for the photographers or videographer(s) of such videos in the SANTIAM CANYON AREA. 3. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA’s cameras, webcams, surveillance cameras, and/or fire cams depicting the BEACHIE CREEK FIRE. 4. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA’s cameras, webcams, surveillance cameras, and/or fire cams in or around the SANTIAM CANYON AREA. 5. Any and all rain gauge, wind, temperature, and other meteorological measurements, including associated GPS or other location data, made during the BEACHIE CREEK FIRE, from September 6, 2020 to September 13, 2020, INCLUDING any measurements received from the National Weather Service. If this data is publicly available, please provide the internet hyperlink. 6. All meeting minutes, notes, agendas, summaries, reports, correspondence or other records of communication related to the BEACHIE CREEK FIRE, INCLUDING email communications and non-final or draft versions thereof, from September 6, 2020 until present. 7. All documents related to operational activities related to BPA’S electric transmission system in the SANTIAM CANYON AREA, INCLUDING SCADA data and outage, interruption, relay, and/or fault records, from September 5, 2020 to September 13, 2020. 8. Any and all inspection records for BPA electrical facilities within the SANTIAM CANYON AREA for the five years preceding the Beachie Creek Fire, INCLUDING maps of such electrical facilities.

Supporting documentation

Fees

Request category ID	other
Fee waiver	no

Willing to pay

Please send estimate.

Expedited processing

Expedited Processing

no

King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Wednesday, January 4, 2023 10:44 AM
To: Non-responsive per request
Cc: Taylor,Jason E (BPA) - CGI-7
Subject: RE: Your input sought for FOIA Request BPA-2021-00488-F - Beachie Creek Fire Records

Thank you kindly for that information, Non-responsive per request We'll proceed accordingly.

—J.

From: Non-responsive per request
Sent: Tuesday, January 3, 2023 10:58 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: [EXTERNAL] RE: Your input sought for FOIA Request BPA-2021-00488-F - Beachie Creek Fire Records

Mr. King,

Thanks for your email. I've been advised that we can open SEL files, and as long as the BEN files can be converted to Comtrade format, we can open those. Please produce in those formats. Thanks very much.

Best regards,

Non-responsive per request

Non-responsive per request



From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Sent: Wednesday, December 28, 2022 1:53 PM
To: Non-responsive per request
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: Your input sought for FOIA Request BPA-2021-00488-F - Beachie Creek Fire Records

Good afternoon, Non-responsive per request,

Jason and I are continuing to gather records responsive to your FOIA request. We seek your feedback here on some of those agency records.

Request

"1. All photographs or videos from September 6, 2020 to present, depicting any fire activity, including the Beachie Creek Fire or any indicia thereof (i.e., smoke, ash, burning, evacuation), within the Santiam Canyon

Area, whether created by any employee in your office, the BPA, any other responding agency, or any witness to the fire or member of the public. Please include any information identifying the location, date, and time (such as filenames) of such photographs or videos; and the full name(s) and contact information for the photographer(s)/videographer(s) of such photographs or videos.) [And,]

2. All photographs and videos from September 6, 2020 to September 13, 2020 depicting PacifiCorp-owned or operated equipment, including conductors, power lines, and poles. Please include any information identifying the location, date, and time of such photographs or videos (such as filenames, logs, or notes); and the full name(s) and contact information for the photographers or videographer(s) of such videos in the Santiam Canyon Area. [And,]

3. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA's cameras, webcams, surveillance cameras, and/or fire cams depicting the Beachie Creek Fire. [And,]

4. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA's cameras, webcams, surveillance cameras, and/or fire cams in or around the Santiam Canyon Area. [And,]

5. Any and all rain gauge, wind, temperature, and other meteorological measurements, including associated GPS or other location data, made during the Beachie Creek Fire, from September 6, 2020 to September 13, 2020, including any measurements received from the National Weather Service. If this data is publicly available, please provide the internet hyperlink. [And,]

6. All meeting minutes, notes, agendas, summaries, reports, correspondence or other records of communication related to the Beachie Creek Fire, including email communications and non-final or draft versions thereof, from September 6, 2020 until present. [And,]

7. All documents related to operational activities related to BPA's electric transmission system in the Santiam Canyon Area, including Supervisory Control and Data Acquisition (SCADA) data and outage, interruption, relay, and/or fault records, from September 5, 2020 to September 13, 2020. [And,]

8. Any and all inspection records for BPA electrical facilities within the Santiam Canyon Area for the five years preceding the Beachie Creek Fire, including maps of such electrical facilities."

Update

We've previously supplied you with records, or/and confirmed the absence of records, responsive to Items Item 1, 2, 3, 4, 5 and 7. We're currently attempting to gather records responsive to your Items 6, 7 and 8. Some of the data responsive to your request is in a format particular to BPA's operational needs. Specifically, we've encountered responsive records of the following types, as described by knowledgeable personnel in the agency's Transmission Operations & Maintenance offices:

Digital Fault Recorder Data

BEN 6000 Digital Fault Recorder (DFR) records have been identified. The DFR records the majority of substation voltages, and current waveforms, during a fault. The microprocessor relays record their specific position's waveforms, whereas the DFR is a "snap shot" of a much larger group of waveforms. BEN32 software (from Qualitrol) is used by BPA to view and respond to that DFR information. BPA maintains a BEN32 software site license. Proprietary software is necessary to open BPA's DFR files. Transmission personnel report that DFR data files can be converted to Comtrade format. Those then can then be opened with a much larger list of analysis software programs, some of which are possibly publicly available.

EVE and SESSION Data

BPA Transmission personnel report that these data files are outputs from Schweitzer Engineering Laboratories (SEL) relays. These data represent the state of the currents (and voltages, if present) that an SEL relay recorded at a specific time. These data may be recorded during a relay operation, or during a system condition where the relay was programmed to simply record an event. Using SEL provided proprietary software, such as Synchrowave, BPA is able to view and respond to that data information. BPA Transmission personnel report

that software programs such as Wavewin, might open these file types. BPA Transmission personnel report that these data can be downloaded from the SEL relay in Comtrade format (mentioned above), instead of the SEL format. BPA Transmission personnel report that these data might lend themselves to conversion and readability via Comtrade, by the software tool itself. BPA Transmission personnel also report that these data might lend themselves to conversion and readability via Wavewin software.

Your Input Sought

First, the agency is proceeding under the assumption that the data described above is data you seek via your FOIA request. If not, please let us know.

Second, if after reviewing the above information above regarding the data we have, and the software needed to access that data, please let us know if you or your client have the software mentioned above. We ask this because the FOIA requires the agency to provide information in native file format, if requested. If you and your client can access the data with the propriety or optional software, then the agency can provide that. If not, the agency may have to divine ways to convert that data for release – said conversions may not be smoothly executed and may result in data errors and incomprehensible or/and incorrect data outputs.

Ongoing Processing

No decision has been made internally on the best way to release the data – Jason and I are currently gathering information that might help us with the processing, exemption reviews, and eventual public release of the responsive data. We've no target date for you on your reply/input on the questions above. Let us know your thoughts, or your client's thoughts, on your interest in the data, and on this software question, as you have the opportunity. Jason and I will continue processing your remaining FOIA request items, in the meantime.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Sent: Monday, December 12, 2022 2:22 PM

To: *Non-responsive per request*

Cc: King, James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: Your FOIA Request to the Bonneville Power Administration -- BPA-2021-00488-F

Good afternoon, *Non-responsive per request*

Please see the attached letter regarding your FOIA request to BPA.

Kind regards,

Jason E. Taylor

FOIA Program Lead

Bonneville Power Administration

503-230-3537

[About the Freedom of Information Act at BPA](#)

PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient(s) is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system. Thank you.

King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Friday, February 10, 2023 4:59 PM
To: Non-responsive per request
Cc: Taylor,Jason E (BPA) - CGI-7
Subject: FOIA Request BPA-2021-00488-F - Beachie Creek Fire Records - process update

Hello, Non-responsive per request

Thanks for the inquiry. Here is the germane information that I have for you, at this date:

Reviews

Jason and I have been communicating regularly these past weeks in regards to your FOIA request. I can report that we are making progress on the pre-release reviews, at this date. Those reviews are permitted or/and required by 5 U.S.C. Sec. 552. The agency will comply with all parts of 5 U.S.C. Sec. 552 in its ongoing efforts to respond to your FOIA request. We're also working with the agency's General Counsel Office to get records reviewed and lined up for release. That effort, however, is going to be dependent on available agency resources and reviewer workloads.

Resources

I can share that our FOIA office is a small one and the resources we've available are deployed and controlled by a queue based on, 1) request submission date, and 2) the complexity of the response/reviews, and 3) records volumes. BPA's FOIA queuing methodology is permitted by 5 U.S.C. Sec. 552 and U.S. Department of Energy FOIA regulations at 10 C.F.R. 1004. Our FOIA processing queue is in-line with FOIA requirements and aims to promote fairness in resource distribution to all citizen requesters.

Target

That said, your FOIA request is pretty high up in our queue, so we are driving resources towards your request response. We're aiming for another release of at least some records responsive to your FOIA request by the next target date – hopefully to include the data files discussed in the email thread below.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: Non-responsive per request
Sent: Thursday, February 9, 2023 3:43 PM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: [EXTERNAL] RE: Your input sought for FOIA Request BPA-2021-00488-F - Beachie Creek Fire Records

Hi James,

Just checking to see if there's any update on the timing of this production. Thanks.

Best regards,

Non-responsive

Non-responsive per request

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Wednesday, January 4, 2023 10:44 AM

To: Non-responsive per request

Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Subject: RE: Your input sought for FOIA Request BPA-2021-00488-F - Beachie Creek Fire Records

Thank you kindly for that information, Non-responsive per request We'll proceed accordingly.

—J.

From: Non-responsive per request >

Sent: Tuesday, January 3, 2023 10:58 AM

To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Subject: [EXTERNAL] RE: Your input sought for FOIA Request BPA-2021-00488-F - Beachie Creek Fire Records

Mr. King,

Thanks for your email. I've been advised that we can open SEL files, and as long as the BEN files can be converted to Comtrade format, we can open those. Please produce in those formats. Thanks very much.

Best regards,

Non-responsive

Non-responsive per request

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Wednesday, December 28, 2022 1:53 PM

To: Non-responsive per request

Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Subject: Your input sought for FOIA Request BPA-2021-00488-F - Beachie Creek Fire Records

Good afternoon, Non-responsive per request

Jason and I are continuing to gather records responsive to your FOIA request. We seek your feedback here on some of those agency records.

Request

- “1. All photographs or videos from September 6, 2020 to present, depicting any fire activity, including the Beachie Creek Fire or any indicia thereof (i.e., smoke, ash, burning, evacuation), within the Santiam Canyon Area, whether created by any employee in your office, the BPA, any other responding agency, or any witness to the fire or member of the public. Please include any information identifying the location, date, and time (such as filenames) of such photographs or videos; and the full name(s) and contact information for the photographer(s)/videographer(s) of such photographs or videos.) [And,]
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5. Any and all rain gauge, wind, temperature, and other meteorological measurements, including associated GPS or other location data, made during the Beachie Creek Fire, from September 6, 2020 to September 13, 2020, including any measurements received from the National Weather Service. If this data is publicly available, please provide the internet hyperlink. [And,]
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8. Any and all inspection records for BPA electrical facilities within the Santiam Canyon Area for the five years preceding the Beachie Creek Fire, including maps of such electrical facilities.”

Update

We’ve previously supplied you with records, or/and confirmed the absence of records, responsive to Items Item 1, 2, 3, 4, 5 and 7. We’re currently attempting to gather records responsive to your Items 6, 7 and 8. Some of the data responsive to your request is in a format particular to BPA’s operational needs. Specifically, we’ve encountered responsive records of the following types, as described by knowledgeable personnel in the agency’s Transmission Operations & Maintenance offices:

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Your Input Sought

First, the agency is proceeding under the assumption that the data described above is data you seek via your FOIA request. If not, please let us know.

Second, if after reviewing the above information above regarding the data we have, and the software needed to access that data, please let us know if you or your client have the software mentioned above. We ask this because the FOIA requires the agency to provide information in native file format, if requested. If you and your client can access the data with the propriety or optional software, then the agency can provide that. If not, the agency may have to divine ways to convert that data for release – said conversions may not be smoothly executed and may result in data errors and incomprehensible or/and incorrect data outputs.

Ongoing Processing

No decision has been made internally on the best way to release the data – Jason and I are currently gathering information that might help us with the processing, exemption reviews, and eventual public release of the responsive data. We've no target date for you on your reply/input on the questions above. Let us know your thoughts, or your client's thoughts, on your interest in the data, and on this software question, as you have the opportunity. Jason and I will continue processing your remaining FOIA request items, in the meantime.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Sent: Monday, December 12, 2022 2:22 PM

To: *Non-responsive per request*

Cc: King, James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: Your FOIA Request to the Bonneville Power Administration -- BPA-2021-00488-F

Good afternoon, *Non-responsive per request*,

Please see the attached letter regarding your FOIA request to BPA.

Kind regards,

Jason E. Taylor

FOIA Program Lead

Bonneville Power Administration

503-230-3537

[About the Freedom of Information Act at BPA](#)

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From: [Non-responsive per request]
To: Taylor, Jason E (BPA) - CGI-7 [Non-responsive per request]
Subject: [EXTERNAL] RE: Your FOIA Request to the Bonneville Power Administration - BPA-2021-00488-F - Please Advise
Date: Saturday, July 8, 2023 9:44:24 AM

Jason,

Thank you for the email. Let's please use December 31, 2020, as the end date. Let me know if you need anything else.

Best,

[Non-responsive per request]

[Non-responsive per request]

[Non-responsive per request]

D: [Non-responsive per request]
[Non-responsive per request]
Biography

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Sent: Friday, July 7, 2023 5:07 PM
To: [Non-responsive per request] <[Non-responsive per request] [Non-responsive per request] [Non-responsive per request]>
Subject: RE: Your FOIA Request to the Bonneville Power Administration - BPA-2021-00488-F - Please Advise

Good afternoon,

I believe we are all on the same page. For this final piece of your FOIA request, we collected records for:

All meeting minutes, notes, agendas, summaries, reports, correspondence or other records of communication

related to the BEACHIE CREEK FIRE, INCLUDING email communications and non-final or draft versions thereof,

from September 6, 2020 until present.

Our Cyber Forensics team ran the search using the keywords "Beachie creek" and Beachie creel fire" and brought in several thousands of pages of records. The majority of these records are NOT related to "internal communications discussing the operation of the BPA transmission facilities in the vicinity of the Santiam Canyon in the period immediately before, during, and after the Beachie Creek Fire." This new clarification definitely helps narrow our search for responsive records. We can now leave out those non-responsive records such as new clips, personal emails, safety bulletins, and all similar communications that in no way relate to operations of BPA's transmission facilities.

You also stated the date-scope of records should be "immediately before, during, and after the

Beachie Creek Fire.” When we performed our search, we used your original date range of “September 6, 2020 to present.” Our present/end date used was December 2022. This end date is definitely NOT “immediately after” the fire. Can you please provide us a more accurate and date for the records you seek?

We look forward to hearing from you so we can begin processing your records for an accurate, efficient release.

Kind regards,

Jason E. Taylor
FOIA Program Lead
Bonneville Power Administration
503-230-3537
[About the Freedom of Information Act at BPA](#)

From: [Non-responsive per request] <[Non-responsive per request]>
Sent: Thursday, June 29, 2023 1:19 PM
To: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>; [Non-responsive per request] <[Non-responsive per request]> [Non-responsive per request]
Cc: King, James J (BPA) - CGI-7 <jjking@bpa.gov>
Subject: [EXTERNAL] RE: Your Freedom of Information Act Request to the Bonneville Power Administration - BPA-2021-00488-F

Jason,

Apologies for the delay in response, I was in trial. Can you clarify the parameters of the re-scope? I think we’re on the same page—we don’t want any of the categories of communications you discuss below. What we are interested in is internal communications discussing the operation of the BPA transmission facilities in the vicinity of the Santiam Canyon in the period immediately before, during, and after the Beachie Creek Fire. I’m cc’ing my colleagues @ [Non-responsive per request] and @ [Non-responsive per request] as well, please direct any response to them as I will be leaving [Non-responsive per request] next week. Thanks.

[Non-responsive per request]

[Non-responsive per request]

[Non-responsive per request]

D: [Non-responsive per request]
[Non-responsive per request]

[Biography](#)

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Sent: Tuesday, June 20, 2023 10:11 AM

To: Non-responsive per request <*Non-responsive per request*>

Cc: King, James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: Your Freedom of Information Act Request to the Bonneville Power Administration - BPA-2021-00488-F

Importance: High

Good morning, Mr. Non-responsive per request

We dispatched the next partial release of responsive records this morning via FedEx. The accompanying letter, attached for your reference, seeks your input on the agency's processing of the remaining responsive records. We ask:

Additional agency records responsive to your request Item 6 are being reviewed. Those records were collected by the agency's Cyber Forensics office. Over 6,000 pages of records were collected. Some of those records are plainly related to the Beachie Creek fire; while others are only tangentially related. For example, the records set in the latter category contain personal emails discussing the fire and its impact on family and friends; summary records of many different wildfires; summary discussions of safety-related topics such as fires, the COVID pandemic, and safety plans; discussions of media reporting on the fire; and records of local and state government briefings to the public regarding the wildfires.

Processing the other tangentially-related records will require us to consult with many subject matter experts fluent in those additional subjects before release determinations can be made on those records. To aid in agency review, processing, and release of this last set of records, we invite you to re-scope your request to those records which pertain only to the Beachie Creek Fire. Focusing on the records that are solely about the Beachie Creek Fire will greatly decrease the time needed for review and release. Please let us know if you are amenable to this re-scope of records – the agency will need your agreement to this processing plan before implementing it.

Please let us know when you receive the FedEx parcel, and let us know if you are amenable to the aforementioned re-scope of responsive records.

Kind regards,

Jason E. Taylor
FOIA Program Lead
Bonneville Power Administration
503-230-3537

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From: [Non-responsive per request]
To: Taylor, Jason E (BPA) - CGI-7; [Non-responsive per request] [Non-responsive per request]
Cc: King, James J (BPA) - CGI-7
Subject: [EXTERNAL] RE: Your Freedom of Information Act Request to the Bonneville Power Administration - BPA-2021-00488-F
Date: Thursday, June 29, 2023 1:20:17 PM

Jason,

Apologies for the delay in response, I was in trial. Can you clarify the parameters of the re-scope? I think we're on the same page—we don't want any of the categories of communications you discuss below. What we are interested in is internal communications discussing the operation of the BPA transmission facilities in the vicinity of the Santiam Canyon in the period immediately before, during, and after the Beachie Creek Fire. I'm cc'ing my colleagues @ [Non-responsive per request] and @ [Non-responsive per request] as well, please direct any response to them as I will be leaving [Non-responsive per request] next week. Thanks.

[Non-responsive per request]

[Non-responsive per request]

Non-responsive per request

D: [Non-responsive per request]
[Non-responsive per request]
[Biography](#)

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Sent: Tuesday, June 20, 2023 10:11 AM
To: [Non-responsive per request] <[Non-responsive per request]>
Cc: King, James J (BPA) - CGI-7 <jjking@bpa.gov>
Subject: Your Freedom of Information Act Request to the Bonneville Power Administration - BPA-2021-00488-F
Importance: High

Good morning, Mr. [Non-responsive per request]

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pandemic, and safety plans; discussions of media reporting on the fire; and records of local and state government briefings to the public regarding the wildfires.

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Focusing on the records that are solely about the Beachie Creek Fire will greatly decrease the time needed for review and release. Please let us know if you are amenable to this re-scope of records – the agency will need your agreement to this processing plan before implementing it.

Please let us know when you receive the FedEx parcel, and let us know if you are amenable to the aforementioned re-scope of responsive records.

Kind regards,

Jason E. Taylor
FOIA Program Lead
Bonneville Power Administration
503-230-3537

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From: [Non-responsive per request]
To: Taylor, Jason E (BPA) - CGI-7 [Non-responsive per request]
Subject: [EXTERNAL] RE: Your FOIA Request to the Bonneville Power Administration - BPA-2021-00488-F - Please Advise
Date: Saturday, July 8, 2023 9:44:24 AM

Jason,

Thank you for the email. Let's please use December 31, 2020, as the end date. Let me know if you need anything else.

Best,

[Non-responsive per request]

[Non-responsive per request]

[Non-responsive per request]

D: [Non-responsive per request]
[Non-responsive per request]
Biography

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Sent: Friday, July 7, 2023 5:07 PM
To: [Non-responsive per request] <[Non-responsive per request]> [Non-responsive per request] <[Non-responsive per request]>
Subject: RE: Your FOIA Request to the Bonneville Power Administration - BPA-2021-00488-F - Please Advise

Good afternoon,

I believe we are all on the same page. For this final piece of your FOIA request, we collected records for:

All meeting minutes, notes, agendas, summaries, reports, correspondence or other records of communication

related to the BEACHIE CREEK FIRE, INCLUDING email communications and non-final or draft versions thereof,

from September 6, 2020 until present.

Our Cyber Forensics team ran the search using the keywords "Beachie creek" and Beachie creel fire" and brought in several thousands of pages of records. The majority of these records are NOT related to "internal communications discussing the operation of the BPA transmission facilities in the vicinity of the Santiam Canyon in the period immediately before, during, and after the Beachie Creek Fire." This new clarification definitely helps narrow our search for responsive records. We can now leave out those non-responsive records such as new clips, personal emails, safety bulletins, and all similar communications that in no way relate to operations of BPA's transmission facilities.

You also stated the date-scope of records should be "immediately before, during, and after the

Beachie Creek Fire.” When we performed our search, we used your original date range of “September 6, 2020 to present.” Our present/end date used was December 2022. This end date is definitely NOT “immediately after” the fire. Can you please provide us a more accurate and date for the records you seek?

We look forward to hearing from you so we can begin processing your records for an accurate, efficient release.

Kind regards,

Jason E. Taylor
FOIA Program Lead
Bonneville Power Administration
503-230-3537
[About the Freedom of Information Act at BPA](#)

From: [Non-responsive per request] <[Non-responsive per request]>
Sent: Thursday, June 29, 2023 1:19 PM
To: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>; [Non-responsive per request] <[Non-responsive per request]> [Non-responsive per request] <[Non-responsive per request]>
Cc: King, James J (BPA) - CGI-7 <jjking@bpa.gov>
Subject: [EXTERNAL] RE: Your Freedom of Information Act Request to the Bonneville Power Administration - BPA-2021-00488-F

Jason,

Apologies for the delay in response, I was in trial. Can you clarify the parameters of the re-scope? I think we’re on the same page—we don’t want any of the categories of communications you discuss below. What we are interested in is internal communications discussing the operation of the BPA transmission facilities in the vicinity of the Santiam Canyon in the period immediately before, during, and after the Beachie Creek Fire. I’m cc’ing my colleagues @ [Non-responsive per request] and @ [Non-responsive per request] as well, please direct any response to them as I will be leaving [Non-responsive per request] next week. Thanks.

[Non-responsive per request]

[Non-responsive per request]

[Non-responsive per request]

D: [Non-responsive per request]
[Non-responsive per request]

[Biography](#)

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Sent: Tuesday, June 20, 2023 10:11 AM

To: Non-responsive per request <*Non-responsive per request*>

Cc: King, James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: Your Freedom of Information Act Request to the Bonneville Power Administration - BPA-2021-00488-F

Importance: High

Good morning, Mr. Non-responsive per request

We dispatched the next partial release of responsive records this morning via FedEx. The accompanying letter, attached for your reference, seeks your input on the agency's processing of the remaining responsive records. We ask:

Additional agency records responsive to your request Item 6 are being reviewed. Those records were collected by the agency's Cyber Forensics office. Over 6,000 pages of records were collected. Some of those records are plainly related to the Beachie Creek fire; while others are only tangentially related. For example, the records set in the latter category contain personal emails discussing the fire and its impact on family and friends; summary records of many different wildfires; summary discussions of safety-related topics such as fires, the COVID pandemic, and safety plans; discussions of media reporting on the fire; and records of local and state government briefings to the public regarding the wildfires.

Processing the other tangentially-related records will require us to consult with many subject matter experts fluent in those additional subjects before release determinations can be made on those records. To aid in agency review, processing, and release of this last set of records, we invite you to re-scope your request to those records which pertain only to the Beachie Creek Fire. Focusing on the records that are solely about the Beachie Creek Fire will greatly decrease the time needed for review and release. Please let us know if you are amenable to this re-scope of records – the agency will need your agreement to this processing plan before implementing it.

Please let us know when you receive the FedEx parcel, and let us know if you are amenable to the aforementioned re-scope of responsive records.

Kind regards,

Jason E. Taylor
FOIA Program Lead
Bonneville Power Administration
503-230-3537

PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient(s) is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system. Thank you.



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

November 22, 2023

In reply refer to: FOIA #BPA-2021-00488-F

SENT VIA EMAIL: *Non-responsive per request* *Non-responsive per request*

Non-responsive per request

Dear Colleagues,

This communication is the final response to your records request submitted to the Bonneville Power Administration (BPA) and made via the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your request was received on March 24, 2021, and formally acknowledged on April 6, 2021.

Request

- “1. All photographs or videos from September 6, 2020 to present, depicting any fire activity, including the Beachie Creek Fire or any indicia thereof (i.e., smoke, ash, burning, evacuation), within the Santiam Canyon Area, whether created by any employee in your office, the BPA, any other responding agency, or any witness to the fire or member of the public. Please include any information identifying the location, date, and time (such as filenames) of such photographs or videos; and the full name(s) and contact information for the photographer(s)/videographer(s) of such photographs or videos.) [And,]
2. All photographs and videos from September 6, 2020 to September 13, 2020 depicting PacifiCorp-owned or operated equipment, including conductors, power lines, and poles. Please include any information identifying the location, date, and time of such photographs or videos (such as filenames, logs, or notes); and the full name(s) and contact information for the photographers or videographer(s) of such videos in the Santiam Canyon Area. [And,]
3. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA’s cameras, webcams, surveillance cameras, and/or fire cams depicting the Beachie Creek Fire. [And,]
4. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA’s cameras, webcams, surveillance cameras, and/or fire cams in or around the Santiam Canyon Area. [And,]
5. Any and all rain gauge, wind, temperature, and other meteorological measurements, including associated GPS or other location data, made during the Beachie Creek Fire, from September 6,

2020 to September 13, 2020, including any measurements received from the National Weather Service. If this data is publicly available, please provide the internet hyperlink. [And,]

6. All meeting minutes, notes, agendas, summaries, reports, correspondence or other records of communication related to the Beachie Creek Fire, including email communications and non-final or draft versions thereof, from September 6, 2020 until present. [And,]

7. All documents related to operational activities related to BPA'S electric transmission system in the Santiam Canyon Area, including Supervisory Control and Data Acquisition (SCADA) data and outage, interruption, relay, and/or fault records, from September 5, 2020 to September 13, 2020. [And,]

8. Any and all inspection records for BPA electrical facilities within the Santiam Canyon Area for the five years preceding the Beachie Creek Fire, including maps of such electrical facilities.”

[For purposes of this request — 1. “Santiam Canyon Area” will mean in and around the Santiam Canyon area in Oregon, including the area generally west of Detroit and east of Salem, near the county line between Marion and Linn Counties and Route 22, and including the communities of Lyons, Mill City, and Gates, Oregon. 2. “Beachie Creek Fire” will mean the wildfire in Oregon beginning on or about August 16, 2020, which burned 193,573 acres and which was officially contained October 31, 2020. 3. “Including” or “includes” will mean including but not limited to.]

Previous Responses

- A first partial response concerning item 5 was provided on June 4, 2021.
- A second partial response concerning items 3 and 4 was provided on June 24, 2021.
- A third partial response concerning items 1 and 2 was provided on August 9, 2021.
- A fourth partial response concerning items 1 and 2 was provided on October 25, 2021.
- A fifth partial response concerning item 7 was provided on February 2, 2022.
- A sixth partial response concerning item 7 was provided on June 16, 2023.

Seventh Partial and Final Response

In an effort to release responsive records to you expediently, and within the constraints of agency resources, BPA has been releasing responsive records to you in partial installments. This communication continues that partial release plan. This final response concerns item 6 of your FOIA request. BPA's Cyber Forensics office collected 524 pages of responsive records. Eleven pages are being withheld in full under 5 U.S.C. § 552(b)(5) (Exemption 5). The remaining 513 pages accompany this communication with two redactions made under Exemption 5 and 80 redactions made under 5 U.S.C. § 552(b)(6) (Exemption 6).

Explanation of Exemptions

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains the FOIA's nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

Exemption 5

Exemption 5 protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency” (5 U.S.C. § 552(b)(5)). In plain language, the exemption protects privileged records. The FOIA’s Exemption 5 deliberative process privilege protects records showing the deliberative or decision-making processes of government agencies. Records protectable under this privilege must be both pre-decisional and deliberative. A record is pre-decisional if it is generated before the adoption of an agency policy. A record is deliberative if it reflects the give-and-take of the consultative process, either by assessing the merits of a particular viewpoint, or by articulating the process used by the agency to formulate a decision.

Here, BPA relies on Exemption 5 here to protect eleven pages of draft records created by Engineering Systems Inc (ESi), a consultant employed by BPA to create a wildfire report. ESi had a formal, contractual, paid relationship with BPA and functioned as if they were agency employees. As such, these draft records meet the threshold of interagency records. These records are pre-decisional, as they were created before publication of the final wildfire report; and the records are deliberative, as they represent the examinations and discussions of the evidence gathered to create the report. Records protected by Exemption 5 may be discretionarily released. BPA has considered and declined a discretionary release of the pre-decisional and deliberative information in these eleven pages because disclosure would cause confusion and ambiguity around the work product and associated opinions. Therefore, these 11 pages of records are being withheld. Please note, however, that we are releasing the final wildfire report in full with no redactions.

BPA also relies on Exemption 5 to protect one paragraph of a record related to the Boardman to Hemingway (B2H) transmission-line project. This record contains pre-decisional, deliberative information regarding the agency’s possible litigation against B2H project stakeholders. Records protected by Exemption 5 may be discretionarily released. BPA has considered and declined a discretionary release of this pre-decisional and deliberative information in this paragraph disclosure harm the agency’s position in potential litigation. A further Exemption 5 redaction, on one page, concerns a proposed potential response to a COVID-19 issue. This proposal was ultimately rejected.

Exemption 6

Exemption 6 serves to protect Personally Identifiable Information (PII) contained in agency records when no overriding public interest in the information exists. BPA does not find an overriding public interest in a release of the information redacted under Exemption 6—specifically, mobile phone numbers, personal phone numbers, and passcodes for phone and WebEx conferences. This information sheds no light on the executive functions of the agency and BPA finds no overriding public interest in its release. BPA cannot waive these redactions, as the protections afforded by Exemption 6 belong to individuals and not to the agency.

Lastly, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and release nonexempt information. The agency has determined that in certain instances partial disclosure is possible and has accordingly segregated the records into exempt and non-exempt portions.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the final FOIA response described above. Your FOIA request BPA-2021-00488-F is now closed with the responsive agency information provided.

Appeal

Note that the records release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this final records release, within 90 calendar days from the date of this communication. 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.

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 the FOIA Public Liaison James King at jjking@bpa.gov or 503-230-7621. Questions may also be directed to FOIA Program Lead Jason Taylor at jetaylor@bpa.gov or 503-230-3537. Thank you for your interest in the Bonneville Power Administration.

Sincerely,

Rachel L. Hull
Freedom of Information/Privacy Act Officer

Responsive agency records accompany this communication.



Department of Energy

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


FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

June 16, 2023

In reply refer to: FOIA #BPA-2021-00488-F

SENT VIA U.S. MAIL

Non-responsive per request

Dear Mr. 

This communication is a sixth partial response to your records request, submitted to the Bonneville Power Administration (BPA), and made via the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your request was received on March 24, 2021, and formally acknowledged on April 6, 2021.

Request

- “1. All photographs or videos from September 6, 2020 to present, depicting any fire activity, including the Beachie Creek Fire or any indicia thereof (i.e., smoke, ash, burning, evacuation), within the Santiam Canyon Area, whether created by any employee in your office, the BPA, any other responding agency, or any witness to the fire or member of the public. Please include any information identifying the location, date, and time (such as filenames) of such photographs or videos; and the full name(s) and contact information for the photographer(s)/videographer(s) of such photographs or videos.) [And,]
2. All photographs and videos from September 6, 2020 to September 13, 2020 depicting PacifiCorp-owned or operated equipment, including conductors, power lines, and poles. Please include any information identifying the location, date, and time of such photographs or videos (such as filenames, logs, or notes); and the full name(s) and contact information for the photographers or videographer(s) of such videos in the Santiam Canyon Area. [And,]
3. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA’s cameras, webcams, surveillance cameras, and/or fire cams depicting the Beachie Creek Fire. [And,]
4. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA’s cameras, webcams, surveillance cameras, and/or fire cams in or around the Santiam Canyon Area. [And,]

5. Any and all rain gauge, wind, temperature, and other meteorological measurements, including associated GPS or other location data, made during the Beachie Creek Fire, from September 6, 2020 to September 13, 2020, including any measurements received from the National Weather Service. If this data is publicly available, please provide the internet hyperlink. [And,]
6. All meeting minutes, notes, agendas, summaries, reports, correspondence or other records of communication related to the Beachie Creek Fire, including email communications and non-final or draft versions thereof, from September 6, 2020 until present. [And,]
7. All documents related to operational activities related to BPA'S electric transmission system in the Santiam Canyon Area, including Supervisory Control and Data Acquisition (SCADA) data and outage, interruption, relay, and/or fault records, from September 5, 2020 to September 13, 2020. [And,]
8. Any and all inspection records for BPA electrical facilities within the Santiam Canyon Area for the five years preceding the Beachie Creek Fire, including maps of such electrical facilities."

[For purposes of this request — 1. "Santiam Canyon Area" will mean in and around the Santiam Canyon area in Oregon, including the area generally west of Detroit and east of Salem, near the county line between Marion and Linn Counties and Route 22, and including the communities of Lyons, Mill City, and Gates, Oregon. 2. "Beachie Creek Fire" will mean the wildfire in Oregon beginning on or about August 16, 2020, which burned 193,573 acres and which was officially contained October 31, 2020. 3. "Including" or "includes" will mean including but not limited to.]

Previous Responses

A first partial response concerning Item 5 of your FOIA request was provided on June 4, 2021. A second partial response concerning Items 3 and 4 of your FOIA request was provided on June 24, 2021. A third partial response concerning Items 1 and 2 of your FOIA request was provided on August 9, 2021. A fourth partial response concerning Items 1 and 2 of your FOIA request was provided on October 25, 2021. A fifth partial response concerning Item 7 of your FOIA request was provided on February 2, 2022.

Sixth Partial Response

In an effort to release responsive records to you expediently, and within the constraints of agency resources, BPA has been releasing responsive records to you in partial installments. This communication continues that partial release plan. This partial response again concerns Item 7 above, of your FOIA request.

BPA's Office of General Counsel communicated with supervisory and management personnel in the agency's Organization Delivery & Performance office, Transmission Program Management & Governance offices, and Incident Management Team Office of Continuity of Operations, and Emergency Management District Operations and Maintenance – Salem, and with several other knowledgeable agency personnel regarding your requests for records, as described in Item 7. BPA is herein releasing 1,610 pages of records responsive to your request. No redactions have been applied to this data release. BPA is also releasing two folders of fault and relay data. Details regarding these records follow.

Fault Data

Responsive records contain output from the Qualitrol Company LLC's BEN 6000 Digital Fault Recorder (DFR). The DFR records the majority of substation voltages, and current waveforms, during a fault. The microprocessor relays record their specific position's waveforms, whereas the DFR is a "snap shot" of a much larger group of waveforms. Following communications with the FOIA office, on January 3, 2023, you advised that you can open DFR files if they are in Comtrade format. Accordingly, BPA subject matter experts converted these files for you, and they left the original files in the source folders.

Relay Data

Responsive records contain outputs from Schweitzer Engineering Laboratories (SEL) relays. These data represent the state of the electrical currents (and voltages, if present) that an SEL relay recorded at a specific time. These data may be recorded during a relay operation, or during a system condition, where the relay was programmed to simply record an event. Also on January 3, 2023, you advised that you can open SEL files. Therefore, the agency is providing you the original file format for the SEL files.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the third partial FOIA response described above.

Ongoing Processing

Additional agency records responsive to your request Item 6 are being reviewed. Those records were collected by the agency's Cyber Forensics office. Over 6,000 pages of records were collected. Some of those records are plainly related to the Beachie Creek fire; while others are only tangentially related. For example, the records set in the latter category contain personal emails discussing the fire and its impact on family and friends; summary records of many different wildfires; summary discussions of safety-related topics such as fires, the COVID pandemic, and safety plans; discussions of media reporting on the fire; and records of local and state government briefings to the public regarding the wildfires.

Processing the other tangentially-related records will require us to consult with many subject matter experts fluent in those additional subjects before release determinations can be made on those records. To aid in agency review, processing, and release of this last set of records, we invite you to re-scope your request to those records which pertain *only* to the Beachie Creek Fire. Focusing on the records that are solely about the Beachie Creek Fire will greatly decrease the time needed for review and release. Please let us know if you are amenable to this re-scope of records – the agency will need your agreement to this processing plan before implementing it.

If you chose to re-scope, BPA will retain the related, but not germane, records for a future review and release, if at a future date you do decide that particular subset of record is wanted. That is, those non-germane records will remain available if, after having received the next partial release, you determine you do want those records. BPA here seeks only to process your FOIA request more efficiently and to provide you the most relevant records set responsive to your FOIA request,

If BPA continues to process all remaining records, we estimate a next partial response to your request by December 1, 2023. BPA looks forward to your thoughts on modifying the scope 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 or the status of your FOIA request may be directed to FOIA Public Liaison James King at jjking@bpa.gov or 503-230-7621. Questions may also be directed to Jason Taylor at jetaylor@bpa.gov or 503-230-3537.

Sincerely,

Candice D. Palen
Freedom of Information/Privacy Act Officer

[Responsive agency records accompany this communication.](#)



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

February 2, 2022

In reply refer to: FOIA #BPA-2021-00488-F

Non-responsive per request



Dear Mr. 

This communication is a fifth partial response to your records request submitted to the Bonneville Power Administration (BPA), and made via the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your request was received on March 24, 2021, and formally acknowledged on April 6, 2021.

Request

- “1. All photographs or videos from September 6, 2020 to present, depicting any fire activity, including the Beachie Creek Fire or any indicia thereof (i.e., smoke, ash, burning, evacuation), within the Santiam Canyon Area, whether created by any employee in your office, the BPA, any other responding agency, or any witness to the fire or member of the public. Please include any information identifying the location, date, and time (such as filenames) of such photographs or videos; and the full name(s) and contact information for the photographer(s)/videographer(s) of such photographs or videos.) [And,]
2. All photographs and videos from September 6, 2020 to September 13, 2020 depicting PacifiCorp-owned or operated equipment, including conductors, power lines, and poles. Please include any information identifying the location, date, and time of such photographs or videos (such as filenames, logs, or notes); and the full name(s) and contact information for the photographers or videographer(s) of such videos in the Santiam Canyon Area. [And,]
3. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA’s cameras, webcams, surveillance cameras, and/or fire cams depicting the Beachie Creek Fire. [And,]
4. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA’s cameras, webcams, surveillance cameras, and/or fire cams in or around the Santiam Canyon Area. [And,]
5. Any and all rain gauge, wind, temperature, and other meteorological measurements, including associated GPS or other location data, made during the Beachie Creek Fire, from September 6,

2020 to September 13, 2020, including any measurements received from the National Weather Service. If this data is publicly available, please provide the internet hyperlink. [And,]

6. All meeting minutes, notes, agendas, summaries, reports, correspondence or other records of communication related to the Beachie Creek Fire, including email communications and non-final or draft versions thereof, from September 6, 2020 until present. [And,]

7. All documents related to operational activities related to BPA'S electric transmission system in the Santiam Canyon Area, including Supervisory Control and Data Acquisition (SCADA) data and outage, interruption, relay, and/or fault records, from September 5, 2020 to September 13, 2020. [And,]

8. Any and all inspection records for BPA electrical facilities within the Santiam Canyon Area for the five years preceding the Beachie Creek Fire, including maps of such electrical facilities.”

[For purposes of this request — 1. “Santiam Canyon Area” will mean in and around the Santiam Canyon area in Oregon, including the area generally west of Detroit and east of Salem, near the county line between Marion and Linn Counties and Route 22, and including the communities of Lyons, Mill City, and Gates, Oregon. 2. “Beachie Creek Fire” will mean the wildfire in Oregon beginning on or about August 16, 2020, which burned 193,573 acres and which was officially contained October 31, 2020. 3. “Including” or “includes” will mean including but not limited to.]

Previous Responses

A first partial response concerning Item 5 of your FOIA request was provided on June 4, 2021. A second partial response concerning Items 3 and 4 of your FOIA request was provided on June 24, 2021. A third partial response concerning Items 1 and 2 of your FOIA request was provided on August 9, 2021. A fourth partial response concerning Items 1 and 2 of your FOIA request was provided on October 25, 2021.

Fifth Partial Response

This partial response again concerns Item 7 above, of your FOIA request. BPA'S Office of General Counsel communicated with supervisory and management personnel in the agency'S Organization Delivery & Performance office, Transmission Program Management & Governance offices, and Incident Management Team Office of Continuity of Operations, and Emergency Management District Operations and Maintenance – Salem, and with several other knowledgeable agency personnel regarding your requests for records as described in Item 7. BPA is herein releasing 51 data spreadsheets responsive to your request. No redactions have been applied to this data release. Additional agency records responsive to your request Item 7 are being reviewed and will be the subject of a future partial records release.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the third partial FOIA response described above.

Ongoing Processing

BPA continues to gather and process records responsive to your full request, above.

Please know that for an undetermined period, related to the agency's response to the COVID-19 pandemic, BPA personnel are operating within a remote working directive. FOIA request processing is thereby slowed. BPA remains committed to meeting its FOIA obligations to you and to all its many FOIA requesters.

In light of the above conditions and determinations BPA estimates a next partial response to your request by May 4, 2022. BPA invites you to contact us to narrow the scope of your request or to discuss this estimated completion date.

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 or the status of your FOIA request may be directed to FOIA Public Liaison Jason Taylor at jetaylor@bpa.gov or at 503-230-3537. Questions may also 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

[Responsive agency records accompany this communication.](#)



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

October 25, 2021

In reply refer to: FOIA #BPA-2021-00488-F

SENT VIA EMAIL AND MAIL

Non-responsive per request

Dear Mr. *Non-responsive per request*

This communication is a fourth partial response to your records request submitted to the Bonneville Power Administration (BPA), and made via the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your request was received on March 24, 2021, and formally acknowledged on April 6, 2021.

Request

- “1. All photographs or videos from September 6, 2020 to present, depicting any fire activity, including the Beachie Creek Fire or any indicia thereof (i.e., smoke, ash, burning, evacuation), within the Santiam Canyon Area, whether created by any employee in your office, the BPA, any other responding agency, or any witness to the fire or member of the public. Please include any information identifying the location, date, and time (such as filenames) of such photographs or videos; and the full name(s) and contact information for the photographer(s)/videographer(s) of such photographs or videos.) [And,]
2. All photographs and videos from September 6, 2020 to September 13, 2020 depicting PacifiCorp-owned or operated equipment, including conductors, power lines, and poles. Please include any information identifying the location, date, and time of such photographs or videos (such as filenames, logs, or notes); and the full name(s) and contact information for the photographers or videographer(s) of such videos in the Santiam Canyon Area. [And,]
3. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA’s cameras, webcams, surveillance cameras, and/or fire cams depicting the Beachie Creek Fire. [And,]
4. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA’s cameras, webcams, surveillance cameras, and/or fire cams in or around the Santiam Canyon Area. [And,]

5. Any and all rain gauge, wind, temperature, and other meteorological measurements, including associated GPS or other location data, made during the Beachie Creek Fire, from September 6, 2020 to September 13, 2020, including any measurements received from the National Weather Service. If this data is publicly available, please provide the internet hyperlink. [And,]
6. All meeting minutes, notes, agendas, summaries, reports, correspondence or other records of communication related to the Beachie Creek Fire, including email communications and non-final or draft versions thereof, from September 6, 2020 until present. [And,]
7. All documents related to operational activities related to BPA'S electric transmission system in the Santiam Canyon Area, including Supervisory Control and Data Acquisition (SCADA) data and outage, interruption, relay, and/or fault records, from September 5, 2020 to September 13, 2020. [And,]
8. Any and all inspection records for BPA electrical facilities within the Santiam Canyon Area for the five years preceding the Beachie Creek Fire, including maps of such electrical facilities."

[For purposes of this request — 1. "Santiam Canyon Area" will mean in and around the Santiam Canyon area in Oregon, including the area generally west of Detroit and east of Salem, near the county line between Marion and Linn Counties and Route 22, and including the communities of Lyons, Mill City, and Gates, Oregon. 2. "Beachie Creek Fire" will mean the wildfire in Oregon beginning on or about August 16, 2020, which burned 193,573 acres and which was officially contained October 31, 2020. 3. "Including" or "includes" will mean including but not limited to.]

Previous Responses

A first partial response concerning Item 5 of your FOIA request was provided on June 4, 2021. A second partial response concerning Items 3 and 4 of your FOIA request was provided on June 24, 2021. A third partial response concerning Items 1 and 2 of your FOIA request was provided on August 9, 2021.

Fourth Partial Response

This partial response again concerns Items 1 and 2, above, of your FOIA request. BPA's Office of General Counsel communicated with supervisory and management personnel in the agency's Transmission offices, and in the Incident Management Team Office of Continuity of Operations, and in the Emergency Management District Operations and Maintenance – Salem office, and with several other knowledgeable agency personnel regarding your requests for photographic records as described in Items 1 and 2, above. The agency collected photographs related to the Beachie Creek Fire (as it is described in your request), and is herein releasing 373 image files and two video files responsive to your request, with no redactions applied.

Collection

The photograph collection effort in response to your FOIA request may have swept up a small number of photographs not specific to the geographic area you are interested in. In the interest of efficiency, and timely providing you with the records you seek, BPA has made no effort to cull the few images not responsive to your request from the 373 pages of photographs being released to you.

Location, Date and Time

Regarding your request for, "...any information identifying the location, date, and time (such as filenames) of such photographs or videos..." some agency personnel "notes" were gathered in the form of a small number of internal emails. These existing "notes" are not comprehensive and are not responsive to your request. Those records are not being released, herein. Further, information on the date, the location, and the time the respective images were each captured is not patent from the images collected. Tracking down or deducing that information is either not possible or would take extensive research accomplish. The FOIA does not require agencies to create new records or to conduct research, analyze data, or answer questions when responding to requests.

Contact Information for the Photographers

Regarding your request for, "... the full name(s) and contact information for the photographer(s)/videographer(s) of such photographs or videos... [and] "...the full name(s) and contact information for the photographers or videographer(s) of such videos in the Santiam Canyon Area...", some agency information responsive to your request was gathered in the form of internal transmittal emails to which responsive image files were attached. Following a full evaluation of those transmittal emails to which responsive image files were attached, the agency relies on 5 U.S.C. § 552(b)(6) (Exemption 6) to protect the privacy interests of the photographers and withhold the requested contact information. In compliance with Exemption 6, BPA can find no public interest in a release of that Personally Identifiable Information.

Additionally on this topic, not all agency personnel engaged in photographing the 2020 Beachie Creek Fire incident sent in their images uniquely and separately; most images were sent to and exchanged amongst internal colleagues and supervisors prior to being gathered via the FOIA records collection process. As a consequence, identifying the originating photographer is either not possible or would take extensive backtracking to accomplish. Again, the FOIA does not require agencies to create new records or to conduct research, analyze data, or answer questions when responding to requests.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the fourth partial FOIA response and records release described above.

Ongoing Processing

BPA continues to gather and process records responsive to your full request—specifically, items 6, 7 and 8. Please know that for an undetermined period, related to the agency's response to the COVID-19 pandemic, BPA personnel are operating within a remote working directive. FOIA request processing is thereby slowed. BPA remains committed to meeting its FOIA obligations

to you and to all its many FOIA requesters. In light of the above conditions and determinations BPA estimates a next partial response to your request by December 1, 2021. BPA invites you to contact the agency to discuss this estimated next partial release date.

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 or the status of your FOIA request may be directed to FOIA Public Liaison Jason Taylor at jetaylor@bpa.gov or at 503-230-3537. Questions may also 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

[A thumb drive containing responsive agency records accompanies this communication.](#)



Department of Energy

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


FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

August 9, 2021

In reply refer to: FOIA #BPA-2021-00488-F

Non-responsive per request

A large teal rectangular box redacts the majority of the page content, starting below the "Non-responsive per request" text and ending above the "Request" section.

Dear Mr. 

This communication is a third partial response to your records request submitted to the Bonneville Power Administration (BPA), and made via the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your request was received on March 24, 2021, and formally acknowledged on April 6, 2021.

Request

- “1. All photographs or videos from September 6, 2020 to present, depicting any fire activity, including the Beachie Creek Fire or any indicia thereof (i.e., smoke, ash, burning, evacuation), within the Santiam Canyon Area, whether created by any employee in your office, the BPA, any other responding agency, or any witness to the fire or member of the public. Please include any information identifying the location, date, and time (such as filenames) of such photographs or videos; and the full name(s) and contact information for the photographer(s)/videographer(s) of such photographs or videos.) [And,]
2. All photographs and videos from September 6, 2020 to September 13, 2020 depicting PacifiCorp-owned or operated equipment, including conductors, power lines, and poles. Please include any information identifying the location, date, and time of such photographs or videos (such as filenames, logs, or notes); and the full name(s) and contact information for the photographers or videographer(s) of such videos in the Santiam Canyon Area. [And,]
3. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA’s cameras, webcams, surveillance cameras, and/or fire cams depicting the Beachie Creek Fire. [And,]
4. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA’s cameras, webcams, surveillance cameras, and/or fire cams in or around the Santiam Canyon Area. [And,]
5. Any and all rain gauge, wind, temperature, and other meteorological measurements, including associated GPS or other location data, made during the Beachie Creek Fire, from September 6,

2020 to September 13, 2020, including any measurements received from the National Weather Service. If this data is publicly available, please provide the internet hyperlink. [And,]

6. All meeting minutes, notes, agendas, summaries, reports, correspondence or other records of communication related to the Beachie Creek Fire, including email communications and non-final or draft versions thereof, from September 6, 2020 until present. [And,]

7. All documents related to operational activities related to BPA'S electric transmission system in the Santiam Canyon Area, including Supervisory Control and Data Acquisition (SCADA) data and outage, interruption, relay, and/or fault records, from September 5, 2020 to September 13, 2020. [And,]

8. Any and all inspection records for BPA electrical facilities within the Santiam Canyon Area for the five years preceding the Beachie Creek Fire, including maps of such electrical facilities.”

[For purposes of this request — 1. “Santiam Canyon Area” will mean in and around the Santiam Canyon area in Oregon, including the area generally west of Detroit and east of Salem, near the county line between Marion and Linn Counties and Route 22, and including the communities of Lyons, Mill City, and Gates, Oregon. 2. “Beachie Creek Fire” will mean the wildfire in Oregon beginning on or about August 16, 2020, which burned 193,573 acres and which was officially contained October 31, 2020. 3. “Including” or “includes” will mean including but not limited to.]

Previous Responses

A first partial response concerning Item 5 of your FOIA request was provided on June 4, 2021. A second partial response concerning Items 3 and 4 of your FOIA request was provided on June 24, 2021.

Third Partial Response

This partial response concerns Items 1 and 2, above, of your FOIA request. BPA's Office of General Counsel communicated with supervisory and management personnel in the agency's Transmission offices, and Incident Management Team Office of Continuity of Operations, and Emergency Management District Operations and Maintenance – Salem, and with several other knowledgeable agency personnel regarding your requests for photographic records as described in Items 1 and 2, above. BPA is reviewing the records provided by knowledgeable agency personnel for responsiveness and any potential application of 5 U.S.C. § 552(b). Those records will be the subject of a future partial release to you. Additional and possibly duplicative photographs used by the agency and responsive to your FOIA request were created by the U.S. Air Force-Civil Air Patrol and can be found at the following internet location:

<https://fema.maps.arcgis.com/apps/opsdashboard/index.html#/775f24c12d684ff0bb9c731b506455a2>

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the third partial FOIA response described above.

Ongoing Processing

BPA continues to gather and process records responsive to your full request.

Please know that for an undetermined period, related to the agency's response to the COVID-19 pandemic, BPA personnel are operating within a remote working directive. FOIA request processing is thereby slowed. BPA remains committed to meeting its FOIA obligations to you and to all its many FOIA requesters.

In light of the above conditions and determinations BPA estimates a next partial response to your request by September 29, 2021. BPA invites you to contact us to narrow the scope of your request or to discuss this estimated completion date.

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 or the status of your FOIA request may be directed to FOIA Public Liaison Jason Taylor at jctaylor@bpa.gov or at 503-230-3537. Questions may also 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



Department of Energy

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


FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

June 24, 2021

In reply refer to: FOIA #BPA-2021-00488-F

Non-responsive per request



Dear Mr. 

This communication is a second partial response to your records request submitted to the Bonneville Power Administration (BPA), and made via the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your request was received on March 24, 2021, and formally acknowledged on April 6, 2021. A first partial response to your FOIA request was provided to you on June 4, 2021.

Request

- “1. All photographs or videos from September 6, 2020 to present, depicting any fire activity, including the Beachie Creek Fire or any indicia thereof (i.e., smoke, ash, burning, evacuation), within the Santiam Canyon Area, whether created by any employee in your office, the BPA, any other responding agency, or any witness to the fire or member of the public. Please include any information identifying the location, date, and time (such as filenames) of such photographs or videos; and the full name(s) and contact information for the photographer(s)/videographer(s) of such photographs or videos.) [And,]
2. All photographs and videos from September 6, 2020 to September 13, 2020 depicting PacifiCorp-owned or operated equipment, including conductors, power lines, and poles. Please include any information identifying the location, date, and time of such photographs or videos (such as filenames, logs, or notes); and the full name(s) and contact information for the photographers or videographer(s) of such videos in the Santiam Canyon Area. [And,]
3. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA’s cameras, webcams, surveillance cameras, and/or fire cams depicting the Beachie Creek Fire. [And,]
4. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA’s cameras, webcams, surveillance cameras, and/or fire cams in or around the Santiam Canyon Area. [And,]

5. Any and all rain gauge, wind, temperature, and other meteorological measurements, including associated GPS or other location data, made during the Beachie Creek Fire, from September 6, 2020 to September 13, 2020, including any measurements received from the National Weather Service. If this data is publicly available, please provide the internet hyperlink. [And,]
6. All meeting minutes, notes, agendas, summaries, reports, correspondence or other records of communication related to the Beachie Creek Fire, including email communications and non-final or draft versions thereof, from September 6, 2020 until present. [And,]
7. All documents related to operational activities related to BPA'S electric transmission system in the Santiam Canyon Area, including Supervisory Control and Data Acquisition (SCADA) data and outage, interruption, relay, and/or fault records, from September 5, 2020 to September 13, 2020. [And,]
8. Any and all inspection records for BPA electrical facilities within the Santiam Canyon Area for the five years preceding the Beachie Creek Fire, including maps of such electrical facilities."

[For purposes of this request — 1. "Santiam Canyon Area" will mean in and around the Santiam Canyon area in Oregon, including the area generally west of Detroit and east of Salem, near the county line between Marion and Linn Counties and Route 22, and including the communities of Lyons, Mill City, and Gates, Oregon. 2. "Beachie Creek Fire" will mean the wildfire in Oregon beginning on or about August 16, 2020, which burned 193,573 acres and which was officially contained October 31, 2020. 3. "Including" or "includes" will mean including but not limited to.]

First Partial Response

A first partial response concerning Item 5, above, of your FOIA request was provided on June 4, 2021.

Second Partial Response

This partial response concerns Items 3 and 4, above, of your FOIA request. BPA's Office of General Counsel communicated with supervisory personnel in the agency's Physical Security office regarding, "All videos or footage from September 6, 2020 to September 13, 2020 from the BPA's cameras, webcams, surveillance cameras, and/or fire cams depicting the Beachie Creek Fire [AND] all videos or footage from September 6, 2020 to September 13, 2020 from the BPA's cameras, webcams, surveillance cameras, and/or fire cams in or around the Santiam Canyon Area." Physical Security personnel have confirmed that the Marion and Santiam Substations would likely be the only BPA facilities within your FOIA subject area. Currently, and during the timeframe outlined in your FOIA request, BPA only has video cameras on the control house or/and the relay house buildings. Those cameras are in place solely to monitor access doors and the approaches thereto. Neither the Marion Substation nor the Santiam Substation has a perimeter intrusion system installed around the perimeter fence line—which would use cameras. Lastly, Physical Security reports that they currently, and during the timeframe outlined in your FOIA request, do not use webcams or fire cams in the field. As a consequence, the agency has no records to provide in response to your request Items 3 and 4.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the second partial FOIA response described above.

Ongoing Processing

BPA continues to gather and process records responsive to your full request, above.

Please know that for an undetermined period, related to the agency's response to the COVID-19 pandemic, BPA personnel are operating within a remote working directive. FOIA request processing is thereby slowed. BPA remains committed to meeting its FOIA obligations to you and to all its many FOIA requesters. In light of the above conditions and determinations BPA continues to estimate the completion of a response to your FOIA request by August 11, 2021. BPA invites you to contact us to narrow the scope of your request or to discuss this estimated completion date.

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 or the status of your FOIA request may be directed to FOIA Public Liaison Jason Taylor at jetaylor@bpa.gov or at 503-230-3537. Questions may also 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



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

June 4, 2021

In reply refer to: FOIA #BPA-2021-00488-F

Non-responsive per request

Dear Mr.  Non-responsive per request

This communication is a first partial response to your records request submitted to the Bonneville Power Administration (BPA), and made via the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your request was received on March 24, 2021, and formally acknowledged on April 6, 2021.

Request

1. All photographs or videos from September 6, 2020 to present, depicting any fire activity, including the Beachie Creek Fire or any indicia thereof (i.e., smoke, ash, burning, evacuation), within the Santiam Canyon Area, whether created by any employee in your office, the BPA, any other responding agency, or any witness to the fire or member of the public. Please include any information identifying the location, date, and time (such as filenames) of such photographs or videos; and the full name(s) and contact information for the photographer(s)/videographer(s) of such photographs or videos.) [And,]
2. All photographs and videos from September 6, 2020 to September 13, 2020 depicting PacifiCorp-owned or operated equipment, including conductors, power lines, and poles. Please include any information identifying the location, date, and time of such photographs or videos (such as filenames, logs, or notes); and the full name(s) and contact information for the photographers or videographer(s) of such videos in the Santiam Canyon Area. [And,]
3. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA's cameras, webcams, surveillance cameras, and/or fire cams depicting the Beachie Creek Fire. [And,]
4. All videos or footage from September 6, 2020 to September 13, 2020 from the BPA's cameras, webcams, surveillance cameras, and/or fire cams in or around the Santiam Canyon Area. [And,]
5. Any and all rain gauge, wind, temperature, and other meteorological measurements, including associated GPS or other location data, made during the Beachie Creek Fire, from September 6,

2020 to September 13, 2020, including any measurements received from the National Weather Service. If this data is publicly available, please provide the internet hyperlink. [And,]

6. All meeting minutes, notes, agendas, summaries, reports, correspondence or other records of communication related to the Beachie Creek Fire, including email communications and non-final or draft versions thereof, from September 6, 2020 until present. [And,]

7. All documents related to operational activities related to BPA'S electric transmission system in the Santiam Canyon Area, including Supervisory Control and Data Acquisition (SCADA) data and outage, interruption, relay, and/or fault records, from September 5, 2020 to September 13, 2020. [And,]

8. Any and all inspection records for BPA electrical facilities within the Santiam Canyon Area for the five years preceding the Beachie Creek Fire, including maps of such electrical facilities.

[For purposes of this request — 1. “Santiam Canyon Area” will mean in and around the Santiam Canyon area in Oregon, including the area generally west of Detroit and east of Salem, near the county line between Marion and Linn Counties and Route 22, and including the communities of Lyons, Mill City, and Gates, Oregon. 2. “Beachie Creek Fire” will mean the wildfire in Oregon beginning on or about August 16, 2020, which burned 193,573 acres and which was officially contained October 31, 2020. 3. “Including” or “includes” will mean including but not limited to.]

First Partial Response

This partial response concerns Item 5, above, of your FOIA request. BPA's Office of General Counsel communicated with the agency's Weather & Streamflow Forecasting office regarding, “Any and all rain gauge, wind, temperature, and other meteorological measurements, including associated GPS or other location data, made during the Beachie Creek Fire, from September 6, 2020 to September 13, 2020, including any measurements received from the National Weather Service.” Knowledgeable agency supervisory personnel in Weather & Streamflow Forecasting have confirmed that BPA does not perform independent meteorological measurements. As a consequence, the agency has no records to provide in response to your request Item 5. The National Oceanographic & Atmospheric Administration (NOAA) will be the appropriate contact for all germane weather records, including those used by BPA and including “all rain gauge, wind, temperature, and other meteorological measurements” data gathered and relied upon during the Beachie Creek Fire. The data you've requested can be found at the National Center for Environmental Information (NCEI) website:

<https://www.ncei.noaa.gov>

You may also file a FOIA request for the data you seek with NOAA, at the website:

<https://www.noaa.gov/organization/information-technology/freedom-of-information-act>

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the first partial FOIA response described above.

Ongoing Processing

BPA continues to gather and process records responsive to your full request, above.

Please know that for an undetermined period, related to the agency's response to the COVID-19 pandemic, BPA personnel are operating within a remote working directive. FOIA request processing is thereby slowed. BPA remains committed to meeting its FOIA obligations to you and to all its many FOIA requesters. In light of the above conditions and determinations BPA continues to estimate the completion of a response to your FOIA request by August 11, 2021. BPA invites you to contact us to narrow the scope of your request or to discuss this estimated completion date.

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 or the status of your FOIA request may be directed to FOIA Public Liaison Jason Taylor at jetaylor@bpa.gov or at 503-230-3537. Questions may also 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

Non-responsive per request



April 29, 2022

Public Records Officer
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208-3621

Submitted via: FOIA.gov

Re: BPA communications regarding new nuclear power facilities and power transmission for such facilities

Dear Public Records Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, *et seq.*, we are writing to request the disclosure of public documents within the control of your agency. I make this request on behalf of *Non-responsive per request*

Non-responsive per request is a non-profit, 501(c)(3), environmental watchdog organization dedicated to preserving and protecting natural resources in the Northwest. *Non-responsive per request* works through education, advocacy, and litigation to protect and restore water in the region as well as nationally. The organization has a long history of interest and involvement in environmental issues, including the development, construction, and operation of nuclear power facilities.

This request pertains to communications between the Bonneville Power Administration and specified utilities and energy companies.

I. FOIA Request

In answering this request, please consider “documents” to include: reports, memoranda, internal correspondence, including electronic mail or other communications, policy and scientific reports, meeting notes, and summaries of conversations and interviews, computer records, and other forms of written communication, including internal staff memoranda. In your response, please identify which documents correspond to which requests below. This request also covers any non-identical duplicates of records that by reason of notation, attachment, or other alteration or supplement include any information not contained in the original record. Additionally, this request is not meant to be exclusive of other records which, though not specifically requested, would have a reasonable relationship to the subject matter of this request.

We emphasize that this request applies to all described documents whose disclosure is not

Non-responsive per request

expressly prohibited by law. If you should seek to prevent disclosure of any of the requested records, we request that you: (i) identify each such document with particularity (including title, subject, date, author, recipient, and parties copied), and (ii) explain in full the basis on which non-disclosure is sought. In the event that you determine that any of the requested documents cannot be disclosed in their entirety, we request that you release any reasonably redacted or segregable material that may be separated and released. Furthermore, for any documents, or portions thereof, that are determined to be potentially exempt from disclosure, we request that you exercise your discretion to disclose the materials, absent a finding that sound grounds exist to invoke an exemption.

Pursuant to this request, please provide all documents prepared or utilized by, in the possession of, or routed through the Bonneville Power Administration (BPA), ending on the date that BPA begins its search pursuant to this request related to the following:

1. Communications between BPA and Grant Public Utility District, NuScale Power, X-energy, Energy Northwest, Utah Associated Municipal Power Systems (UAMPS), and/or any consultants, advisors, or contractors working with or for those entities (e.g., Mark Gendron, special advisor to UAMPS) regarding the potential development of new nuclear energy sources, including but not limited to small modular reactors (SMR), the “Carbon Free Power Project” (CFPP), and transmission services for potential new nuclear facilities.

If you have documents that meet the terms of this request but believe they are not disclosable, please provide a list of such documents and an explanation of any such determination on your part. Also, please indicate if and where you have redacted any information from disclosed documents and/or if you do not have any of the information or documents requested.

II. Form or Format Requested

Non-responsive requests that BPA release color documents in color. FOIA requires that color records maintained in color must be disclosed in color. 5 U.S.C. § 552(a)(3)(B). We also request that BPA provide records without manipulation, that is without splitting the emails and the attachments that originally were attached to each other. As the court held in *Judge Rotenberg Educational Center v. U.S. Food and Drug Administration*, 2019 WL 1296957 (March 21, 2019):

While emails and their attachments are not *per se* a single record, at a minimum “attachments should reasonably be considered part and parcel of the email by which they were sent” when the email “make[s] explicit reference to, or include[s] discussion of, the missing attachments.” *Coffey v. Bureau of Land Mgmt.*, 277 F. Supp. 3d 1, 8 (D.D.C. 2017); *see also Am. Oversight v. U.S. Gen.*

Servs. Admin., 311 F. Supp. 3d 327, 340 (D.D. C 2018) (“[E]ven without ‘a *per se* rule that an email and its attachment must be treated as a single record,’ . . . the attachments to already-produced emails appear manifestly part of the ‘communications’ between GSA and the PTT and, absent any agency explanation why not, ‘belong together.’” (quoting *Coffey*, 277 F. Supp. 3d at 8; *Parker v. U.S. Dep’t of Justice, Office of Prof’l Responsibility*, 278 F. Supp. 3d 446, 452 (D.D.C. 2017))); *New Orleans Workers’ Ctr. for Racial Justice v. U.S. Immigration & Customs Enf’t*, No. 15-431 (RBW), 2019 WL 1025864, at * 11 (D.D.C. Mar. 4, 2019) (“‘[A]ttachments should reasonably be considered part and parcel of the email by which they were sent’ if ‘the emails ... make explicit reference to, or include discussion of, the [] attachments.’” (quoting *Coffey*, 277 F. Supp. 3d at 8)); *Families for Freedom v. U.S. Customs & Border Prot.*, No. 10-cv-2705, 2011 WL 4599592, at *5 (S.D.N.Y. Sep. 30, 2011) (rejecting agency’s separation of emails and attachments because “[t]he attachments can only be fully understood and evaluated when read in the context of the emails to which they are attached. That is the way they were sent and the way they were received. It is also the way in which they should be produced”). More than that, ubiquitous email practices suggest that agencies will struggle to justify separating an email and its attachments into multiple records. Of course, from time to time emails are sent with the wrong attachment, but in the ordinary course an attachment is included with the email because it relates to the body of the email. Though not a *per se* rule, ordinary practice leaves very little wiggle room in generally requiring an email with attachments to be kept together as a single record.

And, as the court in *Parker*, cited above, stated:

D.C. Circuit recently held in *AILA* that “if the government identifies a record as responsive to a FOIA request,” it cannot “redact particular information within the responsive record on the basis that the information is non-responsive.” 830 F.3d at 677. In other words, a single record cannot be split into responsive and non-responsive bits. If the Casey Letter and its attachment are one record-i.e. , “a unit”-then FOIA requires disclosure of both together. *Id.*

The key is understanding what it means to be a single “record.” While FOIA “provides no definition of the term ‘record,’” agencies “in effect define a ‘record’ when they undertake the process of identifying records.” *Id.* at 678 (emphasis added); see *McGehee v. CIA*, 697 F.2d 1095, 1108 (D.C. Cir. 1983). In an expansive bureaucracy, documents and information will not always fall into discrete sets. When collecting these materials together, an agency might combine pages into one document (e.g. , a set of handwritten notes) or split others into multiple parts (e.g. , a compendium of memoranda). “[T]he dispositive point is

that, once an agency itself identifies a particular document or collection of material-such as a chain of emails-as a responsive ‘record,’” then it must produce the whole, absent other statutory exemptions that allow redactions. *AILA*, 830 F.3d at 678. Courts may then review that determination.

278 F. Supp. 3d 451.

III. Fee Waiver Request

We hereby request a waiver of fees for costs incurred in locating and duplicating these materials, pursuant to 5 U.S.C. § 552(a)(4)(iii), because disclosure “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.”

Courts have consistently recognized that Congress intended the fee waiver provisions to “be liberally construed in favor of waivers for noncommercial requesters.” *See, e.g., Forest Guardians v. Department of Interior*, 416 F.3d 1173, 1177-78 (10th Cir. 2005); *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003); *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987). One court stated:

Finally, I note that strong policy considerations support a fee waiver in this case. The legislative history discussed in *McClellan, supra* [cites omitted], and other cases demonstrates that Congress intended independent researchers, journalists and public interest watchdog groups to have inexpensive access to government records in order [t]o provide the type of public disclosure believed essential to our society. Moreover, in the 1986 amendments to FOIA, Congress ensured that when such requesters demonstrated a minimal showing of their legitimate intention to use the requested information in a way that contributes to public understanding of the operations of government agencies, no fee attaches to their request.

Institute for Wildlife Protection v. U.S. Fish and Wildlife Service, 290 F. Supp. 2d 1226, 1232 (2003). Accordingly, both the U.S. Court of Appeals for the Ninth Circuit and the U.S. Court of Appeals for the D.C. Circuit have stated that the main purpose of the fee-waiver is “to remove the roadblocks and technicalities which have been used by various Federal agencies to deny waivers or reductions of fees under the FOIA.” *Judicial Watch, Inc.*, 326 F.3d at 1311; *see also McClellan Ecological Seepage Situation*, 835 F.2d at 1284.

In addition to the “minimal showing” needed to obtain a fee waiver, [REDACTED] is involved in outreach and advocacy regarding development of new nuclear energy sources. Use of information sought through FOIA is a recognized public use and benefit under FOIA’s fee

waiver standard. Courts have long recognized that the use of such laws to further the public interest through challenges to agency action may actually represent some of the highest and best application of public access laws. For example, the Ninth Circuit has ruled that a FOIA requester established a *prima facie* justification for a fee waiver when “[i]n particular, they made it clear to [the agency] that they meant to challenge publicly the scientific basis for the western pond turtle listing denial.” *Friends of the Coast Fork v. U.S. Dept. of Interior*, 110 F.3d. 53, 55 (9th Cir.1997); *see also NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 143 n. 10 (1975) (evidence of prior litigation interest does not decrease right of access under FOIA). Indeed, almost 30 years ago, the federal court for the District of Columbia, citing Supreme Court precedent, ruled that “[l]itigation to seek redress of violation of law is a right established by the first amendment . . . and restrictions thereupon are subject to strict scrutiny.” *Idaho Wildlife Fed’n v. U.S. Forest Serv.*, Civ. No. 82-1206 (D.D.C. July 21, 1983) (citing *NAACP v. Button*, 371 U.S. 415 (1962)), slip op. at 7. In that case, the court rejected the Forest Service’s denial of a fee waiver request because it relied on a regulation that proscribed such waivers whenever the information was “sought for use in litigation against the federal government.” *Id.* at 3. The court ruled that such a proposition is “untenable” because:

The concept of the “private attorney general” is well-established, and certainly had its genesis in the environmental field. Indeed, when private litigation against a government agency vindicates a significant public policy and creates widespread benefit, policy encourages such litigation by awarding the plaintiff attorney’s fees and costs.

Id. at 8 (citation omitted). The court noted that the Idaho Wildlife Federation “is a non-profit organization which states that its purpose in litigation against the Forest Service is to ensure compliance with environmental laws” and that “such activity would appear to be of the type generally considered to be public interest.” *Id.* Because policy-based disputes with agencies, as well as administrative challenges, “cannot be done completely without the ability to seek judicial review,” the court enjoined the Forest Service’s broad-brush rejection of fee waiver requests simply because they might interfere with an agency’s unfettered pursuit of its agenda. *Id.* at 8-9. Indeed, litigation to enforce federal laws is an essential function of organizations, such as and including **Non-responsive**, which act in a watchdog capacity over the activities and inactivities of the federal government and its executive agencies.

Non-responsive per request to oppose the operation of the Trojan Nuclear Power Plant and has participated as a party representing public interests in numerous and various licensing proceedings related to nuclear power in the Pacific Northwest including the following: U.S. Nuclear Regulatory Commission (NRC) operating permits for the Washington Public Power Supply System (WPPSS) nuclear reactors 1, 2, 4, and 5; NRC licensing for an expansion of the spent fuel pool at Trojan; NRC licensing for earthquake safety at Trojan; the Skagit/Hanford NRC construction permit; litigation against Portland General Electric and Pacific Power and

Light over inclusion of the costs of abandoned nuclear plants in electrical rates; Oregon Energy Facility Siting Board proceedings; and Oregon Public Utility Commission proceedings.

A. Whether the subject of the requested records concerns “the operations or activities of the government.”

This request concerns activities of the government with respect to the development of new nuclear power facilities and transmission services to serve them. Nuclear power has a long history in the United States and the Pacific Northwest of being an expensive, unsafe, and unreliable source of energy. Here, this FOIA request involves the possible support by BPA of the development of new nuclear facilities or transmission services to support their operation elsewhere. Therefore, this fee waiver requests involve records that are readily identifiable as limited to “the operations or activities of the government,” specifically in this instance the operations and activities of BPA.

B. Whether the disclosure is “likely to contribute” to an understanding of government operations or activities.

The requested records will provide some insight into whether BPA is or is not engaged in any preliminary discussions with developers of new nuclear facilities. For this reason, reviewing records of BPA’s interactions with developers of these facilities will be “meaningfully informative” and therefore likely to contribute to an understanding of BPA’s views as to the role of new nuclear facilities and nuclear-generated power in the Pacific Northwest. There is currently no public understanding of what role, if any, BPA envisions for these proposals. Therefore, the requested records may shed light whether there is a role and, if so, what it is. Having such information is “meaningfully informative” in that it ensures Non-responsive per request and its partner organizations understand whether and to what extent BPA, as a federal entity, is supporting these proposals.

C. Whether disclosure of the requested information will contribute to “public understanding.”

Disclosure of the requested records to Non-responsive per request will contribute to public understanding because Non-responsive per request has expertise in this subject area of the records, an intention to use and disseminate the information obtained, and the connections with organizations and individuals across the country who are most likely to use the information contained within the records. Non-responsive per request has a track record of working with organizations and individuals across the country. Non-responsive per request is known for being generous with its time and information, despite its extremely limited resources. At a minimum, the audience for the information that Non-responsive per request has requested is environmental, energy, tribal, and health organizations across the country that are interested in ensuring that future energy sources are safe, reliable, economical, with a minimal impact on the environment.

[redacted] will continue to share records as well as information analyzed from records with this same list of interest holders, along with journalists. There are many individuals and organizations representing the broad public interest in our energy future who will use information on BPA's possible role in potential nuclear facilities to inform their own participation in government processes.

In addition to using its relationships and networks with environmental organizations and environmental attorneys across the country, [redacted] will also disseminate the records and/or its analysis of the records through the following means: through the internet from its website which contains much substantive information, through commentary to the press, through public forums in which [redacted] participates, in its newsletters, through emails to networks of organizations, and through formal public comments and other formal documents prepared for agencies. [redacted] dissemination of the records and of its own evaluation of the records will educate the public and advance public understanding of BPA's role, or lack thereof, in the development of new nuclear power facilities and transmission services. Thus, the release of these records will significantly contribute to the public's understanding and oversight of BPA's decision-making.

D. Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

Courts have held that the factor of whether the disclosure will contribute "significantly" to the public understanding is satisfied where the information requested is new, would supplement information currently available to the public, or add to the public oversight of the government's activities. *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1286 (9th Cir. 1987); *Judicial Watch of Florida v. U.S. Justice Dept.*, 1998 U.S. Dist. LEXIS 23441, at *8 (D.D.C. 1998). The requested information has not, to the best of [redacted]'s knowledge, been released to the public and, therefore, qualifies as new. *Oregon Natural Desert Ass'n v. U.S. Dept. of Interior*, 24 F. Supp. 2d 1088, 1095 (D. Ore. 1998) (finding that information supporting a Bureau of Land Management NEPA analysis, but which had not been released publicly, was new for the purposes of FOIA fee waiver).

Where an organization seeking a fee waiver has explained its ability to disseminate information to the public by way of presentations to the public, other public interest organizations, participation in conferences, articles in various media and through its website, a court held that the group had met the dissemination prong of the public interest test:

Other courts have found requestors' statements of intent to disseminate requested information through newsletters, popular news outlets and presentations to the public interest groups, government agencies and the general public sufficient to entitle an organization to a fee waiver Therefore, in light of [Western Watersheds Project's] statements, the Court finds that WWP adequately detailed

its ability and intent to publicize the disclosed information to more than just a narrow segment of the public. Moreover, the Court finds that if it adopted the BLM's position [that WWP would only disseminate information to a narrow audience], it would set the bar for fee waivers impermissibly high, especially in light of Congress' intent to have the fee waiver liberally construed.

Western Watersheds Project v. BLM, 318 F. Supp. 2d 1036 (2004). Moreover, courts have held that if it is a "close call" as to whether a requestor has met one of the factors, in light of Congressional intent that the fee waiver provision be liberally construed, a non commercial entity should be given the benefit of the doubt and be granted the fee waiver. *Forest Guardians v. Dept. of the Interior*, 416 F. 3d 1173 (10th Cir. 2005). Likewise, the court in *Southern Utah Wilderness Alliance v. BLM*, 402 F. Supp 82 (2005) held that an organization's statements describing how it has commented on similar issues in federal proceedings and issued a report on a similar matter was sufficient to show it had the expertise and ability to disseminate the requested information.

Release of the records requested will contribute to the ability of nonprofit public interest oversight organizations such as but not limited to [Non-responsive per request] to oversee the activities of BPA. In general, such organizations need to understand how and why a government has adopted various policies, whether formally or informally, or has chosen not to adopt a consistent policy, in order to review, comment on, and question the application of those policies in its actions and inactions. As discussed above, [Non-responsive per request] and other public interest organizations that are interested in the disclosed records, participate in state rulemaking and licensing proceedings, and in litigation.

E. Commercial interests.

Where a court has found the request to be primarily in the requestor's commercial interest, there has been specific and clear evidence of that interest. *See, e.g., VoteHemp, Inc. V. DEA*, 237 F. Supp 55 (2002)(VoteHemp's website contained links to commercial interests and the requestor's mission included business promotion). There is no such concern here. [Non-responsive per request] has no commercial interest in the requested records. It has no mechanism to obtain funds from the use of the records, it does not promote the records as a commercial concern, and its website contains no links to commercial interests. Rather, [Non-responsive per request] is a non-profit public interest environmental advocacy organization working to protect public health and the environment in the Northwest and across the country. Therefore, the considerations of possible commercial interests of the requestor do not apply because [Non-responsive per request] has no commercial interest and will realize no commercial benefit from the release of the requested information or as a result of any subsequent analysis that we may perform on the records sought.

In conclusion, for the reasons set forth above and in the additional materials filed herewith, [Non-responsive per request] is clearly entitled to receive a public interest fee waiver for

FOIA Request
April 29, 2022
Page 9

this FOIA request.

We look forward to your response. Please feel free to contact me at *Non-responsive per request* *Non-responsive per request* if you have any questions about how to respond to this request.

Sincerely,

Non-responsive per request



The following list contains the entire submission submitted April 29, 2022 03:40:02pm ET, and is formatted for ease of viewing and printing.

Contact information

First name

Last name

Mailing Address

City

Postal Code

Country

Phone

Company/Organization

Email

Non-responsive per request



Request

Request ID

368786

Confirmation ID

368256

Request description

Please see attached letter.

Supporting documentation

Additional Information

BPA nuclear April 2022.pdf

Fees

Request category ID

other

Fee waiver

yes

Explanation

Please see attached letter.

Expedited processing

Expedited Processing

no

Additional information

fee_amount_willing

0

From: [Taylor, Jason E. \(BPA\) - CGI-7](#)
To: [Redacted]
Subject: RE: Your FOIA Request BPA-2022-00786-F [Redacted] -- Please Review and Advise
Date: Wednesday, June 1, 2022 12:24:00 PM
Importance: High

Good afternoon, [Redacted]

Thank you for the feedback and clarification. Based on your revised scope, I asked our Cyber Forensics team to run three searches for responsive records:

1. The first search used your original request language ([below, yellow](#)) and added the date range of Jan 1, 2017 to present. This gave **3,292** results.
2. The second search used the original keywords, added the date range, and added keyword "transmission." This gave **16,544** results. This is because "transmission" is one of the most commonly used words at BPA. We had a feeling this would blow up the results, so we crafted the third search to focus on relevant records and weed out noise from irrelevant records.
3. The third search used the date, the keywords, and added "transmission" with the qualifier: the word "transmission" **must** appear with at least **any one** of the other keywords. This gave us 471 results.

We recommend using the third search, as it is the most focused search that includes the "transmission" keyword and revised date range. Please let me know if how you would like to proceed, and if you have any questions regarding our searches.

Regards,

Jason E. Taylor
FOIA Public Liaison
Bonneville Power Administration
503-230-3537
[About the Freedom of Information Act at BPA](#)

From: [Redacted] <[Redacted]>
Sent: Thursday, May 26, 2022 1:40 PM
To: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: [EXTERNAL] RE: Your FOIA Request to the Bonneville Power Administration - BPA-2022-00786-F

Jason,

This is how I would like to proceed. Let's start with a beginning date of January 1, 2017; it the results

look unwieldy after that, we can discuss further narrowing. I am confirming the use of the keywords you have proposed and I would like you to add the key word "transmission" to search along with those domains. Finally, it appears to us that Mark Gendron's domain name would be included in the UAMPS domain, although I described him as a contractor in the request.

Thank you,

Non-responsive

Non-responsive per request

Working to honor the loving memory of *Non-responsive per request*

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Sent: Wednesday, May 25, 2022 12:49 PM

To: *Non-responsive per request* <*Non-responsive per request*>

Subject: FW: Your FOIA Request to the Bonneville Power Administration - BPA-2022-00786-F

Good afternoon,

I called you twice to discuss your FOIA request, but was unable to reach you. I left voice mails, and am now following up via email to ask you a few questions to refine the scope of your request.

- **What is the date range of the records you seek?** Our Cyber Forensics team searched for records and estimate there are 147,000 records going back twenty years. Please note, we did not collect records, but only created and estimate. Limiting your search -- for example, 3 or 5 years -- will likely result in a focused search with recent and relevant records
- **We are searching for communications using the domain names of the entities you listed, and then using keywords to search for records. The keywords we plan to use are:**
 - "nuclear energy" OR
 - "small modular*" OR
 - SMR OR
 - "carbon Free Power Project" OR
 - CFPP

Please confirm that you agree with this approach.

We will ask our Cyber Forensics team to conduct another search as soon as you address the two

points above.

Thank you,

Jason E. Taylor
FOIA Public Liaison
Bonneville Power Administration
503-230-3537
[About the Freedom of Information Act at BPA](#)

From: Taylor, Jason E (BPA) - CGI-7
Sent: Wednesday, May 18, 2022 12:07 PM
To: Non-responsive per request
Subject: Your FOIA Request to the Bonneville Power Administration - BPA-2022-00786-F

Good morning, Non-responsive per request

Please see the attached formal acknowledgment letter regarding your FOIA request to BPA. Please contact me if you have any questions.

Regards,

Jason E. Taylor
FOIA Public Liaison
Bonneville Power Administration
503-230-3537
[About the Freedom of Information Act at BPA](#)

From: [Non-responsive]
To: [Taylor, Jason E \(BPA\) - CGI-7](#)
Subject: [EXTERNAL] RE: Your FOIA Request BPA-2022-00786-F [Non-responsive] -- Please Review and Advise
Date: Friday, June 3, 2022 3:04:17 PM

Thank you Jason. We definitely are looking for the results of the third search and that also sounds like a not-too-unwieldy volume of records. So please proceed on that basis. [Non-responsive]

From: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Sent: Wednesday, June 1, 2022 12:25 PM
To: [Non-responsive per request] <[Non-responsive per request](#)>
Subject: RE: Your FOIA Request BPA-2022-00786-F [Non-responsive] -- Please Review and Advise
Importance: High

Good afternoon, [Non-responsive]

Thank you for the feedback and clarification. Based on your revised scope, I asked our Cyber Forensics team to run three searches for responsive records:

1. The first search used your original request language ([below, yellow](#)) and added the date range of Jan 1, 2017 to present. This gave **3,292** results.
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FOIA Public Liaison
Bonneville Power Administration
503-230-3537
[About the Freedom of Information Act at BPA](#)

From: [Non-responsive per request] <[Non-responsive per request](#)>

Sent: Thursday, May 26, 2022 1:40 PM

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Non-responsive per request

Working to honor the loving memory of *Non-responsive per request*

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Sent: Wednesday, May 25, 2022 12:49 PM

To: *Non-responsive per request* <*Non-responsive per request*>

Subject: FW: Your FOIA Request to the Bonneville Power Administration - BPA-2022-00786-F

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- "carbon Free Power Project" OR
- CFPP

Please confirm that you agree with this approach.

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Thank you,

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FOIA Public Liaison
Bonneville Power Administration
503-230-3537
[About the Freedom of Information Act at BPA](#)

From: Taylor,Jason E (BPA) - CGI-7
Sent: Wednesday, May 18, 2022 12:07 PM
To: Non-responsive per request
Subject: Your FOIA Request to the Bonneville Power Administration - BPA-2022-00786-F

Good morning, Non-responsive per request

Please see the attached formal acknowledgment letter regarding your FOIA request to BPA. Please contact me if you have any questions.

Regards,

Jason E. Taylor
FOIA Public Liaison
Bonneville Power Administration
503-230-3537
[About the Freedom of Information Act at BPA](#)



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

FREEDOM OF INFORMATION ACT PROGRAM

July 28, 2023

In reply refer to: FOIA #BPA-2023-00786-F

SENT VIA EMAIL ONLY TO: *Non-responsive per request*

Non-responsive per request

Dear *Non-responsive per request*

This communication is the Bonneville Power Administration's (BPA) first partial response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on April 29, 2022, and formally acknowledged your request on May 16, 2022.

Request

"Communications between BPA and Grant Public Utility District, NuScale Power, X-energy, Energy Northwest, Utah Associated Municipal Power Systems (UAMPS), and/or any consultants, advisors, or contractors working with or for those entities (e.g., Mark Gendron, special advisor to UAMPS) regarding the potential development of new nuclear energy sources, including but not limited to small modular reactors (SMR), the 'Carbon Free Power Project' (CFPP), and transmission services for potential new nuclear facilities."

Clarification

Via email exchanges with the agency, from May 25, 2022 and June 3, 2022, you and agency agreed to a FOIA records search and response to include your original request language, and a date range of January 1, 2017, to June 3, 2022. You and agency also agreed to a FOIA records search and response limited to the results from a search of agency electronic records databases using the keywords, "nuclear energy" OR "small modular*" OR "SMR" OR "carbon Free Power Project" OR "CFPP" AND "transmission" — which keyword "transmission" must appear with at least any one of the other keywords.

First Partial Response

BPA searched for and gathered records responsive to your FOIA request from knowledgeable employees in the agency's Market Analysis & Policy, Long Term Power Planning, NW Requirements Marketing, Eastern Customer Services, Power Account Services, Long Term Sales

and Purchases, Power Services, Office of the Chief Operating Officer, and Eastern Customer Services offices. BPA's first partial response includes 156 pages of records. The records accompany this communication, with the following redactions applied:

- 1 redaction applied under 5 U.S.C. § 552(b)(4) (Exemption 4)
- 33 redactions applied under 5 U.S.C. § 552(b)(6) (Exemption 6)

A detailed explanation of the applied exemptions follows.

Explanation of Exemptions

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains the FOIA's nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

Exemption 4

Exemption 4 protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." (5 U.S.C. § 552(b)(4)). This exemption is intended to protect the interests of both the agency and third party submitters of information. Information is considered commercial or financial in nature if it relates to business or trade. Here, compliant with the FOIA and established guidance provided by the U.S. Department of Justice, BPA relies on Exemption 4 to withhold NuScale's financial information. The FOIA does not permit discretionary release of information otherwise protected by Exemption 4.

Exemption 6

Exemption 6 serves to protect Personally Identifiable Information (PII) contained in agency records when no overriding public interest in the information exists. BPA does not find an overriding public interest in a release of the information redacted under Exemption 6—specifically, cell phone numbers and personal discussions relating to family and health status. BPA cannot waive these PII redactions, as the protections afforded by Exemption 6 belong to individuals and not to the agency.

Further, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and release nonexempt information. The agency has determined that in certain instances partial disclosure is possible, and has accordingly segregated the records into exempt and non-exempt portions.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and partial records release described above.

Appeal

Note that the records release certified above is partial. An additional records release is forthcoming. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this partial records release, within 90 calendar days from the date of this communication. 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.

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

Processing Update

BPA is currently processing the remainder of the responsive records collected.

Exemption 4

As communicated previously, prior to publicly releasing agency records, BPA is required by 5 U.S.C. § 552(b)(4) (Exemption 4) to solicit objections to the release of any third party confidential commercial information contained in the responsive records. BPA has communicated with those third parties and provided them with an opportunity to review the records and object to release. The upcoming due date for these third parties is August 4, 2023.

Final Release Target Date

In light of the above conditions and determinations BPA currently estimates the completion of a response to your FOIA request by August 25, 2023. BPA invites you to contact us to narrow the scope of your request, if desirable, or to discuss this estimated completion date.

Questions about this communication or the status of your FOIA request may be directed to James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621. Questions may also be directed to E. Thanh Knudson, Case Coordinator (ACS Staffing Group), at 503-230-5221 or etknudson@bpa.gov.

Sincerely,

Candice D. Palen
Freedom of Information/Privacy Act Officer

[Responsive agency information accompanies this communication.](#)



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

FREEDOM OF INFORMATION ACT PROGRAM

August 11, 2023

In reply refer to: FOIA #BPA-2022-00786-F

SENT VIA EMAIL ONLY TO: *Non-responsive per request*

Non-responsive per request

Dear *Non-responsive per request*

This communication is the Bonneville Power Administration's (BPA) second partial and final response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on April 29, 2022, and formally acknowledged your request on May 16, 2022.

Request

"Communications between BPA and Grant Public Utility District, NuScale Power, X-energy, Energy Northwest, Utah Associated Municipal Power Systems (UAMPS), and/or any consultants, advisors, or contractors working with or for those entities (e.g., Mark Gendron, special advisor to UAMPS) regarding the potential development of new nuclear energy sources, including but not limited to small modular reactors (SMR), the 'Carbon Free Power Project' (CFPP), and transmission services for potential new nuclear facilities."

Clarification

Via email exchanges with the agency, from May 25, 2022 and June 3, 2022, you and agency agreed to a FOIA records search and response to include your original request language, and a date range of January 1, 2017, to June 3, 2022. You and agency also agreed to a FOIA records search and response limited to the results from a search of agency electronic records databases using the keywords, "nuclear energy" OR "small modular*" OR "SMR" OR "carbon Free Power Project" OR "CFPP" AND "transmission" — which keyword "transmission" must appear with at least any one of the other keywords.

Second Partial and Final Response

BPA searched for and gathered records responsive to your FOIA request from knowledgeable employees in the agency's Market Analysis & Policy, Long Term Power Planning, NW Requirements Marketing, Eastern Customer Services, Power Account Services, Long Term Sales

and Purchases, Power Services, Office of the Chief Operating Officer, and Eastern Customer Services offices. BPA's second partial response includes 129 pages of records. The records accompany this communication, with the following redactions applied:

- 24 redactions applied under 5 U.S.C. § 552(b)(6) (Exemption 6)

A detailed explanation of the applied exemptions follows.

Explanation of Exemptions

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains the FOIA's nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

Exemption 6

Exemption 6 serves to protect Personally Identifiable Information (PII) contained in agency records when no overriding public interest in the information exists. BPA does not find an overriding public interest in a release of the information redacted under Exemption 6—specifically, cell phone numbers, a signature, and a single personal comment unrelated to BPA business. BPA cannot waive these PII redactions, as the protections afforded by Exemption 6 belong to individuals and not to the agency.

Further, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and release nonexempt information. The agency has determined that in certain instances partial disclosure is possible, and has accordingly segregated the records into exempt and non-exempt portions.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and partial records release described above. Your FOIA request BPA-2022-00786-F is now closed with the responsive agency information provided.

Appeal

Note that the records release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this records release, within 90 calendar days from the date of this communication. 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.

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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 James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621. Questions may also be directed to E. Thanh Knudson, Case Coordinator (ACS Staffing Group), at 503-230-5221 or etknudson@bpa.gov.

Sincerely,

Candice D. Palen
Freedom of Information/Privacy Act Officer

[Responsive agency information accompanies this communication.](#)

The following list contains the entire submission submitted July 13, 2023 09:50:05am ET, and is formatted for ease of viewing and printing.

Contact information

First name
Last name
Mailing Address
City
State/Province
Postal Code
Country
Phone
Company/Organization
Email

Non-responsive per request



Request

Request ID 780966
Confirmation ID 780406

Request description Could you provide the names and contact information of people in your agency that deal with construction, facilities or project managers. Attached is a template document that was received from another agency in how they provided this information. In addition, if there is no database of these individuals, could you provide building/construction records for you agency.

Supporting documentation

Additional Information FOIA Additional Information.docx

Fees

Request category ID commercial
Fee waiver no
Willing to pay \$0.00

Expedited processing

Expedited Processing

no

King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Monday, August 7, 2023 12:12 PM
To: [Non-responsive per request]
Subject: RE: [EXTERNAL] RE: Your feedback sought in re FOIA BPA-2023-01279-F [Non-responsive per request] - agency construction contacts

Hi, [Non-responsive per request]

Yes, the agency can collect data for CFTE and for BFTE. We'll just have to search a couple different databases. That said, it's entirely possible the CFTE names and contact information may be subject to the Privacy Act and redactions under [Exemption 6 to the FOIA](#); I am unsure about that at this writing, but I wanted to just mention that possibility. In collecting data for BFTE and CFTE, the search will add a bit of time to the response, but it is doable.

I heard back from my records custodians in the agency's HR Systems & Automation office. They want me to ask you if you also seek information on agency IT Project Managers?

Not urgent, but I'll look for your reply.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: [Non-responsive per request] <[Non-responsive per request]>
Sent: Friday, August 4, 2023 11:00 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Subject: [EXTERNAL] RE: Your feedback sought in re FOIA BPA-2023-01279-F [Non-responsive per request] - agency construction contacts

James,

Could we do both the Federal employees and Contractors?

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Sent: Friday, August 4, 2023 10:03 AM
To: [Non-responsive per request] <[Non-responsive per request]>
Subject: Your feedback sought in re FOIA BPA-2023-01279-F [Non-responsive per request] - agency construction contacts

Good morning, [Non-responsive per request]

The Bonneville Power Administration has received your records request, submitted under the Freedom of Information Act. That request is attached for reference.

Request

“...the names and contact information of people in your agency that deal with construction, facilities or project managers. Attached is a template document that was received from another agency in how they provided this information. In addition, if there is no database of these individuals, could you provide building/construction records for your agency?”

Scope

Do you specifically seek agency data in re both contractors and Federal employees? We ask because the searches we will have to do to pull this data together will be driven by your response. I’m happy to help you with your FOIA request, but I’ll need some clarity from you in order to do that.

On Hold

Your FOIA request is ‘on hold’, pending your feedback and direction on our scoping question. Once we have that part squared away we can begin records gathering.

I’ll look for your reply. You may contact me with any questions.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-762

From: King,James J (BPA) - CGI-7

Sent: Monday, July 17, 2023 7:46 AM

To: *Non-responsive per request*

Subject: New FOIA request BPA-2023-01279-F - *Non-responsive per request* - agency construction contacts

Good morning, *Non-responsive per request*

The Bonneville Power Administration has received your records request, submitted under the Freedom of Information Act. BPA will be tracking your new FOIA request as BPA-2023-01279-F (*Non-responsive per request*). That request is attached for reference.

Request

“...the names and contact information of people in your agency that deal with construction, facilities or project managers. Attached is a template document that was received from another agency in how they provided this information. In addition, if there is no database of these individuals, could you provide building/construction records for your agency?”

Next Steps

BPA will begin records gathering and you’ll then receive the agency’s formal acknowledgment letter, as required by the FOIA, which letter will detail the response plan for your request, and also provide a target date for the agency’s response to you.

You may contact me with any questions.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

August 29, 2023

In reply refer to: FOIA #BPA-2023-01279-F

SENT VIA EMAIL ONLY TO: *Non-responsive per request*

Non-responsive per request

Dear Mr. *Non-responsive per request*

The Bonneville Power Administration (BPA) has received your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). The agency received your request on July 17, 2023. BPA has assigned your request a tracking number of BPA-2023-01279-F. Please use that tracking number in any correspondence with the agency regarding your FOIA request. This communication is the agency's formal acknowledgment and response to your information request.

Request

"...the names and contact information of people in your agency that deal with construction, facilities or project managers. [...] if there is no database of these individuals, could you provide building/construction records for your agency?"

Clarifications

Via email exchanges with the agency beginning July 17, 2023, your request scope was sought. While that scoping effort was undertaken, your request response was placed on hold, as permitted by the FOIA and associated regulations. Absent your needed feedback to date, the agency is here moving forward with a response to your FOIA request.

Acknowledgement

BPA reviewed your request and determined that it fulfills all of the criteria of a proper request under the FOIA and the U.S. Department of Energy's (DOE) FOIA regulations at Title 10, Code of Federal Regulations, Part 1004.

Response

BPA searched for and gathered agency information in response to your FOIA request. Publicly available information responsive to your FOIA request can be accessed at the following agency web link:

<https://www.bpa.gov/energy-and-services/customers-and-contractors/buying-or-selling-products-and-services>

BPA invites you to explore that link for the agency's construction and other contracting information you seek.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and release described above. Your FOIA request BPA-2023-01279-F is now closed, with the responsive agency information provided.

Appeal

Note that the records release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this final records release, within 90 calendar days from the date of this communication. Appeals should be addressed to:

Director, Office of Hearings and Appeals
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Washington, D.C. 20585-1615

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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 James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621.

Sincerely,

Rachel L. Hull
Freedom of Information/Privacy Act Officer

King,James J (BPA) - CGI-7

From: [Non-responsive per request](#) <[Non-responsive per request](#)>
Sent: Saturday, April 29, 2023 9:32 AM
To: Roth,Brian S (BPA) - CGI-7
Cc: Taylor,Jason E (BPA) - CGI-7; King,James J (BPA) - CGI-7
Subject: [EXTERNAL] Re: BPA-2023-00498-F [Non-responsive per request](#) Response Letter
Attachments: original_datasets.png; Research_article.pdf; hines_2011_risk.pdf

Dear Mr Roth, Mr Jason and Mr King,

as announced in my first mail I would like to hear your opinion on a fourth and last question which regards the still unknown frequency time series which I attach again. It is the upper time series with the right y-axis in the attached image. Here is my question including new information on the open issue:

4) Yesterday after I received your mail, I started for a third time a four hours research for the second dataset. Without success. But I have some hope to gain also these missing information, since I noticed the most probable source of the dataset and maybe some mistake in some research articles' bibliography regarding the second unknown dataset. The authors of the two attached research articles claim that the dataset would be stem from the 10th of August 1996 where the grid was separated into four islands. Interestingly they talk about five islands (which was the case for the power outage at 2 July 1996, not for the 10th August) and in one of the articles they cite also the "[51] WSCC Operations Committee, "Western Systems Coordinating Council Disturbance Report For the Power System Outages that Occurred on the Western Interconnection on July 2, 1996 and July 3, 1996," Western Systems Coordinating Council, Tech. Rep., 1996." as the source of the data. In the other publication they cite "[26] WSCC Operations Committee, "Western Systems Coordinating Council Disturbance Report For the Power System Outages that Occurred on the Western Interconnection on August 10, 1996," Western Systems Coordinating Council, Tech. Rep., 1996." for the *same* dataset... I guess, the authors may have confused something at that time. Unfortunately, both Reports of the old WSCC (now WECC) are disappeared (the cited links are dead). The authors did not react to a request. I tried again and again to find the pdf, but I could not. Therefore, I want to kindly ask you whether you can get access to both cited reports and the data of the power outage event of 2 July, 1996 in order to share them with me. I guess, this would add all the missing information on the second dataset. Probably, with this information it would be possible to identify the unknown set and may it be as erroneously related to the outage event 10th August 1996 by the authors of the attached research articles. This would be a very important clarification not only for me, but for the whole scientific community which studies the power outage events. I hope you can help me out or even identify the missing dataset by yourself based on these new information.

It would be really great if you could provide me with the two WECC reports and the frequency time series for the 2/3 July 1996 outage event or even identify the unknown dataset as one of the time series of this event. Otherwise I can try to identify the dataset with the reports and the data of the 2/3 July 1996 outage event. I think this is a promising perspective combined with access to the WECC reports. I hope you can help me out in one way or another to dissolve the confusion on these data. I am looking forward to hear about your opinion and what you can achieve. Thanks again!

Sincerely yours,

[Non-responsive per request](#)

Am 28.04.2023 um 19:07 schrieb Roth,Brian S (BPA) - CGI-7:

Dear Mr. Non-responsive per FOIA

Please see the attached formal response letter and responsive records to your recent FOIA request to BPA. Please feel free to contact me with any questions.

Thank you,

Brian Roth
FOIA Case Coordinator
Bonneville Power Administration
(503) 230-4383

King,James J (BPA) - CGI-7

From: Non-responsive per request <Non-responsive per request>
Sent: Saturday, April 29, 2023 6:06 AM
To: Roth,Brian S (BPA) - CGI-7
Cc: Taylor,Jason E (BPA) - CGI-7; King,James J (BPA) - CGI-7
Subject: [EXTERNAL] Re: BPA-2023-00498-F Non-responsive per request Response Letter
Attachments: data_similarity10aAugust10_Frequency.png; 05a FOIA_Hzppsm_08-10-96 15h35m30secp.xls; 10a August10_Frequency.csv

Dear Mr Roth, Mr Taylor and Mr King,

you are brilliant! First of all I want to thank you very much for your great work and the detailed research attempts. This is of great value to me. I have exciting news: One of the provided time series seems to be *exactly* the one I was looking for. I attach a plot where you can see the correspondence of the detrendend and timely aligned data (orange is plotted over blue, i.e. they align perfectly). It is the one you provided in '10a August10_Frequency.csv'. I hope you can help me out a last time with a few questions. The first three questions are short and easy to answer, I guess. They are the most important for the identified dataset. In contrast, a fourth question considers new insights into the second unknown dataset and I would appreciate to read your opinion on that and if you could help me out a last time on that issue. I will send this fourth question in a separate mail. For now, here are the structured questions on the identified dataset:

- 1) Is it possible to provide me the location and time of the record, since it is not given in the '10a August10_Frequency.csv' file? (I attach both files again)
- 2) In contrast the metadata in the second file (05a FOIA_Hzppsm_08-10-96 15h35m30secp.xls) are detailed and I would like to make sure that I interpret them correctly. As I understand them: the file is created at the William Dittmer Center at Ross Substation, Vancouver Washington. It contains one frequency time series at the Dittmer Center. Considering the raw relatively smooth data of this time series, I guess there are some pre-processing steps/filters involved. The other two datasets origin from a power station or only measurement (?) station in the city area of Tacoma? Or from a specific grid line which is called "Tacoma line" or something like that? It would great if you could confirm what is right and correct for the rest.
- 3) In the same file there are named the "channels". Could you shortly explain to me what it means? I guess that are internal measurement channels of the Dittmer Center? And a last thing: in the dataset is written "Tacoma 230 kV - Bus Frequency w/o d.o." in column D. What does w/o d.o. mean? I ask you because I want to understand the difference between the columns C and D.

Thank you in advance for considering the questions and for your answers. I am looking forward to hear from you.

Have a nice weekend.

Sincerely yours,

Non-responsive per request

Am 28.04.2023 um 19:07 schrieb Roth,Brian S (BPA) - CGI-7:

Dear Mr. 

Please see the attached formal response letter and responsive records to your recent FOIA request to BPA. Please feel free to contact me with any questions.

Thank you,

Brian Roth
FOIA Case Coordinator
Bonneville Power Administration
(503) 230-4383

See discussions, stats, and author profiles for this publication at: <https://www.researchgate.net/publication/224261584>

Estimating dynamic instability risk by measuring critical slowing down

Conference Paper August 2011

DOI: 10.1109/PES.2011.6039631 · Source: IEEE Xplore

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[Paul D. H. Hines](#)

University of Vermont

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Some of the authors of this publication are also working on these related projects:



Cascading Failure Analysis [View project](#)



Analysis of Power Grid Resilience [View project](#)

Estimating Dynamic Instability Risk by Measuring Critical Slowing Down

Paul D. H. Hines, *Member, IEEE*, Eduardo Cotilla-Sanchez, *Student Member, IEEE*, Benjamin O'hara, and Christopher Danforth

Abstract—Cascading failures typically involve a wide variety of power system dynamic phenomena, including cascading transmission line overloads, generator tripping, voltage collapse and/or rotor dynamic instability. Metrics that estimate proximity to critical points with respect to any of these phenomena could be useful as indicators of cascading failure risk. With the growing deployment of phasor measurement units (PMUs) in power systems, there is a rapidly increasing quantity of high-resolution, time-synchronized phasor data available to operators. Information in these data that could be formed into metrics of proximity to critical transition could be valuable to system operators who need to make timely, and costly, decisions to avert large blackouts. This paper provides preliminary evidence that time-series data alone, without intricate network models, can signal a pending critical transition in power systems. Our method is based on identifying “critical slowing down” in time series data. Results from a single machine stochastic infinite bus model and the Western US blackout of 10 August 1996 illustrate the utility of the proposed method.

Index Terms—Cascading failures, power system monitoring, power system reliability, synchrophasors.

I. INTRODUCTION

RELIABLE electricity infrastructures are vital to modern societies, but are notably susceptible to large, cascading failures. The disturbances of, for example, 14 August 2003 in North America [1], 4 November 2006 in Europe [2] and 10 November 2009 in South America [3] emphasize the continued risk associated with large cascading outages. Given that natural and human exogenous forces will occasionally result in component failures and that large blackouts contribute disproportionately to overall blackout risk [4], [5], there is a continuing need for new approaches to the identification of risks in power systems. Most, if not all, cascading failures involve several types of dynamic phenomena such as:

- transmission line outages due to contact with vegetation (thermal overload) or due to distance relay threshold crossings
- generator outages resulting from off-nominal conditions (e.g., over or under excitation)
- voltage collapse, or near voltage collapse
- generator rotor dynamic instability
- small-signal instability

With the implementation of synchronized phasor measurement units (PMUs or synchrophasors) operators have

increasing access to large quantities of high-resolution, time-synchronized data. Methods that can turn these data into information about operating risk could dramatically increase the value of synchrophasor technology, and help operators to make better decisions about when or if to implement emergency operating procedures.

It is well known that the trajectory of eigenvalues (poles) in a power system, or in any dynamical system, can be used to predict critical transitions such as voltage collapse or dynamic instability [6], [7], [8], [9]. However, the precise measurement of eigenvalue trajectories in a large system requires accurate models and large quantities of sensor data. Power system failures sometimes progress across the boundaries of balancing authorities, where sensor data are aggregated. Furthermore, even within a balancing authority, cascading failures can progress more quickly than the communications and computational processes from which eigenvalues are calculated. Therefore there is a need for tools that can identify emerging risks without detailed, highly accurate, network models.

A number of methods for estimating blackout risk from phase-angle data exist in the power systems literature. Recent advances in the use of PMU data are described in [10], [11]. Dobson [12] describes a method for estimating angle differences between based on PMU measurements and circuit theory. Senroy [13] describes a method for measuring phase differences between groups of generators from time-series data. This paper also looks at trends in PMU data that could correlate to elevated blackout risk, focusing particularly on methods for identifying signs of critical slowing down (CSD) [14], which can be an early warning sign for bifurcation phenomena. Building on substantial literature on CSD, Scheffer et al. [15] describe methods for detecting proximity to transition in a variety of complex dynamical systems through the use of autoregression models. In this paper we apply the method described in [15], [16] to a two bus, single machine infinite bus power system model (SMIB) and data from the August 10, 1996 blackout in the Western North American Interconnection (WI).

II. MEASURING CRITICAL SLOWING DOWN

As described in [15], noisy systems that are being driven toward a critical point (e.g., a point of instability or oscillation) frequently show a decrease in the rate at which the system returns to equilibrium before reaching a point of critical transition. This phenomenon is commonly known as “critical slowing down,” and was originally described in models of

This work was supported in part by the U.S. Department of Energy under Grant DE-OE0000447. The authors are with the College of Engineering and Mathematical Sciences at The University of Vermont, Burlington, VT 05405 (e-mail: paul.hines@uvm.edu).

emergent magnetic fields in ferro-magnetic materials [14]. Critical slowing down appears to signal proximity to a wide variety of critical transitions in large complex systems such as climate models before catastrophic climate change occurs [16] and the human body before an epileptic seizure [17]. Similar phenomena may be useful in signaling proximity to critical transition in power grid models as well.

Given this background, the goal of this work is to develop and test methods for identifying statistically significant signs of critical slowing down in power systems. In each test we will test the hypothesis that time-series voltage or phase-angle data show measurable evidence of CSD during times of elevated blackout risk.

In order to test this hypothesis we follow and build on the procedure defined in [16], which describes the use of autocorrelation (or autoregression) to test for criticality in global climate models. The following steps summarize the procedure used in [16], as adapted for this research, in which we seek to identify CSD in a time domain signal $x(t)$ (phase angle, $\theta(t)$, and frequency, $\omega(t)$).

- 1) Choose a window size within which to measure autocorrelation. This window should be large enough to include enough data to minimize the impact of spurious changes. Choosing a window that is several times larger than one period of the slowest oscillatory mode is generally a good approach. In this paper we use a 2-minute window size.
- 2) Filter the data in each window to remove gradual trends that are not the result of CSD (e.g., the slow change of phase angle at a bus due to a change in load). Following the method in [16] we use a high-pass filter based on a Gaussian Kernel Smoothing ($\hat{x} = x - GKS(x)$) function to remove trends slower than 0.1 Hz (SMIB) or 0.2 Hz (WD).
- 3) Choose a sample time-lag that will be used for the autocorrelation calculation. In order to obtain the autocorrelation coefficient for a 120 sec. window ending at time t , using a 1.0 sec. time lag, we use the following expression: $\rho(t) = \sum_{\tau=t-120}^t \frac{\hat{x}(\tau)\hat{x}(\tau-1)}{\sigma_{\hat{x}}^2}$, where $\rho(t)$ is the autocorrelation coefficient for the window that ends at time t and $\sigma_{\hat{x}}^2$ is the variance in the signal within the window.
- 4) Test for statistically significant increases in $\rho(t)$ using the nonparametric Kendall's τ coefficient. Kendall's τ tests for serial dependence in a signal, against the null hypothesis that the signal is random. This test is performed at 30-second intervals.
- 5) Finally, in order to corroborate the findings from Kendall's τ , we measure the power spectral density (PSD) of $\hat{x}(t)$ using a Welch spectral estimator[18], which will show an increase in low-frequency components if the system is slowing down.

The following sections describe the application of this method to a single machine infinite bus model and data from the August 1996 blackout in Western North America.

III. SINGLE-MACHINE STOCHASTIC-INFINITE-BUS MODEL (SMSIB)

In this section we describe a modified version of the classical single machine infinite bus (SMIB) model, and outline ways in which critical slowing down appears in this system. In our two-bus model we gradually increase stress in the system by linearly increasing the amount of power generated by the generator. Also the infinite bus voltage (V_2) is modified by adding noise to the voltage source (sink). We model the noise as a bandwidth-limited Gaussian white noise, where the voltage at Bus 2 is:

$$V_2(t_k) = 1.0 + \sigma_V \mathcal{N} \quad \forall t_k \in \{0.00, 0.01, 0.02, \dots\}$$

(where σ_V is the standard deviation of the noise and \mathcal{N} is a Gaussian random variable), and $V_2(t)$ between the discrete time steps, t_k , is interpolated using a cubic spine. In this paper we use $\sigma_V = 0.01$ for the noise magnitude. The noisy infinite bus simulates the effect of exogenous, small, voltage flicker in the larger system to which the generator is connected[19]. A similar model, with noise in the generator power rather than the infinite bus voltage, is explored in [20].

In our model, the generator is located at Bus 1, with terminal voltage $V_1 = |V_1| e^{i\theta_1}$. It is modeled as a classical round rotor, lossless generator that produces $P_e(t)$ electric power as a result of $P_m(t)$ mechanical forcing. The generator has a constant field voltage magnitude ($E_q = 1.1$ p.u.) behind a synchronous reactance ($X_d = 0.1$). The rotor dynamics are governed by the classical swing equation [21] with $P_e(t)$ subject to the network equations for this specific circuit:

$$P_m(t) = P_e(t) + D\dot{\delta}(t) + M\ddot{\delta}(t) \quad (1)$$

$$P_e(t) = \frac{|E_q|V_2(t)}{X_d + X_{12}} \sin(\delta(t)) \quad (2)$$

where $\delta(t)$ is the machine rotor angle, relative to the phase angle of the infinite bus ($\theta_2 = 0$), D and M are machine damping and inertia constants and X_{12} is the reactance of the transmission line between the two buses. The trajectories of δ and θ_1 are calculated using a variable step size, implicit Runge-Kutta differential algebraic equation solver [22], [23]. The output data from the DAE solver (most notably $|V_1(t)|$ and $\theta_1(t)$) are subsequently sampled at 30Hz to obtain simulated outputs from a phasor measurement unit. The machine has a damping constant of $D = 1.5$ p.u. and an inertia constant of $M = 3$ p.u. The two buses are connected via a single transmission line with impedance: $Z_{12} = j0.1$ p.u.

From (2) it is clear that the SMIB model becomes unstable when P_m reaches $P_m = \frac{|E_q|V_2(t)}{X_d + X_{12}}$. The poles of the swing equation (1) can be found from the eigenvalues of the linearized state matrix:

$$\mathbf{F} = \begin{bmatrix} 0 & 1 \\ \frac{-E_q V_2}{M(X_d + X_{12})} \cos \delta(t) & -\frac{D}{M} \end{bmatrix} \quad (3)$$

Figure 1 shows the poles of this system for different values of δ . As δ increases, such as results from increasing the mechanical power into the machine (P_m), the imaginary portions of the eigenvalues of \mathbf{F} converge toward the origin, until shortly

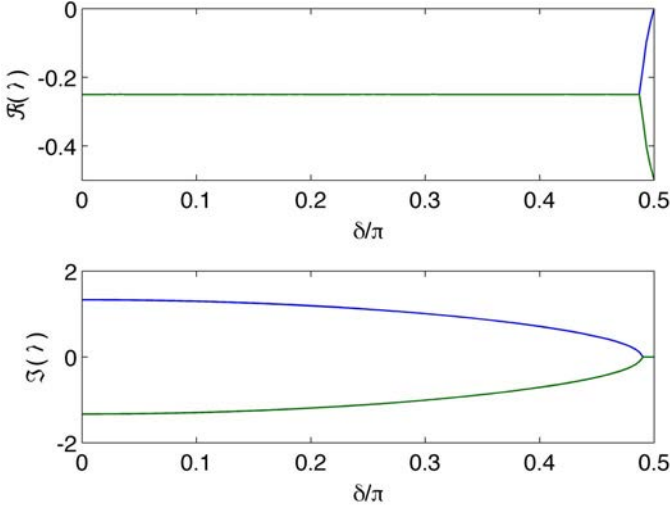


Figure 1. Real (above) and imaginary (below) components of the poles of the linearized state matrix \mathbf{F} (1) at different values of δ . In our model P_m increases linearly over time and, for steady state conditions, δ is a direct function of P_m , from (2). Thus the critical frequency of the system gradually decreases as P_m increases, which means that lower frequency elements in the noise will be amplified and recovery times will increase.

before $\delta = \pi/2$, they meet at the real axis. At this point the poles of the system lie on the real axis with the right-most eigenvalue quickly crossing into the right half plane, leading to system instability. Critical slowing down is apparent in several ways. As the dominant frequency of the system decreases the relaxation time will increase, which is a symptom of critical slowing down. Also, as the poles near the point at which the system transitions from oscillatory to exponential, small changes in δ or in the noise (V_2) will substantially change the dominant frequencies in the system, which will result in a wider range of frequencies being accentuated. This phenomena is sometimes apparent as flicker, another sign of critical slowing down. Both of these phenomena can be observed in the power spectral density of the signal as an increase in the power of lower-frequency components. These phenomena will also result in an increase in autocorrelation.

Another way to visualize critical slowing down is to look at a vector field showing the basin of attraction for SMIB model if it is perturbed from its steady state conditions (Fig.

A. Stochastic models for the infinite bus

In future work we plan to model the noise in V_2 with a Ornstein-Uhlenbeck mean reverting process (OU)[24], [25]. The OU process models a continuous signal $u(t)$ that wavers randomly but tends to revert to a mean level μ_u . It is given by the stochastic differential equation (SDE)

$$\begin{aligned} du(t) &= \eta(\mu_u - u(t))dt + \sigma_u dW_t \\ u(0) &= u_0 \end{aligned}$$

where η is the speed of mean reversion, σ_u is the short term standard deviation and W_t is a Wiener process.

Using the Ito interpretation [25] we can rewrite the solution of the SDE as a Gaussian model where given u_0 , the value of $u(t)$ is normally distributed with mean $\mu = \mu_u + (u_0 -$

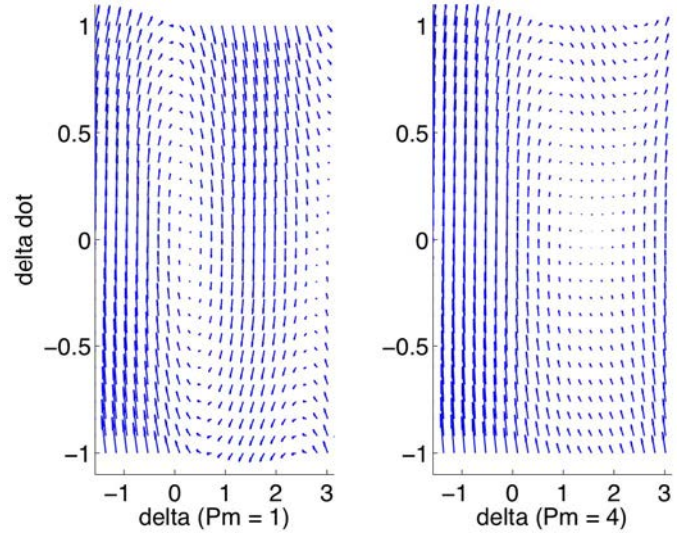


Figure 2. Vector field diagram showing the basin of attraction and the forcing vectors for the two-bus system for a lightly loaded case ($P_m = 1.0 \text{ p.u.}$, left) and for a heavily loaded case ($P_m = 4.0 \text{ p.u.}$, right). For the lightly loaded case the basin of attraction is fairly narrow, whereas in the heavily loaded case the basin includes a large area with small force vectors. In this case small perturbations could result in substantial deviation from the point of equilibrium and recovery times will increase.

$\mu_u)e^{-\eta t}$ and variance $\sigma^2 = \frac{\sigma_u^2}{2\eta}(1 - e^{-\eta t})$. In order to provide the DAE solver with a continuous process, we interpolate the realization of the WGN vector ($\mu = \overline{V}_2 = 1.0 \angle 0^\circ \text{ p.u.}$ and $\sigma^2 = 0.0001 \text{ p.u.}$) with the method of cubic splines.

B. Two-bus model results

Fig. 3 shows the results that emerge from the two bus model as it is forced toward the maximum power transfer limit. Providing evidence in support of the hypothesis, the autocorrelation in the phase angle data at Bus 1 increases notably minutes before the system hits the point of maximum power transfer. Kendall's τ (lower panel in Fig. 3) indicates that this increase is statistically significant. Furthermore the power spectral density of the signal (middle panel) shows substantial increases in low-frequency signal power as the system approaches the critical transition. The variance in the signal similarly increases steadily throughout the simulation.

IV. WESTERN INTERCONNECT BLACKOUT OF AUGUST 1996 (WI)

On August 10, 1996 a long sequence of events resulted in the separation of the North America Western Interconnection into five sub-grids and the interruption of electric service to 7.5 million customers. Reference [26] describes the sequence of events leading up to the blackout, and [27] provides a detailed analysis of the power system dynamics during the event. In [26], the WSCC (now Western Electricity Coordinating Council, WECC) disturbance study committee provided about 10 minutes of measured bus voltage frequency data from the Bonneville Power Administration territory, up until just after the point of grid separation. In order to test for CSD in these data, the printed frequency charts were scanned and

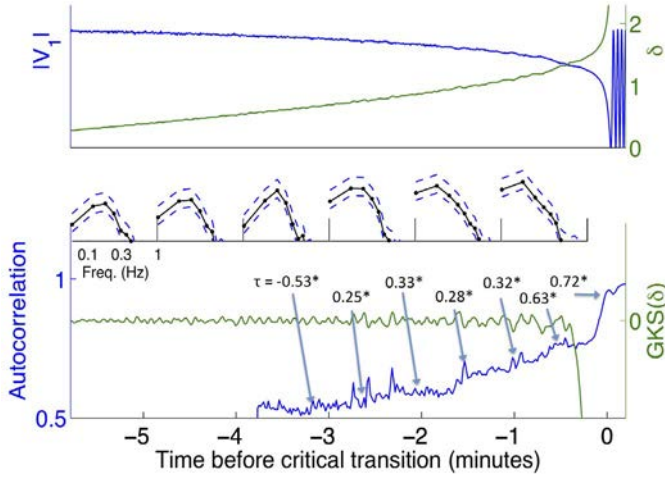


Figure 3. Evidence of critical slowing down in a two-bus (SMSIB) power grid model being driven toward the point of maximum power transfer. The middle panel shows the power spectral density of the signal (the phase angle at Bus 1, θ_1) for vertically projected time intervals. The dashed curves indicate the 95% confidence margins for the PSD estimate. Numbered arrows illustrate the measure of Kendall's τ coefficient at 30-second intervals. *Indicates that τ is statistically significant at the $P < 0.05$ level, which indicates a statistically significant increase (or decrease) in autocorrelation.

translated into a numerical time series and the tests described above were repeated. As was found with the two-bus model, autocorrelation in the frequency signal increases significantly as the critical transition approaches, as does the power spectral density of low frequency changes (See Fig. 4). Kendall's τ shows that the increases in autocorrelation are statistically significant.

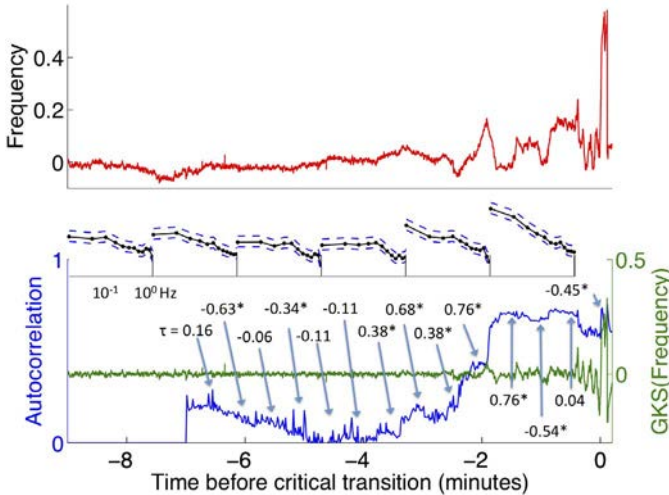


Figure 4. Evidence of critical slowing down in the frequency as measured at the Bonneville Power Administration, immediately before the blackout of August 10, 1996. As in Fig. 3, the low-frequency components of the signal (middle panel) increase notably immediately before the transition occurs.

V. CONCLUSIONS

In this paper we describe a method for testing for critical slowing down in power systems and provide evidence that CSD is present as power systems approach a point of dynamic

instability. The results indicate that critical slowing down could be useful in identifying operating states with unusually high dynamic risk. Unlike traditional stability methods, the proposed statistical approach uses only high-resolution time data and could therefore be useful even if SCADA/EMS systems fail, so long as the operator has access to time synchronized phasor data.

While this measure alone is not a perfect indicator of cascading failure risk, it may prove useful, when combined with other indicators of power system cascading failure risk, in the development of an aggregate measure of cascading failure risk.

REFERENCES

- [1] USCA, "Final Report on the August 14, 2003 Blackout in the United States and Canada," US-Canada Power System Outage Task Force, Tech. Rep., 2004.
- [2] UTCE, "Final Report System Disturbance on 4 November 2006," Union for the Co-ordination of Transmission of Electricity, Tech. Rep., 2007.
- [3] *Dam failure triggers huge blackout in Brazil*, 2009.
- [4] B. A. Carreras, D. E. Newman, I. Dobson, and A. B. Poole, "Evidence for Self-Organized Criticality in a Time Series of Electric Power System Blackouts," *IEEE Transactions on Circuits and Systems-I Regular Papers*, vol. 51, no. 9, pp. 1733–1740, 2004.
- [5] P. Hines, J. Apt, and S. Talukdar, "Large blackouts in north america: Historical trends and policy implications," *Energy Policy*, vol. 37, pp. 5249–5259, 2009.
- [6] H.-D. Chiang, I. Dobson, R. Thomas, J. Thorp, and L. Fekih-Ahmed, "On voltage collapse in electric power systems," *IEEE Transactions on Power Systems*, vol. 5, no. 2, pp. 601–611, 1990.
- [7] I. Dobson, J. Zhang, S. Greene, H. Engdahl, and P. W. Sauer, "Is strong modal resonance a precursor to power system oscillations?" *IEEE Transactions on Circuits and Systems-I Fundamental Theory and Applications*, vol. 48, no. 3, pp. 340–349, 2001.
- [8] X. Wen and V. Ajjarapu, "Application of a novel eigenvalue trajectory tracing method to identify both oscillatory stability margin and damping margin," *IEEE Transactions on Power Systems*, vol. 21, no. 2, 2006.
- [9] *Critical Eigenvalues Tracing for Power System Analysis via Continuation of Invariant Subspaces and Projected Arnoldi Method*, vol. 22, 2007.
- [10] C. Taylor, D. Erickson, K. Martin, R. Wilson, and V. Venkatasubramanian, "WACS-wide-area stability and voltage control system: R&D and online demonstration," *Proceedings of the IEEE*, vol. 93, pp. 892–906, 2005.
- [11] J. D. L. Ree, V. Centeno, J. S. Thorp, and A. G. Phadke, "Synchronized phasor measurement applications in power systems," *IEEE Transactions on Smart Grid*, vol. 1, no. 1, pp. 20–27, 2010.
- [12] I. Dobson, "New angles for monitoring areas," in *Proceedings of Bulk Power System Dynamics and Control - VIII*, Rio de Janeiro, Brazil, August 2010.
- [13] N. Senroy, "Generator coherency using the hilbert-huang transform," *IEEE Transactions on Power Systems*, vol. 23, no. 4, pp. 1701–1708, 2008.
- [14] D. S. Fisher, "Scaling and critical slowing down in random-field ising systems," *Physical Review Letters*, vol. 56, no. 5, pp. 416–419, 1986.
- [15] M. Scheffer, J. Bascompte, W. A. Brock, V. Brovkin, S. R. Carpenter, V. Dakos, H. Held, E. H. van Nes, M. Rietkerk, and G. Sugihara, "Early-warning signals for critical transitions," *Nature*, vol. 461, pp. 53–59, 3 September 2009.
- [16] V. Dakos, M. Scheffer, E. H. van Nes, V. Brovkin, V. Petoukhov, and H. Held, "Slowing down as an early warning signal for abrupt climate change," *Proceedings of the National Academy of Sciences*, vol. 105, no. 38, pp. 14 308–14 312, Sept. 2008.
- [17] P. McSharry, L. A. Smith, and L. Tarassenko, "Prediction of epileptic seizures: are nonlinear methods relevant?" *Nature Medicine*, vol. 9, no. 3, pp. 241–242, 2003.
- [18] F. Harris, "On the use of windows for harmonic analysis with the discrete fourier transform," *Proceedings of the IEEE*, vol. 66, no. 1, pp. 51–83, 1978.
- [19] R. Wiltshire, G. Ledwich, and P. O'Shea, "A kalman filtering approach to rapidly detecting modal changes in power systems," *Power Systems, IEEE Transactions on*, vol. 22, no. 4, pp. 1698–1706, 2007.

- [20] D. Q. Wei and X. S. Luo, "Noise-induced chaos in single-machine infinite-bus power systems," *Europhysics Letters*, vol. 86, no. 5, p. 50008, 2009.
- [21] P. Kundur, *Power System Stability and Control*. Electric Power Research Institute/McGraw-Hill, 1993.
- [22] K. Brennan, S. Campbell, S. Campbell, and L. Petzold, *Numerical solution of initial-value problems in differential-algebraic equations*. Society for Industrial Mathematics, 1996.
- [23] L. Shampine, M. Reichelt, and J. Kierzenka, "Solving index-i daes in matlab and simulink," *SIAM review*, vol. 41, no. 3, pp. 538–552, 1999.
- [24] G. Uhlenbeck and L. Ornstein, "On the theory of the brownian motion," *Physical Review*, vol. 36, no. 5, pp. 823–841, 1930.
- [25] B. Øksendal, *Stochastic differential equations an introduction with applications*. Springer Verlag, 2003.
- [26] WSCC Operations Committee, "Western Systems Coordinating Council Disturbance Report For the Power System Outages that Occurred on the Western Interconnection on August 10, 1996," Western Systems Coordinating Council, Tech. Rep., 1996.
- [27] V. Venkatasubramanian and Y. Li, "Analysis of 1996 western american electric blackouts," in *Proceedings of Bulk Power System Dynamics and Control - VI*, Cortina d'Ampezzo, August 2004.

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Predicting Critical Transitions from Time Series Synchronphasor Data

Eduardo Cotilla-Sanchez, *Graduate Student Member, IEEE*, Paul Hines, *Member, IEEE*, Christopher M. Danforth

Abstract—The dynamical behavior of power systems under stress frequently deviates from the predictions of deterministic models. Model-free methods for detecting signs of excessive stress before instability occurs would therefore be valuable. The mathematical frameworks of “fast-slow systems” and “critical slowing down” can describe the statistical behavior of dynamical systems that are subjected to random perturbations as they approach points of instability. This paper builds from existing literature on fast-slow systems to provide evidence that time series data alone can be useful to estimate the temporal distance of a power system to a critical transition, such as voltage collapse. Our method is based on identifying evidence of critical slowing down in a single stream of synchronized phasor measurements. Results from a single machine, stochastic infinite bus model, a three machine/nine bus system and the Western North American disturbance of 10 August 1996 illustrate the utility of the proposed method.

Index Terms—Power system monitoring, criticality, synchronized phasor measurements.

I. INTRODUCTION

INCREASING evidence suggests that electric power systems frequently operate near critical points at which a small disturbance could trigger instability. The disturbances of, for example, 14 Aug. 2003 and 8 Sept. 2011 in North America [1], [2], 4 Nov. 2006 in Europe [3] and 10 Nov. 2009 in South America [4] accentuate the continuing need for new technology that can warn operators when a power system approaches critical operating points.

Many changes in which a power system moves from a stable, secure operating state to one that could result in degraded network performance can be studied using the framework of critical transitions. Voltage collapse, for example, can be described as a saddle-node bifurcation [5]. Small-signal instability typically results in critically- or under-damped oscillations, which can be understood using the theory of Hopf bifurcations [6]. There is a long history of using eigenvalue analysis to evaluate these types of critical transitions. Extensive research shows that the eigenvalues of the linearized system equations can be used to predict proximity to voltage collapse and small-signal instability [7]–[12]. Recent research [13] shows that linearization can be avoided by using the nonlinear Koopman operator to estimate the proximity of a system to critical

points. However, accurately estimating eigenvalue (or mode) trajectories in a large system requires accurate models and large quantities of sensor data.

The parameters in most power system models naturally include some error, particularly in the ways that bordering balancing areas affect the area being modeled. Furthermore, random fluctuations, such as from noisy loads or variable sources like wind and solar, can affect system dynamics in ways that are not captured by standard eigenvalue analysis methods. Methods that can identify emerging risks without detailed network models may be helpful in such cases. With the deployment of synchronized phasor measurement units (PMUs or synchronphasors) operators have increasing access to large quantities of high-resolution, time-synchronized data. Methods that can turn these data into information about operating risk, without relying on network models, could dramatically increase the value of synchronphasor technology, and help operators to make better decisions about when or if to implement risk mitigating operating procedures.

A number of methods for estimating blackout risk from phase-angle data exist in the power systems literature. Recent advances in the use of PMU data are described in [14]–[16]. Reference [17] describes a method for measuring phase differences between groups of generators from time series data. Relatedly, reference [18] describes a method for estimating voltage differences between areas based on PMU measurements and circuit theory. In [19], the authors illustrate how to calculate stability margins utilizing a “ball-on-concave-surface” dynamic equivalent. Other methods that extract frequency information from PMU data are described in [20]–[24]. Some of these approaches proved useful for tracking the progression of slow oscillations [21] and the assessment of post-fault stability [24].

This paper takes a somewhat different approach by building on recent research in the area of nonlinear stochastic dynamical systems, which shows that large, complex systems frequently show evidence of “critical slowing down” (CSD) before they reach points of critical transition [25]. We leverage the methods described in [25], [26] to obtain metrics that use a single time series of PMU data and appear to provide a strong indication of proximity to system failure. Results from a single machine stochastic infinite bus power system model, a three machine, nine bus power system model, and data from the August 10, 1996 blackout in the Western North American interconnection indicate that there is substantial information regarding system health in even a single stream of PMU data.

The remainder of this paper is organized as follows. Section II provides a summary of the mathematical framework of fast-

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slow critical transitions that underly the methods proposed in this paper. Section III describes our adaption of these concepts to the task of measuring critical slowing down in a power system. Section IV discusses the results obtained from three test systems. Lastly, Section V discusses the implications of this work.

II. CRITICAL TRANSITIONS AND FAST-SLOW SYSTEMS

Numerous recent articles suggest that the properties of data from stochastic dynamical systems can be used to signal the proximity of a system to a tipping point, catastrophic shift, or critical transition. This section discusses how these results may be useful for predicting critical transitions in power systems.

A dynamical system described by differential equations experiences a *bifurcation* when a change in its parameters provoke a qualitative change in the motion of the system. Some bifurcations are benign, such as the transition from a state with over-damped oscillations (complex eigenvalues in the left-half plane) to a state with over-damped exponential recovery. In this case the stability of the system is not compromised. However, other bifurcations result in instability. *Critical bifurcations* (or critical transitions) of this sort result in a shift from a stable regime to an unstable one. Systems that undergo a critical transition will settle (if at all) at a point that is far from the original equilibrium operating state. This paper focuses on identifying proximity of a power system to critical transition.

Physical systems are constantly subject to stochastic forcings that perturb the system state from its attractor. While random perturbations can excite instabilities in a system, they can also produce statistical patterns that provide early-warning signs of proximity to critical transition. Several recent articles show that statistical patterns emerge in time series data from a variety of complex systems before they reach a critical transition (see the review in [25]). Examples in which such early warning signs appear include ecosystem models before extinction [27], climate models before abrupt climate change [26], the human body before an epileptic seizure [28], and financial markets before a collapse [29]. These examples suggest a type of universality in the dynamics of stochastic complex systems. In each case, time-domain measurements taken from the system before the transition show the following statistical patterns

- 1) Increased recovery times from perturbations
- 2) Increased signal variance from the mean trajectory
- 3) Increased flicker and asymmetry (increased kurtosis) in the signal

Together, these properties are commonly referred to as “critical slowing down” (CSD), a phenomenon originally observed in models of emergent magnetic fields in ferro-magnetic materials [30]. As described in [25], these three properties can be identified by statistical tests for increasing variance and autocorrelation (or autoregression) in time series measurements taken from the system.

A. Fast-slow systems

The mathematical framework of fast-slow systems provides some explanation for why variance and autocorrelation in-

crease in stochastic differential systems before critical transitions occur. A fast-slow system is one that can be described by two sets of ordinary differential equations (ODE): one that moves slowly toward a critical point, and the other that has shorter time constants [31]. Equation (1) is the general form for a system with a fast variable (or vector) u , and a slow one v :

$$\begin{cases} \dot{u} &= f(u, v) \\ \dot{v} &= \epsilon g(u, v) \end{cases} \quad (1)$$

In (1) ϵ is a small parameter ($0 < \epsilon \ll 1$) that makes v vary slowly relative to the shorter time variation in u . In a power system ϵ might represent, for instance, the rate at which a load gradually increases toward voltage collapse. Interactions between the dynamics of the fast subsystem (u) and the slowly varying variables (v) can precipitate a critical transition away from a stable operating point.

Many critical bifurcations can be classified as either fold, Hopf, Pitchfork, or transcritical. Fold (or saddle node) and Hopf bifurcations are particularly relevant to power systems because they can be used to describe common instabilities such as voltage collapse and the onset of oscillatory behavior. In the following paragraphs we review common, simplified examples (known as the “normal forms,” adapted from [31], [32]) that illustrate the properties of fold and Hopf bifurcations.

A system with a *fold bifurcation* has two stable operating points, which gradually approach one another as the slow variable (v) increases. When the two operating points collide, the two equilibrium conditions are eliminated, resulting in an unstable system. Voltage collapse is a familiar example of a fold bifurcation. Equation (2) illustrates a simple two-variable fast-slow fold bifurcation, with a critical transition when the slow variable v reaches zero.

$$\begin{cases} \dot{u} &= -v - u^2 \\ \dot{v} &= \epsilon g(u, v) \end{cases} \quad (2)$$

An example of a simple power system that exhibits a fold bifurcation is the single machine infinite bus (SMIB) [33]. In the baseline SMIB model that we use in this paper the generator is located at Bus 1, with terminal voltage $V_1 = |V_1| e^{i\theta_1}$. The generator is a lossless round rotor, and produces $P_e(t)$ electric power as a result of $P_m(t)$ mechanical forcing. The generator has a constant field voltage magnitude (E_a) behind a synchronous reactance (X_d). The rotor dynamics are governed by the classic swing equation [34] with $P_e(t)$ subject to the network equations for this specific circuit:

$$P_m(t) = P_e(t) + D\dot{\delta}(t) + M\ddot{\delta}(t) \quad (3)$$

$$P_e(t) = \frac{E_a V_2(t)}{X_d + X_{12}} \sin(\delta(t)) \quad (4)$$

where $\delta(t)$ is the machine rotor angle, relative to the phase angle of the infinite bus ($\theta_2 = 0$), D and M are machine damping and inertia constants and X_{12} is the reactance of the transmission line between the two buses. From (4) it is clear that the SMIB model becomes unstable when P_m reaches $\frac{|E_a|V_2(t)}{X_d + X_{12}} = P_{\max}$. When $P_m < P_{\max}$ there are two equilibrium solutions for δ that satisfy (4). With $P_m \geq P_{\max}$ the

system Jacobian becomes singular, and the system unstable. For a detailed discussion of this model see [33]. Sec. IV-A discusses an extension of the SMIB model to a stochastic case.

In a *Hopf bifurcation*, a system with exponential recovery rates transitions to one in which oscillations are critically- or under-damped; i.e. a pair of real-valued and negative eigenvalues become a complex conjugate pair with non-negative real parts. Eqs. (5), from [35], describe such a system:

$$\begin{cases} \dot{u}_1 = vu_1 - u_2 + \lambda_1 u_1(u_1^2 + u_2^2) \\ \dot{u}_2 = u_1 + vu_2 + \lambda_1 u_2(u_1^2 + u_2^2) \\ \dot{v} = \epsilon g(u, v) \end{cases} \quad (5)$$

where λ_1 is the first Lyapunov coefficient. Refs. [36], [37] discuss ways in which Hopf bifurcations appear in the SMIB model, after adding an exciter, for various combinations of D and P_m .

In summary, there is extensive literature showing that many types of power system instability can be understood using (2) and (5). Numerous bifurcation analyses in the power system literature expand on the two examples described above and study transitions (including Pitchfork and transcritical bifurcations) that result from the introduction of more detailed component models, such as generator exciters and limiters (e.g., [5], [8], [33], [36]–[38]). Many of these analyses are reviewed in the IEEE/PES committee report [39].

B. Stochastic fast-slow systems

The above examples show critical transitions as they move smoothly past the critical point (at $v = 0$). Real systems, however, are subject to random external fluctuations that can substantially change the dynamical properties of the critical transitions [40]. The theory of fast-slow stochastic differential equations (fast-slow SDEs) can provide formal insight into the behavior of stochastic systems as they approach critical transition. SDEs are challenging because with the introduction of noise, not only do systems inherit the deterministic bifurcations from the original ODEs, but they also show “noise-induced transitions,” which were not present in the deterministic system. If the magnitude of the noise is small relative to the variance of the process, the stochastic transitions occur in the neighborhood of the corresponding deterministic transitions [31]. When the noise is larger, transitions can occur at many locations.

The following example, similar to those derived in [31], [32], illustrates how a relatively simple fast-slow SDE show signs of critical slowing down when approaching a tipping point. Let us consider the stochastic extension of (2) with one fast variable ($u \in \mathbb{R}^1$) and one slow variable ($v \in \mathbb{R}^1$) with a bifurcation at $v = 0$:

$$\begin{cases} du = (-v - u^2) dt + \sigma dW_t \\ dv = \epsilon dt \end{cases} \quad (6)$$

where $\sigma > 0$ is a constant and W_t is a Wiener process. Reference [31] shows that solving (6) for the probability density function (pdf) of u , for a given v , is:

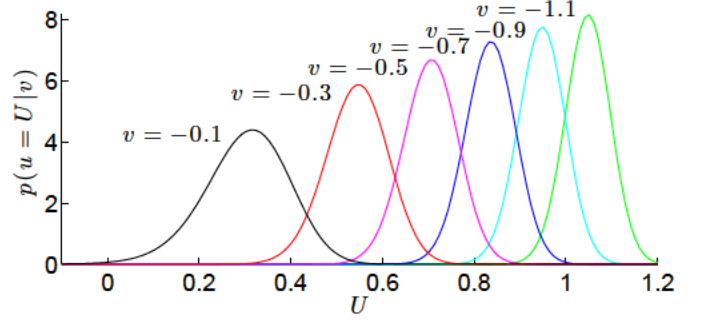


Figure 1. Probability density functions for the random variable u in (6) and (7), for different values of v as it increases toward the critical transition at $v = 0$. As v increases toward the critical point, the variance in u increases.

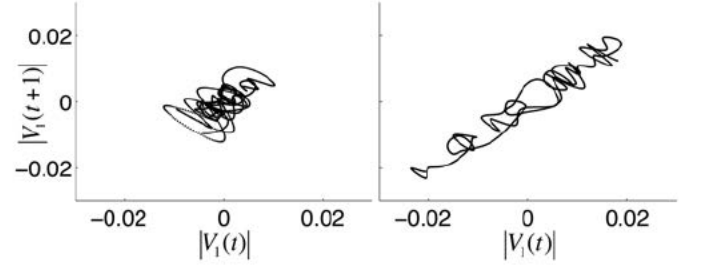


Figure 2. An illustration of increasing autocorrelation and variance in generator bus voltages $|V_1|$ (after subtracting the mean) in a stochastic SMIB model. The left panel compares voltage changes, with a one second time delay, in an unstressed regime. The right panel shows time-delayed voltage deviations shortly before the critical transition (see Sec. IV-A).

$$p(u = U|v) = \frac{1}{\mathcal{C}} e^{\frac{2}{\sigma^2} \left(-vU - \frac{1}{3}U^3 + \frac{2}{3}(-v)^{\frac{3}{2}} \right)} \quad (7)$$

where \mathcal{C} is a normalization constant that depends on the boundary points chosen to solve the Fokker-Planck equation resulting from (6) and evaluated around the singular limit $\epsilon \rightarrow 0$. Plotting this pdf (Fig. 1), we see that as v approaches the bifurcation at $v = 0$ the variance in the random signal u increases. Ref. [32] demonstrates that for a given realization of this process (ξ) with additive noise, the variance scales as:

$$\text{Var}(\xi) = \sigma^2 \left[\mathcal{O}_v \left(\frac{1}{\sqrt{v}} \right) + \mathcal{O}(\epsilon) \right] + \mathcal{O}(\sigma^4) \quad (8)$$

Therefore, holding all other things constant, the signal variance will increase with $v^{-1/2}$ near the critical transition. Using simulations, Refs. [31], [32] also show that autocorrelation in u increases as the system approaches the critical transition. Fig. 2 illustrates this increase in autocorrelation for a stochastically forced version of the SMIB model (see Sec. IV-A). Because this same pair of trends is apparent in many large complex systems [25] we conjecture that increasing signal autocorrelation and variance will provide early warning of critical transitions in a variety of power system models.

In large power systems the stochastic differential-algebraic equations (SDAEs) are sufficiently large and uncertain to make analytical solutions, such as (7), impractical. Ref. [41] shows that under some conditions one can linearize the system equations and use Itô calculus to solve the stochastic ODEs to obtain estimates of proximity to critical bifurcations. However, this approach remains computationally expensive, and

relies on network models that are not perfectly accurate. The results from stochastic fast-slow systems indicate that there is significant information about proximity to critical transition in raw time series data, which can be extracted with minimal computational effort and is insensitive to modeling errors.

III. METHODS: MEASURING CRITICAL SLOWING DOWN

Given that critical slowing down (CSD), as evidenced by an increase in signal variance and autocorrelation, can provide an early warning for critical transitions, we need good methods to detect statistically significant increases in these measures. This section describes a procedure for detecting statistically significant CSD in a signal. Our method is an adapted version of the procedure in [26], which was used to measure proximity to transition in global climate models. The following steps summarize the proposed procedure for identifying CSD in any time domain signal $x(t)$. In our examples we replace $x(t)$ with streams of voltage magnitude $|V(t)|$, phase angle $\theta(t)$ or frequency $\omega(t)$ measurements.

- 1) *Choose a window size (T)* within which to test for autocorrelation and variance. This window should be large enough to minimize the impact of spurious changes in the signal and to include multiple periods from signal frequencies that might be indicators of stress (common oscillatory modes, for example), yet small enough such that changes in the signal do not become excessively averaged. In this paper we use a 2-minute window size. In the appendix we show that the quality of our proximity indicator is quite robust to changes in T .
- 2) *Detrend the signal.* Filter the data in each window to remove slow trends that are not the result of CSD. This detrending should, for example, remove slow changes in phase angles due to gradual changes in system load. Following the method in [26] we use a low-pass filter based on a Gaussian Kernel Smoothing (GKS) function to capture the dc and low-frequency portions of x within the window, and then subtract the filtered signal from the original (10). The smoothing comes from convolving the sampled signal $x[k]$ with a discretized Gaussian function:

$$h(n, \sigma_f) = \frac{1}{\sqrt{2\pi}\sigma_f} e^{-\frac{n^2}{2\sigma_f^2}} \quad (9)$$

where σ_f determines the bandwidth of the filter and n is an index for the number of samples from the origin. σ_f should be chosen to ensure that only the dc component and very gradual trends remain in the filtered signal $\text{GKS}(x)$. The final detrended signal $d(x) = d[k]$ is the difference between the original and the filtered signal:

$$d(x) = x[k] - \text{GKS}(x[k]) \quad (10)$$

For the results in this paper we use $\sigma_f = 5$ or $\sigma_f = 10$. In the appendix we show that the results are not highly sensitive to the choice of σ_f . Experimental results indicate that the GKS detrending technique is effective in removing gradual trends in the data. However, it is important to note that there are likely to be many detrending

methods that are similarly effective for this step in the algorithm (see, e.g., [42]).

- 3) *Measure for autocorrelation.* In this paper we assume that $x(t)$ has been sampled at 30 Hz (as is common for processed PMU data), which means that consecutive samples $d[k]$ and $d[k-1]$ are separated by $\frac{1}{30}$ sec. As in [26], we fit an auto-regressive (AR) model of order 1 (11) to the detrended, discretized signal $d[k]$:

$$d[k] = a_1 d[k-1] + e[k] \quad (11)$$

The AR coefficient a_1 , is found by minimizing the error term $e[k]$, using the ordinary least squares method. Because $x[k]$ is detrended, and thus zero mean, the AR model does not require an intercept. When the signal is purely random $e[k]$ is large, and a_1 is relatively small. As a system becomes progressively stressed, a_1 increases indicating increased recovery rates from stochastic disturbances. While higher order AR models can be used to gain additional information about the signal, we find that the first-order model provides good predictions of proximity to transition. The appendix includes some results for higher order models.

- 4) *Measure the variance (σ^2)* of the discrete detrended signal $d[k]$ using the same rolling window obtained in step 1. If there are n_k samples within the time window T , the variance is:

$$\sigma^2 = \frac{1}{n_k} \sum_{k=1}^{n_k} d[k]^2 \quad (12)$$

As described in Sec. II-B, σ^2 tends to increase when systems approach critical transition. Thus, σ^2 is our second metric of proximity to critical transition.

- 5) *Test for statistical significance.* We test for statistically significant increases in a_1 and σ^2 using the nonparametric Kendall's τ coefficient [43]. Kendall's τ tests for serial dependence (i.e., a statistically significant increase) in a signal, against the null hypothesis that the signal is random. In our results we report τ_{a_1} and τ_{σ^2} for each one-minute interval before the transition.

In order to corroborate the findings from Kendall's τ , we also measure the power spectral density (PSD) of $d[k]$ using a Welch spectral estimator [44], which will show an increase in low-frequency components if the system is slowing down. The PSD of a signal can be found from the coefficients of higher order AR models and is thus related to the calculation of a_1 .

Based on prior research [25], [26], [45], we consider a system to be critically slowing if the variance and autocorrelation are significantly higher than "normal" values, and if Kendall's τ for each show a statistically significant upward trend. Practical implementation of this algorithm for power system operations would require that these two measures be observed under normal conditions for a period of time.

IV. RESULTS

This section discusses results from applying the method described in Sec. III to three test cases: a single-machine,

stochastic infinite bus model (SMSIB), a three-machine nine-bus power system model (9 bus) [46] and data from the August 10, 1996 blackout in the Western North American Interconnection (WECC).

A. Single-Machine Stochastic-Infinite-Bus model (SMSIB)

In our initial analysis, we modified the classic single machine infinite bus model (Eqs. 3 and 4) to determine the conditions under which critical slowing down appears in a power system model. In the stochastic version of the model, we gradually increase stress by linearly increasing the mechanical power of the generator P_m . To inject noise, we add noise to the infinite bus voltage (V_2 , with angle 0). We model the noise as a bandwidth-limited Gaussian white noise, where the voltage at Bus 2 is:

$$V_2(t_k) = 1.0 + \mathcal{N}(0, \sigma_V) \forall t_k \in \{0, 0.1, 0.2, \dots\} \quad (13)$$

and \mathcal{N} is a Gaussian random variable of zero mean and standard deviation σ_V . Between the discrete, 100ms noise time steps, $V_2(t)$ is interpolated using a cubic spline. The noise magnitude σ_V is set to 0.01 p.u. The stochastic infinite bus simulates the effect of small, exogenous voltage flicker in the larger system to which the generator is connected [47]. A similar model, with noise in the generator power rather than the infinite bus voltage, is explored in [48].

The remaining set of parameters inherited from the classic SMIB model are set as follows: $E_a = 1.1$ p.u., $X_d = 0.1$, $D = 1.5$ p.u., $M = 3$ p.u. and $Z_{12} = j0.1$ p.u. The trajectories of δ and θ_1 are calculated using a variable step size, explicit trapezoidal differential-algebraic equation solver [49]. The output data from the DAE solver (most notably $|V(t)|$ and $\theta_1(t)$) are subsequently sampled at 30 Hz to obtain simulated synchrophasor data.

Critical slowing down becomes apparent in this model in several ways. As the dominant frequency of the system decreases, the relaxation time will increase, which is a symptom of CSD. Also, as the system approaches the point of transition, small changes in δ or in the noise (V_2) will substantially change the dominant frequencies in the system, resulting in a wider range of frequencies being present in the signal. This phenomena is sometimes apparent as flicker, which is another sign of CSD. Both of these phenomena can be observed in the power spectral density of the signal as an increase in the power of lower-frequency components, as well as an increase in the order 1 AR coefficient.

Figure 3 shows the results that emerge from the two bus model as it is forced toward the maximum power transfer limit. Providing evidence in support of our conjecture that CSD is present before the critical transition, the order 1 AR coefficient (a_1) and variance (σ^2) in the phase angle data at Bus 1 increase notably minutes before the system hits the point of maximum power transfer. Kendall's τ (Table I) indicates that these increases are statistically significant. Furthermore the power spectral density of the signal (middle panel in Fig. 3) shows substantial increases in low-frequency signal power, relative to the power of the noise, as the system approaches the critical transition.

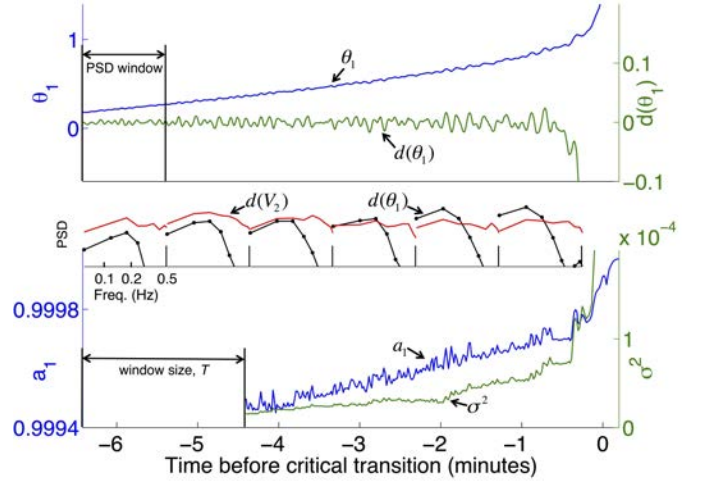


Figure 3. Evidence of critical slowing down in a two-bus (SMSIB) power grid model being driven toward the point of maximum power transfer. The top panel shows the bus 1 voltage phase angle θ_1 before and after detrending. The middle panel shows the power spectral density of the detrended signal and the input noise for vertically projected time intervals. The lower panel shows the first order autoregression coefficient and the signal variance.

Table I
KENDALL'S τ , AND SIGNAL-TO-NOISE RATIOS FROM THE SMSIB MODEL

	Time range for τ calculation			
	$(-4, -3]$	$(-3, -2]$	$(-2, -1]$	$(-1, 0]$
τ_{a_1}	0.6294*	0.6000*	0.5344*	0.6384*
τ_{σ^2}	0.6814*	0.0525	0.8087*	0.8395*
SNR [0-0.15 Hz]	0.7747	1.7181	3.4764	7.2975

(*) indicates that τ is statistically significant at the $P < 0.0001$ level.

B. Three-Machine, Nine-Bus power system model (9 bus)

As a classic example multi-machine system, we utilize the Anderson and Fouad nine-bus test case [46] for the second set of experiments. The generators were modeled with order IV machines controlled by IEEE Type II exciters and turbine governors. As in Sec. IV-A, we injected bandwidth-limited Gaussian white noise into the system; in this case perturbing the loads. In order to stress the system and drive it toward a bifurcation, we steadily increase the baseline load and calculate the DAE trajectories with fixed a 1ms time-step trapezoidal integration (using the PSAT simulator [50]). The output variables are subsequently sampled at 30 Hz. Figure 4 illustrates the results of applying the CSD detection method to the nine-bus case. As with the single machine case, evidence of CSD is present minutes before the critical transition occurs.

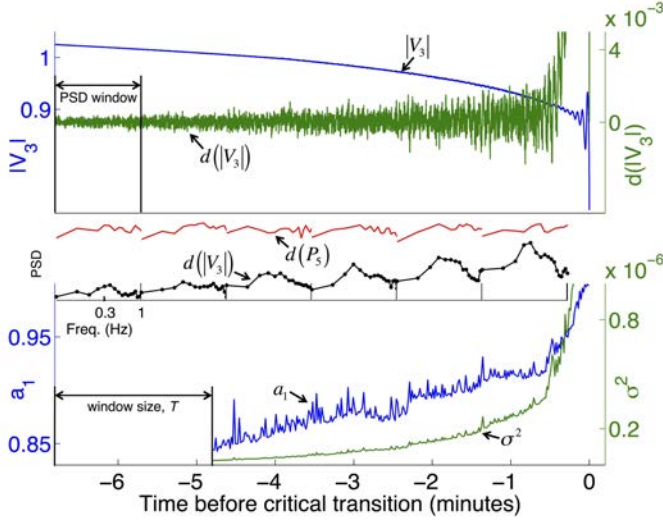


Figure 4. Evidence of critical slowing down in a three-machine, nine-bus power grid model being driven toward a bifurcation. The top panel shows the bus 3 voltage magnitude $|V_3|$ before and after detrending. The middle panel shows the power spectral density of the detrended signal and the input noise for vertically projected time intervals. The lower panel shows the first order AR coefficient and the signal variance.

Table II
KENDALL'S τ , AND SIGNAL-TO-NOISE RATIOS FOR THE 9-BUS CASE

	Time range for τ calculation			
	$(-4, -3]$	$(-3, -2]$	$(-2, -1]$	$(-1, 0]$
τ_{a_1}	0.5277*	0.4055*	0.6240*	0.7853*
τ_{σ^2}	0.8407*	0.8251*	0.8514*	0.9356*
SNR [0-0.3Hz]	0.0011	0.0013	0.0058	2.0293

These initial results indicate that when CSD is apparent, the stressed system processes noise differently than would a less-stressed one. In order to illustrate this, we represent the 9-bus system with the set of DAEs:

$$\begin{aligned} \frac{d\mathbf{x}}{dt} &= \mathbf{f}(\mathbf{x}, \mathbf{y}) \\ \mathbf{0} &= \mathbf{g}(\mathbf{x}, \mathbf{y}) \end{aligned} \quad (14)$$

where \mathbf{x} are the state variables and \mathbf{y} are the algebraic variables (voltages). If we linearize the system we can obtain the following state-space matrix:

$$\mathbf{A} = \frac{d\mathbf{g}}{d\mathbf{y}} - \frac{d\mathbf{g}}{d\mathbf{x}} \left(\frac{d\mathbf{f}}{d\mathbf{x}} \right)^{-1} \frac{d\mathbf{f}}{d\mathbf{y}}$$

which can be interpreted as the dynamic power flow sensitivity matrix [50]. The frequency response of the 9 bus network can be observed by selecting the combination of input and output channels. Figure 5 shows the magnitude response of $|V_3|$ to a noisy load connected at Bus 5 (P_5), for a high load and a low load case. At high load, the network is less able to damp out noise over a broad range of frequencies.

In order to illustrate how an aggregated measure derived from our four CSD indicators would be useful in assisting real time decisions, we performed the following experiment. First, we randomly generated 120 different load cases for 9 bus model. In each case the load at the three load buses increased at a different rate (between 21 and 27% per minute).

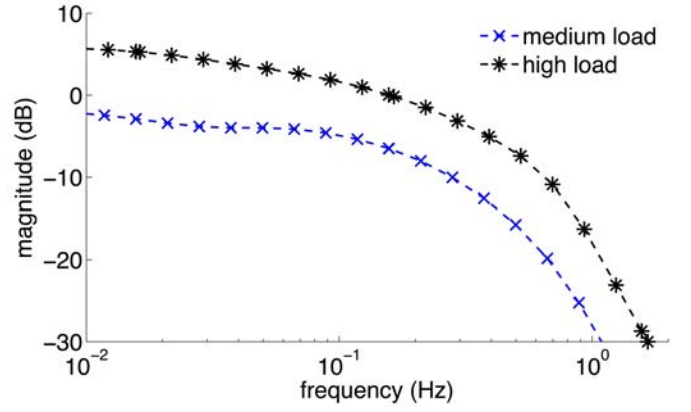


Figure 5. Bode plot showing the magnitude response of the voltage magnitude at bus 3 to a load noise at bus five in the 9 bus power network for a high and a low load case. When the system is stressed, it is less able to damp out noise across a wide range of frequencies.

The first 100 cases were used to calibrate a combined metric of proximity to transition, and the last 20 were used to test the metric. The data from the calibration cases were used to construct a multivariate regression model, as shown in (15). The output of the model (\hat{T}_i) is the estimated time to blackout in seconds. At a given time the predictors are $\mathbf{X}_i = [a_{1,i}, \tau_{a_1,i}, \sigma_i^2, \tau_{\sigma^2,i}]$.

$$\ln(\hat{T}_i) = b_0 + b_1 \ln(a_{1,i}) + b_2 \ln(\tau_{a_1,i}) + b_3 \ln(\sigma_i^2) + b_4 \ln(\tau_{\sigma^2,i}) \quad (15)$$

The resulting regression coefficients from 100 training simulations were $b_0 = -7.601$, $b_1 = -5.305$, $b_2 = -0.084$, $b_3 = -0.732$, $b_4 = 0.396$.

Finally, in order to test the model in (15) we measured each of $a_1, \tau_{a_1}, \sigma^2, \tau_{\sigma^2}$ for each second during the last three minutes before the transition for the 20 test cases, and used (15) to estimate the time until the critical transition. Figure 6 shows the mean, 10th and 90th percentiles for the 20 test runs. Samples with negative τ were not included in the figure. As the critical transition approaches, this simple regression model provides a good estimate of the distance between the current operating point and the critical transition. It is certainly possible that more sophisticated models would yield a better prediction. However, the fact that good predictions resulted from the simple model provides evidence that this approach is useful.

C. Western Interconnect blackout of August 1996 (WECC)

On August 10, 1996 a long sequence of events resulted in the separation of the North America Western Interconnection into five sub-grids and the interruption of electric service to 7.5 million customers. Reference [51] describes the sequence of events leading up to the blackout, and [52] provides a detailed analysis of the power system dynamics during the event. In [51], the WSCC (now WECC) disturbance study committee provided about 10 minutes of measured bus voltage frequency data from the Bonneville Power Administration territory, up until the point of separation. In order to test for CSD in these data, the printed frequency charts were scanned and

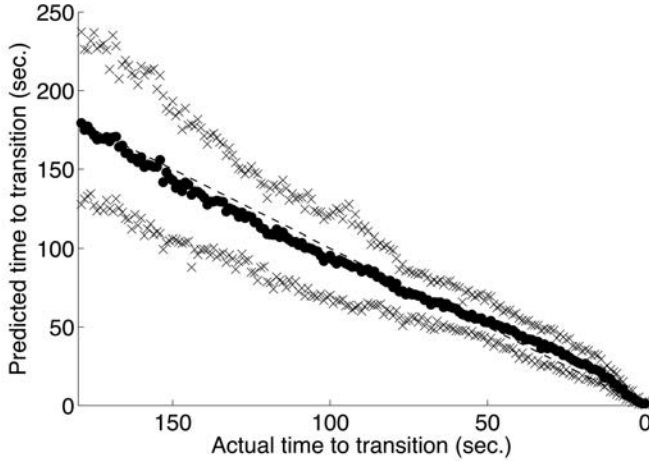


Figure 6. Predicted distance to critical transition for 20 load stress scenarios of the three-machine, nine-bus (NB) model. Solid dots represent the mean output of the multivariate regression model for the set of test scenarios. The cross markers represent the percentile 10 (lower line) and 90 (upper line) outputs of the model for the set of test scenarios. The dashed line represents a perfect prediction.

translated into a numerical time series and the tests described above were repeated. As was found with the two and nine bus models, the order 1 autoregression coefficient and variance in the frequency signal increase significantly as the critical transition approaches, as does the density of low frequency changes (See Fig. 7). Kendall's τ shows that the increases in autocorrelation are statistically significant.

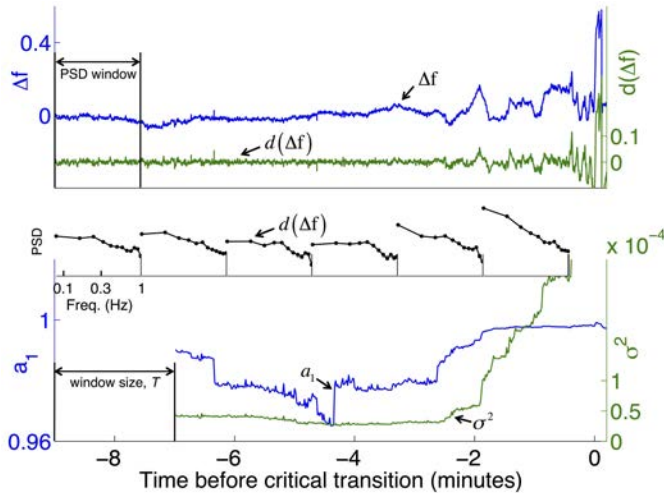


Figure 7. Evidence of critical slowing down in the frequency as measured at the Bonneville Power Administration, immediately before the blackout of August 10, 1996. As in figures 3 and 4, the low-frequency components of the signal (middle panel) increase notably immediately before the transition occurs. In this case, our 'distance to critical transition' model (See Eq. 15) would predict the blackout 3 minutes before the major separation.

Table III
KENDALL'S τ FOR THE WECC CASE

	Time range for τ calculation			
	$(-4, -3]$	$(-3, -2]$	$(-2, -1]$	$(-1, 0]$
τ_{a1}	0.5452*	0.8536*	0.7399*	0.4306*
τ_{σ^2}	0.5812*	0.7705*	0.9311*	0.8623*

V. CONCLUSIONS

This paper describes a method for estimating the proximity of a given power system operating point to a point of critical transition (which would typically lead to instability). The proposed predictor is unique in that it is based solely on the measured variance and autocorrelation in a single stream of high sample-rate voltage data, such as would proceed from a synchronized phasor measurement unit. Theoretical and empirical results from the study of critical slowing down and stochastic fast-slow systems show that increases in variance and autocorrelation signal proximity to critical transitions in many complex systems. We find these same indicators in a single machine, two bus model, a nine bus model, and in data from the large Western U.S. disturbance of August, 1996. In the 9-bus model, the indicator predicted the temporal distance to critical transition with substantial accuracy, particularly as the critical transition approached. We also found that, as the size and complexity of the benchmark system increased, the predictive ability of the indicators increased. Unlike traditional stability methods, the proposed statistical approach does not rely on network models and could therefore be useful even if state estimators fail, so long as the operator has access to time-synchronized phasor data. In the future, as more PMU data become available, this approach may be improved with the simultaneous use of multiple data streams.

It is important to note that the proposed proximity indicator, because it is statistical, does not indicate with certainty whether a given operating trajectory will result in instability. While the general approach described here is simple, the results suggest that it is feasible to obtain useful information about distance to instability from a small quantity of time-series data.

APPENDIX

The CSD identification method that this paper proposes requires the selection of a few parameters that depend on the specific nature of the dynamical system in question. Steps 1 and 2 of the algorithm (Sec. III) make use of two of these parameters: the window size (T) and the GKS filter width (σ_f). This appendix describes results from sensitivity analysis on the 120 transition test runs shown in Fig. 6. For each of the 120 cases we computed the coefficient of determination R^2 for a range of values for T and σ_f (see Fig. 8).

Lastly, we studied the impact of using the first order autoregression models instead of higher order models. Fig. 9 illustrates that the first order autoregression coefficient shows similar trends relative to the higher order coefficients. Both the first and higher order coefficients identify a shift in signal power from higher frequencies toward lower frequencies.

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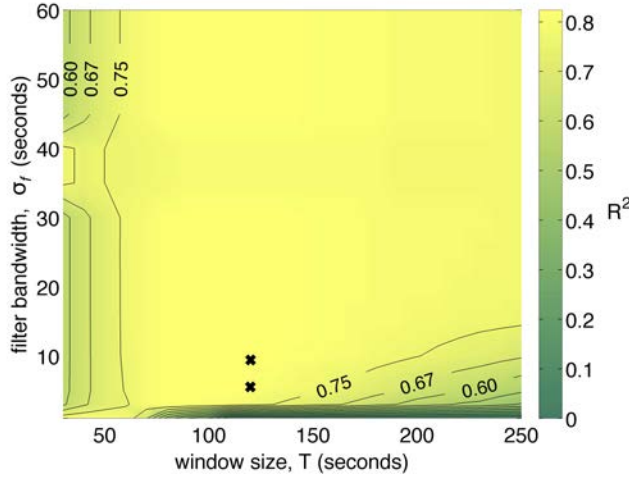


Figure 8. The coefficient of determination, R^2 , for the predicted distance-to-transition values versus the empirical values given different ranges of parameters as inputs for the method described in Sec. III. The marked values at $T = 120$ sec. and $\sigma_f = \{5, 10\}$ sec. correspond to the experiments in Sec. IV.

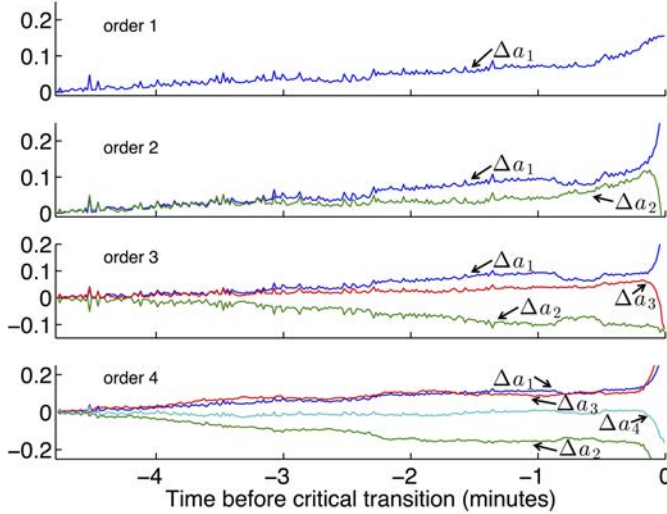


Figure 9. Higher order autoregression coefficients corresponding to the nine-bus, three machine scenario experiment in Section IV-B (see also Fig. 4).

REFERENCES

- [1] S. Abraham and J. Efford, "Final Report on the August 14, 2003 Blackout in the United States and Canada," US-Canada Power System Outage Task Force, Tech. Rep., 2004.
- [2] J. Medina, "Human error investigated in California blackout's spread to six million," *The New York Times*, Sept. 9 2011.
- [3] G. A. Maas, M. Bial, and J. Fijalkowski, "Final Report System Disturbance on 4 November 2006," Union for the Coordination of Transmission of Electricity in Europe, Tech. Rep., Nov. 4 2007.
- [4] A. Barrionuevo, "Officials search for answers in extensive Brazil blackout," *The New York Times*, November 2009.
- [5] I. Dobson, "Observations on the geometry of saddle node bifurcation and voltage collapse in electrical power systems," *IEEE Transactions on Circuits and Systems I: Fundamental Theory and Applications*, vol. 39, no. 3, pp. 240–243, Mar. 1992.
- [6] V. Ajjarapu and B. Lee, "Bifurcation theory and its application to nonlinear dynamical phenomena in an electrical power system," *IEEE Transactions on Power Systems*, vol. 7, no. 1, pp. 424–431, 1992.
- [7] H. Chiang, I. Dobson, R. Thomas, J. Thorp, and L. Fekih-Ahmed, "On

- voltage collapse in electric power systems," *IEEE Transactions on Power Systems*, vol. 5, no. 2, pp. 601–611, 1990.
- [8] V. Venkatasubramanian, H. Schattler, and J. Zaborsky, "Dynamics of large constrained nonlinear systems—a taxonomy theory," *Proceedings of the IEEE*, vol. 83, no. 11, pp. 1530–1561, 1995.
- [9] I. Dobson, J. Zhang, S. Greene, H. Engdahl, and P. Sauer, "Is strong modal resonance a precursor to power system oscillations?" *IEEE Transactions on Circuits and Systems I: Fundamental Theory and Applications*, vol. 48, no. 3, pp. 340–349, 2002.
- [10] X. Wen and V. Ajjarapu, "Application of a novel eigenvalue trajectory tracing method to identify both oscillatory stability margin and damping margin," *IEEE Transactions on Power Systems*, vol. 21, no. 2, pp. 817–824, 2006.
- [11] H. Ghasemi, C. Canizares, and A. Moshref, "Oscillatory stability limit prediction using stochastic subspace identification," *IEEE Transactions on Power Systems*, vol. 21, no. 2, pp. 736–745, 2006.
- [12] D. Yang and V. Ajjarapu, "Critical eigenvalues tracing for power system analysis via continuation of invariant subspaces and projected Arnoldi method," *IEEE Transactions on Power Systems*, vol. 22, no. 1, pp. 324–332, 2007.
- [13] Y. Susuki and I. Mezic, "Nonlinear Koopman modes and coherency identification of coupled swing dynamics," *IEEE Transactions on Power Systems*, no. 99, pp. 1–1, 2011.
- [14] C. Taylor, D. Erickson, K. Martin, R. Wilson, and V. Venkatasubramanian, "WACS-wide-area stability and voltage control system: R&D and online demonstration," *Proceedings of the IEEE*, vol. 93, no. 5, pp. 892–906, 2005.
- [15] J. De La Ree, V. Centeno, J. Thorp, and A. Phadke, "Synchronized phasor measurement applications in power systems," *IEEE Transactions on Smart Grid*, vol. 1, no. 1, pp. 20–27, 2010.
- [16] T. Overbye, P. Sauer, C. DeMarco, B. Lesieutre, and M. Venkatasubramanian, "Using PMU Data to Increase Situational Awareness," PSERC, Tech. Rep. 10-16, 2010.
- [17] N. Senroy, "Generator coherency using the Hilbert–Huang transform," *IEEE Transactions on Power Systems*, vol. 23, no. 4, pp. 1701–1708, 2008.
- [18] I. Dobson, "Voltages across an area of a network," *IEEE Transactions on Power Systems*, vol. (in press), 2012.
- [19] K. Sun, S. Lee, and P. Zhang, "An adaptive power system equivalent for real-time estimation of stability margin using phase-plane trajectories," *IEEE Transactions on Power Systems*, vol. 26, pp. 915–923, 2011.
- [20] Z. Zhong, C. Xu, B. Billian, L. Zhang, S.-J. Tsai, R. Conners, V. Centeno, A. Phadke, and Y. Liu, "Power system frequency monitoring network (FNET) implementation," *IEEE Transactions on Power Systems*, vol. 20, no. 4, pp. 1914–1921, nov. 2005.
- [21] J. Ma, P. Zhang, H. jun Fu, B. Bo, and Z. yang Dong, "Application of phasor measurement unit on locating disturbance source for low-frequency oscillation," *IEEE Transactions on Smart Grid*, vol. 1, no. 3, pp. 340–346, dec. 2010.
- [22] B. Zeng, Z. Teng, Y. Cai, S. Guo, and B. Qing, "Harmonic phasor analysis based on improved FFT algorithm," *IEEE Transactions on Smart Grid*, vol. 2, no. 1, pp. 51–59, march 2011.
- [23] W. Gao and J. Ning, "Wavelet-based disturbance analysis for power system wide-area monitoring," *IEEE Transactions on Smart Grid*, vol. 2, no. 1, pp. 121–130, march 2011.
- [24] I. Sadinezhad and V. Agelidis, "Slow sampling online optimization approach to estimate power system frequency," *IEEE Transactions on Smart Grid*, vol. 2, no. 2, pp. 265–277, june 2011.
- [25] M. Scheffer, J. Bascompte, W. A. Brock, V. Brovkin, S. R. Carpenter, V. Dakos, H. Held, E. H. van Nes, M. Rietkerk, and G. Sugihara, "Early-warning signals for critical transitions," *Nature*, vol. 461, pp. 53–59, 2009.
- [26] V. Dakos, M. Scheffer, E. H. van Nes, V. Brovkin, V. Petoukhov, and H. Held, "Slowing down as an early warning signal for abrupt climate change," *Proceedings of the National Academy of Sciences*, vol. 105, no. 38, pp. 14 308–14 312, 2008.
- [27] J. Drake and B. Griffen, "Early warning signals of extinction in deteriorating environments," *Nature*, vol. 467, no. 7314, pp. 456–459, 2010.
- [28] P. McSharry, L. Smith, and L. Tarassenko, "Prediction of epileptic seizures: are nonlinear methods relevant?" *Nature medicine*, vol. 9, no. 3, pp. 241–242, 2003.
- [29] R. May, S. Levin, and G. Sugihara, "Ecology for bankers," *Nature*, vol. 451, no. 21, pp. 893–895, 2008.
- [30] D. Fisher, "Scaling and critical slowing down in random-field ising systems," *Physical review letters*, vol. 56, no. 5, pp. 416–419, 1986.

- [31] C. Kuehn, "A mathematical framework for critical transitions: bifurcations, fast-slow systems and stochastic dynamics," *Physica D Nonlinear Phenomena*, 2011.
- [32] —, "A mathematical framework for critical transitions: normal forms, variance and applications," *Arxiv preprint arXiv 1101.2908*, 2011.
- [33] C. Canizares, "On bifurcations, voltage collapse and load modeling," *IEEE Transactions on Power Systems*, vol. 10, no. 1, pp. 512–522, 1995.
- [34] P. Kundur, *Power System Stability and Control*. Electric Power Research Institute/McGraw-Hill, 1993.
- [35] C. Kuehn, "From first Lyapunov coefficients to maximal canards," *International Journal of Bifurcation and Chaos*, vol. 20, no. 5, pp. 1467–1475, 2010.
- [36] V. Venkatasubramanian, H. Schattler, and J. Zaborsky, "Voltage dynamics: Study of a generator with voltage control, transmission, and matched mw load," *IEEE Transactions on Automatic Control*, vol. 37, no. 11, pp. 1717–1733, 1992.
- [37] W. Ji and V. Venkatasubramanian, "Dynamics of a minimal power system: invariant tori and quasi-periodic motions," *IEEE Transactions on Circuits and Systems I: Fundamental Theory and Applications*, vol. 42, no. 12, pp. 981–1000, 1995.
- [38] C. Canizares, N. Mithulananthan, A. Berizzi, and J. Reeve, "On the linear profile of indices for the prediction of saddle-node and limit-induced bifurcation points in power systems," *IEEE Transactions on Circuits and Systems I: Fundamental Theory and Applications*, vol. 50, no. 12, pp. 1588–1595, 2003.
- [39] C. Canizares, "Voltage stability assessment: concepts, practices and tools," IEEE/PES, Power System Stability Subcommittee Special Publication, 2002.
- [40] J. Guckenheimer and P. Holmes, *Nonlinear oscillations, dynamical systems, and bifurcations of vector fields*. Springer Verlag, 1990, vol. 42.
- [41] C. De Marco and A. Bergen, "A security measure for random load disturbances in nonlinear power system models," *IEEE Transactions on Circuits and Systems*, vol. 34, no. 12, pp. 1546–1557, 1987.
- [42] N. Zhou, D. Trudnowski, J. Pierre, S. Sarawgi, and N. Bhatt, "An algorithm for removing trends from power-system oscillation data," in *Power and Energy Society General Meeting-Conversion and Delivery of Electrical Energy in the 21st Century, 2008 IEEE*. IEEE, 2008, pp. 1–7.
- [43] T. Ferguson, C. Genest, and M. Hallin, "Kendall's tau for serial dependence," *Canadian Journal of Statistics*, vol. 28, no. 3, pp. 587–604, 2000.
- [44] P. Welch, "The use of fast Fourier transform for the estimation of power spectra: a method based on time averaging over short, modified periodograms," *IEEE Transactions on Audio and Electroacoustics*, vol. 15, no. 2, pp. 70–73, 1967.
- [45] C. Meisel and C. Kuehn, "Scaling effects and spatio-temporal multilevel dynamics in epileptic seizures," *PLoS ONE*, vol. 7, no. 2, p. e30371, 02 2012. [Online]. Available: <http://dx.doi.org/10.1371/journal.pone.0030371>
- [46] P. Anderson and A. Fouad, *Power system control and stability*. Iowa State University Press, Ames IA, 1977.
- [47] R. Wiltshire, G. Ledwich, and P. O'Shea, "A Kalman filtering approach to rapidly detecting modal changes in power systems," *IEEE Transactions on Power Systems*, vol. 22, no. 4, pp. 1698–1706, 2007.
- [48] D. Wei and X. Luo, "Noise-induced chaos in single-machine infinite-bus power systems," *EPL (Europhysics Letters)*, vol. 86, p. 50008, 2009.
- [49] L. Shampine, M. Reichelt, and J. Kierzenka, "Solving index-i DAEs in MATLAB and Simulink," *SIAM review*, vol. 41, no. 3, pp. 538–552, 1999.
- [50] F. Milano, "An open source power system analysis toolbox," *IEEE Transactions on Power Systems*, vol. 20, no. 3, pp. 1199–1206, 2005.
- [51] WSCC Operations Committee, "Western Systems Coordinating Council Disturbance Report For the Power System Outages that Occurred on the Western Interconnection on July 2, 1996 and July 3, 1996," Western Systems Coordinating Council, Tech. Rep., 1996.
- [52] V. Venkatasubramanian and Y. Li, "Analysis of 1996 Western American electric blackouts," in *Proceedings of Bulk Power System Dynamics and Control - VI*, August 2004.

primary research interests include the vulnerability of electrical infrastructures, in particular, the estimation of cascading failure risk.

Paul Hines is an Assistant Professor in the School of Engineering at the University of Vermont. He is also a member of the Carnegie Mellon Electricity Industry Center Adjunct Research Faculty and a commissioner for the Burlington Electric Department. He received the Ph.D. in Engineering and Public Policy from Carnegie Mellon U. in 2007 and the M.S. degree in Electrical Engineering from the U. of Washington in 2001. Formerly he worked at the US National Energy Technology Laboratory, where he participated in Smart Grid research, the US Federal Energy Regulatory Commission, where he studied interactions between nuclear power plants and power grids, Alstom ESCA, where he developed load forecasting software, and for Black and Veatch, where he worked on substation design projects. His main research interests are in the areas of complex systems and networks, cascading failures in power systems, wind integration and energy security policy.

Christopher M. Danforth received a B.S. in math and physics from Bates College in 2001, and a Ph.D. in Applied Mathematics and Scientific Computation from the University of Maryland in 2006. He is currently on the faculty of the University of Vermont where he combines mathematical modeling and big data to study a variety of complex biological, natural, and physical systems. Among other projects, he has applied principles of chaos theory to improve weather forecasts, and developed a real-time remote sensor of global happiness using Twitter. His research has been covered by the New York Times, Science Magazine, and the BBC among others. Descriptions of his projects are available at his website: <http://uvm.edu/~cdanfort>

Eduardo Cotilla-Sanchez is a Ph.D. candidate in Electrical Engineering in the School of Engineering at the University of Vermont. He earned the M.S. degree in Electrical Engineering from the University of Vermont in 2009. His

King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Thursday, June 8, 2023 9:01 AM
To: [Non-responsive per request]
Cc: Roth,Brian S (BPA) - CGI-7
Subject: FOIA response process update in re BPA-2023-00924-F [Non-responsive per request]
Attachments: original_datasets.png; Research_article.pdf; hines_2011_risk.pdf; 01 BPA-2023-00924-F [Non-responsive per request] NEW FOIA Request 05 01 2023.pdf

Hello, [Non-responsive per request]

Following up here on your recent request, and my May 4 email, below. We are tracking your new Freedom of Information Act request as BPA-2023-00924-F [Non-responsive per request]. I've begun the process of responding to your request for information under the FOIA in that I have inquiries in motion with knowledgeable records custodians. This email is not a determination on your active FOIA request; rather is it a process update for you, as such updates are encouraged, for requesters, by the FOIA.

Questions presented on April 29

The agency will also be responding to your three questions presented (below), in follow-up to the agency's response to your prior FOIA Request, BPA-2023-00498-F [Non-responsive per request]. I have yet to get any feedback on your new round of questions, but I will pursue those answers for you, shortly.

Active FOIA Request BPA-2023-00924-F [Non-responsive per request]

Your FOIA request BPA-2023-00924-F [Non-responsive per request] is for aged Western Electricity Coordinating Council (WECC) reports. The FOIA request is for, specifically: "... the two WECC reports and the frequency time series for the 2/3 July 1996 outage event or even identify the unknown dataset as one of the time series of this event..."

Searches Ongoing

Here is our recent thinking. In summary, you are asking for WECC records from two-plus decades past. At this writing my Electrical Engineer (EE) Subject Matter Experts (SME), and our Cyber office, are unsure if BPA has these aged records saved somewhere. You gave us the titles (detailed in your April 29 email below), so I've asked BPA Cyber to search using the titles provided. They are as yet unable to locate the items. The records requested in your April 29 email might still exist – if they fall under TL-1400, they have a 30 year retention. Given the age of the requested records, I've triggered a Content Manager search. Control Point searches through SharePoint and Network Drives may be doable/fruitful. But I am as yet unable to locate the items.

Western Electricity Coordinating Council

As summarized above, the search is ongoing. Specifically, our BPA EE SMEs mention that they have communicated with WECC and report to us that you've requested the two reports directly from WECC. We're told by our BPA EE SMEs that "WECC will handle that part". Obviously, if BPA also have the reports, we too will supply them in response to your FOIA request. **That, though, begs the question: Have you received the needed reports from other sources?**

National Archives and Records Administration

You might also contact the National Archives and Records Administration (NARA) which processes FOIA requests for archival records, which might include the reports you seek. NARA FOIA offices can be reached here:

[Freedom of Information Act \(FOIA\) | National Archives](#)

[NARA Electronic Reading Room/FOIA Library | National Archives](#)

Chart Data

Additionally, our BPA EE SME group are searching for the chart of data mentioned in your request, (i.e., “Therefore, I want to kindly ask you whether you can get access to both cited reports **and the data of the power outage event of 2 July, 1996** in order to share them with me.”). The SME group are being diligent in wanting to be able to respond intelligently; that is a work in progress at this date. In reference to the one chart you sent us (see attached for reference), our EE SMEs have searched and found several similar charts, but not the specific chart you seek. **That, though, begs the question: Would *any* such germane charts satisfy for current FOIA request?**

Request on Hold

Given the above conditions, we have placed this BPA-2023-00924-F (Non-responsive per request) request “on hold” temporarily, pending your needed answers to **the two questions above**.

Please do provide your feedback and guidance as you are able.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7

Sent: Thursday, May 4, 2023 2:20 PM

To: (Non-responsive per request) <(Non-responsive per request)>

Subject: New FOIA request received as BPA-2023-00924-F (Non-responsive per request)

Hello, (Non-responsive per request)

The Bonneville Power Administration has received your two emails below. We will be tracking your new Freedom of Information Act request as BPA-2023-00924-F (Non-responsive per request) – you may use that tracking number with any questions you might have. I've begun the process of responding to your request for information under the FOIA. I have inquiries in motion today for records custodians. I'll update you on my progress when I learn more. You can expect to hear from me in the next couple of weeks with a progress report.

The agency will also be responding to your three questions presented, below) in follow-up to the agency's response to your prior FOIA Request, BPA-2023-00498-F (Non-responsive per request)

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Saturday, April 29, 2023 9:32 AM
To: Roth,Brian S (BPA) - CGI-7 <BSRoth@bpa.gov>
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>; King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Subject: [EXTERNAL] Re: BPA-2023-00498-F (*Non-responsive per request*) Response Letter

Dear Mr Roth, Mr Jason and Mr King,

as announced in my first mail I would like to hear your opinion on a fourth and last question which regards the still unknown frequency time series which I attach again. It is the upper time series with the right y-axis in the attached image. Here is my question including new information on the open issue:

4) Yesterday after I received your mail, I started for a third time a four hours research for the second dataset. Without success. But I have some hope to gain also these missing information, since I noticed the most probable source of the dataset and maybe some mistake in some research articles' bibliography regarding the second unknown dataset. The authors of the two attached research articles claim that the dataset would be stem from the 10th of August 1996 where the grid was separated into four islands. Interestingly they talk about five islands (which was the case for the power outage at 2 July 1996, not for the 10th August) and in one of the articles they cite also the "[51] WSCC Operations Committee, "Western Systems Coordinating Council Disturbance Report For the Power System Outages that Occurred on the Western Interconnection on July 2, 1996 and July 3, 1996," Western Systems Coordinating Council, Tech. Rep., 1996." as the source of the data. In the other publication they cite "[26] WSCC Operations Committee, "Western Systems Coordinating Council Disturbance Report For the Power System Outages that Occurred on the Western Interconnection on August 10, 1996," Western Systems Coordinating Council, Tech. Rep., 1996." for the *same* dataset... I guess, the authors may have confused something at that time. Unfortunately, both Reports of the old WSCC (now WECC) are disappeared (the cited links are dead). The authors did not react to a request. I tried again and again to find the pdf, but I could not. Therefore, I want to kindly ask you whether you can get access to both cited reports and the data of the power outage event of 2 July, 1996 in order to share them with me. I guess, this would add all the missing information on the second dataset. Probably, with this information it would be possible to identify the unknown set and may it be as erroneously related to the outage event 10th August 1996 by the authors of the attached research articles. This would be a very important clarification not only for me, but for the whole scientific community which studies the power outage events. I hope you can help me out or even identify the missing dataset by yourself based on these new information.

It would be really great if you could provide me with the two WECC reports and the frequency time series for the 2/3 July 1996 outage event or even identify the unknown dataset as one of the time series of this event. Otherwise I can try to identify the dataset with the reports and the data of the 2/3 July 1996 outage event. I think this is a promising perspective combined with access to the WECC reports. I hope you can help me out in one way or another to dissolve the confusion on these data. I am looking forward to hear about your opinion and what you can achieve. Thanks again!

Sincerely yours,

Non-responsive per request

From: Non-responsive per request <Non-responsive per request>

Sent: Saturday, April 29, 2023 6:06 AM

To: Roth, Brian S (BPA) - CGI-7 <BSRoth@bpa.gov>

Cc: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>; King, James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: [EXTERNAL] Re: BPA-2023-00498-F Non-responsive per request Response Letter

Dear Mr Roth, Mr Taylor and Mr King,

you are brilliant! First of all I want to thank you very much for your great work and the detailed research attempts. This is of great value to me. I have exciting news: One of the provided time series seems to be exactly the one I was looking for. I attach a plot where you can see the correspondence of the detrended and timely aligned data (orange is plotted over blue, i.e. they align perfectly). It is the one you provided in '10a August10_Frequency.csv'. I hope you can help me out a last time with a few questions. The first three questions are short and easy to answer, I guess. They are the most important for the identified dataset. In contrast, a fourth question considers new insights into the second unknown dataset and I would appreciate to read your opinion on that and if you could help me out a last time on that issue. I will send this fourth question in a separate mail. For now, here are the structured questions on the identified dataset:

1) Is it possible to provide me the location and time of the record, since it is not given in the '10a August10_Frequency.csv' file? (I attach both files again)

2) In contrast the metadata in the second file (05a FOIA_Hzppsm_08-10-96 15h35m30secp.xls) are detailed and I would like to make sure that I interpret them correctly. As I understand them: the file is created at the William Dittmer Center at Ross Substation, Vancouver Washington. It contains one frequency time series at the Dittmer Center. Considering the raw relatively smooth data of this time series, I guess there are some pre-processing steps/filters involved. The other two datasets origin from a power station or only measurement (?) station in the city area of Tacoma? Or from a specific grid line which is called "Tacoma line" or something like that? It would great if you could confirm what is right and correct for the rest.

3) In the same file there are named the "channels". Could you shortly explain to me what it means? I guess that are internal measurement channels of the Dittmer Center? And a last thing: in the dataset is written "Tacoma 230 kV - Bus Frequency w/o d.o." in column D. What does w/o d.o. mean? I ask you because I want to understand the difference between the columns C and D.

Thank you in advance for considering the questions and for your answers. I am looking forward to hear from you.

Have a nice weekend.

Sincerely yours,

Non-responsive per request

Am 28.04.2023 um 19:07 schrieb Roth,Brian S (BPA) - CGI-7:

Dear Mr. Non-responsive per FOIA

Please see the attached formal response letter and responsive records to your recent FOIA request to BPA. Please feel free to contact me with any questions.

Thank you,

Brian Roth
FOIA Case Coordinator
Bonneville Power Administration
(503) 230-4383

King,James J (BPA) - CGI-7

From: [Non-responsive per request](#) <[Non-responsive per request](#)>
Sent: Monday, June 26, 2023 5:09 AM
To: King,James J (BPA) - CGI-7
Cc: Roth,Brian S (BPA) - CGI-7
Subject: [EXTERNAL] Re: FOIA BPA-2023-00924-F [Non-responsive per request](#) -- processing updates
Attachments: WECC1996-08-10 Frequency Only Plots.pdf

Dear Mr King,

Dear Mr Roth and Research Team,

thanks a lot for the dedicated research work and detailed answers. I apologize for the delayed response. I went home from a conference and was taken ill for almost two weeks. Nevertheless, I am happy to hear from you. I am glad to give you the desired update:

You are right that I wrote to the WECC that did not react up to some weeks ago. At the 09.06. I got a kind response from [Non-responsive](#) from WECC. He wrote: "We did look at the possibility of sending you the reports, but there would need to be more work involved on your end and the probability of it actually happening is not good." I guess for internal policies... However, he was very cooperative and had a look into both reports. Interestingly, he concluded that the data of the research article cannot be taken from the 2/3 July 1996 event (regardless of the wrong citation in the article) since there are no chart data included.

Instead he got only permission to share a low quality scan of the BPA chart data (attached) of the 10th August 1996 report with me. Recently, I compared it to the one from the research article and I guess that they should be identical. This reveals the case in a different light. In that sense I provide the necessary answers to your questions:

1) Have you received the needed reports from WECC or from other sources? And if so, are you still seeking those same reports from BPA?

I have not received the reports from WECC. I asked [Non-responsive](#) again about the measurement location of the 10th August 1996 data scan. He answered it would not be included in the reports, but he guesses it should be Malin Substation. Could you confirm that? The measurement time remains an open task, since the low quality scan does not resolve the time axis. However, based on Mr [Non-responsive per request](#) information in my opinion the FOIA request is now focused only on the 10th August 1996 report and on the confirmation of the measurement location "Malin Substation" and the measurement time. I was wondering about the Malin substation since in the kind BPA answers to my questions they state that they have had only two measurement locations at that time: Tacoma and Dittmer (cf. mail from 09.05.: "1) Is it possible to provide me the location and time of the record, since it is not given in the '10a August10_Frequency.csv' file? (I attach both files again) a. BPA's answer: the data is from Dittmer Portable Power System Monitor (PPSM) BPA had before PMU system. PPSM sampled data at 20 samples per second. PPSM had two frequency measurements – one at Tacoma 230-kV bus (smooth) and Dittmer System Frequency (step-wise).")

I will also write to Mr [Non-responsive per request](#) and inform you directly if I get an answer.

2) That, though, begs the question: Would *any* such germane charts satisfy for current FOIA request?

I would be glad for every time series that you can share with me even if it is not the one I was looking for. If they are very similar to the one that should correspond to the 10th August 1996 event, it would be worth to know. It might be helpful for the overall picture.

I apologize again for the delayed response. Thanks a lot for your detailed help.

Have a nice week.

Sincerely yours,

[Redacted]

Am 22.06.2023 um 17:45 schrieb King,James J (BPA) - CGI-7:

Good morning, [Redacted]

The FOIA encourages agencies to provide processing updates to records requesters. This email is one such update for you.

Western Electricity Coordinating Council

As summarized in the email thread below, BPA's search and response efforts for the WECC reports you seek are ongoing. BPA EE SMEs mention that they have communicated with WECC and report that you've requested the two aged reports directly from WECC. We're told by our BPA EE SMEs that "WECC will handle that part". BPA has located the two reports and we are processing them for you. In the interests of conserving agency resources, we want to ask: **Have you received the needed reports from WECC or from other sources? And if so, are you still seeking those same reports from BPA?**

National Archives and Records Administration

You might also contact the National Archives and Records Administration (NARA) which processes FOIA requests for archival records, which might include the reports you seek. NARA FOIA offices can be reached here:

[Freedom of Information Act \(FOIA\) | National Archives](#)

[NARA Electronic Reading Room/FOIA Library | National Archives](#)

Chart Data

Additionally, our BPA EE SME group searched for the chart of data mentioned in your request, (i.e., "Therefore, I want to kindly ask you whether you can get access to both cited reports **and the data of the power outage event of 2 July, 1996** in order to share them with me."). That is still a work in progress. In reference to the one chart you sent us, our EE SMEs have searched and found similar charts, but not the specific chart you seek. Because we have not heard back from you on this item, BPA asks again if we may proceed with the assumption that the similar charts located are not responsive to your FOIA request?

—J.

From: King,James J (BPA) - CGI-7

Sent: Friday, June 16, 2023 10:23 AM

To: [Redacted] <[Redacted]> [Redacted]

Cc: Roth,Brian S (BPA) - CGI-7 <BSRoth@bpa.gov>

Subject: FOIA BPA-2023-00924-F [Redacted] -- formal acknowledgment letter

Good morning, [Redacted]

The agency is required by the FOIA to provide you with a formal acknowledgment letter. That letter is attached to this email. That letter will provide you with a FOIA request tracking number and a summary of the agency's FOIA response process and a target date for a response to your request. You may contact Brian or me at any time with questions concerning your FOIA request.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7

Sent: Thursday, June 8, 2023 9:01 AM

To: [Redacted] <[Redacted]> [Redacted]

Cc: Roth,Brian S (BPA) - CGI-7 <BSRoth@bpa.gov>

Subject: FOIA response process update in re BPA-2023-00924-F [Redacted]

Hello, [Redacted]

Following up here on your recent request, and my May 4 email, below. We are tracking your new Freedom of Information Act request as BPA-2023-00924-F [Redacted] I've begun the process of responding to your request for information under the FOIA in that I have inquiries in motion with knowledgeable records custodians. This email is not a determination on your active FOIA request; rather is it a process update for you, as such updates are encouraged, for requesters, by the FOIA.

Questions presented on April 29

The agency will also be responding to your three questions presented (below), in follow-up to the agency's response to your prior FOIA Request, BPA-2023-00498-F [Redacted] I have yet to get any feedback on your new round of questions, but I will pursue those answers for you, shortly.

Active FOIA Request BPA-2023-00924-F [Redacted]

Your FOIA request BPA-2023-00924-F [Redacted] is for aged Western Electricity Coordinating Council (WECC) reports. The FOIA request is for, specifically: "... the two WECC reports and the frequency time series for the 2/3 July 1996 outage event or even identify the unknown dataset as one of the time series of this event..."

Searches Ongoing

Here is our recent thinking. In summary, you are asking for WECC records from two-plus decades past. At this writing my Electrical Engineer (EE) Subject Matter Experts (SME), and our Cyber office, are unsure if BPA has these aged records saved somewhere. You gave us the titles (detailed in your April 29 email below), so I've asked BPA Cyber to search using the titles provided. They are as yet unable to locate the items. The records requested in your April 29

email might still exist – if they fall under TL-1400, they have a 30 year retention. Given the age of the requested records, I've triggered a Content Manager search. Control Point searches through SharePoint and Network Drives may be doable/fruitful. But I am as yet unable to locate the items.

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As summarized above, the search is ongoing. Specifically, our BPA EE SMEs mention that they have communicated with WECC and report to us that you've requested the two reports directly from WECC. We're told by our BPA EE SMEs that "WECC will handle that part". Obviously, if BPA also have the reports, we too will supply them in response to your FOIA request. **That, though, begs the question: Have you received the needed reports from other sources?**

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Chart Data

Additionally, our BPA EE SME group are searching for the chart of data mentioned in your request, (i.e., "Therefore, I want to kindly ask you whether you can get access to both cited reports **and the data of the power outage event of 2 July, 1996** in order to share them with me."). The SME group are being diligent in wanting to be able to respond intelligently; that is a work in progress at this date. In reference to the one chart you sent us (see attached for reference), our EE SMEs have searched and found several similar charts, but not the specific chart you seek. **That, though, begs the question: Would *any* such germane charts satisfy for current FOIA request?**

Request on Hold

Given the above conditions, we have placed this BPA-2023-00924-F (Non-responsive per request) request "on hold" temporarily, pending your needed answers to **the two questions above**.

Please do provide your feedback and guidance as you are able.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7

Sent: Thursday, May 4, 2023 2:20 PM

To: Non-responsive per request <Non-responsive per request>

Subject: New FOIA request received as BPA-2023-00924-F (Non-responsive per request)

Hello, Non-responsive per request

The Bonneville Power Administration has received your two emails below. We will be tracking your new Freedom of Information Act request as BPA-2023-00924-F (Non-responsive per request) – you may use that tracking number with any questions you might have. I've begun the process of responding to your request for information under the FOIA. I have inquiries in motion today for records custodians. I'll update you on my progress when I learn more. You can expect to hear from me in the next couple of weeks with a progress report.

The agency will also be responding to your three questions presented, below) in follow-up to the agency's response to your prior FOIA Request, BPA-2023-00498-F (Non-responsive per request)

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: Non-responsive per request <Non-responsive per request>

Sent: Saturday, April 29, 2023 9:32 AM

To: Roth, Brian S (BPA) - CGI-7 <BSRoth@bpa.gov>

Cc: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>; King, James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: [EXTERNAL] Re: BPA-2023-00498-F (Non-responsive per request) Response Letter

Dear Mr Roth, Mr Jason and Mr King,

as announced in my first mail I would like to hear your opinion on a fourth and last question which regards the still unknown frequency time series which I attach again. It is the upper time series with the right y-axis in the attached image. Here is my question including new information on the open issue:

4) Yesterday after I received your mail, I started for a third time a four hours research for the second dataset. Without success. But I have some hope to gain also these missing information, since I noticed the most probable source of the dataset and maybe some mistake in some research articles' bibliography regarding the second unknown dataset. The authors of the two attached research articles claim that the dataset would be stem from the 10th of August 1996 where the grid was separated into four islands. Interestingly they talk about five islands (which was the case for the power outage at 2 July 1996, not for the 10th August) and in one of the articles they cite also the "[51] WSCC Operations Committee, "Western Systems Coordinating Council Disturbance Report For the Power System Outages that Occurred on the Western Interconnection on July 2, 1996 and July 3, 1996," Western Systems Coordinating Council, Tech. Rep., 1996." as the source of the data. In the other publication they cite "[26] WSCC Operations Committee, "Western Systems Coordinating Council Disturbance Report For the Power System Outages that Occurred on the Western Interconnection on August 10, 1996," Western Systems Coordinating Council, Tech. Rep., 1996." for the *same* dataset... I guess, the authors may have confused something at that time. Unfortunately, both Reports of the old WSCC (now WECC) are

disappeared (the cited links are dead). The authors did not react to a request. I tried again and again to find the pdf, but I could not. Therefore, I want to kindly ask you whether you can get access to both cited reports and the data of the power outage event of 2 July, 1996 in order to share them with me. I guess, this would add all the missing information on the second dataset. Probably, with this information it would be possible to identify the unknown set and may it be as erroneously related to the outage event 10th August 1996 by the authors of the attached research articles. This would be a very important clarification not only for me, but for the whole scientific community which studies the power outage events. I hope you can help me out or even identify the missing dataset by yourself based on these new information.

It would be really great if you could provide me with the two WECC reports and the frequency time series for the 2/3 July 1996 outage event or even identify the unknown dataset as one of the time series of this event. Otherwise I can try to identify the dataset with the reports and the data of the 2/3 July 1996 outage event. I think this is a promising perspective combined with access to the WECC reports. I hope you can help me out in one way or another to dissolve the confusion on these data. I am looking forward to hear about your opinion and what you can achieve. Thanks again!

Sincerely yours,

Non-responsive per request

From: Non-responsive per request <Non-responsive per request>

Sent: Saturday, April 29, 2023 6:06 AM

To: Roth, Brian S (BPA) - CGI-7 <BSRoth@bpa.gov>

Cc: Taylor, Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>; King, James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: [EXTERNAL] Re: BPA-2023-00498-F (Non-responsive per request) Response Letter

Dear Mr Roth, Mr Taylor and Mr King,

you are brilliant! First of all I want to thank you very much for your great work and the detailed research attempts. This is of great value to me. I have exciting news: One of the provided time series seems to be exactly the one I was looking for. I attach a plot where you can see the correspondence of the detrended and timely aligned data (orange is plotted over blue, i.e. they align perfectly). It is the one you provided in '10a August10_Frequency.csv'. I hope you can help me out a last time with a few questions. The first three questions are short and easy to answer, I guess. They are the most important for the identified dataset. In contrast, a fourth question considers new insights into the second unknown dataset and I would appreciate to read your opinion on that and if you could help me out a last time on that issue. I will send this fourth question in a separate mail. For now, here are the structured questions on the identified dataset:

1) Is it possible to provide me the location and time of the record, since it is not given in the '10a August10_Frequency.csv' file? (I attach both files again)

2) In contrast the metadata in the second file (05a FOIA_Hzppsm_08-10-96 15h35m30secp.xls) are detailed and I would like to make sure that I interpret them correctly. As I understand them: the file is created at the William Dittmer Center at Ross Substation, Vancouver Washington. It contains one frequency time series at the Dittmer Center. Considering the raw relatively smooth data of this time series, I guess there are some pre-processing steps/filters involved. The other two datasets origin from a power station or only measurement (?) station in the city area of Tacoma? Or from a specific grid line which is called "Tacoma line" or something like that? It would great if you could confirm what is right and correct for the rest.

3) In the same file there are named the "channels". Could you shortly explain to me what it means? I guess that are internal measurement channels of the Dittmer Center? And a last thing: in the dataset is written "Tacoma 230 kV - Bus Frequency w/o d.o." in column D. What does w/o d.o. mean? I ask you because I want to understand the difference between the columns C and D.

Thank you in advance for considering the questions and for your answers. I am looking forward to hear from you.

Have a nice weekend.

Sincerely yours,

Non-responsive per request

Am 28.04.2023 um 19:07 schrieb Roth,Brian S (BPA) - CGI-7:

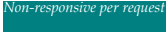
Dear Mr. Non-responsive per request

Please see the attached formal response letter and responsive records to your recent FOIA request to BPA. Please feel free to contact me with any questions.

Thank you,

Brian Roth
FOIA Case Coordinator
Bonneville Power Administration
(503) 230-4383

Roth,Brian S (BPA) - CGI-7

From:  <[Non-responsive per request](#)>
Sent: Tuesday, July 18, 2023 12:22 AM
To: Roth,Brian S (BPA) - CGI-7
Cc: King,James J (BPA) - CGI-7
Subject: [EXTERNAL] Re: Freedom of Information Act (FOIA) BPA-2023-00924-F; Final Letter Response

Dear Mr. Roth,

Dear Mr. King,

I would like to thank you most sincerely. The whole process was a inestimable support to check for my research assumptions. I am very glad that I have experienced your and BPA's very dedicated work, You have done much more for me than I could have expected. Due to your help we are almost sure that the time series stem from Tacoma and Dittmer. I already try to get the missing time information to assure my research results completely. Your contribution has significantly improved the research quality. Therefore, I want to ask you whether I can acknowledge you by name and institution in the final publication. If this is not allowed or not wanted for any reason, let me know if I can acknowledge the FOIA and BPA in general or if you prefer not to be mentioned at all. For me it would be a pleasure.

Thanks again for all and have a nice week.

Sincerely yours,



Am 11.07.2023 um 22:31 schrieb Roth,Brian S (BPA) - CGI-7:

Hello Mr. 

I hope you are doing well.

Attached to this email is your FOIA request, Final Letter response, and the responsive records for your FOIA request BPA-2023-00924-F

Please feel free to reach out to myself at bsroth@bpa.gov, via telephone (503) 230-4383. You may also contact BPA's FOIA Public Liaison, James King, at jjking@bpa.gov, via telephone (503) 230-7621.

Thank you,

Brian Roth
FOIA Case Coordinator
Bonneville Power Administration
(503) 230-4383

King,James J (BPA) - CGI-7

From: [Non-responsive per request] <[Non-responsive per request]>
Sent: Thursday, July 6, 2023 1:27 AM
To: King,James J (BPA) - CGI-7; Roth,Brian S (BPA) - CGI-7
Subject: [EXTERNAL] Fwd: Scientific Request: Power Outage Reports [##71327##]

Dear Mr King and Mr Roth,

as promised in my mail from 26 June, I inform you about the latest answer from WECC by forwarding the last correspondence. Unfortunately, it remains unclear to me how he arrives at the conclusion of Dittmer as measurement location when he argued for Malin substation before. However, the second dataset might correspond most probable to "10th August 1996, time line to be reconstructed". Would you agree with [Non-responsive per request] that the second dataset might correspond to Dittmer as measurement location or to the suspicious Malin substation? Maybe you could give some plausible arguments for your conclusion. I think that is the best we can do to clarify that issue. If, contrary to expectations, you should get access to the reports or could send me additional data from the power outage at July 2/3 1996, I would appreciate it as well, but a clarification of the first issue is the most important one.

I am very grateful for your work which has really cleared up a lot of things and I am anticipating that we end up successfully now. I hope my latest information and WECC's answer can help to answer the remaining open question.

I am looking forward to your answer. Have a nice day!

Sincerely yours,

[Non-responsive per request]

----- Weitergeleitete Nachricht -----

Betreff:RE: Scientific Request: Power Outage Reports [##71327##]

Datum:Wed, 5 Jul 2023 14:02:58 +0000

Von:[Non-responsive per request]

An:[Non-responsive per request] <[Non-responsive per request]>

<Limited-Disclosure>

[Non-responsive per request] I understand you have been talking with BPA about this as well and I agree with their conclusions that it was most likely Dittmer, but since the PPSM system was completely de-commissioned several years ago, we are unable to confirm it as the report was written over 25 years ago.

[Non-responsive per request]

From: [Non-responsive per request] <[Non-responsive per request]>
Sent: Monday, June 26, 2023 6:22 AM

To: Non-responsive per request

Subject: Re: Scientific Request: Power Outage Reports [##71327##]

Dear Mr Non-responsive per request

Dear Ms Non-

thanks a lot for your help. I will follow your suggestion to reconstruct the most probable absolute time. I was only wondering about the measurement location Malin substation. As far as I know the BPA has had only two frequency measurement locations at that time: Tacoma (smooth) and Dittmer System Frequency (stepwise). Could you shortly specify how Malin is involved in the measurement grid of the time? Then I would claim the most probable metadata of the chart data is the "10th August 1996, Malin Substation, time line to be reconstructed". would you agree with that?

Thanks a lot for your help. I am looking forward to hear from you.

Have a nice week.

Sincerely yours,

Non-responsive per request

King,James J (BPA) - CGI-7

From: [Non-responsive per request] <[Non-responsive per request]>
Sent: Thursday, July 6, 2023 1:33 AM
To: King,James J (BPA) - CGI-7; Roth,Brian S (BPA) - CGI-7
Subject: [EXTERNAL] FOIA BPA-2023-00924-F [Non-responsive per request] Fwd: Scientific Request: Power Outage Reports [##71327##]

FOIA BPA-2023-00924-F [Non-responsive per request]

Dear Mr King and Mr Roth,

here again with the corresponding FOIA ID. As promised in my mail from 26 June, I inform you about the latest answer from WECC by forwarding the last correspondence. Unfortunately, it remains unclear to me how he arrives at the conclusion of Dittmer as measurement location when he argued for Malin substation before. However, the second dataset might correspond most probable to "10th August 1996, time line to be reconstructed". Would you agree with [Non-responsive per request] that the second dataset might correspond to Dittmer as measurement location or to the suspicious Malin substation? Maybe you could give some plausible arguments for your conclusion. I think that is the best we can do to clarify that issue. If, contrary to expectations, you should get access to the reports or could send me additional data from the power outage at July 2/3 1996, I would appreciate it as well, but a clarification of the first issue is the most important one.

I am very grateful for your work which has really cleared up a lot of things and I am anticipating that we end up successfully now. I hope my latest information and WECCs answer can help to answer the remaining open question.

I am looking forward to your answer. Have a nice day!

Sincerely yours,

[Non-responsive per request]

----- Weitergeleitete Nachricht -----

Betreff:RE: Scientific Request: Power Outage Reports [##71327##]

Datum:Wed, 5 Jul 2023 14:02:58 +0000

Von: [Non-responsive per request] [Non-responsive per request] <[Non-responsive per request]>

An: [Non-responsive per request] <[Non-responsive per request]>

<Limited-Disclosure>

[Non-responsive per request] I understand you have been talking with BPA about this as well and I agree with their conclusions that it was most likely Dittmer, but since the PPSM system was completely de-commissioned several years ago, we are unable to confirm it as the report was written over 25 years ago.

Non-responsive

From: Non-responsive per request <Non-responsive per request>
Sent: Monday, June 26, 2023 6:22 AM
To: Non-responsive per request <Non-responsive per request>
Subject: Re: Scientific Request: Power Outage Reports [##71327##]

Dear Mr Non-responsive per request

Dear Ms Non- ,

thanks a lot for your help. I will follow your suggestion to reconstruct the most probable absolute time. I was only wondering about the measurement location Malin substation. As far as I know the BPA has had only two frequency measurement locations at that time: Tacoma (smooth) and Dittmer System Frequency (stepwise). Could you shortly specify how Malin is involved in the measurement grid of the time? Then I would claim the most probable metadata of the chart data is the "10th August 1996, Malin Substation, time line to be reconstructed". would you agree with that?

Thanks a lot for your help. I am looking forward to hear from you.

Have a nice week.

Sincerely yours,

Non-responsive per

King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Friday, July 7, 2023 8:07 AM
To: [Non-responsive per request](#)
Cc: Roth,Brian S (BPA) - CGI-7
Subject: Information regarding your open FOIA request BPA-2023-00924-F [Non-responsive per request](#)

Good morning, [Non-responsive per request](#)

The Freedom of Information Act (FOIA) encourages agencies to provide processing updates to records requesters. This email is one such update for you. This email also provides a general response to your recent June–July 2023 emails to Bonneville Power Administration (BPA) – all appended below for reference.

Your FOIA Request BPA-2023-00924-F

In regards to your currently open FOIA request to BPA, and in compliance with the FOIA, BPA has searched for existing responsive records, in the agency's control and possession, from knowledgeable personnel. Those responsive records have been collected and are currently under review for the potential application of exemptions to the FOIA, and thereafter, a release to you. That effort is ongoing. You'll be hearing from my colleague, Brian, on that response to BPA-2023-00924-F in the coming days.

Publicly Available Information

Additionally, the following internet links to freely available information on your topic of interest may provide some answers to the questions you've asked in your June-July 2023 emails (appended below for reference).

[1996 Disturbance Report Final.Doc \(Nerc.Com\)](#)

[WECC MVS - 1996 Western Interconnection Outages - 2021-11-29](#)

[302367.pdf \(Justice.Gov\)](#)

[An-Intelligent-Controller-For-High-Voltage-Power-System-Applications.Pdf \(BBA.Gov\)](#)

[Power Outages Affect West - UPI Archives](#)

[Preventing Voltage Collapse With Protection Systems That Incorporate Optimal Reactive Power Control \(Wisc.Edu\)](#)

FOIA Limits

Please note that the FOIA is an avenue for providing records requesters with existing agency records, only. Records requests must reasonably describe existing agency records and information. The BPA FOIA office resources are limited. Answering questions and otherwise providing exposition on the content of agency records is outside the requirements of the FOIA. You're welcome to submit future FOIA requests to BPA for specific agency records. The agency will not, though, conduct research, analyze data, or answer questions when responding to your future FOIA requests.

Submitting Future FOIA requests for Records

Previously we've been receiving your FOIA requests as detailed emails, with ancillary requests for background information and supporting exposition. Because the FOIA office is not equipped or staffed to field detailed technical questions, and because such questions are outside the purview of the FOIA, we ask that you submit your future specific records requests via the following method and pathway:

Go to <http://www.foia.gov/>, the U.S. government's central website for FOIA.

1. Click the "Start Your Request" button. You should get this prompt: "Select an agency to start your request or to see an agency's contact information:"
2. In the box that says, "Type Agency Name", type "BPA". You should get this autofill: "Bonneville Power Administration (Department of Energy)". Filing your FOIA request without using the BPA designation in the on-line drop-down will delay your FOIA request landing on my desk. Just mentioning that here for alacrity's sake.
3. On the next screen, click the "Start FOIA Request" button. You are on your way!
4. On the next screen, fill in the required information. Be as specific as you can on the information you seek – the better you describe the information you seek, the better the agency can respond.
5. Click the "Submit Request" button.

Your submitted FOIA request will make its way to me in a day or so. Thereafter, as is customary, I'll communicate with you directly on the agency's response to your FOIA request. I will keep an eye out for your incoming FOIA request, should you decide to file one. Again, the FOIA does not require agencies to conduct research, analyze data, or answer questions when responding to FOIA requests.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: Non-responsive per request <Non-responsive per request>

Sent: Thursday, July 6, 2023 1:33 AM

To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>; Roth,Brian S (BPA) - CGI-7 <BSRoth@bpa.gov>

Subject: [EXTERNAL] FOIA BPA-2023-00924-F Non-responsive per request Fwd: Scientific Request: Power Outage Reports [##71327##]

FOIA BPA-2023-00924-F Non-responsive per request

Dear Mr King and Mr Roth,

here again with the corresponding FOIA ID. As promised in my mail from 26 June, I inform you about the latest answer from WECC by forwarding the last correspondence. Unfortunately, it remains unclear to me how he arrives at the conclusion of Dittmer as measurement location when he argued for Malin substation before. However, the second dataset might correspond most probable to "10th August 1996, time line to be reconstructed". Would you agree with Non-responsive per request that the second dataset might correspond to Dittmer as measurement location or to the suspicious Malin substation? Maybe you could give some plausible arguments for your conclusion. I think that is the best we can do to clarify that issue. If, contrary to expectations, you

should get access to the reports or could send me additional data from the power outage at July 2/3 1996, I would appreciate it as well, but a clarification of the first issue is the most important one.

I am very grateful for your work which has really cleared up a lot of things and I am anticipating that we end up successfully now. I hope my latest information and WECCs answer can help to answer the remaining open question.

I am looking forward to your answer. Have a nice day!

Sincerely yours,

Non-responsive per request

From: Non-responsive per request <Non-responsive per request>
Sent: Thursday, July 6, 2023 1:27 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>; Roth,Brian S (BPA) - CGI-7 <BSRoth@bpa.gov>
Subject: [EXTERNAL] Fwd: Scientific Request: Power Outage Reports [##71327##]

Dear Mr King and Mr Roth,

as promised in my mail from 26 June, I inform you about the latest answer from WECC by forwarding the last correspondence. Unfortunately, it remains unclear to me how he arrives at the conclusion of Dittmer as measurement location when he argued for Malin substation before. However, the second dataset might correspond most probable to "10th August 1996, time line to be reconstructed". Would you agree with Non-responsive per request that the second dataset might correspond to Dittmer as measurement location or to the suspicious Malin substation? Maybe you could give some plausible arguments for your conclusion. I think that is the best we can do to clarify that issue. If, contrary to expectations, you should get access to the reports or could send me additional data from the power outage at July 2/3 1996, I would appreciate it as well, but a clarification of the first issue is the most important one.

I am very grateful for your work which has really cleared up a lot of things and I am anticipating that we end up successfully now. I hope my latest information and WECCs answer can help to answer the remaining open question.

I am looking forward to your answer. Have a nice day!

Sincerely yours,

Non-responsive per request

From: Non-responsive per request <Non-responsive per request>
Sent: Monday, June 26, 2023 5:09 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Cc: Roth,Brian S (BPA) - CGI-7 <BSRoth@bpa.gov>
Subject: [EXTERNAL] Re: FOIA BPA-2023-00924-F Non-responsive per request -- processing updates

Dear Mr King,

Dear Mr Roth and Research Team,

thanks a lot for the dedicated research work and detailed answers. I apologize for the delayed response. I went home from a conference and was taken ill for almost two weeks. Nevertheless, I am happy to hear from you. I am glad to give you the desired update:

You are right that I wrote to the WECC that did not react up to some weeks ago. At the 09.06. I got a kind response from [Non-responsive per requ] from WECC. He wrote: "We did look at the possibility of sending you the reports, but there would need to be more work involved on your end and the probability of it actually happening is not good." I guess for internal policies... However, he was very cooperative and had a look into both reports. Interestingly, he concluded that the data of the research article cannot be taken from the 2/3 July 1996 event (regardless of the wrong citation in the article) since there are no chart data included.

Instead he got only permission to share a low quality scan of the BPA chart data (attached) of the 10th August 1996 report with me. Recently, I compared it to the one from the research article and I guess that they should be identical. This reveals the case in a different light. In that sense I provide the necessary answers to your questions:

1) Have you received the needed reports from WECC or from other sources? And if so, are you still seeking those same reports from BPA?

I have not received the reports from WECC. I asked [Non-responsive per requ] again about the measurement location of the 10th August 1996 data scan. He answered it would not be included in the reports, but he guesses it should be Malin Substation. Could you confirm that? The measurement time remains an open task, since the low quality scan does not resolve the time axis. However, based on Mr [Non-responsive per requ] information in my opinion the FOIA request is now focused only on the 10th August 1996 report and on the confirmation of the measurement location "Malin Substation" and the measurement time. I was wondering about the Malin substation since in the kind BPA answers to my questions they state that they have had only two measurement locations at that time: Tacoma and Dittmer (cf. mail from 09.05.: "1) Is it possible to provide me the location and time of the record, since it is not given in the '10a August10_Frequency.csv' file? (I attach both files again) a. BPA's answer: the data is from Dittmer Portable Power System Monitor (PPSM) BPA had before PMU system. PPSM sampled data at 20 samples per second. PPSM had two frequency measurements – one at Tacoma 230-kV bus (smooth) and Dittmer System Frequency (step-wise).")

I will also write to Mr [Non-responsive per requ] and inform you directly if I get an answer.

2) That, though, begs the question: Would *any* such germane charts satisfy for current FOIA request?

I would be glad for every time series that you can share with me even if it is not the one I was looking for. If they are very similar to the one that should correspond to the 10th August 1996 event, it would be worth to know. It might be helpful for the overall picture.

I apologize again for the delayed response. Thanks a lot for your detailed help.

Have a nice week.

Sincerely yours,

[Non-responsive per]

Am 22.06.2023 um 17:45 schrieb King,James J (BPA) - CGI-7:

Good morning, [Non-responsive per request]

The FOIA encourages agencies to provide processing updates to records requesters. This email is one such update for you.

Western Electricity Coordinating Council

As summarized in the email thread below, BPA's search and response efforts for the WECC reports you seek are ongoing. BPA EE SMEs mention that they have communicated with WECC and report that you've requested the two aged reports directly from WECC. We're told by our BPA EE SMEs that "WECC will handle that part". BPA has located the two reports and we are processing them for you. In the interests of conserving agency resources, we want to ask: **Have you received the needed reports from WECC or from other sources? And if so, are you still seeking those same reports from BPA?**

National Archives and Records Administration

You might also contact the National Archives and Records Administration (NARA) which processes FOIA requests for archival records, which might include the reports you seek. NARA FOIA offices can be reached here:

[Freedom of Information Act \(FOIA\) | National Archives](#)

[NARA Electronic Reading Room/FOIA Library | National Archives](#)

Chart Data

Additionally, our BPA EE SME group searched for the chart of data mentioned in your request, (i.e., "Therefore, I want to kindly ask you whether you can get access to both cited reports **and the data of the power outage event of 2 July, 1996** in order to share them with me."). That is still a work in progress. In reference to the one chart you sent us, our EE SMEs have searched and found similar charts, but not the specific chart you seek. Because we have not heard back from you on this item, BPA asks again if we may proceed with the assumption that the similar charts located are not responsive to your FOIA request?

—J.

From: King,James J (BPA) - CGI-7

Sent: Friday, June 16, 2023 10:23 AM

To: [Non-responsive per request] <[Non-responsive per request]>

Cc: Roth,Brian S (BPA) - CGI-7 <BSRoth@bpa.gov>

Subject: FOIA BPA-2023-00924-F ([Non-responsive per request]) -- formal acknowledgment letter

Good morning, [Non-responsive per request]

The agency is required by the FOIA to provide you with a formal acknowledgment letter. That letter is attached to this email. That letter will provide you with a FOIA request tracking number and a summary of the agency's FOIA response process and a target date for a response to your request. You may contact Brian or me at any time with questions concerning your FOIA request.

Best,

James

From: King,James J (BPA) - CGI-7

Sent: Thursday, June 8, 2023 9:01 AM

To: Non-responsive per request <Non-responsive per request>

Cc: Roth,Brian S (BPA) - CGI-7 <BSRoth@bpa.gov>

Subject: FOIA response process update in re BPA-2023-00924-F (Non-responsive per request)

Hello, Non-responsive per request

Following up here on your recent request, and my May 4 email, below. We are tracking your new Freedom of Information Act request as BPA-2023-00924-F (Non-responsive per request). I've begun the process of responding to your request for information under the FOIA in that I have inquiries in motion with knowledgeable records custodians. This email is not a determination on your active FOIA request; rather is it a process update for you, as such updates are encouraged, for requesters, by the FOIA.

Questions presented on April 29

The agency will also be responding to your three questions presented (below), in follow-up to the agency's response to your prior FOIA Request, BPA-2023-00498-F (Non-responsive per request). I have yet to get any feedback on your new round of questions, but I will pursue those answers for you, shortly.

Active FOIA Request BPA-2023-00924-F (Non-responsive per request)

Your FOIA request BPA-2023-00924-F (Non-responsive per request) is for aged Western Electricity Coordinating Council (WECC) reports. The FOIA request is for, specifically: "... the two WECC reports and the frequency time series for the 2/3 July 1996 outage event or even identify the unknown dataset as one of the time series of this event..."

Searches Ongoing

Here is our recent thinking. In summary, you are asking for WECC records from two-plus decades past. At this writing my Electrical Engineer (EE) Subject Matter Experts (SME), and our Cyber office, are unsure if BPA has these aged records saved somewhere. You gave us the titles (detailed in your April 29 email below), so I've asked BPA Cyber to search using the titles provided. They are as yet unable to locate the items. The records requested in your April 29 email might still exist – if they fall under TL-1400, they have a 30 year retention. Given the age of the requested records, I've triggered a Content Manager search. Control Point searches through SharePoint and Network Drives may be doable/fruitful. But I am as yet unable to locate the items.

Western Electricity Coordinating Council

As summarized above, the search is ongoing. Specifically, our BPA EE SMEs mention that they have communicated with WECC and report to us that you've requested the two reports directly from WECC. We're told by our BPA EE SMEs that "WECC will handle that part". Obviously, if BPA also have the reports, we too will supply them in response to your FOIA request. **That, though, begs the question: Have you received the needed reports from other sources?**


National Archives and Records Administration

You might also contact the National Archives and Records Administration (NARA) which processes FOIA requests for archival records, which might include the reports you seek. NARA FOIA offices can be reached here:

Chart Data

Additionally, our BPA EE SME group are searching for the chart of data mentioned in your request, (i.e., “Therefore, I want to kindly ask you whether you can get access to both cited reports **and the data of the power outage event of 2 July, 1996** in order to share them with me.”). The SME group are being diligent in wanting to be able to respond intelligently; that is a work in progress at this date. In reference to the one chart you sent us (see attached for reference), our EE SMEs have searched and found several similar charts, but not the specific chart you seek. **That, though, begs the question: Would *any* such germane charts satisfy for current FOIA request?**

Request on Hold

Given the above conditions, we have placed this BPA-2023-00924-F  request “on hold” temporarily, pending your needed answers to **the two questions above**.

Please do provide your feedback and guidance as you are able.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621



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

FREEDOM OF INFORMATION ACT PROGRAM

July 11, 2023

In reply refer to: FOIA # BPA-2023-00924-F

SENT VIA EMAIL ONLY TO: *Non-responsive per request*

Non-responsive per request

Dear Mr. *Non-responsive per request*

This communication is the Bonneville Power Administration's (BPA) final response for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your request was received on May 1, 2023 and formally acknowledged on June 16, 2023.

Request

"... the two [Western Electricity Coordinating Council] WECC reports and the frequency time series for the 2/3 July 1996 outage event or even identify the unknown dataset as one of the time series of this event."

Response

BPA searched for and gathered records responsive to your request. BPA collected 118 pages of responsive records from knowledgeable agency personnel in Transmission Operation Control. Those 118 pages accompany this communication, release in full with no redactions applied.

Appeal

The records release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this final release, within 90 calendar days from the date of this communication. 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.

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 Brian Roth, Case Coordinator, at bsroth@bpa.gov or 503-23-7621. Questions may also be directed to James King, FOIA Public Liaison, at jjking@bpa.gov or (503) 230-7621.

Sincerely,

Candice Palen
Freedom of Information/Privacy Act Officer

[Responsive agency information accompanies this communication](#)

The following list contains the entire submission submitted April 17, 2023 12:00:02am ET, and is formatted for ease of viewing and printing.

Contact information

First name
Last name
Mailing Address
City
State/Province
Postal Code
Country
Phone
Fax
Company/Organization
Email

Non-responsive per request



Request

Request ID 681331
Confirmation ID 680791

Request description

This FOIA Request is seeking the most recent agency information regarding the 2022 annual generation totals, in MWHrs and dollars, for all FCRPS [Federal Columbia River Power System] power plants, the amount of spilling and where it is mandated by the Court. Said requested agency information is to include the overview numbers upon which the final numbers were founded or based. The requested information should focus on the 2022 results needed to make a direct comparison to the previously provided or available raw data. Also please provide any documents that detail current official values to validate the previously supplied numbers for 2015 to 2021 that are in the attachment. To use this data in any significant way requires that the numbers are in agreement with the current official records for the years 2015 to 2022. Please provide official records to validate the previously shared values (2015 to 2021) in the attachment against current agency records.

Supporting documentation

Additional Information	2020-01-03_BPA-2020-00255-F_Responsive_Information.pdf
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Fees

Request category ID	other
Fee waiver	no
Willing to pay	\$15

Expedited processing

Expedited Processing	no
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Spill Plants include those effected by court-ordered fish spill operations

Other Plants include non-spill hydro as well as the nuclear plant and wind projects.

Total Revenue is Gross Sales (Firm, Surplus and Derivative) power revenues, excluding Bookouts

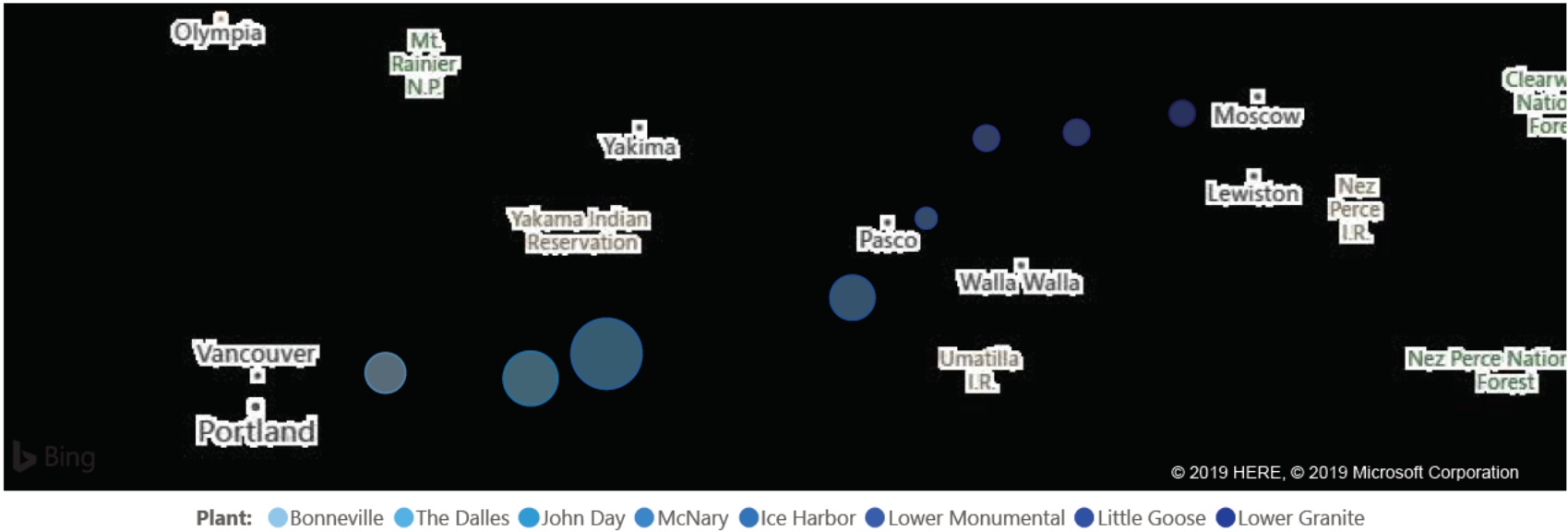
Fiscal Year	Total Revenue
2017	\$2,540M
2018	\$2,660M
2019	\$2,599M

Generation	MWHrs (Spill Plants)	MWHrs (Other)	Total MWHrs
2017	39,025,027	52,373,859	91,398,886
2018	36,640,564	52,715,454	89,356,018
2019	30,588,831	43,216,099	73,804,930

Flow KCFS (ann avg)	Turbine Flow	Spill Flow	Spill % of Gen
2017	93	46	50%
2018	87	34	40%
2019	71	29	41%

FCRPS - Spill Plants

Lower Granite
Little Goose
Lower Monumental
Ice Harbor
McNary
John Day
The Dalles
Bonneville



King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Friday, April 14, 2023 8:21 AM
To: Non-responsive per request
Subject: RE: [EXTERNAL] RE: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi, Non-responsive per request

I can't advise you on your best course to acquire the specific records you seek. I can say that the agency reviewed your BPA-2023-00682-F request for agency records, searched for those specific responsive records (and information), with the agency personnel who would be most knowledgeable, and released that information and records found to be responsive to your request.

Prior Requests

That said, and not being as versed as you in re the BPA information you seek, I'm tasked as the FOIA Public Liaison with helping requesters identify the specific agency information they seek. So, I'm thinking out loud here that you consider the two prior FOIA requests:

For '0682... You sought solely, "...the 2022 data regarding the annual total generation in MWhr and dollars for all FCRPS [Federal Columbia River Power System] power plants, the amount of spilling and where it is happening as mandated by the Court."

For '0255... You sought, "...information regarding the annual total generation in MWhr and dollars for all FCRPS [Federal Columbia River Power System] power plants and the amount of spilling and where it is happening that is mandated by the Court... [including] ...the overview numbers or a few pages in a brief report. [And] "...any memos or reports [that] have been circulated through BPA on the subject of the Index Test Box (ITB) or the Gate Blade Optimizer (GBO)."

Next Request Option

I might suggest a new FOIA request, as follows: "... the most recent agency information regarding the 2022 annual generation totals, in MWhr and dollars, for all FCRPS [Federal Columbia River Power System] power plants, and the amount of spilling and where it is happening, which is or was mandated by the Court; said requested agency information to include the overview numbers upon which the final numbers were founded or based. Said requested information to focus on the 2022 results data, needed to make a direct comparison to the previously provided or available raw data." Again, I'm not as versed as you on the interstices and satisfactions in the specific BPA information you seek, so I recommend you review my language suggestion for inadvertent errors prior to submitting any new FOIA request.

How to File

That said, you can indeed file a new FOIA request with BPA for the information you seek. Guidance for that FOIA request can be found at the following BPA website:

<https://www.bpa.gov/about/who-we-are/freedom-of-information-act>

Previously we've sometimes been receiving your FOIA requests as transfers from the U.S. Department of Energy Headquarters FOIA Office. Filing your FOIA request without using the BPA designation in the on-line drop-down will delay your FOIA request landing on my desk. Just mentioning that here for alacrity's sake. More specifically, I suggest that you:

Go to <http://www.foia.gov/>, the U.S. government's central website for FOIA.

1. Click the "Start Your Request" button. You should get this prompt: "Select an agency to start your request or to see an agency's contact information:"
2. In the box that says, "Type Agency Name", type "BPA". You should get this autofill: "Bonneville Power Administration (Department of Energy)"
3. On the next screen, click the "Start FOIA Request" button. You are on your way!
4. On the next screen, fill in the required information. Be as specific as you can on the information you seek – the better you describe the information you seek, the better the agency can respond.
5. Click the "Submit Request" button.

Your submitted FOIA request will make its way to me in a day or so. Thereafter, as is customary, I'll communicate with you directly on the agency's response to your FOIA request. I will keep an eye out for your incoming FOIA request, should you decide to file one.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: *Non-responsive per request* <*Non-responsive per request*>

Sent: Friday, April 14, 2023 7:33 AM

To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: [EXTERNAL] RE: BPA-2023-00682-F *Non-responsive per request* - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi James,

Thank you for this information, but it unsuitable for my purpose.

What is needed is information to merge into the previous information provided in this initial FOIA response:

[2020-01-03 BPA-2020-00255-F-Ackn. & Response](#)

[2020-01-03 BPA-2020-00255-F Responsive Information](#)

[2020-01-03 BPA-2020-00255-F FCRPS Plants](#)

[2020-01-03 BPA-2020-00255-F Generation Data](#)

[2020-01-03 BPA-2020-00255-F Revenue Data](#)

The specific questions are addressed perfectly in the 2nd file above named *Responsive Information*:

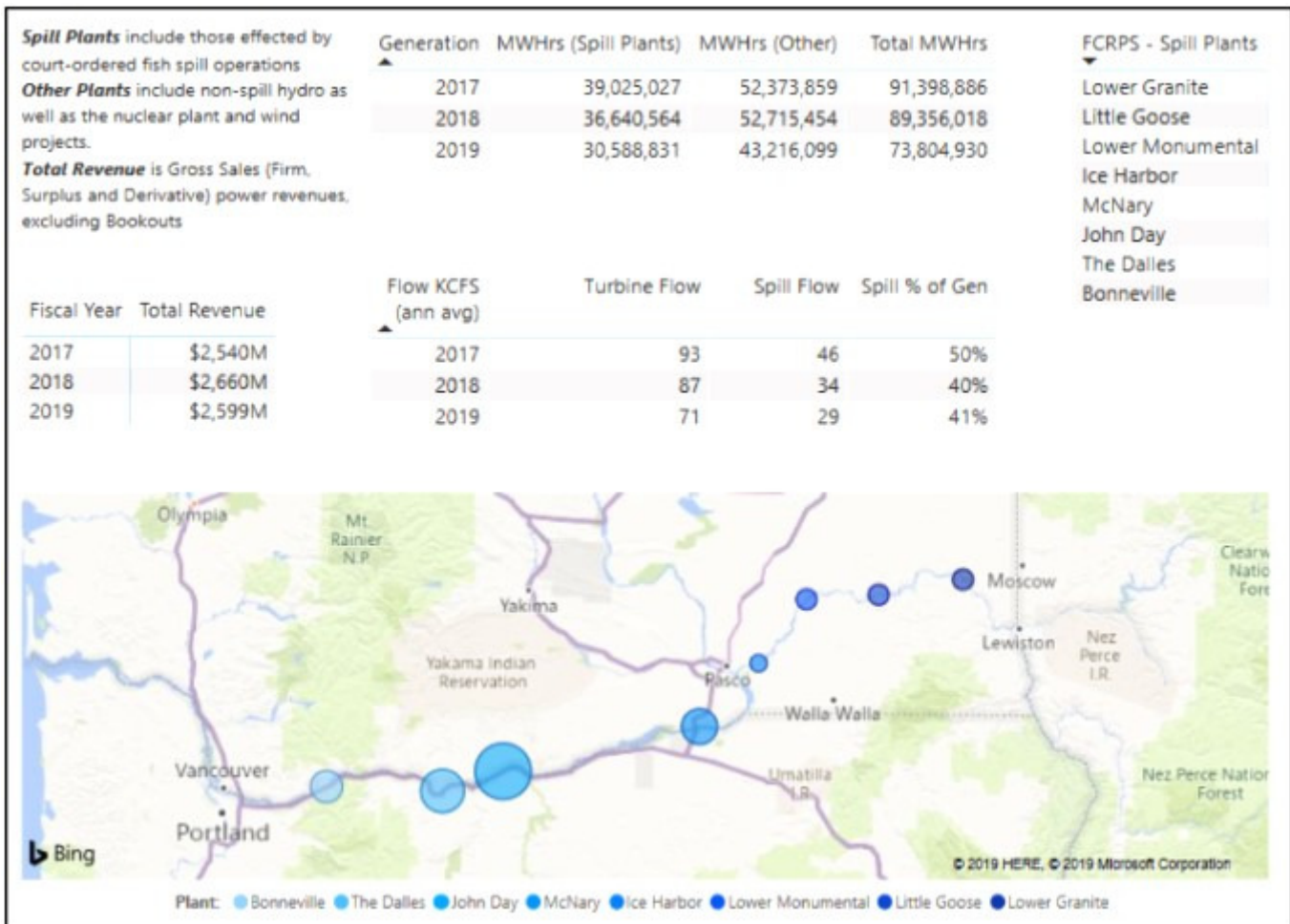


Fig 1. Excerpt from [2020-01-03 BPA-2020-00255-F Responsive Information](#)

Subsequent data for 2020 and 2021 provided to augment this initial data was in the same format so it was easily incorporated.

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The data in the initial, 2020 and 2021 responses are *results*, while the latest 2022 response is *raw data*.

Without using the same algorithm to convert the 2022 *raw data* to *results*, a direct comparison is not possible.

The original request was for:

Request

“...information regarding the annual total generation in MWHr and dollars for all FCRPS [Federal Columbia River Power System] power plants and the amount of spilling and where it is happening that is mandated by the Court... [including] ...the overview numbers or a few pages in a brief report. [And] “...any memos or reports [that] have been circulated through BPA on the subject of the Index Test Box (ITB) or the Gate Blade Optimizer (GBO).”

Fig 2. Excerpt from [2020-01-03 BPA-2020-00255-F-Ackn. & Response](#)

To get the *results* that are needed for a direct comparison, what’s the best course?

A simple request (with a *pretty please* on it, of course...), a formal Appeal of the most recent FOIA or start a new Request with more specificity?

Best,

Non-responsive per request

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Wednesday, March 22, 2023 11:06 AM

To: Non-responsive per request

Subject: BPA-2023-00682-F - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi, Non-responsive per request

The Bonneville Power Administration (BPA) has completed agency efforts to respond to your latest Freedom of Information Act (FOIA) request. The agency’s response to your records request is attached. The attached 5 U.S.C. Sec. 552 response letter to you contains additional internet links to the information you seek.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

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[2020-01-03 BPA-2020-00255-F Responsive Information](#)

[2020-01-03 BPA-2020-00255-F FCRPS Plants](#)

[2020-01-03 BPA-2020-00255-F Generation Data](#)

[2020-01-03 BPA-2020-00255-F Revenue Data](#)

The specific questions are addressed perfectly in the 2nd file above named *Responsive Information*:

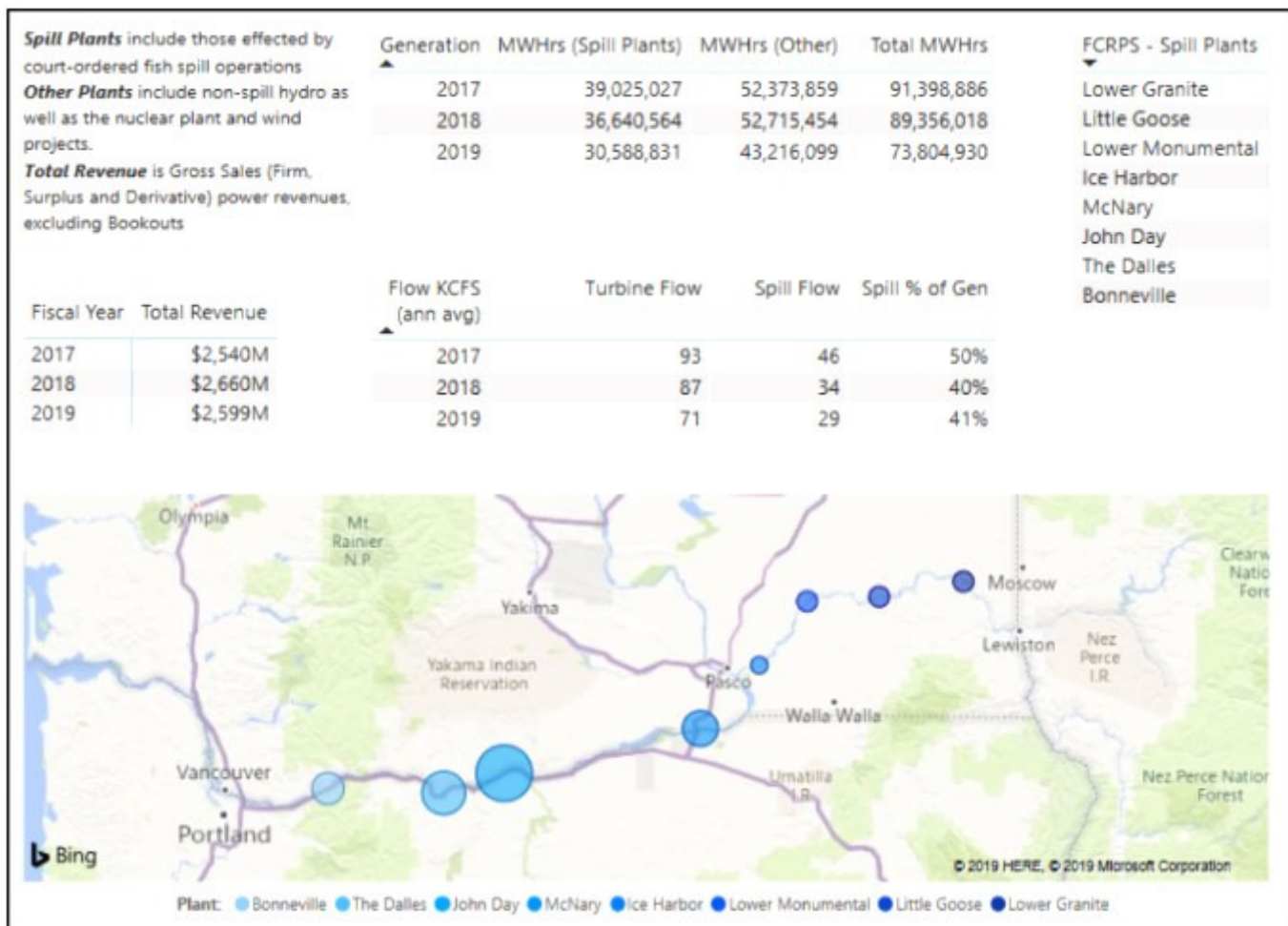


Fig 1. Excerpt from [2020-01-03 BPA-2020-00255-F Responsive Information](#)

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“...information regarding the annual total generation in MWHr and dollars for all FCRPS [Federal Columbia River Power System] power plants and the amount of spilling and where it is happening that is mandated by the Court... [including] ...the overview numbers or a few pages in a brief report. [And] “...any memos or reports [that] have been circulated through BPA on the subject of the Index Test Box (ITB) or the Gate Blade Optimizer (GBO).”

Fig 2. Excerpt from [2020-01-03 BPA-2020-00255-F-Ackn. & Response](#)

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To: Non-responsive per request

Subject: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

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Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Tuesday, April 18, 2023 7:57 AM
To: Non-responsive per request
Subject: RE: [EXTERNAL] RE: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi, Non-responsive per request

We will be on the lookout for your new FOIA request. When I have that request in hand, I'll front it to our Public Utilities Specialists in Long Term Power Planning; I'll also give them your exposition in the emails thread below. Updates to follow, as always.

—J.

From: Non-responsive per request <Non-responsive per request>
Sent: Monday, April 17, 2023 9:49 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Subject: FW: [EXTERNAL] RE: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi James,

I sent the FOIA last night. Thanks for your input.

A little over a year ago there was an edict that both the number of dams and amount of flow would be increased because all efforts to date have been unsatisfactory at restoring fish populations. This is what I want to know: what ever happened to this plan? Did it help? I'm asking for this new information to clarify the results of Lee Sheldon's life-work for a memoriam. A continued need for spilling at only USACE dams would be a clue...

This is the information I have now. Is this information up to date or have the numbers been updated?

The request is to add 2022 data with the same reduction method as the others.

Year (ad)	Total Revenue (USD)	Spill Plants (MWHrs)	Others (MWHrs)	Total (MWHrs)	Turbine flow (kcfs)	Spill Flow (kcfs)
2017	\$2,540,000,000	39,025,027	52,373,859	91,398,886	93	46
2018	\$2,660,000,000	36,640,564	52,715,454	89,356,018	87	34
2019	\$2,599,000,000	30,588,831	43,216,099	73,804,930	71	29
2020	\$2,605,000,000	30,945,796	49,724,354	80,670,150	73	30

Happy trails,

Non-responsive per request Non-responsive per request

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Friday, April 14, 2023 10:21 AM

To: Non-responsive per request

Subject: RE: [EXTERNAL] RE: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

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I can't advise you on your best course to acquire the specific records you seek. I can say that the agency reviewed your BPA-2023-00682-F request for agency records, searched for those specific responsive records (and information), with the agency personnel who would be most knowledgeable, and released that information and records found to be responsive to your request.

Prior Requests

That said, and not being as versed as you in re the BPA information you seek, I'm tasked as the FOIA Public Liaison with helping requesters identify the specific agency information they seek. So, I'm thinking out loud here that you consider the two prior FOIA requests:

For '0682... You sought solely, "...the 2022 data regarding the annual total generation in MWHr and dollars for all FCRPS [Federal Columbia River Power System] power plants, the amount of spilling and where it is happening as mandated by the Court."

For '0255... You sought, "...information regarding the annual total generation in MWHr and dollars for all FCRPS [Federal Columbia River Power System] power plants and the amount of spilling and where it is happening that is mandated by the Court... [including] ...the overview numbers or a few pages in a brief report. [And] "...any memos or reports [that] have been circulated through BPA on the subject of the Index Test Box (ITB) or the Gate Blade Optimizer (GBO)."

Next Request Option

I might suggest a new FOIA request, as follows: "... the most recent agency information regarding the 2022 annual generation totals, in MWHr and dollars, for all FCRPS [Federal Columbia River Power System] power plants, and the amount of spilling and where it is happening, which is or was mandated by the Court; said requested agency information to include the overview numbers upon which the final numbers were founded or based. Said requested information to focus on the 2022 results data, needed to make a direct comparison to the previously provided or available raw data." Again, I'm not as versed as you on the interstices and satisfactions in the specific BPA information you seek, so I recommend you review my language suggestion for inadvertent errors prior to submitting any new FOIA request.

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Go to <http://www.foia.gov/>, the U.S. government's central website for FOIA.

1. Click the "Start Your Request" button. You should get this prompt: "Select an agency to start your request or to see an agency's contact information:"
2. In the box that says, "Type Agency Name", type "BPA". You should get this autofill: "Bonneville Power Administration (Department of Energy)"
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5. Click the "Submit Request" button.

Your submitted FOIA request will make its way to me in a day or so. Thereafter, as is customary, I'll communicate with you directly on the agency's response to your FOIA request. I will keep an eye out for your incoming FOIA request, should you decide to file one.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: *Non-responsive per request* <*Non-responsive per request*>

Sent: Friday, April 14, 2023 7:33 AM

To: King, James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: [EXTERNAL] RE: BPA-2023-00682-F *Non-responsive per request* - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi James,

Thank you for this information, but it unsuitable for my purpose.

What is needed is information to merge into the previous information provided in this initial FOIA response:

[2020-01-03 BPA-2020-00255-F-Ackn. & Response](#)

[2020-01-03 BPA-2020-00255-F Responsive Information](#)

[2020-01-03 BPA-2020-00255-F FCRPS Plants](#)

[2020-01-03 BPA-2020-00255-F Generation Data](#)

[2020-01-03 BPA-2020-00255-F Revenue Data](#)

The specific questions are addressed perfectly in the 2nd file above named *Responsive Information*:

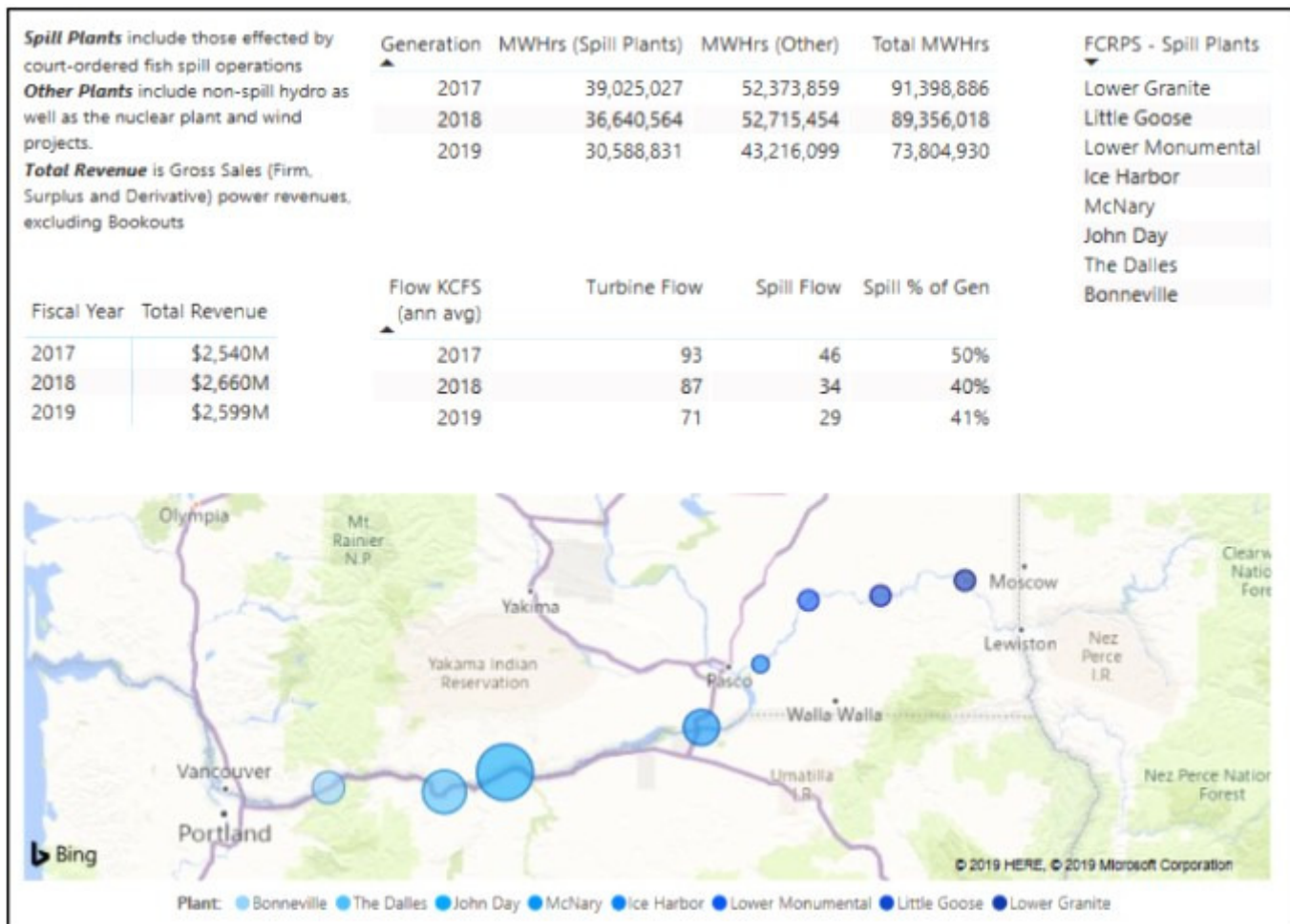


Fig 1. Excerpt from [2020-01-03 BPA-2020-00255-F Responsive Information](#)

Subsequent data for 2020 and 2021 provided to augment this initial data was in the same format so it was easily incorporated.

It's the difference between *raw data* and *results*.

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The original request was for:

Request

“...information regarding the annual total generation in MWHr and dollars for all FCRPS [Federal Columbia River Power System] power plants and the amount of spilling and where it is happening that is mandated by the Court... [including] ...the overview numbers or a few pages in a brief report. [And] “...any memos or reports [that] have been circulated through BPA on the subject of the Index Test Box (ITB) or the Gate Blade Optimizer (GBO).”

Fig 2. Excerpt from [2020-01-03 BPA-2020-00255-F-Ackn. & Response](#)

To get the *results* that are needed for a direct comparison, what’s the best course?

A simple request (with a *pretty please* on it, of course...), a formal Appeal of the most recent FOIA or start a new Request with more specificity?

Best,

Non-responsive per request

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Wednesday, March 22, 2023 11:06 AM

To: Non-responsive per request

Subject: BPA-2023-00682-F - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi, Non-responsive per request

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Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

King,James J (BPA) - CGI-7

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To: King,James J (BPA) - CGI-7
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[2020-01-03 BPA-2020-00255-F Responsive Information](#)

[2020-01-03 BPA-2020-00255-F FCRPS Plants](#)

[2020-01-03 BPA-2020-00255-F Generation Data](#)

[2020-01-03 BPA-2020-00255-F Revenue Data](#)

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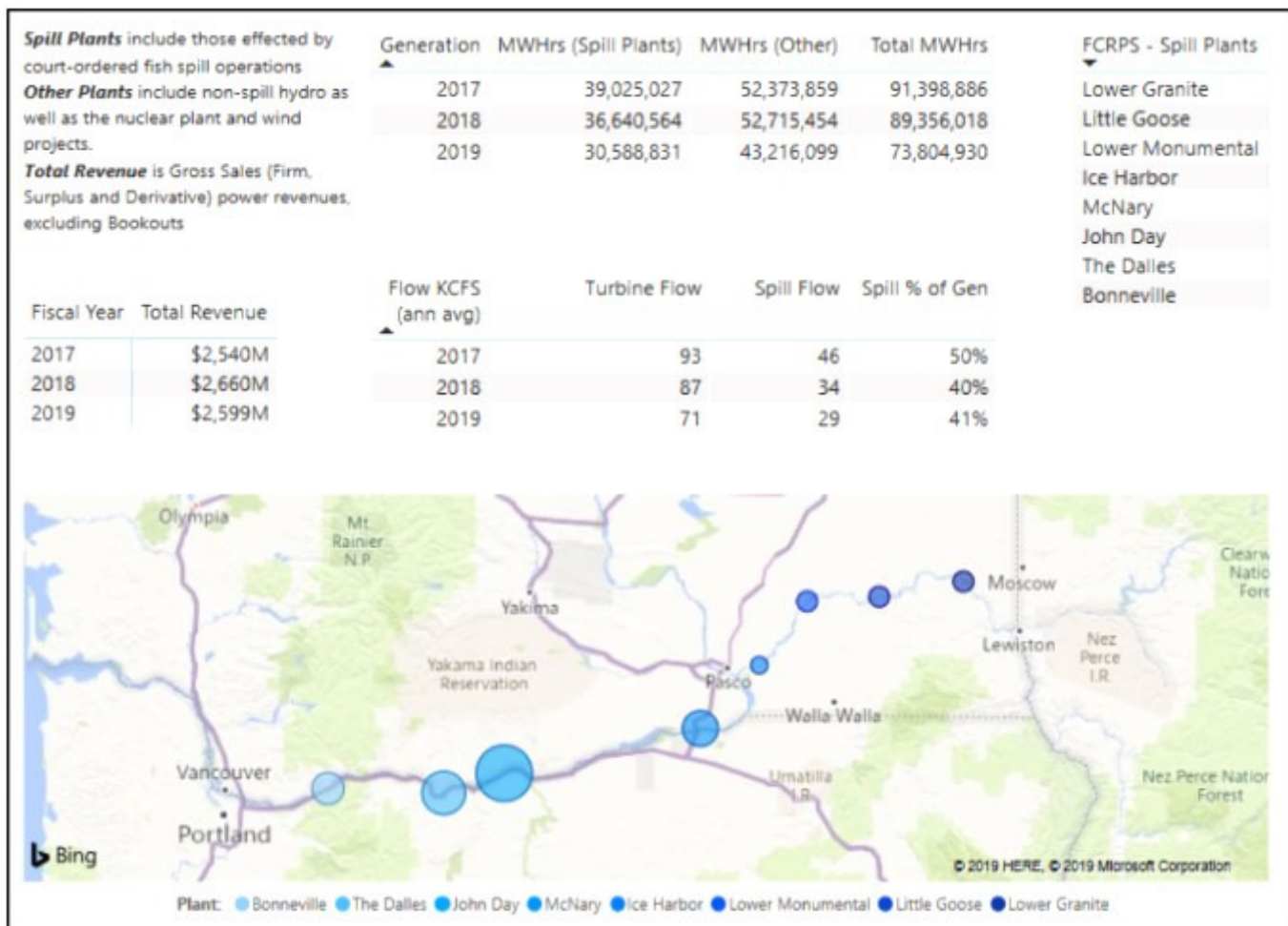


Fig 1. Excerpt from [2020-01-03 BPA-2020-00255-F Responsive Information](#)

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The original request was for:

Request

“...information regarding the annual total generation in MWHr and dollars for all FCRPS [Federal Columbia River Power System] power plants and the amount of spilling and where it is happening that is mandated by the Court... [including] ...the overview numbers or a few pages in a brief report. [And] “...any memos or reports [that] have been circulated through BPA on the subject of the Index Test Box (ITB) or the Gate Blade Optimizer (GBO).”

Fig 2. Excerpt from [2020-01-03 BPA-2020-00255-F-Ackn. & Response](#)

To get the *results* that are needed for a direct comparison, what’s the best course?

A simple request (with a *pretty please* on it, of course...), a formal Appeal of the most recent FOIA or start a new Request with more specificity?

Best,

Non-responsive per request

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Wednesday, March 22, 2023 11:06 AM

To: Non-responsive per request

Subject: BPA-2023-00682-F - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi, Non-responsive per request

The Bonneville Power Administration (BPA) has completed agency efforts to respond to your latest Freedom of Information Act (FOIA) request. The agency’s response to your records request is attached. The attached 5 U.S.C. Sec. 552 response letter to you contains additional internet links to the information you seek.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Friday, April 14, 2023 8:21 AM
To: Non-responsive per request
Subject: RE: [EXTERNAL] RE: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi, Non-responsive per request

I can't advise you on your best course to acquire the specific records you seek. I can say that the agency reviewed your BPA-2023-00682-F request for agency records, searched for those specific responsive records (and information), with the agency personnel who would be most knowledgeable, and released that information and records found to be responsive to your request.

Prior Requests

That said, and not being as versed as you in re the BPA information you seek, I'm tasked as the FOIA Public Liaison with helping requesters identify the specific agency information they seek. So, I'm thinking out loud here that you consider the two prior FOIA requests:

For '0682... You sought solely, "...the 2022 data regarding the annual total generation in MWhr and dollars for all FCRPS [Federal Columbia River Power System] power plants, the amount of spilling and where it is happening as mandated by the Court."

For '0255... You sought, "...information regarding the annual total generation in MWhr and dollars for all FCRPS [Federal Columbia River Power System] power plants and the amount of spilling and where it is happening that is mandated by the Court... [including] ...the overview numbers or a few pages in a brief report. [And] "...any memos or reports [that] have been circulated through BPA on the subject of the Index Test Box (ITB) or the Gate Blade Optimizer (GBO)."

Next Request Option

I might suggest a new FOIA request, as follows: "... the most recent agency information regarding the 2022 annual generation totals, in MWhr and dollars, for all FCRPS [Federal Columbia River Power System] power plants, and the amount of spilling and where it is happening, which is or was mandated by the Court; said requested agency information to include the overview numbers upon which the final numbers were founded or based. Said requested information to focus on the 2022 results data, needed to make a direct comparison to the previously provided or available raw data." Again, I'm not as versed as you on the interstices and satisfactions in the specific BPA information you seek, so I recommend you review my language suggestion for inadvertent errors prior to submitting any new FOIA request.

How to File

That said, you can indeed file a new FOIA request with BPA for the information you seek. Guidance for that FOIA request can be found at the following BPA website:

<https://www.bpa.gov/about/who-we-are/freedom-of-information-act>

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Go to <http://www.foia.gov/>, the U.S. government's central website for FOIA.

1. Click the "Start Your Request" button. You should get this prompt: "Select an agency to start your request or to see an agency's contact information:"
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4. On the next screen, fill in the required information. Be as specific as you can on the information you seek – the better you describe the information you seek, the better the agency can respond.
5. Click the "Submit Request" button.

Your submitted FOIA request will make its way to me in a day or so. Thereafter, as is customary, I'll communicate with you directly on the agency's response to your FOIA request. I will keep an eye out for your incoming FOIA request, should you decide to file one.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: *Non-responsive per request* <*Non-responsive per request*>

Sent: Friday, April 14, 2023 7:33 AM

To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: [EXTERNAL] RE: BPA-2023-00682-F *Non-responsive per request* - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi James,

Thank you for this information, but it unsuitable for my purpose.

What is needed is information to merge into the previous information provided in this initial FOIA response:

[2020-01-03 BPA-2020-00255-F-Ackn. & Response](#)

[2020-01-03 BPA-2020-00255-F Responsive Information](#)

[2020-01-03 BPA-2020-00255-F FCRPS Plants](#)

[2020-01-03 BPA-2020-00255-F Generation Data](#)

[2020-01-03 BPA-2020-00255-F Revenue Data](#)

The specific questions are addressed perfectly in the 2nd file above named *Responsive Information*:

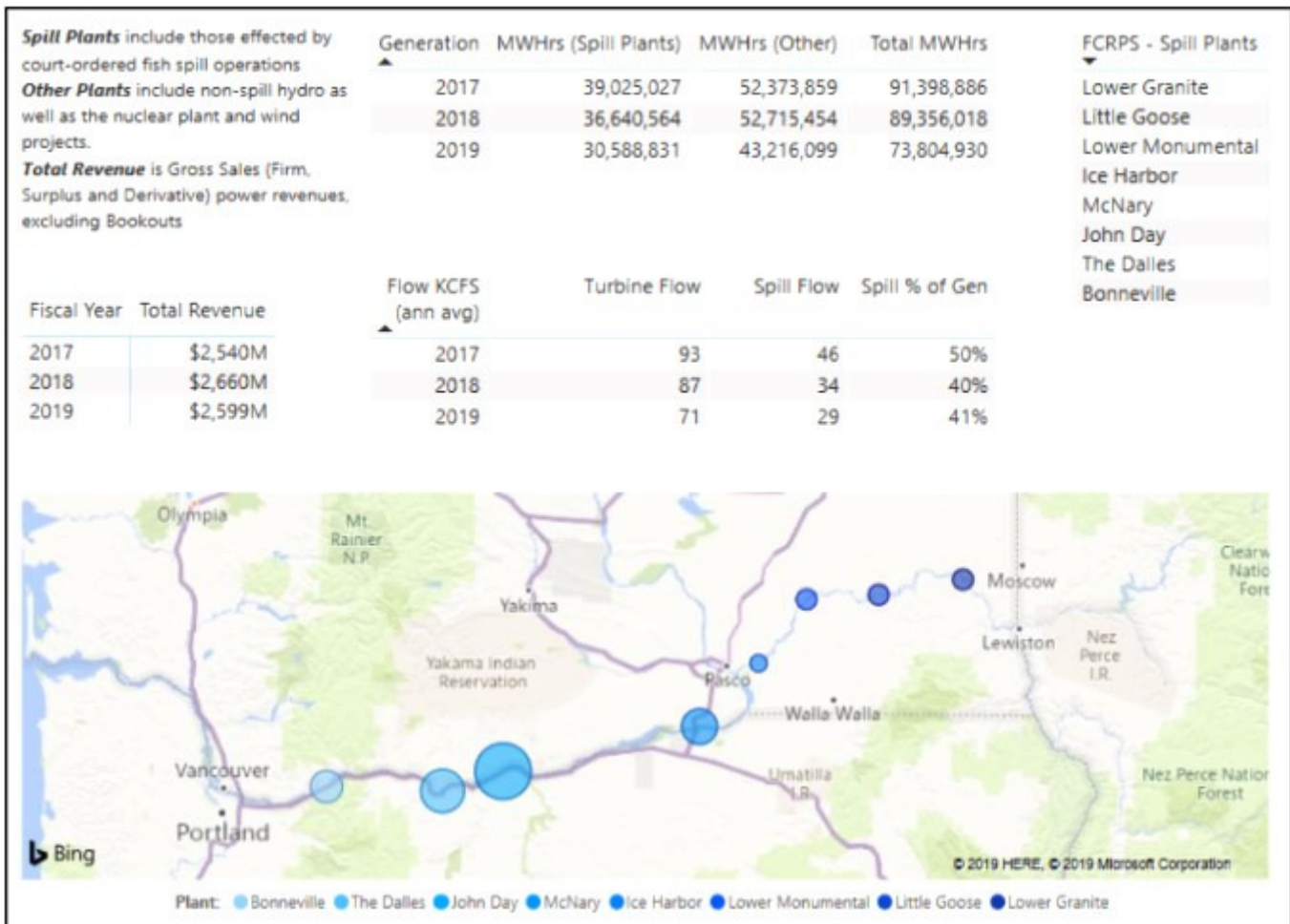


Fig 1. Excerpt from [2020-01-03 BPA-2020-00255-F Responsive Information](#)

Subsequent data for 2020 and 2021 provided to augment this initial data was in the same format so it was easily incorporated.

It's the difference between *raw data* and *results*.

The data in the initial, 2020 and 2021 responses are *results*, while the latest 2022 response is *raw data*.

Without using the same algorithm to convert the 2022 *raw data* to *results*, a direct comparison is not possible.

The original request was for:

Request

“...information regarding the annual total generation in MWHr and dollars for all FCRPS [Federal Columbia River Power System] power plants and the amount of spilling and where it is happening that is mandated by the Court... [including] ...the overview numbers or a few pages in a brief report. [And] “...any memos or reports [that] have been circulated through BPA on the subject of the Index Test Box (ITB) or the Gate Blade Optimizer (GBO).”

Fig 2. Excerpt from [2020-01-03 BPA-2020-00255-F-Ackn. & Response](#)

To get the *results* that are needed for a direct comparison, what’s the best course?

A simple request (with a *pretty please* on it, of course...), a formal Appeal of the most recent FOIA or start a new Request with more specificity?

Best,

Non-responsive per request

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Wednesday, March 22, 2023 11:06 AM

To: Non-responsive per request

Subject: BPA-2023-00682-F - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi, Non-responsive per request

The Bonneville Power Administration (BPA) has completed agency efforts to respond to your latest Freedom of Information Act (FOIA) request. The agency’s response to your records request is attached. The attached 5 U.S.C. Sec. 552 response letter to you contains additional internet links to the information you seek.

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James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Tuesday, April 18, 2023 7:57 AM
To: Non-responsive per request
Subject: RE: [EXTERNAL] RE: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi, Non-responsive per request

We will be on the lookout for your new FOIA request. When I have that request in hand, I'll front it to our Public Utilities Specialists in Long Term Power Planning; I'll also give them your exposition in the emails thread below. Updates to follow, as always.

—J.

From: Non-responsive per request <Non-responsive per request>
Sent: Monday, April 17, 2023 9:49 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Subject: FW: [EXTERNAL] RE: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi James,

I sent the FOIA last night. Thanks for your input.

A little over a year ago there was an edict that both the number of dams and amount of flow would be increased because all efforts to date have been unsatisfactory at restoring fish populations. This is what I want to know: what ever happened to this plan? Did it help? I'm asking for this new information to clarify the results of Lee Sheldon's life-work for a memoriam. A continued need for spilling at only USACE dams would be a clue...

This is the information I have now. Is this information up to date or have the numbers been updated?

The request is to add 2022 data with the same reduction method as the others.

Year (ad)	Total Revenue (USD)	Spill Plants (MWHrs)	Others (MWHrs)	Total (MWHrs)	Turbine flow (kcfs)	Spill Flow (kcfs)
2017	\$2,540,000,000	39,025,027	52,373,859	91,398,886	93	46
2018	\$2,660,000,000	36,640,564	52,715,454	89,356,018	87	34
2019	\$2,599,000,000	30,588,831	43,216,099	73,804,930	71	29
2020	\$2,605,000,000	30,945,796	49,724,354	80,670,150	73	30

Happy trails,

Non-responsive per request

From: King, James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Friday, April 14, 2023 10:21 AM

To: Non-responsive per request

Subject: RE: [EXTERNAL] RE: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi, Non-responsive per request

I can't advise you on your best course to acquire the specific records you seek. I can say that the agency reviewed your BPA-2023-00682-F request for agency records, searched for those specific responsive records (and information), with the agency personnel who would be most knowledgeable, and released that information and records found to be responsive to your request.

Prior Requests

That said, and not being as versed as you in re the BPA information you seek, I'm tasked as the FOIA Public Liaison with helping requesters identify the specific agency information they seek. So, I'm thinking out loud here that you consider the two prior FOIA requests:

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For '0255... You sought, "...information regarding the annual total generation in MWhr and dollars for all FCRPS [Federal Columbia River Power System] power plants and the amount of spilling and where it is happening that is mandated by the Court... [including] ...the overview numbers or a few pages in a brief report. [And] "...any memos or reports [that] have been circulated through BPA on the subject of the Index Test Box (ITB) or the Gate Blade Optimizer (GBO)."

Next Request Option

I might suggest a new FOIA request, as follows: "... the most recent agency information regarding the 2022 annual generation totals, in MWhr and dollars, for all FCRPS [Federal Columbia River Power System] power plants, and the amount of spilling and where it is happening, which is or was mandated by the Court; said requested agency information to include the overview numbers upon which the final numbers were founded or based. Said requested information to focus on the 2022 results data, needed to make a direct comparison to the previously provided or available raw data." Again, I'm not as versed as you on the interstices and satisfactions in the specific BPA information you seek, so I recommend you review my language suggestion for inadvertent errors prior to submitting any new FOIA request.

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Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: *Non-responsive per request* <*Non-responsive per request*>

Sent: Friday, April 14, 2023 7:33 AM

To: King, James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: [EXTERNAL] RE: BPA-2023-00682-F *Non-responsive per request* - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi James,

Thank you for this information, but it unsuitable for my purpose.

What is needed is information to merge into the previous information provided in this initial FOIA response:

[2020-01-03 BPA-2020-00255-F-Ackn. & Response](#)

[2020-01-03 BPA-2020-00255-F Responsive Information](#)

[2020-01-03 BPA-2020-00255-F FCRPS Plants](#)

[2020-01-03 BPA-2020-00255-F Generation Data](#)

[2020-01-03 BPA-2020-00255-F Revenue Data](#)

The specific questions are addressed perfectly in the 2nd file above named *Responsive Information*:

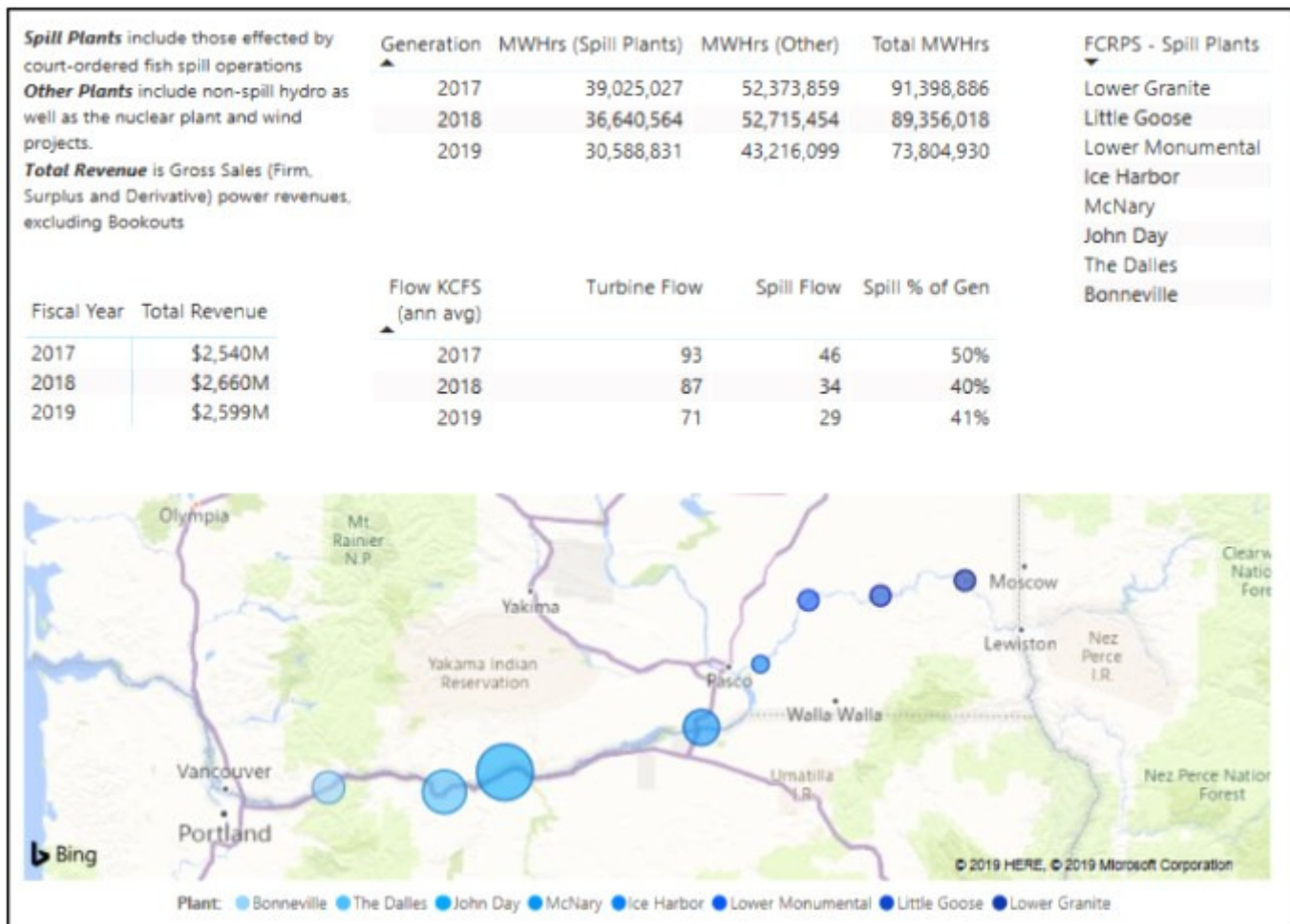


Fig 1. Excerpt from [2020-01-03 BPA-2020-00255-F Responsive Information](#)

Subsequent data for 2020 and 2021 provided to augment this initial data was in the same format so it was easily incorporated.

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The original request was for:

Request

“...information regarding the annual total generation in MWHr and dollars for all FCRPS [Federal Columbia River Power System] power plants and the amount of spilling and where it is happening that is mandated by the Court... [including] ...the overview numbers or a few pages in a brief report. [And] “...any memos or reports [that] have been circulated through BPA on the subject of the Index Test Box (ITB) or the Gate Blade Optimizer (GBO).”

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To get the *results* that are needed for a direct comparison, what’s the best course?

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To: Non-responsive per request

Subject: BPA-2023-00682-F - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi, Non-responsive per request

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James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Tuesday, April 18, 2023 9:41 AM
To: [Non-responsive per request](#)
Subject: BPA-2023-00841-F [Non-responsive per request](#) - new FOIA request arrived.

Hi again, [Non-responsive per request](#)

The National FOIA Portal sent BPA your recent FOIA request this morning. We will be tracking that request as BPA-2023-00841-F [Non-responsive per request](#). You can use that number on all your contacts with us regarding this new FOIA request. I'll begin all the necessary tasks for you today. As usual, you'll be receiving a formal acknowledgment letter from BPA within the next week or so.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7
Sent: Tuesday, April 18, 2023 7:57 AM
To: [Non-responsive per request](#)
Subject: RE: [EXTERNAL] RE: BPA-2023-00682-F [Non-responsive per request](#) - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi, [Non-responsive per request](#)

We will be on the lookout for your new FOIA request. When I have that request in hand, I'll front it to our Public Utilities Specialists in Long Term Power Planning; I'll also give them your exposition in the emails thread below. Updates to follow, as always.

—J.

From: [Non-responsive per request](#) <[Non-responsive per request](#)>
Sent: Monday, April 17, 2023 9:49 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Subject: FW: [EXTERNAL] RE: BPA-2023-00682-F [Non-responsive per request](#) - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

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2020	\$2,605,000,000	30,945,796	49,724,354	80,670,150	73	30
2021	\$2,740,700,000	27,637,328	45,864,397	73,501,725	64	22

Happy trails,

Non-responsive per request

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Friday, April 14, 2023 10:21 AM

To: Non-responsive per request

Subject: RE: [EXTERNAL] RE: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi, Non-responsive per request

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Prior Requests

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From: [Non-responsive per request] <[Non-responsive per request]>

Sent: Friday, April 14, 2023 7:33 AM

To: King, James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: [EXTERNAL] RE: BPA-2023-00682-F [Non-responsive per request] - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

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[2020-01-03 BPA-2020-00255-F Generation Data](#)

[2020-01-03 BPA-2020-00255-F Revenue Data](#)

The specific questions are addressed perfectly in the 2nd file above named *Responsive Information*:

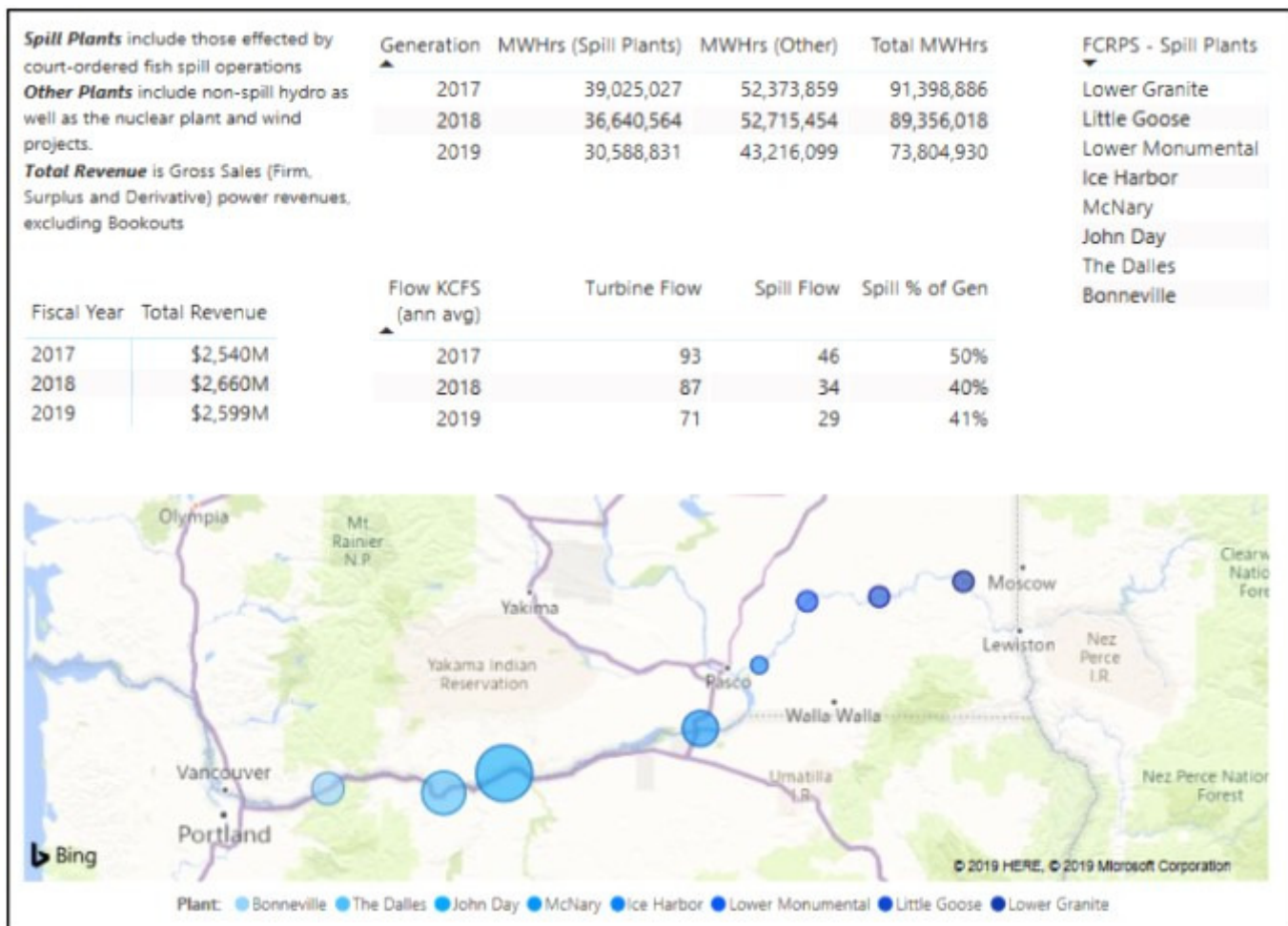


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To: Non-responsive per request

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James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Friday, May 19, 2023 11:13 AM
To: [Non-responsive per request](#)
Subject: Feedback needed in re FOIA BPA-2023-00841-F [Non-responsive per request](#) [Non-responsive per request](#) More
Attachments: 04 BPA-2023-00682-F [Non-responsive per request](#) Ackn and Release Ltr_03-21-2023.pdf; BPA-2023-00841-F - New FOIA Request received 04 18 2023.pdf; BPA-2023-00841-F - submitted with request.pdf

Hi, [Non-responsive per request](#)

The FOIA encourages FOIA Public Liaisons to share updates on their agency's FOIA request processing with requesters. This email is one such update for you. I sent your new FOIA request over to the Public Utilities Specialist folks in Long Term Power Planning for a response, or at least some input. They reviewed your FOIA request and asked whether your latest request is essentially the same as your immediately prior FOIA request (attached here for reference), with a request for a "summary". I did not think that was quite what you had intended with your newest FOIA request. This is how I asked our SMEs to focus on your records search:

In re the information we provided you last time around (attached for reference), I suspect that you are now asking for, "the overview numbers upon which the final numbers were founded or based", and said final numbers to "focus on the 2022 (numbers) needed to make a direct comparison to the previously provided (data in BPA's March 21 letter response to BPA-2023-00682-F), or available raw data". So I'm thinking you believe that there are numbers out there that you can use to better understand the data you already have. I'm thinking you are asking for actual records that will show, "current official values to validate the previously supplied numbers for 2015 to 2021 (which you put in your attachment to the new FOIA request – also attached here for reference).

Request

"...the most recent agency information regarding the 2022 annual generation totals, in MWHrs and dollars, for all FCRPS [Federal Columbia River Power System] power plants, the amount of spilling and where it is mandated by the Court. Said requested agency information is to include the overview numbers upon which the final numbers were founded or based. The requested information should focus on the 2022 results needed to make a direct comparison to the previously provided or available raw data. Also please provide any documents that detail current official values to validate the previously supplied numbers for 2015 to 2021 that are in the attachment. To use this data in any significant way requires that the numbers are in agreement with the current official records for the years 2015 to 2022. Please provide official records to validate the previously shared values (2015 to 2021) in the attachment against current agency records."

Long Term Power Planning

In reading your request, I'm thinking you are asking for the above – though it does seem to us that in that BPA-2023-00841-F request (attached), you're kinda asking for that same thing three slightly different ways. Which is maybe why it is confusing to us all. No worries – we will work through it. That said, what follows should not be construed as a final determination on your open FOIA request, BPA-2023-00841-F, but rather just further information sharing.

To break down the Request description from your FOIA Request BPA-2023-00841-F (attached) by section — and hopefully the notes, below, to each section, will make sense as well:

1. This FOIA Request is seeking the most recent agency information regarding the 2022 annual generation totals, in MWHs and dollars, for all FCRPS [Federal Columbia River Power System] power plants, the amount of spilling and where it is mandated by the court.
 - BPA provided the most recent agency information regarding 2022 annual generation totals, in MWHs and dollars in respond to his last FOIA request. BPA also provided ACTUAL data from the publically available COE site for all FCRPS projects with Total Flow for generation as well as Spill flow for each project.
 - For “dollars”, ACTUAL Mid C Peak price in \$/MWh was included in the file for your prior request (see attached). At this writing we are unsure if we could offer more at this point. There is a chance that the agency’s Finance Department might shed some light. I’ll pursue that information route for you.
2. Said requested agency information is to include the overview numbers upon which the final numbers were founded or based.
 - The Agency information BPA provided last time, under response to BPA-2023-00682-F (attached) was exactly the details of how 2022 data was founded or based; not on estimates or forecasts.
3. The requested information should focus on the 2022 results needed to make a direct comparison to the previously provided or available raw data.
 - All data provided last time in re BPA-2023-00682-F was calendar year 2022.
4. Also please provide any documents that details current official values to validate the previously supplied numbers for 2015 to 2021 that are in the attachment.
 - All previous data provided in re BPA-2023-00682-F were all official values. We wonder if you’re perhaps asking BPA to provide all 2015-2021 data again, perhaps under the belief that those numbers might have since been updated – they have not -- or to validate the previously released numbers?
5. Please provide official records to validate the previously shared values (2015 to 2021) in the attachment against current agency records.
 - Similar to #4, we wonder if you are perhaps asking BPA to provide data again for 2015 to 2021?

Next Steps

I hope the above reframe helps. Please send us your comments and improvements, if any. In the meantime, as permitted by the FOIA, and as I work to hone and perfect this new FOIA request, I’ve got the request itself, and the pending acknowledgment letter owed to you, “on hold”, and designated as “not perfected”, which stops the FOIA response clock. We need your guidance on how you would like us to proceed – most particularly with the items 4 and 5 above. I will look for your reply.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7
Sent: Tuesday, April 18, 2023 7:57 AM
To: Non-responsive per request
Subject: RE: [EXTERNAL] RE: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi, Non-responsive per request

We will be on the lookout for your new FOIA request. When I have that request in hand, I'll front it to our Public Utilities Specialists in Long Term Power Planning; I'll also give them your exposition in the emails thread below. Updates to follow, as always.

—J.

From: Non-responsive per request <Non-responsive per request>
Sent: Monday, April 17, 2023 9:49 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Subject: FW: [EXTERNAL] RE: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi James,

I sent the FOIA last night. Thanks for your input.

A little over a year ago there was an edict that both the number of dams and amount of flow would be increased because all efforts to date have been unsatisfactory at restoring fish populations. This is what I want to know: what ever happened to this plan? Did it help? I'm asking for this new information to clarify the results of Lee Sheldon's life-work for a memoriam. A continued need for spilling at only USACE dams would be a clue...

This is the information I have now. Is this information up to date or have the numbers been updated?

The request is to add 2022 data with the same reduction method as the others.

Year (ad)	Total Revenue (USD)	Spill Plants (MWHrs)	Others (MWHrs)	Total (MWHrs)	Turbine flow (kcfs)	Spill Flow (kcfs)
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2020	\$2,605,000,000	30,945,796	49,724,354	80,670,150	73	30
2021	\$2,740,700,000	27,637,328	45,864,397	73,501,725	64	22

Happy trails,

Non-responsive per request Non-responsive per request

From: King, James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Friday, April 14, 2023 10:21 AM

To: Non-responsive per request

Subject: RE: [EXTERNAL] RE: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi, Non-responsive per request

I can't advise you on your best course to acquire the specific records you seek. I can say that the agency reviewed your BPA-2023-00682-F request for agency records, searched for those specific responsive records (and information), with the agency personnel who would be most knowledgeable, and released that information and records found to be responsive to your request.

Prior Requests

That said, and not being as versed as you in re the BPA information you seek, I'm tasked as the FOIA Public Liaison with helping requesters identify the specific agency information they seek. So, I'm thinking out loud here that you consider the two prior FOIA requests:

For '0682... You sought solely, "...the 2022 data regarding the annual total generation in MWhr and dollars for all FCRPS [Federal Columbia River Power System] power plants, the amount of spilling and where it is happening as mandated by the Court."

For '0255... You sought, "...information regarding the annual total generation in MWhr and dollars for all FCRPS [Federal Columbia River Power System] power plants and the amount of spilling and where it is happening that is mandated by the Court... [including] ...the overview numbers or a few pages in a brief report. [And] "...any memos or reports [that] have been circulated through BPA on the subject of the Index Test Box (ITB) or the Gate Blade Optimizer (GBO)."

Next Request Option

I might suggest a new FOIA request, as follows: "... the most recent agency information regarding the 2022 annual generation totals, in MWhr and dollars, for all FCRPS [Federal Columbia River Power System] power plants, and the amount of spilling and where it is happening, which is or was mandated by the Court; said requested agency information to include the overview numbers upon which the final numbers were founded or based. Said requested information to focus on the 2022 results data, needed to make a direct comparison to the previously provided or available raw data." Again, I'm not as versed as you on the interstices and satisfactions in the specific BPA information you seek, so I recommend you review my language suggestion for inadvertent errors prior to submitting any new FOIA request.

How to File

That said, you can indeed file a new FOIA request with BPA for the information you seek. Guidance for that FOIA request can be found at the following BPA website:

<https://www.bpa.gov/about/who-we-are/freedom-of-information-act>

Previously we've sometimes been receiving your FOIA requests as transfers from the U.S. Department of Energy Headquarters FOIA Office. Filing your FOIA request without using the BPA designation in the on-line

drop-down will delay your FOIA request landing on my desk. Just mentioning that here for alacrity's sake. More specifically, I suggest that you:

Go to <http://www.foia.gov/>, the U.S. government's central website for FOIA.

1. Click the "Start Your Request" button. You should get this prompt: "Select an agency to start your request or to see an agency's contact information:"
2. In the box that says, "Type Agency Name", type "BPA". You should get this autofill: "Bonneville Power Administration (Department of Energy)"
3. On the next screen, click the "Start FOIA Request" button. You are on your way!
4. On the next screen, fill in the required information. Be as specific as you can on the information you seek – the better you describe the information you seek, the better the agency can respond.
5. Click the "Submit Request" button.

Your submitted FOIA request will make its way to me in a day or so. Thereafter, as is customary, I'll communicate with you directly on the agency's response to your FOIA request. I will keep an eye out for your incoming FOIA request, should you decide to file one.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: *Non-responsive per request* <*Non-responsive per request*

Sent: Friday, April 14, 2023 7:33 AM

To: King, James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: [EXTERNAL] RE: BPA-2023-00682-F *Non-responsive per request* - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi James,

Thank you for this information, but it unsuitable for my purpose.

What is needed is information to merge into the previous information provided in this initial FOIA response:

[2020-01-03 BPA-2020-00255-F-Ackn. & Response](#)

[2020-01-03 BPA-2020-00255-F Responsive Information](#)

[2020-01-03 BPA-2020-00255-F FCRPS Plants](#)

[2020-01-03 BPA-2020-00255-F Generation Data](#)

[2020-01-03 BPA-2020-00255-F Revenue Data](#)

The specific questions are addressed perfectly in the 2nd file above named *Responsive Information*:

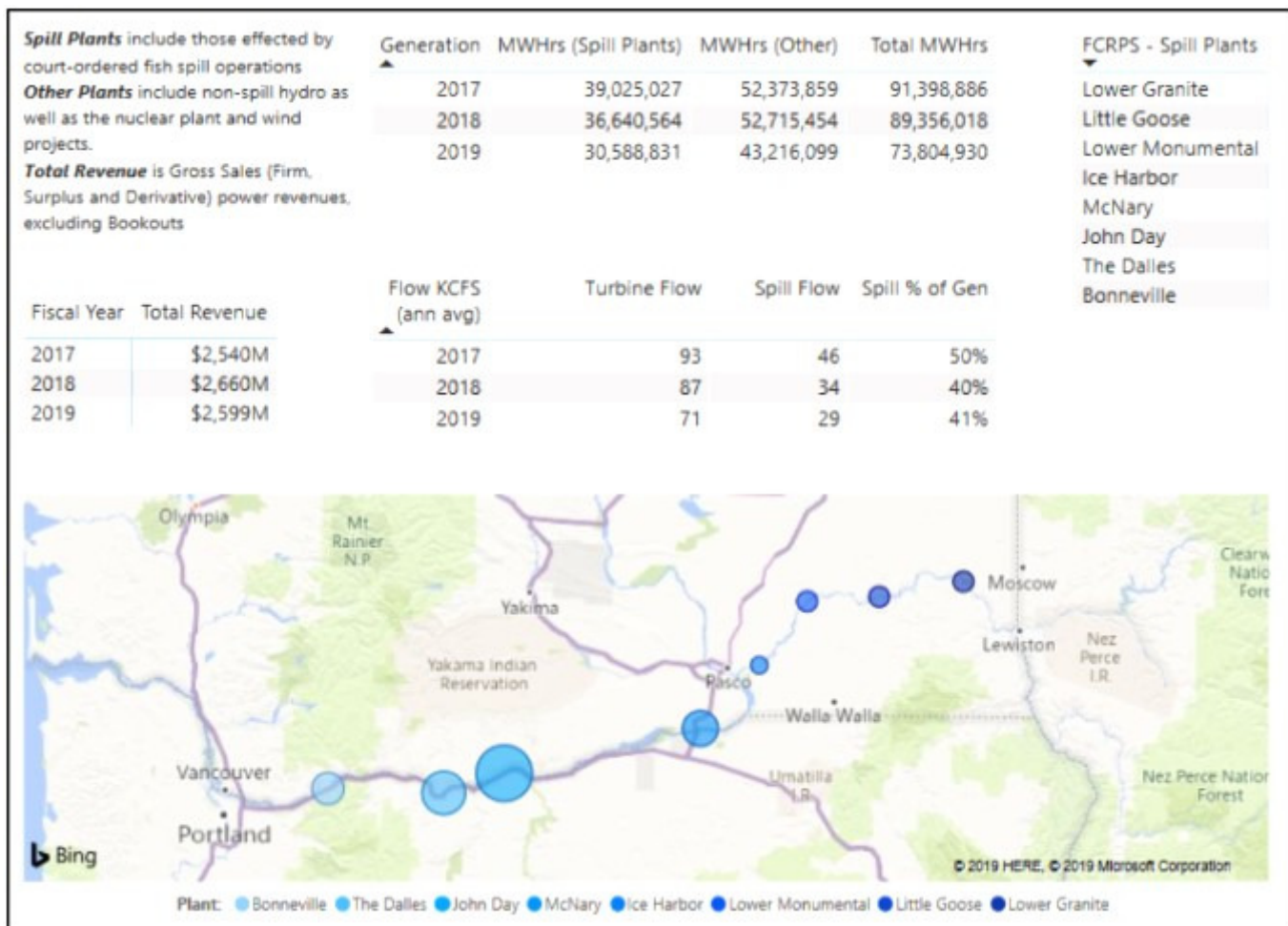


Fig 1. Excerpt from [2020-01-03 BPA-2020-00255-F Responsive Information](#)

Subsequent data for 2020 and 2021 provided to augment this initial data was in the same format so it was easily incorporated.

It's the difference between *raw data* and *results*.

The data in the initial, 2020 and 2021 responses are *results*, while the latest 2022 response is *raw data*.

Without using the same algorithm to convert the 2022 *raw data* to *results*, a direct comparison is not possible.

The original request was for:

Request

“...information regarding the annual total generation in MWHr and dollars for all FCRPS [Federal Columbia River Power System] power plants and the amount of spilling and where it is happening that is mandated by the Court... [including] ...the overview numbers or a few pages in a brief report. [And] “...any memos or reports [that] have been circulated through BPA on the subject of the Index Test Box (ITB) or the Gate Blade Optimizer (GBO).”

Fig 2. Excerpt from [2020-01-03 BPA-2020-00255-F-Ackn. & Response](#)

To get the *results* that are needed for a direct comparison, what’s the best course?

A simple request (with a *pretty please* on it, of course...), a formal Appeal of the most recent FOIA or start a new Request with more specificity?

Best,

Non-responsive per request Non-responsive per request

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Wednesday, March 22, 2023 11:06 AM

To: Non-responsive per request

Subject: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi, Non-responsive per request

The Bonneville Power Administration (BPA) has completed agency efforts to respond to your latest Freedom of Information Act (FOIA) request. The agency’s response to your records request is attached. The attached 5 U.S.C. Sec. 552 response letter to you contains additional internet links to the information you seek.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Friday, June 23, 2023 10:34 AM
To: *Non-responsive per request*
Subject: RE: Update on BPA-2023-00841-F (*Non-responsive* *Non-responsive per request*) - request clarifications - exposition on previously provided spill data is pending release

Hi, *Non-responsive per request*

I've prepped the agency's FOIA response on BPA-2023-00841-F for you, with the help of Long Term Power Planning. That item is with the General Counsel and the FOIA Officer this morning. I anticipate approvals next week.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7
Sent: Friday, June 16, 2023 8:09 AM
To: *Non-responsive per request*
Subject: Update on BPA-2023-00841-F (*Non-responsive* *Non-responsive per request*) - request clarifications - exposition on previously provided spill data is pending release

Hi again, *Non-responsive per request*

I'm prepping the agency's FOIA response on BPA-2023-00841-F for you, with the help of Long Term Power Planning. Following approvals for release from our LG folks and the FOIA Officer, I should have a letter with responsive information on its way to you in the coming week or so.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Friday, June 16, 2023 7:52 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Cc: *Non-responsive per request* *Non-responsive per request* <*Non-responsive per request*>
Subject: RE: [EXTERNAL] RE: [CLOSED] BPA-2023-00682-F (*Non-responsive per request*) - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information/ [NEW – OPENED] BPA-2023-00841-F (*Non-responsive* *Non-responsive per request*) - request clarifications needed - request On Hold

Hi James,
What's the current status on this FOIA?
Cheers,

[Redacted]

PREVIOUS JUNE 15 EMAIL TO THE REQUESTER INSERTED HERE FOR CONTINUITY.

From: King,James J (BPA) - CGI-7
Sent: Thursday, June 15, 2023 10:50 AM
To: [Redacted]
Subject: RE: [EXTERNAL] RE: [CLOSED] BPA-2023-00682-F [Redacted] - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information/ [NEW – OPENED] BPA-2023-00841-F ([Redacted] [Redacted] - request clarifications needed - request On Hold

Hi, [Redacted]

Thanks for that update. I'm prepping the FOIA response for you, with the help of Long Term Power Planning, this week. I should have something on its way to you in the coming week or so.

—J.

From: [Redacted] <[Redacted]>
Sent: Friday, June 2, 2023 5:39 PM
To: [Redacted]
Subject: Re: [EXTERNAL] RE: [CLOSED] BPA-2023-00682-F [Redacted] - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information/ [NEW – OPENED] BPA-2023-00841-F ([Redacted] [Redacted] - request clarifications needed - request On Hold

Hi James,King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Thanks for this comprehensive situation report.

My objective is to quantify, in a broad-brush manner the success/failure of the 2004 to 2017 5-level hydro-power optimization project that was based on the Index Test Box/Gate Blade Optimizer and Opt-Ease (aka Type-1 and Type-2 optimization).

If these two optimization methodologies been executed as intended the fish mortality problem would have been solved at the source (according to NOAA Fisheries' BiOp) and BPA would have \$80M more electricity to sell (according to BPA's Tom Murphy's Hydro Review article touting the project.

My source for the numbers have all been via FOIA requests to BPA. The first FOIA response was:

- 328. [2019-05-20 1st FOIA No Data HDC.htm](#)
- 329. [2019-08-28-FOIA Appeal BPA-2017-00310-F-\[Redacted\]FOIA.htm](#)
- 330. [2020-01-03 BPA-2020-00255-F-Ackn. & Response](#)
- 331. [2020-01-03 BPA-2020-00255-F Responsive Information](#)

- 332. [2020-01-03 BPA-2020-00255-F FCRPS Plants](#)
- 333. [2020-01-03 BPA-2020-00255-F Generation Data](#)
- 334. [2020-01-03 BPA-2020-00255-F Revenue Data](#)

. In the simplest possible terms intended, Lee Sheldon's optimization suite tha

On 6/2/2023 4:48 PM, King, James J (BPA) - CGI-7 wrote:

Hi, Non-responsive per request

Responding to your June 2 email (in the constructed thread below) here. I sent you the email immediately below a week or so ago – looks like I sent it to you on May 19. Here ↓ it is again. There are a few questions we have for you therein.

I understand if this ↓ recapitulation might be obtuse from your perspective, but I'm trying to navigate your information needs and the SMEs feedback that I'm getting. That said, if you have nothing new to add to my questions and recap below, I do have some additional answers and possibly some additional data from the Long Term Power Planning folks that I will have put into an expository response letter. I'll wait for your comments on the below – but thereafter, depending on what feedback you give me, I'll get a draft letter with the information the SME team gave me out to you, as is. That is where I am at on this FOIA request.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King, James J (BPA) - CGI-7

Sent: Friday, May 19, 2023 11:13 AM

To: Non-responsive per request

Subject: Feedback needed in re FOIA BPA-2023-00841-F Non-responsive Non-responsive per request More

Hi, Non-responsive per request

The FOIA encourages FOIA Public Liaisons to share updates on their agency's FOIA request processing with requesters. This email is one such update for you. I sent your new FOIA request over to the Public Utilities Specialist folks in Long Term Power Planning for a response, or at least some input. They reviewed your FOIA request and asked whether your latest request is essentially the same as your immediately prior FOIA request (attached here for reference), with a request for a "summary". I did not think that was quite what you had intended with your newest FOIA request. This is how I asked our SMEs to focus on your records search:

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Request

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Long Term Power Planning

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 2. For “dollars”, ACTUAL Mid C Peak price in \$/MWh was included in the file for your prior request (see attached). At this writing we are unsure if we could offer more at this point. There is a chance that the agency’s Finance Department might shed some light. I’ll pursue that information route for you.
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I hope the above reframe helps. Please send us your comments and improvements, if any. In the meantime, as permitted by the FOIA, and as I work to hone and perfect this new FOIA request, I've got the request itself, and the pending acknowledgment letter owed to you, "on hold", and designated as "not perfected", which stops the FOIA response clock. We need your guidance on how you would like us to proceed – most particularly with the items 4 and 5 above. I will look for your reply.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: Non-responsive per request <Non-responsive per request>

Sent: Friday, June 2, 2023 2:32 PM

To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Cc: Non-responsive per request

Subject: RE: [EXTERNAL] RE: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi James,

It's been a while since this one went in.

Did I miss your response or am I still waiting?

Just wonderin'

Non-responsive per request

From: Non-responsive per request <Non-responsive per request>
Sent: Monday, April 17, 2023 11:49 AM
To: 'King,James J (BPA) - CGI-7' <jiking@bpa.gov>
Subject: FW: [EXTERNAL] RE: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

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2021	\$2,740,700,000	27,637,328	45,864,397	73,501,725	64	22

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Non-responsive per request Non-responsive per request

From: King,James J (BPA) - CGI-7 <jiking@bpa.gov>
Sent: Friday, April 14, 2023 10:21 AM
To: Non-responsive per request
Subject: RE: [EXTERNAL] RE: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

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I might suggest a new FOIA request, as follows: "... the most recent agency information regarding the 2022 annual generation totals, in MWhr and dollars, for all FCRPS [Federal Columbia River Power System] power plants, and the amount of spilling and where it is happening, which is or was mandated by the Court; said requested agency information to include the overview numbers upon which the final numbers were founded or based. Said requested information to focus on the 2022 results data, needed to make a direct comparison to the previously provided or available raw data." Again, I'm not as versed as you on the interstices and satisfactions in the specific BPA information you seek, so I recommend you review my language suggestion for inadvertent errors prior to submitting any new FOIA request.

How to File

That said, you can indeed file a new FOIA request with BPA for the information you seek. Guidance for that FOIA request can be found at the following BPA website:

<https://www.bpa.gov/about/who-we-are/freedom-of-information-act>

Previously we've sometimes been receiving your FOIA requests as transfers from the U.S. Department of Energy Headquarters FOIA Office. Filing your FOIA request without using the BPA designation in the on-line drop-down will delay your FOIA request landing on my desk. Just mentioning that here for alacrity's sake. More specifically, I suggest that you:

Go to <http://www.foia.gov/>, the U.S. government's central website for FOIA.

1. Click the "Start Your Request" button. You should get this prompt: "Select an agency to start your request or to see an agency's contact information:"
2. In the box that says, "Type Agency Name", type "BPA". You should get this autofill: "Bonneville Power Administration (Department of Energy)"
3. On the next screen, click the "Start FOIA Request" button. You are on your way!
4. On the next screen, fill in the required information. Be as specific as you can on the information you seek – the better you describe the information you seek, the better the agency can respond.
5. Click the "Submit Request" button.

Your submitted FOIA request will make its way to me in a day or so. Thereafter, as is customary, I'll communicate with you directly on the agency's response to your FOIA request. I will keep an eye out for your incoming FOIA request, should you decide to file one.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Friday, April 14, 2023 7:33 AM
To: King, James J (BPA) - CGI-7 <jjking@bpa.gov>
Subject: [EXTERNAL] RE: BPA-2023-00682-F *Non-responsive per request* - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi James,

Thank you for this information, but it unsuitable for my purpose.

What is needed is information to merge into the previous information provided in this initial FOIA response:

[2020-01-03 BPA-2020-00255-F-Ackn. & Response](#)

[2020-01-03 BPA-2020-00255-F Responsive Information](#)

[2020-01-03 BPA-2020-00255-F FCRPS Plants](#)

[2020-01-03 BPA-2020-00255-F Generation Data](#)

[2020-01-03 BPA-2020-00255-F Revenue Data](#)

The specific questions are addressed perfectly in the 2nd file above named *Responsive Information*:

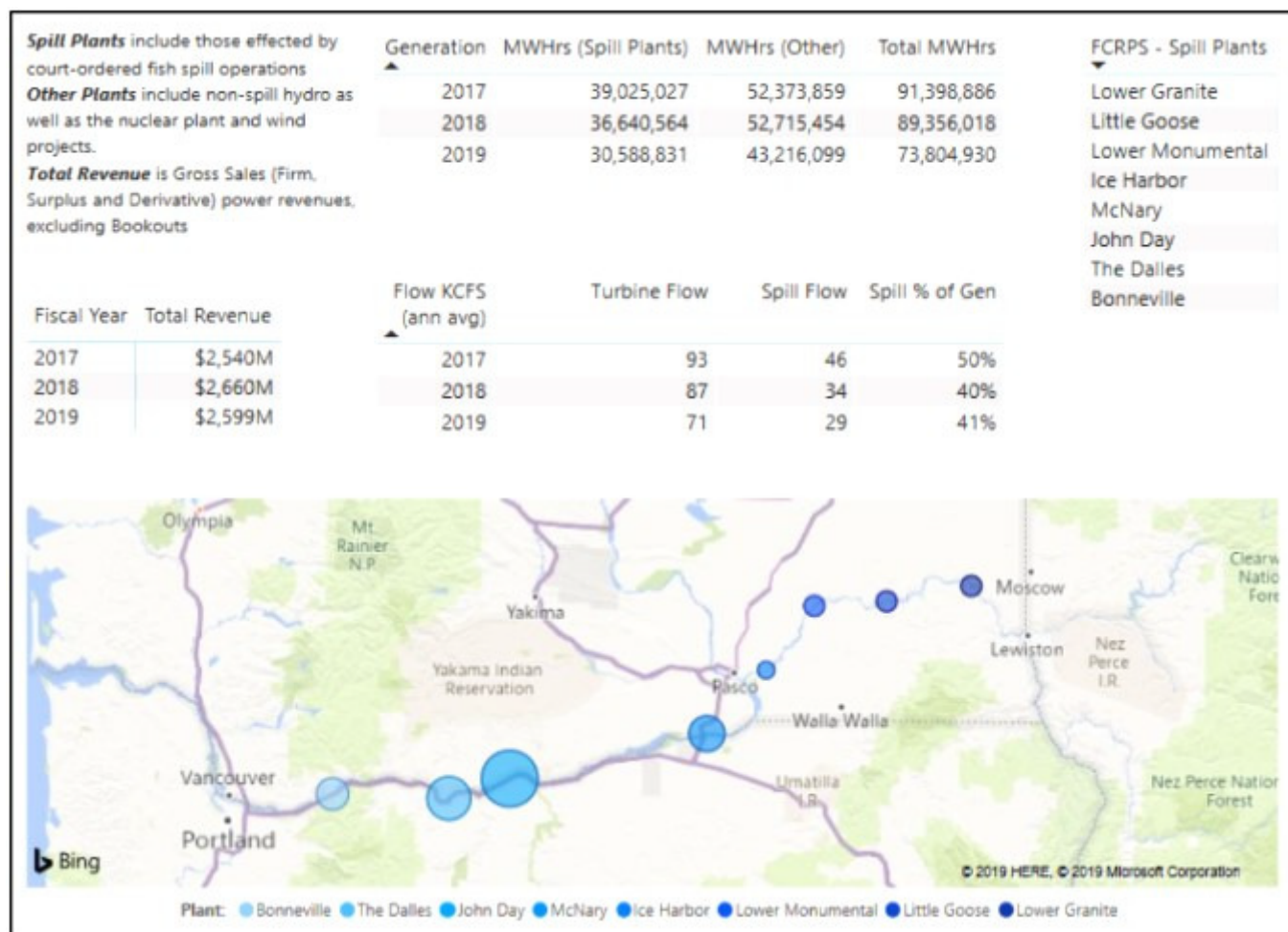


Fig 1. Excerpt from [2020-01-03 BPA-2020-00255-F Responsive Information](#)

Subsequent data for 2020 and 2021 provided to augment this initial data was in the same format so it was easily incorporated.

It's the difference between *raw data* and *results*.

The data in the initial, 2020 and 2021 responses are *results*, while the latest 2022 response is *raw data*.

Without using the same algorithm to convert the 2022 *raw data* to *results*, a direct comparison is not possible.

The original request was for:

Request

“...information regarding the annual total generation in MWHr and dollars for all FCRPS [Federal Columbia River Power System] power plants and the amount of spilling and where it is happening that is mandated by the Court... [including] ...the overview numbers or a few pages in a brief report. [And] “...any memos or reports [that] have been circulated through BPA on the subject of the Index Test Box (ITB) or the Gate Blade Optimizer (GBO).”

Fig 2. Excerpt from [2020-01-03 BPA-2020-00255-F-Ackn. & Response](#)

To get the *results* that are needed for a direct comparison, what’s the best course?

A simple request (with a *pretty please* on it, of course...), a formal Appeal of the most recent FOIA or start a new Request with more specificity?

Best,

Non-responsive per request Non-responsive per request

From: King, James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Wednesday, March 22, 2023 11:06 AM

To: Non-responsive per request

Subject: BPA-2023-00682-F Non-responsive per request - 2022 spill data - 5 U.S.C. Sec. 552 letter & responsive records & information

Hi, Non-responsive per request

The Bonneville Power Administration (BPA) has completed agency efforts to respond to your latest Freedom of Information Act (FOIA) request. The agency’s response to your records request is attached. The attached 5 U.S.C. Sec. 552 response letter to you contains additional internet links to the information you seek.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

June 30, 2023

In reply refer to: FOIA #BPA-2023-00841-F

SENT VIA EMAIL ONLY TO: *Non-responsive per request*

Non-responsive per request *Non-responsive per request*

Actuation Test Equipment Company
3393 Eddie Road
Winnebago, IL 61088

Dear Mr. *Non-responsive per request*

The Bonneville Power Administration (BPA) has received your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on April 18, 2023. BPA has assigned your request a tracking number of BPA-2023-00841-F. Please use that BPA tracking number in any correspondence with the agency regarding your FOIA request.

Request

In follow-up to your now closed FOIA request BPA-2023-00682-F *Non-responsive per request* for 2022 spill data for the Federal Columbia River Power System (FCRPS), you again seek, "...the most recent agency information regarding the 2022 annual generation totals, in MWHrs and dollars, for all FCRPS power plants, the amount of spilling and where it is mandated by the Court. Said requested agency information is to include the overview numbers upon which the final numbers were founded or based. The requested information should focus on the 2022 results needed to make a direct comparison to the previously provided or available raw data. Also please provide any documents that detail current official values to validate the previously supplied numbers for 2015 to 2021 that are in the attachment. To use this data in any significant way requires that the numbers are in agreement with the current official records for the years 2015 to 2022. Please provide official records to validate the previously shared values (2015 to 2021) in the attachment against current agency records."

Response History; Clarifications; Request Placed On Hold

On March 22, 2023, BPA completed all efforts to respond to your FOIA request BPA-2023-00682-F *Non-responsive per request* for 2022 spill data for the FCRPS. Responsive records and a detailed letter containing additional responsive information, internet links, and context-critical exposition, was provided to you — all in full response to BPA-2023-00682-F.

On April 14, 2023, in follow-up to the agency's full response to BPA-2023-00682-F, you began supplemental communications with the agency regarding the content of the BPA-2023-00682-F response package. Via several email exchanges with the agency, you and the agency worked to clarify and specify and otherwise hone the parameters of the data and information you seek. Those detailed and comprehensive email exchanges occurred between April 14 and April 17, 2023. On April 17, 2023, you submitted the above request language, along with further exposition on the information you seek. Thereafter, in compliance with the FOIA, BPA created BPA-2023-00841-F and began records and information gathering efforts with knowledgeable personnel in the agency's Long Term Power Planning office.

On May 12, 2023, with search feedback and inquiries from Long Term Power Planning personnel, the agency placed your FOIA request BPA-2023-00841-F "on hold", in compliance with the FOIA, and engaged in further efforts with you to again clarify and specify and otherwise hone the parameters of the data and information you seek. Those detailed and comprehensive email exchanges began May 19, 2023 and have been ongoing, to the date of this communication. With this communication, your FOIA request BPA-2023-00841-F is "off hold", and the agency's response follows.

Acknowledgment

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

Response

A full set of all available responsive records and data, and a detailed letter containing additional responsive information, internet links, and context-critical exposition, was provided to you in full response to BPA-2023-00682-F. The FOIA does not require agencies to create new records or to conduct research, analyze data, or answer questions when responding to FOIA requests. That being accurate, but also in compliance with the FOIA, and in response to your BPA-2023-00841-F request, BPA again searched for existing responsive data and information from knowledgeable personnel in the agency's Long Term Power Planning office. After that search, no new existing responsive records were found. Knowledgeable personnel did provide the following supplemental contributions, which the agency has concluded is the only available supplemental information responsive to your BPA-2023-00841-F request (as predicated by your prior BPA-2023-00682-F request).

First, to iterate the feedback BPA provided in email exchanges with you, beginning May 19, 2023, and regarding the most recent agency information on the 2022 annual generation totals, in MWHs and dollars, for all FCRPS power sources, and the amount of spilling, and where it is mandated, BPA previously provided ACTUAL data from the publically available U.S. Army Corps of Engineers, for all FCRPS projects, with Total Flow for generation as well as for Spill

Flow, for each project. For “dollars”, ACTUAL Mid C Peak price in \$/MWh was included in the agency’s response to your prior request. The agency information previously provided was exactly the existing details of how 2022 data was founded or based; that provided information was neither estimates nor forecasts. All data previously provided was calendar year 2022 data. All previously provided data were all available, official and published values.

Second, in further follow-up to ongoing agency email exchanges with you, and now in response to your BPA-2023-00841-F request, specifically for “revenue” information, BPA Annual Financial Reports are publically accessible at the following internet location:

<https://www.bpa.gov/about/finance/annual-reports>

Third, for FCRPS Total Generations and Flows, all data are publically available on the U.S. Army Corps of Engineers website previously provided, and as follows.

The Columbia River Operational Hydrometeorological Management System (CROHMS) can be accessed at the following location:

<https://pweb.crohms.org/>

While the FOIA does not require BPA to conduct research or analyze data when responding to FOIA requests, knowledgeable personnel have identified the publicly available information you seek:

Power Total [Dataquery 2.0 \(crohms.org\)](#)

Gen Flow [Dataquery 2.0 \(crohms.org\)](#)

Spill Flow [Dataquery 2.0 \(crohms.org\)](#)

As a courtesy, the specific data you seek, which is publicly available at the links presented above, accompanies this communication.

Fee

There are no fees applicable to your request for BPA records.

Certification

Your FOIA request BPA-2023-00841-F is now closed with no new records available to provide and with supplemental information provided. Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and FOIA response described above.

Appeal

Note that the records release certified above is final. This final decision, as well as 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 to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. The appeal must contain all of 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.

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

Future FOIA Requests

Please note that the FOIA is an avenue for providing records requesters with existing agency records. Records requests must reasonably describe existing agency records and information. The BPA FOIA office resources are limited. Answering questions and otherwise providing exposition on the content of agency records is outside the requirements of the FOIA. You are welcome to submit future FOIA requests to BPA for specific agency records. The agency will not conduct research, analyze data, or answer questions when responding to your future FOIA requests.

Questions about this communication may be directed to James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621.

Sincerely,

Candice D. Palen
Freedom of Information/Privacy Act Officer

King,James J (BPA) - CGI-7

From: Non-responsive per request <Non-responsive per request>
Sent: Monday, August 22, 2022 6:47 PM
To: FOIA
Subject: [EXTERNAL] FW: Executed Generation Interconnection Agreements

Good evening.

I would like to request copies of BPA's Executed IA.

I am interested in learning about the Interconnection Customer for each IA.

Per FERC 35.13, it is my understanding these agreements should be in the public domain.

What is the next step here please?

Thanks,

Non-responsive per request



From: [Geyer,Sheryl A \(CONTR\) - TPP-OPP-3](#)
Sent: Monday, August 22, 2022 7:27 PM
To: Non-responsive per request
Cc: [studyrequest](#)
Subject: RE: Executed Generation Interconnection Agreements

Hello Non-responsive per request

You can Email the FOIA office at FOIA@bpa.gov for this request.

Have a great night!

Regards,

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION

From: Non-responsive per request <Non-responsive per request>
Sent: Friday, August 19, 2022 10:36 AM
To: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>
Cc: studyrequest <studyrequest@bpa.gov>
Subject: [EXTERNAL] Re: Executed Generation Interconnection Agreements

Thanks Geyer.

Yes that is my request. Is there a FOIR I can make?

My understanding is that IAs should be made public under FERC 35.13.

Regards,

Non-

request

From: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>
Sent: Friday, August 19, 2022 1:34 PM
To: Non-responsive per request <Non-responsive per request>
Cc: studyrequest <studyrequest@bpa.gov>
Subject: RE: Executed Generation Interconnection Agreements

Good Morning Non-responsive per request

BPA does not provide copies of their executed Interconnection Agreements to external entities.

If that is not your request – please clarify on you we might be able to assist you further.

Thanks

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION



| ASA3 | Transmission Planning (TPP)

When you feel that you want to give up – Remember what you have worked so hard for, and press on!!

bpa.gov | P 360-619-6775 | F 360-619-6589

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Friday, August 19, 2022 7:19 AM
To: studyrequest <studyrequest@bpa.gov>
Subject: [EXTERNAL] Executed Generation Interconnection Agreements

Good morning,

I would like to obtain copies of your executed Interconnection Agreements. How do I go about doing so? Shall I provide a list of the queue numbers I would like?

Regards,

Non-

request



King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Tuesday, August 23, 2022 4:30 PM
To: [Non-responsive per request](#)
Cc: Geyer,Sheryl A (CONTR) - TPP-OPP-3; studyrequest
Subject: New FOIA request received from [Non-responsive per request](#) - Executed Generation Interconnection Agreements

Hello, [Non-responsive per request](#)

The Bonneville Power Administration (BPA) has received your request for information, below. We'll begin processing your request under the Freedom of Information Act (FOIA) this week. If we can locate and confirm that the information you seek is indeed publicly available, the response to you should be a relatively quick turnaround.

You'll be receiving a formal letter from BPA shortly—that letter is required by 5 U.S.C. Sec. 552 (the FOIA). That letter will provide you with a FOIA tracking number, a target date for a response, and details on the agency's FOIA response process.

I'll keep you updated on the agency's response to your FOIA request. You may also contact me with additional questions at any time.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: [Non-responsive per request](#) <[Non-responsive per request](#)>
Sent: Monday, August 22, 2022 6:47 PM
To: FOIA <foia@bpa.gov>
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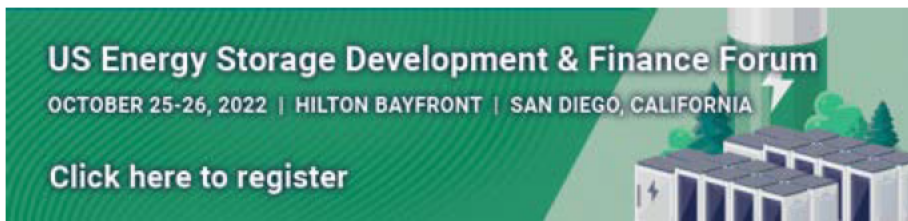
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Non-responsive per request



From: [Geyer, Sheryl A \(CONTR\) - TPP-OPP-3](#)

Sent: Monday, August 22, 2022 7:27 PM

To: [Non-responsive per request](#)

Cc: [studyrequest](#)

Subject: RE: Executed Generation Interconnection Agreements

Hello [Non-responsive per request](#)

You can Email the FOIA office at FOIA@bpa.gov for this request.

Have a great night!

Regards,

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION



ASA3 | Transmission Planning (TPP)

When you feel that you want to give up – Remember what you have worked so hard for, and press on!!

bpa.gov | P 360-619-6775 | F 360-619-6589

From: [Non-responsive per request](#) <[Non-responsive per request](#)>

Sent: Friday, August 19, 2022 10:36 AM

To: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>

Cc: studyrequest <studyrequest@bpa.gov>

Subject: [EXTERNAL] Re: Executed Generation Interconnection Agreements

Thanks Geyer.

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My understanding is that IAs should be made public under FERC 35.13.

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Cc: studyrequest <studyrequest@bpa.gov>
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Thanks

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION



ACS | ASA3 | Transmission Planning (TPP)

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bpa.gov | P 360-619-6775 | F 360-619-6589

From: Non-responsive per request <Non-responsive per request>
Sent: Friday, August 19, 2022 7:19 AM
To: studyrequest <studyrequest@bpa.gov>
Subject: [EXTERNAL] Executed Generation Interconnection Agreements

Good morning,

I would like to obtain copies of your executed Interconnection Agreements. How do I go about doing so? Shall I provide a list of the queue numbers I would like?

Regards,

Non-responsive per

Non-responsive per request

US Energy Storage Development & Finance Forum

OCTOBER 25-26, 2022 | HILTON BAYFRONT | SAN DIEGO, CALIFORNIA

[Click here to register](#)



King,James J (BPA) - CGI-7

From: Non-responsive per request <Non-responsive per request>
Sent: Monday, August 29, 2022 11:43 AM
To: King,James J (BPA) - CGI-7
Cc: Geyer,Sheryl A (CONTR) - TPP-OPP-3
Subject: [EXTERNAL] RE: FOIA request BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements

James,

This looks great. Thanks for the update.

Non-responsive per request

Non-responsive per request



From: [King,James J \(BPA\) - CGI-7](#)
Sent: Friday, August 26, 2022 12:35 PM
To: Non-responsive per request
Cc: [Geyer,Sheryl A \(CONTR\) - TPP-OPP-3](#)
Subject: FOIA request BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements

Hello again, Non-responsive per request

The Bonneville Power Administration (BPA) continues processing your request for agency records submitted under the Freedom of Information Act (FOIA). I'm writing to confirm the scope of your request.

Request

As I understand your request, you seek the following agency records and information: "[BPA's] Executed Interconnection Agreements [possibly available via FERC's regulations at 18 CFR 35.13]. I am [seeking records and information] about the Interconnection Customer for each [current/active] Interconnection Agreement." Please let me know if that language is incorrect. I ask because I'll be making some internal agency outreaches shortly and I want to search for the records most responsive.

BPA Pubic Information

Of interest to you might be BPA's public site about interconnections: [Interconnection - Bonneville Power Administration \(bpa.gov\)](#).

Next Steps

As mentioned in the email thread below, you'll be receiving a formal 5 U.S.C. Sec. 552 letter from BPA shortly. I'll keep you updated on the agency's response to your FOIA request.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7

Sent: Tuesday, August 23, 2022 4:30 PM

To: *Non-responsive per request* <*Non-responsive per request*

Cc: Geyer,Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>; studyrequest <studyrequest@bpa.gov>

Subject: New FOIA request received from *Non-responsive per request* - Executed Generation Interconnection Agreements

Hello, *Non-responsive per request*

The Bonneville Power Administration (BPA) has received your request for information, below. We'll begin processing your request under the Freedom of Information Act (FOIA) this week. If we can locate and confirm that the information you seek is indeed publicly available, the response to you should be a relatively quick turnaround.

You'll be receiving a formal letter from BPA shortly—that letter is required by 5 U.S.C. Sec. 552 (the FOIA). That letter will provide you with a FOIA tracking number, a target date for a response, and details on the agency's FOIA response process.

I'll keep you updated on the agency's response to your FOIA request. You may also contact me with additional questions at any time.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: *Non-responsive per request* <*Non-responsive per request*

Sent: Monday, August 22, 2022 6:47 PM

To: FOIA <foia@bpa.gov>

Subject: [EXTERNAL] FW: Executed Generation Interconnection Agreements

Good evening.

I would like to request copies of BPA's Executed IA.

I am interested in learning about the Interconnection Customer for each IA.

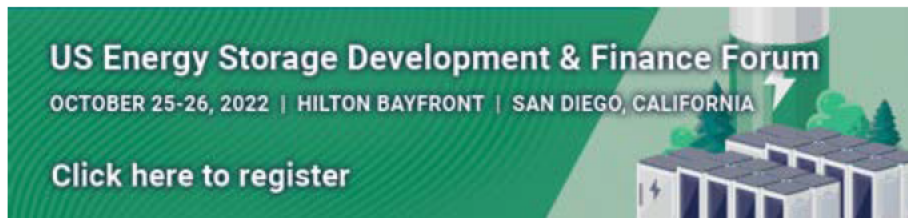
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Non-responsive per

Non-responsive per request



From: [Geyer, Sheryl A \(CONTR\) - TPP-OPP-3](#)

Sent: Monday, August 22, 2022 7:27 PM

To: Non-responsive per request

Cc: [studyrequest](#)

Subject: RE: Executed Generation Interconnection Agreements

Hello Non-responsive per

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Have a great night!

Regards,

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION



ASA3 | Transmission Planning (TPP)

When you feel that you want to give up – Remember what you have worked so hard for, and press on!!

bpa.gov | P 360-619-6775 | F 360-619-6589

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Sent: Friday, August 19, 2022 10:36 AM

To: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>

Cc: studyrequest <studyrequest@bpa.gov>

Subject: [EXTERNAL] Re: Executed Generation Interconnection Agreements

Thanks Geyer.

Yes that is my request. Is there a FOIR I can make?

My understanding is that IAs should be made public under FERC 35.13.

Regards,

Non-responsive per

Non-responsive per request

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Sent: Friday, August 19, 2022 1:34 PM

To: Non-responsive per request <Non-responsive per request>

Cc: studyrequest <studyrequest@bpa.gov>

Subject: RE: Executed Generation Interconnection Agreements

Good Morning Non-responsive per request

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Thanks

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION



| ASA3 | Transmission Planning (TPP)

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bpa.gov | P 360-619-6775 | F 360-619-6589

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To: studyrequest <studyrequest@bpa.gov>

Subject: [EXTERNAL] Executed Generation Interconnection Agreements

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Regards,

Non-responsive per

Non-responsive per request



King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Friday, September 9, 2022 10:00 AM
To: [Non-responsive per request]
Subject: RE: FOIA request BPA-2022-01218-F [Non-responsive per request] - Executed Generation Interconnection Agreements

Good morning, [Non-responsive per request]

In response to your request for agency records, I did some information outreaches with some knowledgeable folks in the agency's Transmission office, Contract Administration office, Transmission Account Services office, and Office of General Counsel. Thanks for your patience as I ran down some needed answers. I've some information items to share with you which will impact how the agency will have to proceed in its response to your request for Executed Generation Interconnection Agreements.

Request

You seek: "[BPA's] Executed Interconnection Agreements [possibly available via FERC's regulations at 18 CFR 35.13]. I am [seeking records and information] about the Interconnection Customer for each [current/active] Interconnection Agreement."

Actual "Interconnection Agreements"

First, the agency here asks for your confirmation that you seek BPA customer information associated with active long-term Large and Small Generator Interconnection Agreements (LGIAs/SGIAs). (I'm told, and I can share here, that Line and Load Interconnection projects don't result in an actual "Interconnection Agreement".)

FERC

Second, with reference to your understanding that FERC rules require such agreements be publicly available, I'm told, and I can share here, with reference to 18 CFR § 35.13, that BPA is not a public utility within FERC's purview. As such, the agency records you seek are not publicly available.

Exemption 4

Lastly, I'm told and I can share here that, the agency does not routinely make executed LGIAs/SGIAs publically available. Should you remain interested in acquiring those many agreements, the agency will comply with the FOIA's Exemption 4 processes. That is, for each executed agreement you seek, the third party signatory will have an opportunity to object to the agency's release of their commercial and confidential information contained in the respective agreement. Also to consider, with recent developments in the Exemption 4 rules and case law these past couple of years, the standard for withholding objected-to third party information contained in agency records has historically been achievable for those third parties.

Timelines

Given the number of agreements I currently understand there to be (apologies for the mangled sentence structure), the agency's Exemption 4 compliance effort will be time consuming. As an estimate based solely on my own understanding of the FOIA office workload and requester response queue, I suspect that the required Exemption 4 efforts described above will take many months to complete.

Next Steps

Your FOIA request BPA-2022-01218-F remains open. After consideration of the information shared above, please let us know if you continue to broadly seek BPA customer information found in agency agreements. If so, the FOIA office will proceed with a FOIA-compliant response to your request for agency information. We've placed your request processing "on hold" until we hear back from you.

Thanks for slogging through this long exposition. BPA welcomes your response.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

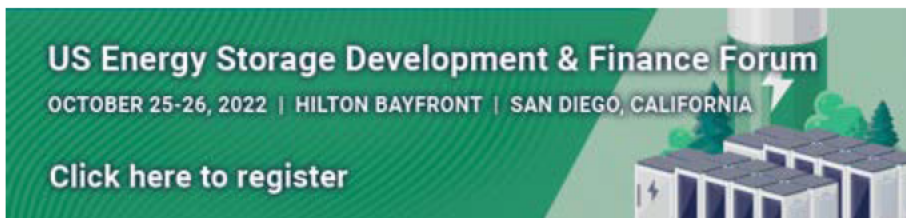
From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Monday, August 29, 2022 11:43 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Cc: Geyer,Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>
Subject: [EXTERNAL] RE: FOIA request BPA-2022-01218-F *Non-responsive per request* - Executed Generation Interconnection Agreements

James,

This looks great. Thanks for the update.

Non-responsive per request

Non-responsive per request



From: [King,James J \(BPA\) - CGI-7](#)
Sent: Friday, August 26, 2022 12:35 PM
To: *Non-responsive per request*
Cc: [Geyer,Sheryl A \(CONTR\) - TPP-OPP-3](#)
Subject: FOIA request BPA-2022-01218-F *Non-responsive per request* - Executed Generation Interconnection Agreements

Hello again, *Non-responsive per request*

The Bonneville Power Administration (BPA) continues processing your request for agency records submitted under the Freedom of Information Act (FOIA). I'm writing to confirm the scope of your request.

Request

As I understand your request, you seek the following agency records and information: “[BPA’s] Executed Interconnection Agreements [possibly available via FERC’s regulations at 18 CFR 35.13]. I am [seeking records and information] about the Interconnection Customer for each [current/active] Interconnection Agreement.” Please let me know if that language is incorrect. I ask because I’ll be making some internal agency outreaches shortly and I want to search for the records most responsive.

BPA Public Information

Of interest to you might be BPA’s public site about interconnections: [Interconnection - Bonneville Power Administration \(bpa.gov\)](https://www.bpa.gov/interconnection).

Next Steps

As mentioned in the email thread below, you’ll be receiving a formal 5 U.S.C. Sec. 552 letter from BPA shortly. I’ll keep you updated on the agency’s response to your FOIA request.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7

Sent: Tuesday, August 23, 2022 4:30 PM

To: [Non-responsive per request](#) <[Non-responsive per request](#)>

Cc: Geyer,Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>; studyrequest <studyrequest@bpa.gov>

Subject: New FOIA request received from [Non-responsive per request](#) - Executed Generation Interconnection Agreements

Hello, [Non-responsive per request](#)

The Bonneville Power Administration (BPA) has received your request for information, below. We’ll begin processing your request under the Freedom of Information Act (FOIA) this week. If we can locate and confirm that the information you seek is indeed publicly available, the response to you should be a relatively quick turnaround.

You’ll be receiving a formal letter from BPA shortly—that letter is required by 5 U.S.C. Sec. 552 (the FOIA). That letter will provide you with a FOIA tracking number, a target date for a response, and details on the agency’s FOIA response process.

I’ll keep you updated on the agency’s response to your FOIA request. You may also contact me with additional questions at any time.

Best,

James

From: Non-responsive per request <Non-responsive per request>
Sent: Monday, August 22, 2022 6:47 PM
To: FOIA <foia@bpa.gov>
Subject: [EXTERNAL] FW: Executed Generation Interconnection Agreements

Good evening.

I would like to request copies of BPA's Executed IA.

I am interested in learning about the Interconnection Customer for each IA.

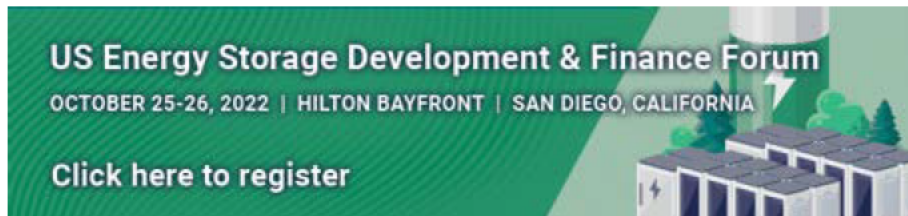
Per FERC 35.13, it is my understanding these agreements should be in the public domain.

What is the next step here please?

Thanks,

Non-responsive per

Non-responsive per request



From: [Geyer, Sheryl A \(CONTR\) - TPP-OPP-3](#)
Sent: Monday, August 22, 2022 7:27 PM
To: Non-responsive per request
Cc: [studyrequest](#)
Subject: RE: Executed Generation Interconnection Agreements

Hello Non-responsive per

You can Email the FOIA office at FOIA@bpa.gov for this request.

Have a great night!

Regards,

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Friday, August 19, 2022 10:36 AM
To: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>
Cc: studyrequest <studyrequest@bpa.gov>
Subject: [EXTERNAL] Re: Executed Generation Interconnection Agreements

Thanks Geyer.

Yes that is my request. Is there a FOIR I can make?

My understanding is that IAs should be made public under FERC 35.13.

Regards,

Non-responsive per request

Non-responsive per request

From: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>
Sent: Friday, August 19, 2022 1:34 PM
To: *Non-responsive per request* <*Non-responsive per request*>
Cc: studyrequest <studyrequest@bpa.gov>
Subject: RE: Executed Generation Interconnection Agreements

Good Morning *Non-responsive per request*

BPA does not provide copies of their executed Interconnection Agreements to external entities.

If that is not your request – please clarify on you we might be able to assist you further.

Thanks

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION



| ASA3 | Transmission Planning (TPP)

When you feel that you want to give up – Remember what you have worked so hard for, and press on!!

bpa.gov | P 360-619-6775 | F 360-619-6589

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Friday, August 19, 2022 7:19 AM
To: studyrequest <studyrequest@bpa.gov>
Subject: [EXTERNAL] Executed Generation Interconnection Agreements

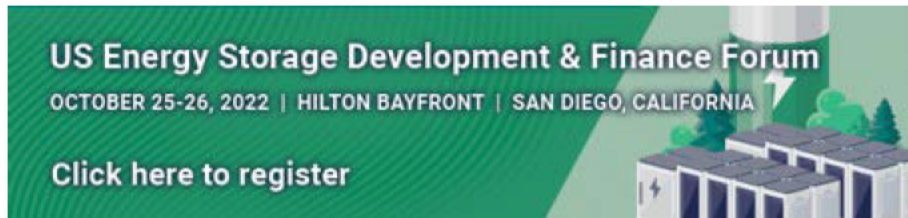
Good morning,

I would like to obtain copies of your executed Interconnection Agreements. How do I go about doing so? Shall I provide a list of the queue numbers I would like?

Regards,

Non-responsive per request

Non-responsive per request



King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Monday, September 26, 2022 12:32 PM
To: [Non-responsive per request]
Cc: Taylor,Jason E (BPA) - CGI-7
Subject: RE: FOIA request BPA-2022-01218-F [Non-responsive per request] - Executed Generation Interconnection Agreements - Continued interest?

Good afternoon, [Non-responsive per request]

We're following up on the agency FOIA processing information transmitted in the email thread below, here. Please let us know if you continue to broadly seek BPA customer information found in agency agreements. If so, the FOIA office will proceed with collecting the responsive records and a FOIA-compliant response to your request for agency information. If you are no longer interested in the Executed Generation Interconnection Agreements (which will involve the lengthy response effort described below) please let us know and we'll proceed with generating the required FOIA request withdrawal letter for you.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7
Sent: Friday, September 9, 2022 10:00 AM
To: [Non-responsive per request] <[Non-responsive per request]>
Subject: RE: FOIA request BPA-2022-01218-F [Non-responsive per request] - Executed Generation Interconnection Agreements

Good morning, [Non-responsive per request]

In response to your request for agency records, I did some information outreaches with some knowledgeable folks in the agency's Transmission office, Contract Administration office, Transmission Account Services office, and Office of General Counsel. Thanks for your patience as I ran down some needed answers. I've some information items to share with you which will impact how the agency will have to proceed in its response to your request for Executed Generation Interconnection Agreements.

Request

You seek: "[BPA's] Executed Interconnection Agreements [possibly available via FERC's regulations at 18 CFR 35.13]. I am [seeking records and information] about the Interconnection Customer for each [current/active] Interconnection Agreement."

Actual "Interconnection Agreements"

First, the agency here asks for your confirmation that you seek BPA customer information associated with active long-term Large and Small Generator Interconnection Agreements (LGIAs/SGIAs). (I'm told, and I can

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Thanks for slogging through this long exposition. BPA welcomes your response.

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From: *Non-responsive per request* <*Non-responsive per request*>

Sent: Monday, August 29, 2022 11:43 AM

To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Cc: Geyer,Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>

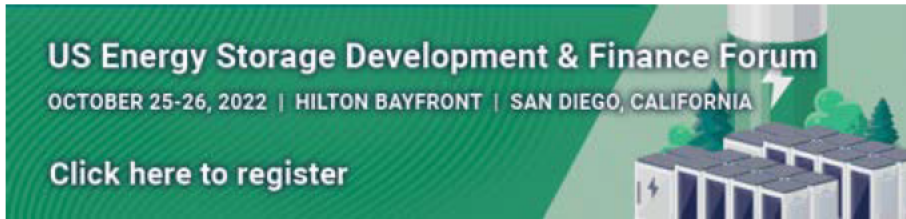
Subject: [EXTERNAL] RE: FOIA request BPA-2022-01218-F *Non-responsive per request* - Executed Generation Interconnection Agreements

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From: [King, James J \(BPA\) - CGI-7](#)

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To: [Non-responsive per request](#)

Cc: [Geyer, Sheryl A \(CONTR\) - TPP-OPP-3](#)

Subject: FOIA request BPA-2022-01218-F [Non-responsive per request](#) - Executed Generation Interconnection Agreements

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Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King, James J (BPA) - CGI-7

Sent: Tuesday, August 23, 2022 4:30 PM

To: *Non-responsive per request* <*Non-responsive per request*

Cc: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>; studyrequest <studyrequest@bpa.gov>

Subject: New FOIA request received from *Non-responsive per request* - Executed Generation Interconnection Agreements

Hello, *Non-responsive per request*

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From: *Non-responsive per request* <*Non-responsive per request*

Sent: Monday, August 22, 2022 6:47 PM

To: FOIA <foia@bpa.gov>

Subject: [EXTERNAL] FW: Executed Generation Interconnection Agreements

Good evening.

I would like to request copies of BPA's Executed IA.

I am interested in learning about the Interconnection Customer for each IA.

Per FERC 35.13, it is my understanding these agreements should be in the public domain.

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Non-responsive per request

Non-responsive per request



From: [Geyer, Sheryl A \(CONTR\) - TPP-OPP-3](#)

Sent: Monday, August 22, 2022 7:27 PM

To: Non-responsive per request

Cc: [studyrequest](#)

Subject: RE: Executed Generation Interconnection Agreements

Hello Non-responsive per request

You can Email the FOIA office at FOIA@bpa.gov for this request.

Have a great night!

Regards,

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION

 **ASA3 | Transmission Planning (TPP)**

When you feel that you want to give up – Remember what you have worked so hard for, and press on!!

bpa.gov | P 360-619-6775 | F 360-619-6589

From: Non-responsive per request <Non-responsive per request>

Sent: Friday, August 19, 2022 10:36 AM

To: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>

Cc: studyrequest <studyrequest@bpa.gov>

Subject: [EXTERNAL] Re: Executed Generation Interconnection Agreements

Thanks Geyer.

Yes that is my request. Is there a FOIR I can make?

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Regards,

Non-

request

Non-responsive per request

Non-responsive per

From: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>

Sent: Friday, August 19, 2022 1:34 PM

To: *Non-responsive per request* <*Non-responsive per request*>

Cc: studyrequest <studyrequest@bpa.gov>

Subject: RE: Executed Generation Interconnection Agreements

Good Morning *Non-responsive per request*

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Thanks

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION



| ASA3 | Transmission Planning (TPP)

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bpa.gov | P 360-619-6775 | F 360-619-6589

From: *Non-responsive per request* <*Non-responsive per request*>

Sent: Friday, August 19, 2022 7:19 AM

To: studyrequest <studyrequest@bpa.gov>

Subject: [EXTERNAL] Executed Generation Interconnection Agreements

Good morning,

I would like to obtain copies of your executed Interconnection Agreements. How do I go about doing so? Shall I provide a list of the queue numbers I would like?

Regards,

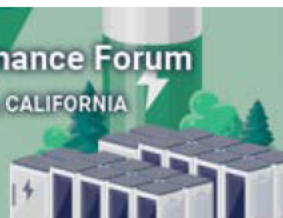
Non-responsive per

Non-responsive per request

US Energy Storage Development & Finance Forum

OCTOBER 25-26, 2022 | HILTON BAYFRONT | SAN DIEGO, CALIFORNIA

Click here to register



King,James J (BPA) - CGI-7

From: Non-responsive per request <Non-responsive per request>
Sent: Monday, November 28, 2022 1:20 PM
To: King,James J (BPA) - CGI-7
Subject: [EXTERNAL] Re: BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements - Re-scope

Thank you James.

Do let me know if I can help further.

Non-responsive per request

Non-responsive per request

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Sent: Monday, November 28, 2022 4:07:58 PM
To: Non-responsive per request <Non-responsive per request>
Subject: RE: BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements - Re-scope

Hello, Non-responsive per request

Part of my job is keeping FOIA requesters updated on our processing efforts in response to FOIA request. The FOIA encourages these communications.

Records and Information Collection

I'm currently seeking the data you're after with some agency folks who will know how to pull it, and organize it, from the agency's Customer Contract Management system. I believe the fields you are interested in can be populated from that database. At this date I'm unsure from where I can pull all the signatory data you seek (that is creative grammar, to be sure). I believe the BPA signatory data will be in that database, but I'm unsure about the customer signatory information. Contract Administration personnel in the Transmission office will be helping me assemble the responsive agency information.

Acknowledgment Letter Pending

The FOIA requires that BPA provide you with an acknowledgment letter. I'm working on that letter – the content of which is going to be dependent on what I learn from the Contract Administration personnel. I will persist in that effort and hopefully have a letter, and clearer response plan, in place for you shortly.

Please do contact me if you have questions.

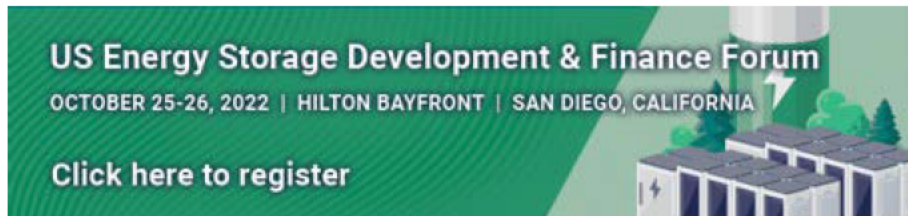
Best,

James

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Friday, October 14, 2022 9:10 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: [EXTERNAL] RE: BPA-2022-01218-F *Non-responsive per request* - Executed Generation Interconnection Agreements - Re-scope

Thanks James.

Non-responsive per request



From: [King,James J \(BPA\) - CGI-7](#)
Sent: Friday, October 14, 2022 11:15 AM
To: *Non-responsive per request*
Cc: [Taylor,Jason E \(BPA\) - CGI-7](#)
Subject: BPA-2022-01218-F *Non-responsive per request* - Executed Generation Interconnection Agreements - Re-scope

Good morning, *Non-responsive per request*

Thanks for **the re-scope**. Much appreciated. I suspect that the chart you've described below will be quicker to generate than would a collection, review and release of the actual agreements.

I will circle back with the folks in Transmission, Contract Administration, Transmission Account Services, and General Counsel on this. I'll get this FOIA request in motion for you and report back on our progress.

Best,

—J.

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Friday, October 14, 2022 8:04 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: [EXTERNAL] RE: FOIA request BPA-2022-01218-F *Non-responsive per request* - Executed Generation Interconnection Agreements - Continued interest?

James,

Thank you for the below. It seems whenever you messaged me I read it on my cell and I parked responding to it for another day!

I would like to advance this request, but let me suggest that we **focus on just IA's executed and signed in 2022** for now. I believe this respects your time and gives me a big enough sample to understand the information I will receive.

How many do you think there are for 2022? As a side note I would be happy to receive this information in the format of an excel document saving you valuable time with redactions etc.

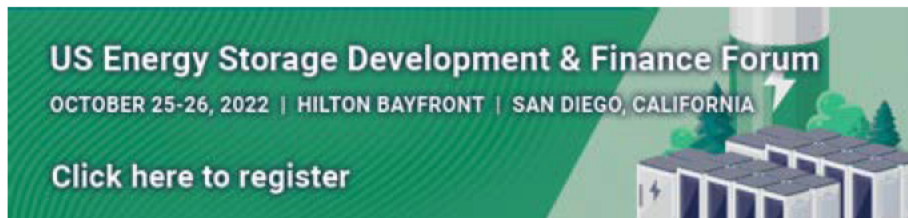
The information I require would be perfect in this format:

BPA ID	Interconnection Customer Name or LLC / Sometimes referred to as Interconnecting Entity	Signatory Name, email, phone number (there could be several)	Date Signed

Regards,

Non-responsive per request

Non-responsive per request



From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Monday, September 26, 2022 3:32:04 PM

To: Non-responsive per request <Non-responsive per request>

Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Subject: RE: FOIA request BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements - Continued interest?

Good afternoon, Non-responsive per request

We're following up on the agency FOIA processing information transmitted in the email thread below, here. Please let us know if you continue to broadly seek BPA customer information found in agency agreements. If so, the FOIA office will proceed with collecting the responsive records and a FOIA-compliant response to your request for agency information. If you are no longer interested in the Executed Generation Interconnection

Agreements (which will involve the lengthy response effort described below) please let us know and we'll proceed with generating the required FOIA request withdrawal letter for you.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7

Sent: Friday, September 9, 2022 10:00 AM

To: [Non-responsive per request] <[Non-responsive per request]>

Subject: RE: FOIA request BPA-2022-01218-F[Non-responsive per request] - Executed Generation Interconnection Agreements

Good morning, [Non-responsive per request]

In response to your request for agency records, I did some information outreaches with some knowledgeable folks in the agency's Transmission office, Contract Administration office, Transmission Account Services office, and Office of General Counsel. Thanks for your patience as I ran down some needed answers. I've some information items to share with you which will impact how the agency will have to proceed in its response to your request for Executed Generation Interconnection Agreements.

Request

You seek: "[BPA's] Executed Interconnection Agreements [possibly available via FERC's regulations at 18 CFR 35.13]. I am [seeking records and information] about the Interconnection Customer for each [current/active] Interconnection Agreement."

Actual "Interconnection Agreements"

First, the agency here asks for your confirmation that you seek BPA customer information associated with active long-term Large and Small Generator Interconnection Agreements (LGIAs/SGIAs). (I'm told, and I can share here, that Line and Load Interconnection projects don't result in an actual "Interconnection Agreement".)

FERC

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Timelines

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Next Steps

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Thanks for slogging through this long exposition. BPA welcomes your response.

Best,

James

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Sent: Monday, August 29, 2022 11:43 AM

To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Cc: Geyer,Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>

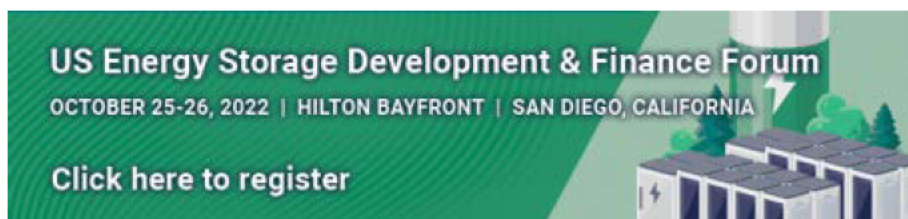
Subject: [EXTERNAL] RE: FOIA request BPA-2022-01218-F *Non-responsive per request* - Executed Generation Interconnection Agreements

James,

This looks great. Thanks for the update.

Non-responsive per request

Non-responsive per request



From: [King,James J \(BPA\) - CGI-7](#)

Sent: Friday, August 26, 2022 12:35 PM

To: *Non-responsive per request*

Cc: [Geyer, Sheryl A \(CONTR\) - TPP-OPP-3](#)

Subject: FOIA request BPA-2022-01218-F [redacted] - Executed Generation Interconnection Agreements

Hello again, [redacted]

The Bonneville Power Administration (BPA) continues processing your request for agency records submitted under the Freedom of Information Act (FOIA). I'm writing to confirm the scope of your request.

Request

As I understand your request, you seek the following agency records and information: "[BPA's] Executed Interconnection Agreements [possibly available via FERC's regulations at 18 CFR 35.13]. I am [seeking records and information] about the Interconnection Customer for each [current/active] Interconnection Agreement." Please let me know if that language is incorrect. I ask because I'll be making some internal agency outreaches shortly and I want to search for the records most responsive.

BPA Public Information

Of interest to you might be BPA's public site about interconnections: [Interconnection - Bonneville Power Administration \(bpa.gov\)](#).

Next Steps

As mentioned in the email thread below, you'll be receiving a formal 5 U.S.C. Sec. 552 letter from BPA shortly. I'll keep you updated on the agency's response to your FOIA request.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King, James J (BPA) - CGI-7

Sent: Tuesday, August 23, 2022 4:30 PM

To: [redacted] <[redacted]> [redacted]

Cc: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>; studyrequest <studyrequest@bpa.gov>

Subject: New FOIA request received from [redacted] - Executed Generation Interconnection Agreements

Hello, [redacted]

The Bonneville Power Administration (BPA) has received your request for information, below. We'll begin processing your request under the Freedom of Information Act (FOIA) this week. If we can locate and confirm that the information you seek is indeed publicly available, the response to you should be a relatively quick turnaround.

You'll be receiving a formal letter from BPA shortly—that letter is required by 5 U.S.C. Sec. 552 (the FOIA). That letter will provide you with a FOIA tracking number, a target date for a response, and details on the agency's FOIA response process.

I'll keep you updated on the agency's response to your FOIA request. You may also contact me with additional questions at any time.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Monday, August 22, 2022 6:47 PM
To: FOIA <foia@bpa.gov>
Subject: [EXTERNAL] FW: Executed Generation Interconnection Agreements

Good evening.

I would like to request copies of BPA's Executed IA.

I am interested in learning about the Interconnection Customer for each IA.

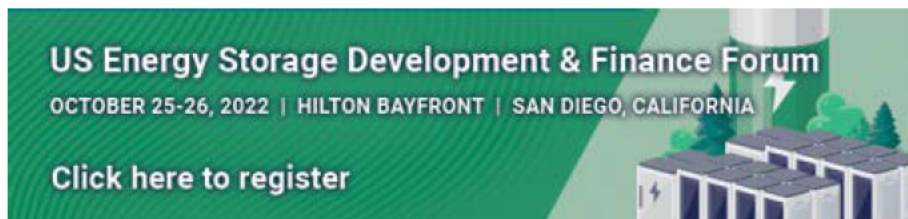
Per FERC 35.13, it is my understanding these agreements should be in the public domain.

What is the next step here please?

Thanks,

Non-responsive per request

Non-responsive per request



From: [Geyer, Sheryl A \(CONTR\) - TPP-OPP-3](#)
Sent: Monday, August 22, 2022 7:27 PM
To: *Non-responsive per request*
Cc: [studyrequest](#)
Subject: RE: Executed Generation Interconnection Agreements

Hello *Non-responsive per request*

You can Email the FOIA office at FOIA@bpa.gov for this request.

Have a great night!

Regards,

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION



| ASA3 | Transmission Planning (TPP)

When you feel that you want to give up – Remember what you have worked so hard for, and press on!!

bpa.gov | P 360-619-6775 | F 360-619-6589

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Friday, August 19, 2022 10:36 AM
To: Geyer,Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>
Cc: studyrequest <studyrequest@bpa.gov>
Subject: [EXTERNAL] Re: Executed Generation Interconnection Agreements

Thanks Geyer.

Yes that is my request. Is there a FOIR I can make?

My understanding is that IAs should be made public under FERC 35.13.

Regards,

Non-responsive per request

Non-responsive per request

From: Geyer,Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>
Sent: Friday, August 19, 2022 1:34 PM
To: *Non-responsive per request* <*Non-responsive per request*>
Cc: studyrequest <studyrequest@bpa.gov>
Subject: RE: Executed Generation Interconnection Agreements

Good Morning *Non-responsive per request*


BPA does not provide copies of their executed Interconnection Agreements to external entities.

If that is not your request – please clarify on you we might be able to assist you further.

Thanks

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION

 ACS | ASA3 | Transmission Planning (TPP)

When you feel that you want to give up – Remember what you have worked so hard for, and press on!!

bpa.gov | P 360-619-6775 | F 360-619-6589

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Friday, August 19, 2022 7:19 AM
To: studyrequest <studyrequest@bpa.gov>
Subject: [EXTERNAL] Executed Generation Interconnection Agreements

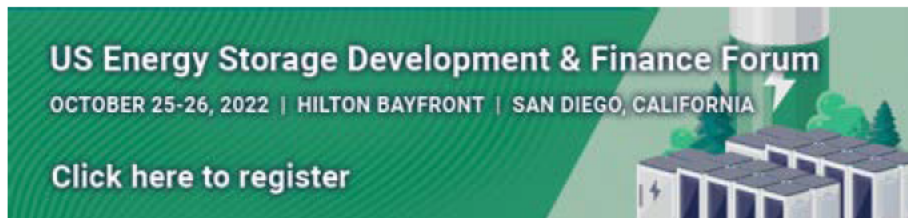
Good morning,

I would like to obtain copies of your executed Interconnection Agreements. How do I go about doing so? Shall I provide a list of the queue numbers I would like?

Regards,

Non-responsive per request

Non-responsive per request



King,James J (BPA) - CGI-7

From: Non-responsive per request <Non-responsive per request>
Sent: Friday, October 14, 2022 9:10 AM
To: King,James J (BPA) - CGI-7
Cc: Taylor,Jason E (BPA) - CGI-7
Subject: [EXTERNAL] RE: BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements - Re-scope

Thanks James.

Non-responsive per request



From: [King,James J \(BPA\) - CGI-7](#)
Sent: Friday, October 14, 2022 11:15 AM
To: Non-responsive per request
Cc: [Taylor,Jason E \(BPA\) - CGI-7](#)
Subject: BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements - Re-scope

Good morning, Non-responsive per request

Thanks for [the re-scope](#). Much appreciated. I suspect that the chart you've described below will be quicker to generate than would a collection, review and release of the actual agreements.

I will circle back with the folks in Transmission, Contract Administration, Transmission Account Services, and General Counsel on this. I'll get this FOIA request in motion for you and report back on our progress.

Best,

—J.

From: Non-responsive per request <Non-responsive per request>
Sent: Friday, October 14, 2022 8:04 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: [EXTERNAL] RE: FOIA request BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements - Continued interest?

James,

Thank you for the below. It seems whenever you messaged me I read it on my cell and I parked responding to it for another day!

I would like to advance this request, but let me suggest that we **focus on just IA's executed and signed in 2022** for now. I believe this respects your time and gives me a big enough sample to understand the information I will receive.

How many do you think there are for 2022? As a side note I would be happy to receive this information in the format of an excel document saving you valuable time with redactions etc.

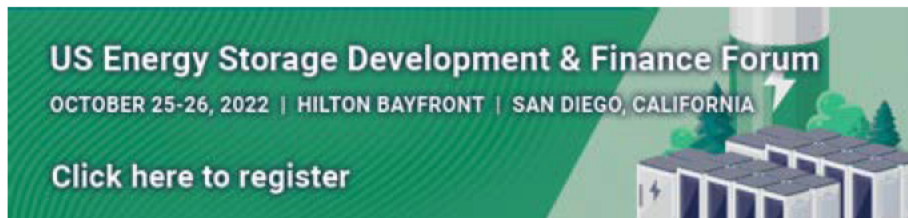
The information I require would be perfect in this format:

BPA ID	Interconnection Customer Name or LLC / Sometimes referred to as Interconnecting Entity	Signatory Name, email, phone number (there could be several)	Date Signed

Regards,

Non-responsive per request

Non-responsive per request



From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Monday, September 26, 2022 3:32:04 PM

To: Non-responsive per request <Non-responsive per request>

Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Subject: RE: FOIA request BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements - Continued interest?

Good afternoon, Non-responsive per request

We're following up on the agency FOIA processing information transmitted in the email thread below, here. Please let us know if you continue to broadly seek BPA customer information found in agency agreements. If so, the FOIA office will proceed with collecting the responsive records and a FOIA-compliant response to your request for agency information. If you are no longer interested in the Executed Generation Interconnection

Agreements (which will involve the lengthy response effort described below) please let us know and we'll proceed with generating the required FOIA request withdrawal letter for you.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7

Sent: Friday, September 9, 2022 10:00 AM

To: [Non-responsive per request] <[Non-responsive per request]>

Subject: RE: FOIA request BPA-2022-01218-F[Non-responsive per request] - Executed Generation Interconnection Agreements

Good morning, [Non-responsive per request]

In response to your request for agency records, I did some information outreaches with some knowledgeable folks in the agency's Transmission office, Contract Administration office, Transmission Account Services office, and Office of General Counsel. Thanks for your patience as I ran down some needed answers. I've some information items to share with you which will impact how the agency will have to proceed in its response to your request for Executed Generation Interconnection Agreements.

Request

You seek: "[BPA's] Executed Interconnection Agreements [possibly available via FERC's regulations at 18 CFR 35.13]. I am [seeking records and information] about the Interconnection Customer for each [current/active] Interconnection Agreement."

Actual "Interconnection Agreements"

First, the agency here asks for your confirmation that you seek BPA customer information associated with active long-term Large and Small Generator Interconnection Agreements (LGIAs/SGIAs). (I'm told, and I can share here, that Line and Load Interconnection projects don't result in an actual "Interconnection Agreement".)

FERC

Second, with reference to your understanding that FERC rules require such agreements be publicly available, I'm told, and I can share here, with reference to 18 CFR § 35.13, that BPA is not a public utility within FERC's purview. As such, the agency records you seek are not publicly available.

Exemption 4

Lastly, I'm told and I can share here that, the agency does not routinely make executed LGIAs/SGIAs publically available. Should you remain interested in acquiring those many agreements, the agency will comply with the FOIA's Exemption 4 processes. That is, for each executed agreement you seek, the third party signatory will have an opportunity to object to the agency's release of their commercial and confidential information contained in the respective agreement. Also to consider, with recent developments in the Exemption 4 rules and case law these past couple of years, the standard for withholding objected-to third party information contained in agency records has historically been achievable for those third parties.

Timelines

Given the number of agreements I currently understand there to be (apologies for the mangled sentence structure), the agency's Exemption 4 compliance effort will be time consuming. As an estimate based solely on my own understanding of the FOIA office workload and requester response queue, I suspect that the required Exemption 4 efforts described above will take many months to complete.

Next Steps

Your FOIA request BPA-2022-01218-F remains open. After consideration of the information shared above, please let us know if you continue to broadly seek BPA customer information found in agency agreements. If so, the FOIA office will proceed with a FOIA-compliant response to your request for agency information. We've placed your request processing "on hold" until we hear back from you.

Thanks for slogging through this long exposition. BPA welcomes your response.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: *Non-responsive per request* <*Non-responsive per request*>

Sent: Monday, August 29, 2022 11:43 AM

To: King, James J (BPA) - CGI-7 <jjking@bpa.gov>

Cc: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>

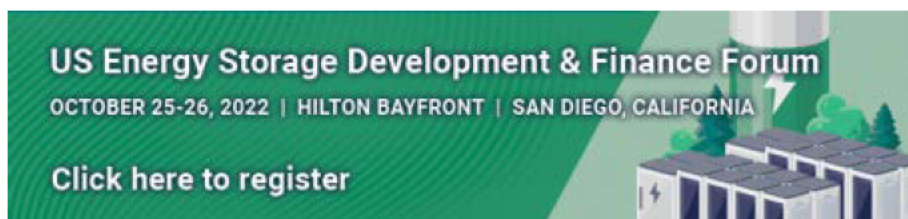
Subject: [EXTERNAL] RE: FOIA request BPA-2022-01218-F *Non-responsive per request* - Executed Generation Interconnection Agreements

James,

This looks great. Thanks for the update.

Non-responsive per request

Non-responsive per request



From: [King, James J \(BPA\) - CGI-7](#)

Sent: Friday, August 26, 2022 12:35 PM

To: *Non-responsive per request*

Cc: [Geyer, Sheryl A \(CONTR\) - TPP-OPP-3](#)

Subject: FOIA request BPA-2022-01218-F [Non-responsive per request] - Executed Generation Interconnection Agreements

Hello again, [Non-responsive per request]

The Bonneville Power Administration (BPA) continues processing your request for agency records submitted under the Freedom of Information Act (FOIA). I'm writing to confirm the scope of your request.

Request

As I understand your request, you seek the following agency records and information: "[BPA's] Executed Interconnection Agreements [possibly available via FERC's regulations at 18 CFR 35.13]. I am [seeking records and information] about the Interconnection Customer for each [current/active] Interconnection Agreement." Please let me know if that language is incorrect. I ask because I'll be making some internal agency outreaches shortly and I want to search for the records most responsive.

BPA Public Information

Of interest to you might be BPA's public site about interconnections: [Interconnection - Bonneville Power Administration \(bpa.gov\)](#).

Next Steps

As mentioned in the email thread below, you'll be receiving a formal 5 U.S.C. Sec. 552 letter from BPA shortly. I'll keep you updated on the agency's response to your FOIA request.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King, James J (BPA) - CGI-7

Sent: Tuesday, August 23, 2022 4:30 PM

To: [Non-responsive per request] <[Non-responsive per request]>

Cc: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>; studyrequest <studyrequest@bpa.gov>

Subject: New FOIA request received from [Non-responsive per request] - Executed Generation Interconnection Agreements

Hello, [Non-responsive per request]

The Bonneville Power Administration (BPA) has received your request for information, below. We'll begin processing your request under the Freedom of Information Act (FOIA) this week. If we can locate and confirm that the information you seek is indeed publicly available, the response to you should be a relatively quick turnaround.

You'll be receiving a formal letter from BPA shortly—that letter is required by 5 U.S.C. Sec. 552 (the FOIA). That letter will provide you with a FOIA tracking number, a target date for a response, and details on the agency's FOIA response process.

I'll keep you updated on the agency's response to your FOIA request. You may also contact me with additional questions at any time.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Monday, August 22, 2022 6:47 PM
To: FOIA <foia@bpa.gov>
Subject: [EXTERNAL] FW: Executed Generation Interconnection Agreements

Good evening.

I would like to request copies of BPA's Executed IA.

I am interested in learning about the Interconnection Customer for each IA.

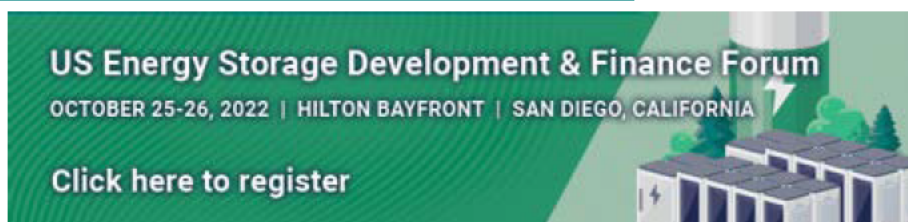
Per FERC 35.13, it is my understanding these agreements should be in the public domain.

What is the next step here please?

Thanks,

Non-responsive per request

Non-responsive per request



From: [Geyer, Sheryl A \(CONTR\) - TPP-OPP-3](#)
Sent: Monday, August 22, 2022 7:27 PM
To: *Non-responsive per request*
Cc: [studyrequest](#)
Subject: RE: Executed Generation Interconnection Agreements

Hello *Non-responsive per request*

You can Email the FOIA office at FOIA@bpa.gov for this request.

Have a great night!

Regards,

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION

 **ASA3 | Transmission Planning (TPP)**

When you feel that you want to give up – Remember what you have worked so hard for, and press on!!

bpa.gov | P 360-619-6775 | F 360-619-6589

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Friday, August 19, 2022 10:36 AM
To: Geyer,Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>
Cc: studyrequest <studyrequest@bpa.gov>
Subject: [EXTERNAL] Re: Executed Generation Interconnection Agreements

Thanks Geyer.

Yes that is my request. Is there a FOIR I can make?

My understanding is that IAs should be made public under FERC 35.13.

Regards,

Non-responsive per request

Non-responsive per request

From: Geyer,Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>
Sent: Friday, August 19, 2022 1:34 PM
To: *Non-responsive per request* <*Non-responsive per request*>
Cc: studyrequest <studyrequest@bpa.gov>
Subject: RE: Executed Generation Interconnection Agreements

Good Morning *Non-responsive per request*


BPA does not provide copies of their executed Interconnection Agreements to external entities.

If that is not your request – please clarify on you we might be able to assist you further.

Thanks

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION

 ACS | ASA3 | Transmission Planning (TPP)

When you feel that you want to give up – Remember what you have worked so hard for, and press on!!

bpa.gov | P 360-619-6775 | F 360-619-6589

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Friday, August 19, 2022 7:19 AM
To: studyrequest <studyrequest@bpa.gov>
Subject: [EXTERNAL] Executed Generation Interconnection Agreements

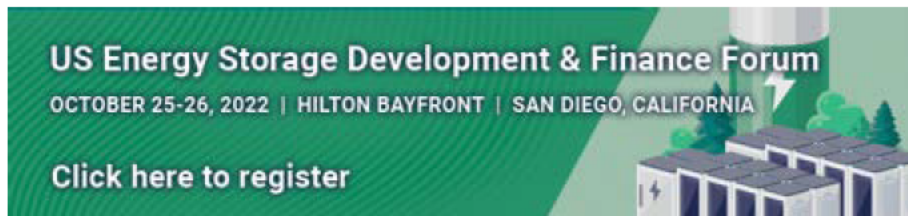
Good morning,

I would like to obtain copies of your executed Interconnection Agreements. How do I go about doing so? Shall I provide a list of the queue numbers I would like?

Regards,

Non-responsive per request

Non-responsive per request





Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

November 29, 2022

In reply refer to: FOIA #BPA-2022-01218-F

SENT VIA EMAIL ONLY TO: *Non-responsive per request*

Non-responsive per request

Non-responsive per request

Dear *Non-responsive per request*

The Bonneville Power Administration (BPA) has received your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on August 23, 2022, and assigned your request a tracking number of BPA-2023-00045-F. Please use that tracking number in any correspondence with the agency regarding your FOIA request.

Request

“[BPA’s] Executed Interconnection Agreements [possibly available via FERC’s regulations at 18 CFR 35.13]. I am [seeking records and information] about the Interconnection Customer for each [current/active] Interconnection Agreement.”

Clarifications

BPA conducted information outreaches with the agency’s Transmission personnel in order to determine the existence, and public availability status, of the records you sought. During that request perfection period, your FOIA request was placed on hold.

On September 9 and 26, 2022, the agency asked for your confirmation that you seek BPA customer information associated with active long-term Large and Small Generator Interconnection Agreements (LGIAs / SGIAs). The agency shared that Line and Load Interconnection projects don’t result in an actual “Interconnection Agreement”. With reference to your understanding that FERC rules require such agreements be publicly available, the agency shared that, in-line with 18 CFR § 35.13, BPA is not a public utility within FERC’s purview. As such, the agency records you seek are not publicly available. Lastly BPA communicated that the agency does not routinely make executed LGIAs / SGIAs publically

available. BPA communicated that, should you remain interested in acquiring those many agreements, the agency will comply with the FOIA's Exemption 4 processes. That is, for each executed agreement you seek, the third party signatory will have an opportunity to object to the agency's release of their commercial and confidential information contained in the respective agreement. Thereafter, the agency placed your request on hold, pending your feedback.

You clarified your FOIA request on October 14, 2022, indicating that you would like to receive a spreadsheet or other file containing data for the following information fields, for agreements executed and signed in 2022:

BPA ID	Interconnection Customer Name or LLC / Sometimes referred to as Interconnecting Entity	Signatory Name, email, phone number	Date Signed
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Acknowledgement

BPA has reviewed your request and clarification and has determined that they fulfill all of the criteria of a proper request under the FOIA and Department of Energy (DOE) FOIA regulations at Title 10, Code of Federal Regulations, Part 1004.

Fees

No fees will be associated with processing of your request.

Complex Queue

The FOIA requires that BPA act on requests "promptly" and that the agency make a determination on your request and respond within 20 working days (5 U.S.C. § 552(a)(6)). However, BPA has instituted multi-track FOIA request processing, as permitted by the FOIA (5 U.S.C. § 552(a)(6)(D)(i)). In compliance with this process, requests are placed in different processing queues and each queue is processed on its own first-in-first-out basis. Requests are placed in one of two complex queues if they require significant agency time or resources to process. Your request for records with likely involve consults with the agency's General Counsel and third party Interconnection Customers. Once collected, the responsive data records will undergo the required U.S.C. § 552(b)(4) (Exemption 4) reviews for third party commercial and confidential information contained in the responsive contract record. Consequently, the agency reasonably believes that compliance with the FOIA, and a response to your request, will likely require significant agency time or resources. BPA has therefore assigned your request to a complex queue for processing and a response.

Unusual Circumstances

The FOIA provides that an agency may extend the response time if "unusual circumstances" exist (5 U.S.C. § 552(a)(6)(B)(i)). Unusual circumstances include a need to search records located in field facilities, requests for a voluminous amount of records, and requests that require consults with other agency components. BPA reasonably believes that the response to your

request will involve one or more of those contingencies. BPA has therefore determined that your request involves unusual circumstances.

Target Date

In light of the conditions and conclusions described, BPA estimates the completion of a response to your FOIA request by February 10, 2023. BPA invites you to contact the agency to discuss the estimated completion date.

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 James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621.

Sincerely,

Candice D. Palen
Freedom of Information/Privacy Act Officer

King,James J (BPA) - CGI-7

From: [Non-responsive per request] <[Non-responsive per request]>
Sent: Wednesday, November 30, 2022 6:01 AM
To: King,James J (BPA) - CGI-7
Subject: [EXTERNAL] Re: BPA-2022-01218-F [Non-responsive per request] - Executed Generation Interconnection Agreements - Acknowledgment Letter

Thanks James. Appreciate the update.

[Non-responsive per request]

Non-responsive per request

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Sent: Tuesday, November 29, 2022 10:17:27 PM
To: [Non-responsive per request] <[Non-responsive per request]>
Subject: BPA-2022-01218-F [Non-responsive per request] - Executed Generation Interconnection Agreements - Acknowledgment Letter

Hello, [Non-responsive per request]

Thanks for your patience. The formal letter owed to you under the FOIA is attached. I've begun hearing from the agency SME folks in response to your FOIA request and will be pushing the data you seek though to a release as quickly as I'm able.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: [Non-responsive per request] <[Non-responsive per request]>
Sent: Monday, November 28, 2022 1:20 PM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Subject: [EXTERNAL] Re: BPA-2022-01218-F [Non-responsive per request] - Executed Generation Interconnection Agreements - Re-scope

Thank you James.

Do let me know if I can help further.

[Non-responsive per request]

[Non-responsive per request]

Non-responsive per request

Non-responsive per request

Non-responsive per request

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Monday, November 28, 2022 4:07:58 PM

To: Non-responsive per request <Non-responsive per request>

Subject: RE: BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements - Re-scope

Hello, Non-responsive per request

Part of my job is keeping FOIA requesters updated on our processing efforts in response to FOIA request. The FOIA encourages these communications.

Records and Information Collection

I'm currently seeking the data you're after with some agency folks who will know how to pull it, and organize it, from the agency's Customer Contract Management system. I believe the fields you are interested in can be populated from that database. At this date I'm unsure from where I can pull all the signatory data you seek (that is creative grammar, to be sure). I believe the BPA signatory data will be in that database, but I'm unsure about the customer signatory information. Contract Administration personnel in the Transmission office will be helping me assemble the responsive agency information.

Acknowledgment Letter Pending

The FOIA requires that BPA provide you with an acknowledgment letter. I'm working on that letter – the content of which is going to be dependent on what I learn from the Contract Administration personnel. I will persist in that effort and hopefully have a letter, and clearer response plan, in place for you shortly.

Please do contact me if you have questions.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: Non-responsive per request <Non-responsive per request>

Sent: Friday, October 14, 2022 9:10 AM

To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Subject: [EXTERNAL] RE: BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements - Re-scope

Thanks James.

Non-responsive per request



From: [King,James J \(BPA\) - CGI-7](#)

Sent: Friday, October 14, 2022 11:15 AM

To: [Non-responsive per request](#)

Cc: [Taylor,Jason E \(BPA\) - CGI-7](#)

Subject: BPA-2022-01218-F [Non-responsive per request](#) - Executed Generation Interconnection Agreements - Re-scope

Good morning, [Non-responsive per request](#)

Thanks for [the re-scope](#). Much appreciated. I suspect that the chart you've described below will be quicker to generate than would a collection, review and release of the actual agreements.

I will circle back with the folks in Transmission, Contract Administration, Transmission Account Services, and General Counsel on this. I'll get this FOIA request in motion for you and report back on our progress.

Best,

—J.

From: [Non-responsive per request](#) <[Non-responsive per request](#)>

Sent: Friday, October 14, 2022 8:04 AM

To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Subject: [EXTERNAL] RE: FOIA request BPA-2022-01218-F [Non-responsive per request](#) - Executed Generation Interconnection Agreements - Continued interest?

James,

Thank you for the below. It seems whenever you messaged me I read it on my cell and I parked responding to it for another day!

I would like to advance this request, but let me suggest that we [focus on just IA's executed and signed in 2022](#) for now. I believe this respects your time and gives me a big enough sample to understand the information I will receive.

How many do you think there are for 2022? As a side note I would be happy to receive this information in the format of an excel document saving you valuable time with redactions etc.

The information I require would be perfect in this format:

BPA ID	Interconnection Customer Name or LLC / Sometimes referred to as Interconnecting Entity	Signatory Name, email, phone number (there could be several)	Date Signed

Regards,

Non-responsive per request

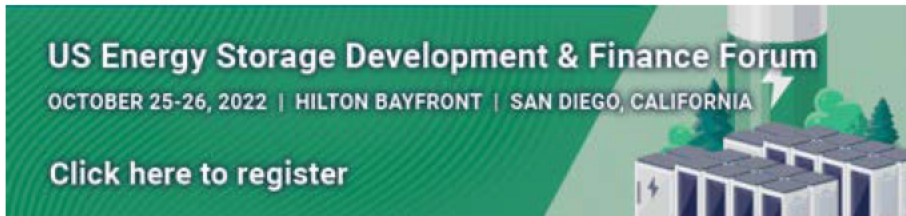
Non-responsive per request

Non-responsive per request

Non-responsive per request

Non-responsive per request

Non-responsive per request



From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Monday, September 26, 2022 3:32:04 PM

To: Non-responsive per request <Non-responsive per request>

Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Subject: RE: FOIA request BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements - Continued interest?

Good afternoon, Non-responsive per request

We're following up on the agency FOIA processing information transmitted in the email thread below, here. Please let us know if you continue to broadly seek BPA customer information found in agency agreements. If so, the FOIA office will proceed with collecting the responsive records and a FOIA-compliant response to your request for agency information. If you are no longer interested in the Executed Generation Interconnection Agreements (which will involve the lengthy response effort described below) please let us know and we'll proceed with generating the required FOIA request withdrawal letter for you.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7

Sent: Friday, September 9, 2022 10:00 AM

To: Non-responsive per request <Non-responsive per request>

Subject: RE: FOIA request BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements

Good morning, Non-responsive per request

In response to your request for agency records, I did some information outreaches with some knowledgeable folks in the agency's Transmission office, Contract Administration office, Transmission Account Services office, and Office of General Counsel. Thanks for your patience as I ran down some needed answers. I've some information items to share with you which will impact how the agency will have to proceed in its response to your request for Executed Generation Interconnection Agreements.

Request

You seek: "[BPA's] Executed Interconnection Agreements [possibly available via FERC's regulations at 18 CFR 35.13]. I am [seeking records and information] about the Interconnection Customer for each [current/active] Interconnection Agreement."

Actual "Interconnection Agreements"

First, the agency here asks for your confirmation that you seek BPA customer information associated with active long-term Large and Small Generator Interconnection Agreements (LGIAs/SGIAs). (I'm told, and I can share here, that Line and Load Interconnection projects don't result in an actual "Interconnection Agreement".)

FERC

Second, with reference to your understanding that FERC rules require such agreements be publicly available, I'm told, and I can share here, with reference to 18 CFR § 35.13, that BPA is not a public utility within FERC's purview. As such, the agency records you seek are not publicly available.

Exemption 4

Lastly, I'm told and I can share here that, the agency does not routinely make executed LGIAs/SGIAs publically available. Should you remain interested in acquiring those many agreements, the agency will comply with the FOIA's Exemption 4 processes. That is, for each executed agreement you seek, the third party signatory will have an opportunity to object to the agency's release of their commercial and confidential information contained in the respective agreement. Also to consider, with recent developments in the Exemption 4 rules and case law these past couple of years, the standard for withholding objected-to third party information contained in agency records has historically been achievable for those third parties.

Timelines

Given the number of agreements I currently understand there to be (apologies for the mangled sentence structure), the agency's Exemption 4 compliance effort will be time consuming. As an estimate based solely on my own understanding of the FOIA office workload and requester response queue, I suspect that the required Exemption 4 efforts described above will take many months to complete.

Next Steps

Your FOIA request BPA-2022-01218-F remains open. After consideration of the information shared above, please let us know if you continue to broadly seek BPA customer information found in agency agreements. If so, the FOIA office will proceed with a FOIA-compliant response to your request for agency information. We've placed your request processing "on hold" until we hear back from you.

Thanks for slogging through this long exposition. BPA welcomes your response.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

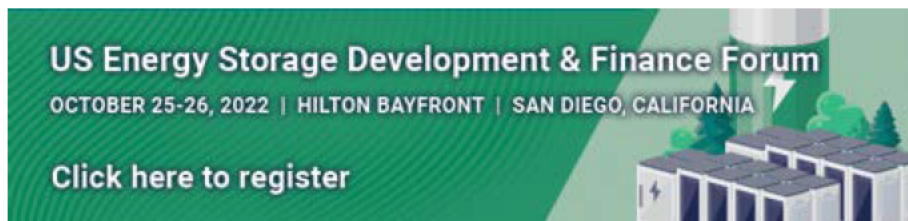
From: [Non-responsive per request] <[Non-responsive per request]>
Sent: Monday, August 29, 2022 11:43 AM
To: King, James J (BPA) - CGI-7 <jjking@bpa.gov>
Cc: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>
Subject: [EXTERNAL] RE: FOIA request BPA-2022-01218-F [Non-responsive per request] - Executed Generation Interconnection Agreements

James,

This looks great. Thanks for the update.

[Non-responsive per request]

[Non-responsive per request] | Chief Innovation and Data Officer
New Project Media
M: +1 917-391-6429
newprojectmedia.com



From: [King, James J \(BPA\) - CGI-7](#)
Sent: Friday, August 26, 2022 12:35 PM
To: [Non-responsive per request]
Cc: [Geyer, Sheryl A \(CONTR\) - TPP-OPP-3](#)
Subject: FOIA request BPA-2022-01218-F [Non-responsive per request] - Executed Generation Interconnection Agreements

Hello again, [Non-responsive per request]

The Bonneville Power Administration (BPA) continues processing your request for agency records submitted under the Freedom of Information Act (FOIA). I'm writing to confirm the scope of your request.

Request

As I understand your request, you seek the following agency records and information: "[BPA's] Executed Interconnection Agreements [possibly available via FERC's regulations at 18 CFR 35.13]. I am [seeking records and information] about the Interconnection Customer for each [current/active] Interconnection Agreement." Please let me know if that language is incorrect. I ask because I'll be making some internal agency outreaches shortly and I want to search for the records most responsive.

BPA Pubic Information

Of interest to you might be BPA's public site about interconnections: [Interconnection - Bonneville Power Administration \(bpa.gov\)](#).

Next Steps

As mentioned in the email thread below, you'll be receiving a formal 5 U.S.C. Sec. 552 letter from BPA shortly. I'll keep you updated on the agency's response to your FOIA request.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7

Sent: Tuesday, August 23, 2022 4:30 PM

To: [Non-responsive per request](#) <[Non-responsive per request](#)>

Cc: Geyer,Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>; studyrequest <studyrequest@bpa.gov>

Subject: New FOIA request received from [Non-responsive per request](#) - Executed Generation Interconnection Agreements

Hello, [Non-responsive per request](#)

The Bonneville Power Administration (BPA) has received your request for information, below. We'll begin processing your request under the Freedom of Information Act (FOIA) this week. If we can locate and confirm that the information you seek is indeed publicly available, the response to you should be a relatively quick turnaround.

You'll be receiving a formal letter from BPA shortly—that letter is required by 5 U.S.C. Sec. 552 (the FOIA). That letter will provide you with a FOIA tracking number, a target date for a response, and details on the agency's FOIA response process.

I'll keep you updated on the agency's response to your FOIA request. You may also contact me with additional questions at any time.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: [Non-responsive per request](#) <[Non-responsive per request](#)>

Sent: Monday, August 22, 2022 6:47 PM

To: FOIA <foia@bpa.gov>

Subject: [EXTERNAL] FW: Executed Generation Interconnection Agreements

Good evening.

I would like to request copies of BPA's Executed IA.

I am interested in learning about the Interconnection Customer for each IA.

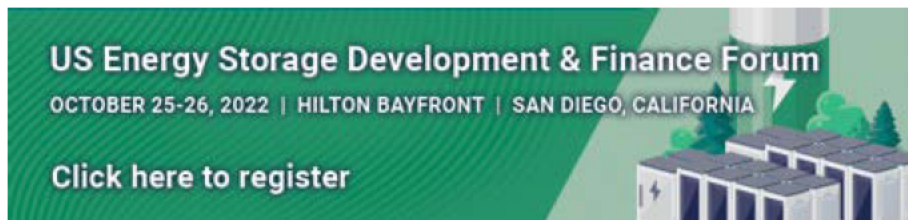
Per FERC 35.13, it is my understanding these agreements should be in the public domain.

What is the next step here please?

Thanks,

Non-responsive per

Non-responsive per request



From: [Geyer, Sheryl A \(CONTR\) - TPP-OPP-3](#)

Sent: Monday, August 22, 2022 7:27 PM

To: Non-responsive per request

Cc: [studyrequest](#)

Subject: RE: Executed Generation Interconnection Agreements

Hello Non-responsive per

You can Email the FOIA office at FOIA@bpa.gov for this request.

Have a great night!

Regards,

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION



ACS | **ASA3** | **Transmission Planning (TPP)**

When you feel that you want to give up – Remember what you have worked so hard for, and press on!!

bpa.gov | P 360-619-6775 | F 360-619-6589

From: Non-responsive per request <Non-responsive per request>

Sent: Friday, August 19, 2022 10:36 AM

To: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>

Cc: studyrequest <studyrequest@bpa.gov>

Subject: [EXTERNAL] Re: Executed Generation Interconnection Agreements

Thanks Geyer.

Yes that is my request. Is there a FOIR I can make?

My understanding is that IAs should be made public under FERC 35.13.

Regards,

Non-responsive per

Non-responsive per request

From: Geyer,Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>

Sent: Friday, August 19, 2022 1:34 PM

To: Non-responsive per request <Non-responsive per request>

Cc: studyrequest <studyrequest@bpa.gov>

Subject: RE: Executed Generation Interconnection Agreements

Good Morning Non-responsive per request


BPA does not provide copies of their executed Interconnection Agreements to external entities.

If that is not your request – please clarify on you we might be able to assist you further.

Thanks

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION

 ACS | ASA3 | Transmission Planning (TPP)

When you feel that you want to give up – Remember what you have worked so hard for, and press on!!

bpa.gov | P 360-619-6775 | F 360-619-6589

From: Non-responsive per request <Non-responsive per request>

Sent: Friday, August 19, 2022 7:19 AM

To: studyrequest <studyrequest@bpa.gov>

Subject: [EXTERNAL] Executed Generation Interconnection Agreements

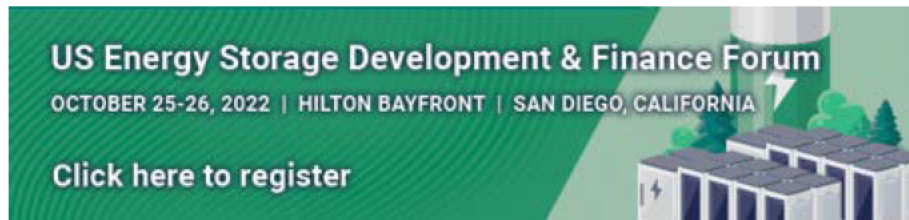
Good morning,

I would like to obtain copies of your executed Interconnection Agreements. How do I go about doing so? Shall I provide a list of the queue numbers I would like?

Regards,

Non-responsive p

Non-responsive per request



King,James J (BPA) - CGI-7

From: Non-responsive per request <Non-responsive per request>
Sent: Tuesday, December 13, 2022 12:17 PM
To: King,James J (BPA) - CGI-7
Subject: [EXTERNAL] RE: BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements - Your Feedback Sought

James,

Thank you for your note.

Let us please widen the scope back to something that resembles my original request of since 2019 then. I would like the:

- Interconnecting Name / Interconnecting Customer
- Name and additional contact information of the individual signing the executed interconnection agreement on behalf of the interconnecting customer
- The BPA queue position and or project name that the above information relates to

I am comfortable with either:

- The single page where the signatory exists (this will save you much time with redacting entire documents)
- A spreadsheet outline the interconnecting customer, name of individual (email, phone, position, and project name / BPA queue position.

I understand that the signatory information may not always be available.

Regards,

Non-responsive per request

Non-responsive per request

Non-responsive per request

From: [King,James J \(BPA\) - CGI-7](#)
Sent: Tuesday, December 13, 2022 2:06 PM
To: Non-responsive per request
Subject: BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements - Your Feedback Sought

Hello, Non-responsive per request

I got some feedback from the folks in Transmission Account Services, who accessed the agency's Customer Contract Management system for me.

Scope

On October 14 (see below) you asked, "How many [IAs] do you think there are for 2022?" We went forward with a search scope focused on your interest in receiving a spreadsheet or other file containing data for the following information fields, for agreements executed and signed in 2022:

BPA ID

Interconnection Customer Name or LLC / Sometimes referred to as Interconnecting Entity

Signatory Name, email, phone number (there could be several)

Date Signed

Update and Re-Scope Option

I've recently learned that, for the scope described above, and in the attached acknowledgment letter, only one IA is available to provide. I'm inquiring here if that one IA I've collected for you is sufficient, or if you would like to expand the scope of our search? Additionally, you'd indicated that you'd be content with a spreadsheet of data from the IA, rather than the IA itself. The lone IA I have in hand doesn't have the signatory information on it. The agency can provide you that IA *in toto* but we'd first have to clear the public release of that IA with the third party signatory.

Let me know your thoughts and any updates to the scope of your FOIA request you might want to give us.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: [Non-responsive per request] <[Non-responsive per request]>
Sent: Wednesday, November 30, 2022 6:01 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Subject: [EXTERNAL] Re: BPA-2022-01218-F [Non-responsive per request] - Executed Generation Interconnection Agreements - Acknowledgment Letter

Thanks James. Appreciate the update.

[Non-responsive per request]

Non-responsive per request

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Sent: Tuesday, November 29, 2022 10:17:27 PM
To: [Non-responsive per request] <[Non-responsive per request]>
Subject: BPA-2022-01218-F [Non-responsive per request] - Executed Generation Interconnection Agreements - Acknowledgment Letter

Hello, [Non-responsive per request]

Thanks for your patience. The formal letter owed to you under the FOIA is attached. I've begun hearing from the agency SME folks in response to your FOIA request and will be pushing the data you seek through to a release as quickly as I'm able.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Monday, November 28, 2022 1:20 PM
To: King, James J (BPA) - CGI-7 <jjking@bpa.gov>
Subject: [EXTERNAL] Re: BPA-2022-01218-F *Non-responsive per request* - Executed Generation Interconnection Agreements - Re-scope

Thank you James.

Do let me know if I can help further.

Non-responsive per request

Non-responsive per request

From: King, James J (BPA) - CGI-7 <jjking@bpa.gov>
Sent: Monday, November 28, 2022 4:07:58 PM
To: *Non-responsive per request* <*Non-responsive per request*>
Subject: RE: BPA-2022-01218-F *Non-responsive per request* - Executed Generation Interconnection Agreements - Re-scope

Hello, *Non-responsive per request*

Part of my job is keeping FOIA requesters updated on our processing efforts in response to FOIA request. The FOIA encourages these communications.

Records and Information Collection

I'm currently seeking the data you're after with some agency folks who will know how to pull it, and organize it, from the agency's Customer Contract Management system. I believe the fields you are interested in can be populated from that database. At this date I'm unsure from where I can pull all the signatory data you seek (that is creative grammar, to be sure). I believe the BPA signatory data will be in that database, but I'm unsure about the customer signatory information. Contract Administration personnel in the Transmission office will be helping me assemble the responsive agency information.

Acknowledgment Letter Pending

The FOIA requires that BPA provide you with an acknowledgment letter. I'm working on that letter – the content of which is going to be dependent on what I learn from the Contract Administration personnel. I will persist in that effort and hopefully have a letter, and clearer response plan, in place for you shortly.

Please do contact me if you have questions.

Best,

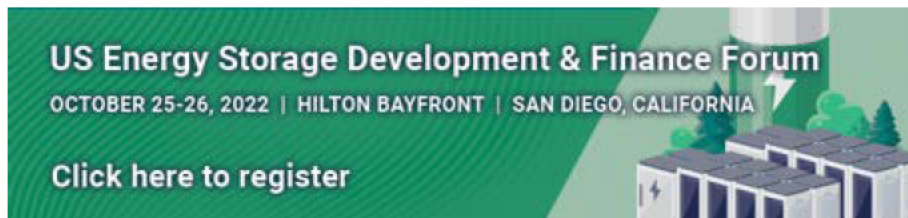
James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Friday, October 14, 2022 9:10 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: [EXTERNAL] RE: BPA-2022-01218-F *Non-responsive per request* - Executed Generation Interconnection Agreements - Re-scope

Thanks James.

Non-responsive per request



From: [King,James J \(BPA\) - CGI-7](#)
Sent: Friday, October 14, 2022 11:15 AM
To: *Non-responsive per request*
Cc: [Taylor,Jason E \(BPA\) - CGI-7](#)
Subject: BPA-2022-01218-F *Non-responsive per request* - Executed Generation Interconnection Agreements - Re-scope

Good morning, *Non-responsive per request*

Thanks for **the re-scope**. Much appreciated. I suspect that the chart you've described below will be quicker to generate than would a collection, review and release of the actual agreements.

I will circle back with the folks in Transmission, Contract Administration, Transmission Account Services, and General Counsel on this. I'll get this FOIA request in motion for you and report back on our progress.

Best,

—J.

From: Non-responsive per request <Non-responsive per request>
Sent: Friday, October 14, 2022 8:04 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: [EXTERNAL] RE: FOIA request BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements - Continued interest?

James,

Thank you for the below. It seems whenever you messaged me I read it on my cell and I parked responding to it for another day!

I would like to advance this request, but let me suggest that we **focus on just IA's executed and signed in 2022** for now. I believe this respects your time and gives me a big enough sample to understand the information I will receive.

How many do you think there are for 2022? As a side note I would be happy to receive this information in the format of an excel document saving you valuable time with redactions etc.

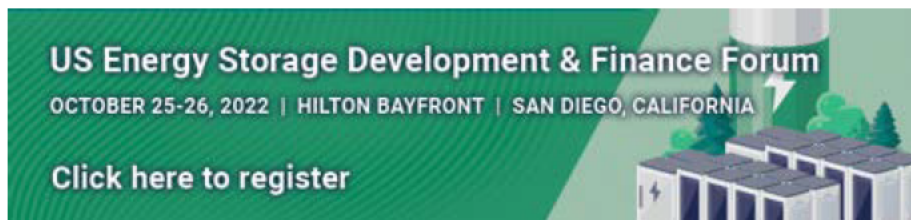
The information I require would be perfect in this format:

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Regards,

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Non-responsive per request



From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Sent: Monday, September 26, 2022 3:32:04 PM
To: Non-responsive per request <Non-responsive per request>
Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>
Subject: RE: FOIA request BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements - Continued interest?

Good afternoon, [Non-responsive per request]

We're following up on the agency FOIA processing information transmitted in the email thread below, here. Please let us know if you continue to broadly seek BPA customer information found in agency agreements. If so, the FOIA office will proceed with collecting the responsive records and a FOIA-compliant response to your request for agency information. If you are no longer interested in the Executed Generation Interconnection Agreements (which will involve the lengthy response effort described below) please let us know and we'll proceed with generating the required FOIA request withdrawal letter for you.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7

Sent: Friday, September 9, 2022 10:00 AM

To: [Non-responsive per request] <[Non-responsive per request]>

Subject: RE: FOIA request BPA-2022-01218-F[Non-responsive per request] - Executed Generation Interconnection Agreements

Good morning, [Non-responsive per request]

In response to your request for agency records, I did some information outreaches with some knowledgeable folks in the agency's Transmission office, Contract Administration office, Transmission Account Services office, and Office of General Counsel. Thanks for your patience as I ran down some needed answers. I've some information items to share with you which will impact how the agency will have to proceed in its response to your request for Executed Generation Interconnection Agreements.

Request

You seek: "[BPA's] Executed Interconnection Agreements [possibly available via FERC's regulations at 18 CFR 35.13]. I am [seeking records and information] about the Interconnection Customer for each [current/active] Interconnection Agreement."

Actual "Interconnection Agreements"

First, the agency here asks for your confirmation that you seek BPA customer information associated with active long-term Large and Small Generator Interconnection Agreements (LGIAs/SGIAs). (I'm told, and I can share here, that Line and Load Interconnection projects don't result in an actual "Interconnection Agreement".)

FERC

Second, with reference to your understanding that FERC rules require such agreements be publicly available, I'm told, and I can share here, with reference to 18 CFR § 35.13, that BPA is not a public utility within FERC's purview. As such, the agency records you seek are not publicly available.

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Lastly, I'm told and I can share here that, the agency does not routinely make executed LGIAs/SGIAs publically available. Should you remain interested in acquiring those many agreements, the agency will comply with the FOIA's Exemption 4 processes. That is, for each executed agreement you seek, the third party signatory will have an opportunity to object to the agency's release of their commercial and confidential information contained in the respective agreement. Also to consider, with recent developments in the Exemption 4 rules and case law these past couple of years, the standard for withholding objected-to third party information contained in agency records has historically been achievable for those third parties.

Timelines

Given the number of agreements I currently understand there to be (apologies for the mangled sentence structure), the agency's Exemption 4 compliance effort will be time consuming. As an estimate based solely on my own understanding of the FOIA office workload and requester response queue, I suspect that the required Exemption 4 efforts described above will take many months to complete.

Next Steps

Your FOIA request BPA-2022-01218-F remains open. After consideration of the information shared above, please let us know if you continue to broadly seek BPA customer information found in agency agreements. If so, the FOIA office will proceed with a FOIA-compliant response to your request for agency information. We've placed your request processing "on hold" until we hear back from you.

Thanks for slogging through this long exposition. BPA welcomes your response.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: Non-responsive per request <Non-responsive per request>
Sent: Monday, August 29, 2022 11:43 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Cc: Geyer,Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>
Subject: [EXTERNAL] RE: FOIA request BPA-2022-01218-F Non-responsive per request - Executed Generation Interconnection Agreements

James,

This looks great. Thanks for the update.

Non-responsive per request

Non-responsive per request



From: [King, James J \(BPA\) - CGI-7](#)

Sent: Friday, August 26, 2022 12:35 PM

To: [Non-responsive per request](#)

Cc: [Geyer, Sheryl A \(CONTR\) - TPP-OPP-3](#)

Subject: FOIA request BPA-2022-01218-F [Non-responsive per request](#) - Executed Generation Interconnection Agreements

Hello again, [Non-responsive per request](#)

The Bonneville Power Administration (BPA) continues processing your request for agency records submitted under the Freedom of Information Act (FOIA). I'm writing to confirm the scope of your request.

Request

As I understand your request, you seek the following agency records and information: "[BPA's] Executed Interconnection Agreements [possibly available via FERC's regulations at 18 CFR 35.13]. I am [seeking records and information] about the Interconnection Customer for each [current/active] Interconnection Agreement." Please let me know if that language is incorrect. I ask because I'll be making some internal agency outreaches shortly and I want to search for the records most responsive.

BPA Public Information

Of interest to you might be BPA's public site about interconnections: [Interconnection - Bonneville Power Administration \(bpa.gov\)](#).

Next Steps

As mentioned in the email thread below, you'll be receiving a formal 5 U.S.C. Sec. 552 letter from BPA shortly. I'll keep you updated on the agency's response to your FOIA request.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King, James J (BPA) - CGI-7

Sent: Tuesday, August 23, 2022 4:30 PM

To: [Non-responsive per request](#) <[Non-responsive per request](#)>

Cc: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>; studyrequest <studyrequest@bpa.gov>

Subject: New FOIA request received from [Non-responsive per request](#) - Executed Generation Interconnection Agreements

Hello, [Non-responsive per request](#)

The Bonneville Power Administration (BPA) has received your request for information, below. We'll begin processing your request under the Freedom of Information Act (FOIA) this week. If we can locate and confirm that the information you seek is indeed publicly available, the response to you should be a relatively quick turnaround.

You'll be receiving a formal letter from BPA shortly—that letter is required by 5 U.S.C. Sec. 552 (the FOIA). That letter will provide you with a FOIA tracking number, a target date for a response, and details on the agency's FOIA response process.

I'll keep you updated on the agency's response to your FOIA request. You may also contact me with additional questions at any time.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: *Non-responsive per request* <*Non-responsive per request*>
Sent: Monday, August 22, 2022 6:47 PM
To: FOIA <foia@bpa.gov>
Subject: [EXTERNAL] FW: Executed Generation Interconnection Agreements

Good evening.

I would like to request copies of BPA's Executed IA.

I am interested in learning about the Interconnection Customer for each IA.

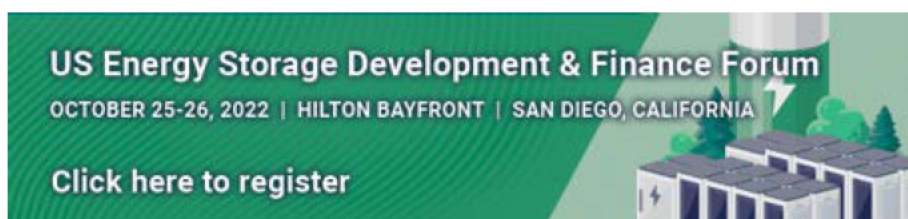
Per FERC 35.13, it is my understanding these agreements should be in the public domain.

What is the next step here please?

Thanks,

Non-responsive per request

Non-responsive per request



From: [Geyer, Sheryl A \(CONTR\) - TPP-OPP-3](#)
Sent: Monday, August 22, 2022 7:27 PM
To: Non-responsive per request
Cc: [studyrequest](#)
Subject: RE: Executed Generation Interconnection Agreements

Hello Non-responsive per request

You can Email the FOIA office at FOIA@bpa.gov for this request.

Have a great night!

Regards,

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION



| ASA3 | Transmission Planning (TPP)

When you feel that you want to give up – Remember what you have worked so hard for, and press on!!
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From: Non-responsive per request <Non-responsive per request>
Sent: Friday, August 19, 2022 10:36 AM
To: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>
Cc: studyrequest <studyrequest@bpa.gov>
Subject: [EXTERNAL] Re: Executed Generation Interconnection Agreements

Thanks Geyer.

Yes that is my request. Is there a FOIR I can make?

My understanding is that IAs should be made public under FERC 35.13.

Regards,

Non-responsive per request

Non-responsive per request

From: Geyer, Sheryl A (CONTR) - TPP-OPP-3 <sageyer@bpa.gov>
Sent: Friday, August 19, 2022 1:34 PM
To: Non-responsive per request <Non-responsive per request>
Cc: studyrequest <studyrequest@bpa.gov>
Subject: RE: Executed Generation Interconnection Agreements

Good Morning Non-responsive per request

BPA does not provide copies of their executed Interconnection Agreements to external entities.

If that is not your request – please clarify on you we might be able to assist you further.

Thanks

Sheryl Geyer

CONTRACTOR AT BONNEVILLE POWER ADMINISTRATION



[ASA3] Transmission Planning (TPP)

When you feel that you want to give up – Remember what you have worked so hard for, and press on!!

bpa.gov | P 360-619-6775 | F 360-619-6589

From: Non-responsive per request <Non-responsive per request>

Sent: Friday, August 19, 2022 7:19 AM

To: studyrequest <studyrequest@bpa.gov>

Subject: [EXTERNAL] Executed Generation Interconnection Agreements

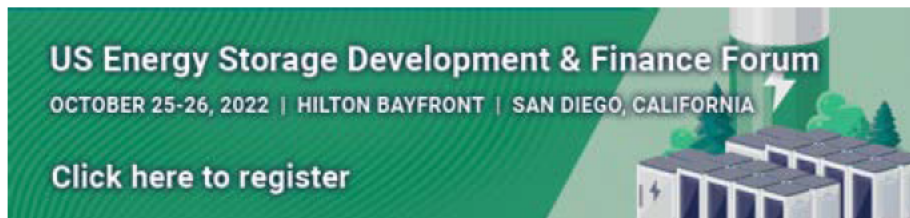
Good morning,

I would like to obtain copies of your executed Interconnection Agreements. How do I go about doing so? Shall I provide a list of the queue numbers I would like?

Regards,

Non-responsive per request

Non-responsive per request





Department of Energy

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

FREEDOM OF INFORMATION ACT PROGRAM

July 28, 2023

In reply refer to: FOIA #BPA-2022-01218-F [Non-responsive per request]

SENT VIA EMAIL ONLY TO: *Non-responsive per request*

Non-responsive per request

Dear [Non-responsive per request]

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). Your request was received on August 23, 2023 and formally acknowledged on November 29, 2022.

Request

"[BPA's] Executed Interconnection Agreements [possibly available via FERC's regulations at 18 CFR 35.13]. I am [seeking records and information] about the Interconnection Customer for each [current/active] Interconnection Agreement."

Clarifications

BPA conducted information outreaches with the agency's Transmission personnel in order to determine the existence, and public availability status, of the records you sought. During that request perfection period your FOIA request was placed on hold.

On September 9 and 26, 2022, the agency asked for your confirmation that you seek BPA customer information associated with active long-term Large and Small Generator Interconnection Agreements (LGIAs / SGIAs). The agency shared that Line and Load Interconnection projects don't result in an actual "Interconnection Agreement". With reference to your understanding that FERC rules require such agreements be publicly available, the agency shared that, in-line with 18 CFR § 35.13, BPA is not a public utility within FERC's purview. As such, the agency records you seek are not publicly available. Lastly BPA communicated that the agency does not routinely make executed LGIAs / SGIAs publically available. BPA communicated that, should you remain interested in acquiring those many agreements, the agency will comply with the FOIA's Exemption 4 processes. That is, for each executed agreement you seek, the third party signatory will have an opportunity to object to the agency's

release of their commercial and confidential information contained in the respective agreement. Thereafter, the agency placed your request on hold, pending your feedback.

You clarified your FOIA request on October 14, 2022, indicating that you would like to receive a spreadsheet or other file containing data for the following information fields, for agreements executed and signed in 2022:

BPA ID	Interconnection Customer Name or LLC / Sometimes referred to as Interconnecting Entity	Signatory Name, email, phone number	Date Signed
--------	--	-------------------------------------	-------------

On December 13, 2022, after performing additional records searches, the agency provided you with search feedback on your clarification request, above. With that feedback provided, you further clarified your FOIA request, indicating that you would like to receive, "...a spreadsheet or other file containing data for the following information fields, for agreements executed and signed since [2019], to include data on:

- Interconnecting Name / Interconnecting Customer; and
- Name and additional contact information of the individual signing the executed interconnection agreement on behalf of the interconnecting customer; and
- The BPA queue position and or project name that the above information relates to."

You provided the agency with the option of delivering either, "...the single page where the signatory exists... [or]...a spreadsheet outline the interconnecting customer, name of individual (email, phone, position, and project name / BPA queue position...[with the understanding that] ...the signatory information may not always be available."

Response

BPA searched for and gathered records responsive to your request. BPA collected one page of responsive records from knowledgeable agency personnel in Transmission Account Services. That page accompanies this communication, with redactions applied under 5 U.S.C. § 552(b)(4) (Exemption 4). A more detailed explanation of the applied exemption follows.

Explanation of Exemptions

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains the FOIA's nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

Exemption 4

Exemption 4 protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." (5 U.S.C. § 552(b)(4)). Information is considered commercial or financial in nature if it relates to business or trade. Information is considered confidential if it is customarily kept private or closely held by the submitter, *and* the information was provided under an express or implied assurance of confidentiality by the receiving agency.

This exemption is intended to protect the interests of both the agency and third party submitters of information. Prior to publicly releasing agency records, BPA was required by Exemption 4 to solicit objections to the public release of any third party's confidential commercial information contained in the responsive records set. BPA provided each submitter with an opportunity to formally object to the public release of their information contained in BPA records. Avangrid Renewables submitted their objections to BPA. BPA accepted those objections, based on guidance available from the U.S. Department of Justice, finding that the material is both commercial and confidential. Therefore, BPA is withholding Avangrid Renewables' commercial confidential information from public release. The FOIA does not permit a discretionary release of information otherwise protected by Exemption 4.

Lastly, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and release nonexempt information. The agency has determined that in certain instances partial disclosure is possible, and has accordingly segregated the records into exempt and non-exempt portions.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7, I am the individual responsible for the records search and information release described above. Your FOIA request BPA-2022-01218-F is now closed with the responsive agency information provided.

Appeal

Note that the records release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this final records release, within 90 calendar days from the date of this communication. 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.

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 the FOIA Public Liaison James King at jjking@bpa.gov or 503-230-7621. Questions may also be directed to Brian Roth, Case Coordinator at bsroth@bpa.gov or 503-230-4383. Thank you for your interest in the Bonneville Power Administration.

Sincerely,

Candice D. Palen
Freedom of Information/Privacy Act Officer

[Responsive agency information accompanies this communication.](#)

The following list contains the entire submission submitted August 26, 2022 12:25:02pm ET, and is formatted for ease of viewing and printing.

Contact information

First name

Last name

Mailing Address

City

State/Province

Postal Code

Country

Phone

Fax

Company/Organization

Email

Non-responsive per request



Request

Request ID 433011

Confirmation ID 432481

Request description BPA dispatch audio from September 7, 2020, between 4:00pm and 10:00pm, related to BPA's transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam.

Supporting documentation

Fees

Request category ID	other
Fee waiver	no
Willing to pay	\$1000

Expedited processing

Expedited Processing

no

King,James J (BPA) - CGI-7

To: [Non-responsive per request] [Non-responsive per request]
Subject: RE: BPA-2022-01224-F - [Non-] - FOIA request for BPA Transmission dispatch audio files - [Non-responsive per request] Feedback Sought

Responsiveness & Scope Conversations.

From: King,James J (BPA) - CGI-7
Sent: Thursday, November 10, 2022 5:33 PM
To: [Non-responsive per request] <[Non-responsive per request] [Non-responsive per request] <[Non-responsive per request]
Subject: RE: BPA-2022-01224-F - [Non-] - FOIA request for BPA Transmission dispatch audio files - [Non-responsive per request] Feedback Sought

Good afternoon, Jason,

I shared your feedback from yesterday with my FOIA over-site folks in OGC. It turns out that my Exemption 5 theory (in re AWP) on the transcript was incorrect – not that I am surprised. So, yes, your request for the audio files remains open, active and ongoing. Yes, the transcript, when it eventually exists, may be released simultaneously with the audio files – subject to further research on our part – that determination/decision will be the purview of the agency’s FOIA Officer. I do not, at this moment, believe that the eventual transcript can or will be publicly released prior to the public release of the audio files.

Thanks for your patience while I tracked down better answers to your inquiries – I’ve been doing BPA FOIA for eight years and this is the first request for audio files I’ve seen.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7
Sent: Wednesday, November 9, 2022 10:14 AM
To: [Non-responsive per request] <[Non-responsive per request] [Non-responsive per request] <[Non-responsive per request]
Subject: RE: BPA-2022-01224-F - [Non-] - FOIA request for BPA Transmission dispatch audio files - [Non-responsive per request] Feedback Sought

Good morning, Jason,

I shared your feedback from October 10 with my FOIA oversight folks.

Audio Files

Based on your October 10 feedback, the agency is proceeding with the review, analysis and eventual public release of the audio files – with any FOIA protected information withheld where required/permitted. So, yes, your request for the audio files remains open, regardless of the ancillary transcript generation effort. We’ve been proceeding with the review of the requested audio files, as described/mentioned in our discussion below.

Transcript

In assessing your request today for a BPA-generated transcript of the content of the audio files, myself, I’d imagine that the transcript the agency generates might be subject to the Exemption 5 attorney work product protection. At a minimum, the transcript would be redacted to the extent required/permitted by the FOIA – just as the audio files may. I know that statement sounds wonky, given that we inquired back on October 3 as to whether a transcript would be exclusively responsive to your original FOIA request.

I honestly don’t know at this moment if that Exemption 5 theory is accurate, and I’ll have to run your inquiry today up to my FOIA oversight folks in the agency’s General Counsel Office. I’ll pursue a more informed answer for you and report back with what I learn, as I learn it.

–J.

From: [Non-responsive per request] <[Non-responsive per request]>
Sent: Wednesday, November 9, 2022 9:12 AM
To: [Non-responsive per request] <[Non-responsive per request]> King, James J (BPA) - CGI-7 <jjking@bpa.gov>
Subject: [EXTERNAL] RE: BPA-2022-01224-F - [Non-] - FOIA request for BPA Transmission dispatch audio files - [Non-responsive per request]
Feedback Sought

Hi James,

Following up on this, is it possible to receive an in-house generated transcript and keep our request for the actual audio open? Would we be able to receive that transcript sooner than our target date of March 22, 2023?

Thank you,

Non-responsive per request



From: [Non-responsive per request] <[Non-responsive per request]>
Sent: Monday, October 10, 2022 11:55 AM
To: King, James J (BPA) - CGI-7 <jjking@bpa.gov>; [Non-responsive per request] <[Non-responsive per request]>
Subject: Re: BPA-2022-01224-F - [Non-] - FOIA request for BPA Transmission dispatch audio files - [Non-responsive per request]
Feedback Sought

Hi James-

Thanks for your email. Ultimately, we want the actual audio, which I understand needs to be redacted. We would be happy to review an in-house generated transcript, made by agency personnel, with the possible/potential 5 U.S.C. §552(b) portions redacted in the meantime, with the understanding that it does not fully satisfy our FOIA request and that we will eventually receive the audio itself.

Thank you,

Non-responsive

Non-responsive per request

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Monday, October 3, 2022 11:09 AM

To: Non-responsive per request <Non-responsive per request> Non-responsive per request <Non-responsive per request>

Subject: BPA-2022-01224-F - Non- - FOIA request for BPA Transmission dispatch audio files - Non-responsive per request Feedback Sought

Good morning, Non-responsive and Non-responsive per request

The Bonneville Power Administration (BPA) continues efforts to respond to your Freedom of Information Act (FOIA) request for the agency's September 7, 2020, Transmission dispatch audio files.

Collection & Review

I've made outreaches to a few agency personnel in our Transmission offices. I've located the audio files you are interested in and they are under review. The Transmission folks have confirmed that there are third party participants contributing to the content of the six hours of audio you seek. As such, the agency is confronted with figuring out a way to release the information you seek, and also meeting its FOIA compliance requirements to you and to those third parties.

Redactions & Release

We are currently exploring ways we might be able to redact the 5 U.S.C. §552(b) portions of those audio files prior to public release. We are seeking an in-house software audio file editing solution for that. An alternative to that path would be publicly releasing a written transcript of the six hours of dispatch content, with the 5

U.S.C. §552(b) portions redacted – with the accompanying required justifications, of course; and with due consideration for discretionary releases where possible.

Your Feedback Sought

Our questions here for you folks are, 1) whether a written transcript of the six hours of dispatch audio will meet your needs? And if so, 2) would an in-house generated transcript, made by agency personnel, with the possible/potential 5 U.S.C. §552(b) portions redacted, satisfy your FOIA request? Please let us know your thoughts. We welcome your feedback as it will help us make the appropriate and FOIA compliant steps forward.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7

Sent: Wednesday, September 7, 2022 1:22 PM

To: Non-responsive per request <Non-responsive per request

Subject: BPA-2022-01224-F - Non- - Holiday Farm Fire - transmission dispatch audio

Good afternoon, Non-

The Bonneville Power Administration (BPA) has received your request for agency information. The agency has begun processing your request for the September 7, 2020, audio files. Attached to this email is the agency's Freedom of Information Act (FOIA) request acknowledgment letter to you—that letter is required by 5 U.S.C. Sec. 552 (the FOIA). That letter will provide you with a FOIA tracking number, a target date for a response, and details on the agency's FOIA response process. You may contact me with questions at any time.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

From: King,James J (BPA) - CGI-7

Sent: Monday, August 29, 2022 6:57 AM

To: Non-responsive per request <Non-responsive per request

Cc: Taylor,Jason E (BPA) - CGI-7 <jetaylor@bpa.gov>

Subject: New FOIA BPA-2022-01224-F - Non- - Holiday Farm Fire - transmission dispatch audio

Good morning, Non-

The Bonneville Power Administration (BPA) has received your request for information. We'll begin processing your request under the Freedom of Information Act (FOIA) this week.

Request

“BPA dispatch audio from September 7, 2020, between 4:00pm and 10:00pm, related to BPA’s transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam.”

Next Steps

You’ll be receiving a formal letter from BPA shortly—that letter is required by 5 U.S.C. Sec. 552 (the FOIA). That letter will provide you with a FOIA tracking number, a target date for a response, and details on the agency’s FOIA response process.

I’ll keep you updated on the agency’s response to your FOIA request. You may also contact me with additional questions at any time.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Monday, August 29, 2022 6:57 AM
To: Non-responsive per request
Cc: Taylor,Jason E (BPA) - CGI-7
Subject: New FOIA BPA-2022-01224-F - Non- - Holiday Farm Fire - transmission dispatch audio

Good morning, Non-

The Bonneville Power Administration (BPA) has received your request for information. We'll begin processing your request under the Freedom of Information Act (FOIA) this week.

Request

"BPA dispatch audio from September 7, 2020, between 4:00pm and 10:00pm, related to BPA's transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam."

Next Steps

You'll be receiving a formal letter from BPA shortly—that letter is required by 5 U.S.C. Sec. 552 (the FOIA). That letter will provide you with a FOIA tracking number, a target date for a response, and details on the agency's FOIA response process.

I'll keep you updated on the agency's response to your FOIA request. You may also contact me with additional questions at any time.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

August 31, 2023

In reply refer to: FOIA #BPA-2022-01224-F

SENT VIA EMAIL ONLY TO:

Non-responsive per request

Non-responsive per request

Non-responsive per request

Dear Colleagues,

This communication is the Bonneville Power Administration's (BPA) first partial response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"). Your request was received on August 29, 2022, and formally acknowledged on September 9, 2022.

Request

"BPA dispatch audio from September 7, 2020, between 4:00 pm and 10:00 pm, related to BPA's transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam."

Response

Records responsive to your FOIA request have been gathered from Transmission Technology Services Program Management & Governance. As mentioned in email exchanges with you through October and November, 2022, the agency has generated a transcript of the audio files you seek. This first partial response provides you with that agency-generated transcript. That 95 page transcript is being released to you with redactions made under 5 U.S.C. § 552(b)(6) (Exemption 6), applied to protect agency and other personnel Personally Indefinable Information (PII), as permitted or required by the FOIA. A more detailed explanation of the applied redactions follows.

Explanation of Exemptions

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains the FOIA's nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

Exemption 6

Exemption 6 serves to protect Personally Identifiable Information (PII) contained in agency records when no overriding public interest in the information exists. BPA does not find an overriding public interest in a release of the information redacted under Exemption 6—specifically, the names of system operators and callers found on the accompanying records. The names of entities represented by the callers has not been redacted. This information sheds no light on the executive functions of the agency and BPA finds no overriding public interest in its release. BPA cannot waive these PII redactions, as the protections afforded by Exemption 6 belong to the individuals and not to the agency.

Lastly, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where, (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and release nonexempt information. The agency has determined that in certain instances partial disclosure is possible and has accordingly segregated the records into exempt and non-exempt portions.

Process Update

BPA is currently working to redact that same PII from the responsive audio files you seek. That redaction effort continues. BPA will release those audio files in a forthcoming second partial response to your FOIA request. BPA currently estimates the release of the audio files, and that second partial response, on October 25, 2023.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and information release described above. Your FOIA request BPA-2022-01224-F remains open, with the available agency audio file records to be provided.

Appeal

Note that the records release certified above is partial. Additional records releases are forthcoming, as described above. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this partial records release, within 90 calendar days from the date of this communication. 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.

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 or the status of your FOIA request may be directed to James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621.

Sincerely,

Rachel L. Hull
Freedom of Information/Privacy Act Officer

Responsive agency records sent via electronic data storage device and via U.S. Mail.



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

October 24, 2023

In reply refer to: FOIA #BPA-2022-01224-F

SENT VIA EMAIL ONLY TO: *Non-responsive per request* *Non-responsive per request*

Non-responsive per request

Dear Colleagues,

This communication is the Bonneville Power Administration's (BPA) second partial and final response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"). Your request was received on August 29, 2022, and formally acknowledged on September 9, 2022. BPA provided you with a first partial release of records on August 30, 2023.

Request

"BPA dispatch audio from September 7, 2020, between 4:00 pm and 10:00 pm, related to BPA's transmission system or related facilities along the McKenzie River Highway (Highway 126, between Eugene and Rainbow, Oregon) or interconnected to the Cougar Dam."

Response

Records responsive to your FOIA request have been gathered from Transmission Technology Services Program Management & Governance. As mentioned in email exchanges with you through October and November 2022, the agency generated a transcript of the audio files you seek. That 95-page transcript was provided to you, with redactions made under 5 U.S.C. § 552(b)(6) (Exemption 6), which were applied to protect agency and other personnel Personally Indefinable Information (PII). Accompanying this communication are the audio files upon which that transcript was generated, again with redactions made under Exemption 6, to protect agency and other personnel PII. A flash drive of the audio files accompanies this communication. A more detailed explanation of the applied redactions follows.

Explanation of Exemptions

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains the FOIA's nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

Exemption 6

Exemption 6 serves to protect Personally Identifiable Information (PII) contained in agency records when no overriding public interest in the information exists. BPA does not find an overriding public interest in a release of the information redacted under Exemption 6—specifically, the names of system operators and callers found on the accompanying records. The names of entities represented by the callers have not been redacted. This information sheds no light on the executive functions of the agency and BPA finds no overriding public interest in its release. BPA cannot waive these PII redactions, as the protections afforded by Exemption 6 belong to the individuals and not to the agency.

Lastly, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where, (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and release nonexempt information. The agency has determined that in certain instances partial disclosure is possible and has accordingly segregated the records into exempt and non-exempt portions.

Fees

There are no fees associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and information release described above. Your FOIA request BPA-2022-01224-F is now closed, with the available agency audio file records provided.

Appeal

Note that the records release certified above is final, as described above. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this records release, within 90 calendar days from the date of this communication. Appeals should be addressed to:

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HG-1, L'Enfant Plaza
U.S. Department of Energy
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Washington, D.C. 20585-1615

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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 or the status of your FOIA request may be directed to James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621.

Sincerely,

Rachel L. Hull
Freedom of Information/Privacy Act Officer

Responsive agency records sent via electronic data storage device and via U.S. Mail.

The following list contains the entire submission submitted October 08, 2022 12:05:02pm ET, and is formatted for ease of viewing and printing.

Contact information

First name

Last name

Mailing Address

City

State/Province

Postal Code

Country

Phone

Company/Organization

Email

Non-responsive per request



Request

Request ID 460736

Confirmation ID 460196

Request description All emails between Elliot Mainzer and California Independent System Operator (CAISO) from 2010 - 2021

Supporting documentation

Fees

Request category ID

other

Fee waiver

no

Expedited processing

Expedited Processing

no

King,James J (BPA) - CGI-7

From: King,James J (BPA) - CGI-7
Sent: Tuesday, October 11, 2022 11:42 AM
To: *Non-responsive per request*
Subject: New FOIA request received - BPA-2023-00046-F - *Non-responsive per request* - emails between Mainzer and CAISO from 2010 – 2021
Attachments: BPA-2023-00046-F *Non-responsive* FOIA Request confirmation #460186.pdf

Good morning again, *Non-responsive per request*

The Bonneville Power Administration has received your second request for records, made under the Freedom of Information Act. I'll begin the agency's response process on that today, as well.

Request

"All emails between Elliot Mainzer and California Independent System Operator (CAISO) from 2010 – 2021."

Requester

Non-responsive per request

A large rectangular area of the document is redacted with a solid black box, covering the requester's name and contact information.

Next

You'll be receiving an acknowledgment letter from the agency, shortly, as required by the FOIA.

You may contact me with any questions or follow-ups.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

King,James J (BPA) - CGI-7

From: [Non-responsive per request]
Sent: Thursday, October 27, 2022 7:50 AM
To: King,James J (BPA) - CGI-7
Subject: RE: BPA-2023-00046-F - [Non-responsive per request] - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Good Morning J-

I think this looks good to me how it is below. I appreciate your help. Have a wonderful and blessed day!!

[Non-responsive per request]

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Sent: Wednesday, October 26, 2022 4:35 PM
To: [Non-responsive per request] [Non-responsive per request]
Subject: RE: BPA-2023-00046-F - [Non-responsive per request] - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Hi, [Non-responsive per request]

Here is where we're at. Cyber has culled the ±400K email hits down to about ±400. Notwithstanding your further input, we'll respond to your FOIA request thus:

Request

"All emails between Elliot Mainzer and California Independent System Operator (CAISO) from 2010 – 2021; limited to those emails containing the terms 'EIM' or 'Energy Imbalance Market'."


Next

You'll be receiving an acknowledgment letter from the agency, shortly, as required by the FOIA. We'll have a target response date for you in that letter, and a detailed description of what comes next in terms of reviews and a release.

You may contact me with any questions or follow-ups. Thanks for your patience.

–J.

From: King,James J (BPA) - CGI-7
Sent: Thursday, October 20, 2022 7:17 AM
To: [Non-responsive per request] [Non-responsive per request]
Subject: RE: BPA-2023-00046-F - [Non-responsive per request] - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Hi, 

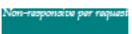
Thanks much. Okie dokie – we will get on that ↓ search for you.

–J.

From:  *Non-responsive per request*  *Non-responsive per request*

Sent: Wednesday, October 19, 2022 7:25 PM

To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: RE: BPA-2023-00046-F -  *Non-responsive per request* - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Yes, I do not need anything he is CC'd or BCC'd on. Just emails between himself and CAISO that must include the word "EIM/Energy Imbalance Market". Thanks James!

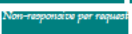
Non-responsive per request



From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Wednesday, October 19, 2022 11:45 AM

To:  *Non-responsive per request*  *Non-responsive per request*

Subject: RE: BPA-2023-00046-F -  *Non-responsive per request* - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Hi, 

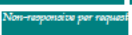
I'm working on the new search for you. Quick question: can we limit the Cyber scoop-up to, "... only searching for emails between Elliot and CAISO that must include the words 'Energy Imbalance Market', and excluding Elliot's being CC'd and BCC'd on an email..." This will be your call, of course. We will search as you prefer and direct.

–J.

From: King,James J (BPA) - CGI-7

Sent: Tuesday, October 18, 2022 7:21 AM

To:  *Non-responsive per request*  *Non-responsive per request*

Subject: RE: BPA-2023-00046-F -  *Non-responsive per request* - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Hi, 

Thanks for the feedback. No need to re-submit your FOIA request. We do this request language refinement exercise a lot. I will get those more specific searches done with Cyber and report back to you.

–J.

From: [Non-responsive per request] [Non-responsive per request]

Sent: Monday, October 17, 2022 7:34 PM

To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: RE: BPA-2023-00046-F - [Non-responsive per request] - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Hi James,

Yes that is a bit more than I would like to look through so we can just forego those 430k + items. Can we try narrowing it down if we only searched for emails between Elliot and CAISO that must include the words Energy Imbalance Market? . What would the list be if we searched for those words?

Should I submit a new request to narrow the list down? Sorry for the late reply as I was off work until now. Thx

[Non-responsive per request]



From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Wednesday, October 12, 2022 10:05 AM

To: [Non-responsive per request] [Non-responsive per request]

Subject: BPA-2023-00046-F - [Non-responsive per request] - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Hi, Keven,

We did some preliminary records gathering in response to your FOIA request for records, [below](#).

Volume

Our friends in Cyber Forensics & Intelligence are telling us that 430,000+ items (including attachments) popped up with Elliot Mainzer as the custodian, from 2010-01-01 through 2021-12-31, and TO, FROM, CC, or BCC any address ending in @caiso.com. Obviously, that is a lot of material. Probably more than you (and I) want to look through, yes? Obviously too, the FOIA requires that BPA respond to your request – but as it is now, that volume is going take quite a bit of weeks and months to address.

Re-Scope with Search Terms

If you are amenable, we can filter that voluminous set of results down to something more manageable -- if we have a better idea what you are seeking information on. If we “date range” it smaller than 11 years, that would obviously reduce the results. If we have some key words that you would like us to search for, that would also help us get the responsive records set down to something useful for you. This “search terms” development is something we do with all FOIA requests that involve voluminous pages of results – we are in the age of high volume e-records and we see this sort of thing happen a lot.

Let us know your thoughts.

–J.

From: King,James J (BPA) - CGI-7

Sent: Tuesday, October 11, 2022 11:42 AM

To: [Redacted] Non-responsive per request [Redacted] Non-responsive per request

Subject: New FOIA request received - BPA-2023-00046-F - [Redacted] Non-responsive per request - emails between Mainzer and CAISO from 2010 – 2021

Good morning again, [Redacted] Non-responsive per request

The Bonneville Power Administration has received your second request for records, made under the Freedom of Information Act. I'll begin the agency's response process on that today, as well.

Request

"All emails between Elliot Mainzer and California Independent System Operator (CAISO) from 2010 – 2021."

Requester

[Redacted] Non-responsive per request

Next

You'll be receiving an acknowledgment letter from the agency, shortly, as required by the FOIA.

You may contact me with any questions or follow-ups.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621

King,James J (BPA) - CGI-7

From: [Non-responsive per request]
Sent: Wednesday, December 14, 2022 11:05 AM
To: King,James J (BPA) - CGI-7
Subject: RE: BPA-2023-00046-F - [Non-responsive per request] - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Ahhh Thank you!! Have a wonderful day!

[Non-responsive per request]

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Sent: Wednesday, December 14, 2022 10:57 AM
To: [Non-responsive per request] [Non-responsive per request]
Subject: RE: BPA-2023-00046-F - [Non-responsive per request] - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Hi, [Non-responsive per request]

You'll see in the attached letter to you, from November 7, on the bottom of page 1, that all FOIA fees are waived. No worries on that front.

–J.

From: [Non-responsive per request] [Non-responsive per request]
Sent: Wednesday, December 14, 2022 10:30 AM
To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>
Subject: RE: BPA-2023-00046-F - [Non-responsive per request] - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Good Morning James,

Do we have an idea for how much this is going to cost? I guess after reading some more it has me a little worried. I didn't put on my initial FOIA request but have since done research and I don't want to have to pay for this request. I am expecting an email to tell me what exactly this is going to cost before work is commenced and being charged. Thanks James for any help you provide. Hope you and your family have a wonderful and Merry Christmas.

[Non-responsive per request]

From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Wednesday, October 26, 2022 4:35 PM

To: [Non-responsive per request] <[Non-responsive per request]>

Subject: RE: BPA-2023-00046-F - [Non-responsive per request] - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Hi, [Non-responsive per request]

Here is where we're at. Cyber has culled the ±400K email hits down to about ±400. Notwithstanding your further input, we'll respond to your FOIA request thus:

Request

"All emails between Elliot Mainzer and California Independent System Operator (CAISO) from 2010 – 2021; limited to those emails containing the terms 'EIM' or 'Energy Imbalance Market'."

Next

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You may contact me with any questions or follow-ups. Thanks for your patience.

–J.

From: King,James J (BPA) - CGI-7

Sent: Thursday, October 20, 2022 7:17 AM

To: [Non-responsive per request] [Non-responsive per request]

Subject: RE: BPA-2023-00046-F - [Non-responsive per request] - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Hi, [Non-responsive per request]

Thanks much. Okie dokie – we will get on that ↓ search for you.

–J.

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Sent: Wednesday, October 19, 2022 7:25 PM

To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: RE: BPA-2023-00046-F - [Non-responsive per request] - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Yes, I do not need anything he is CC'd or BCC'd on. Just emails between himself and CAISO that must include the word "EIM/Energy Imbalance Market". Thanks James!

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From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Wednesday, October 19, 2022 11:45 AM

To: [Redacted] Non-responsive per request [Redacted] Non-responsive per request

Subject: RE: BPA-2023-00046-F - [Redacted] Non-responsive per request - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Hi, [Redacted] Non-responsive per request

I'm working on the new search for you. Quick question: can we limit the Cyber scoop-up to, "... only searching for emails between Elliot and CAISO that must include the words 'Energy Imbalance Market', and excluding Elliot's being CC'd and BCC'd on an email..." This will be your call, of course. We will search as you prefer and direct.

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From: King,James J (BPA) - CGI-7

Sent: Tuesday, October 18, 2022 7:21 AM

To: [Redacted] Non-responsive per request [Redacted] Non-responsive per request

Subject: RE: BPA-2023-00046-F - [Redacted] Non-responsive per request - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Hi, [Redacted] Non-responsive per request

Thanks for the feedback. No need to re-submit your FOIA request. We do this request language refinement exercise a lot. I will get those more specific searches done with Cyber and report back to you.

—J.

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To: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Subject: RE: BPA-2023-00046-F - [Redacted] Non-responsive per request - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Hi James,

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Should I submit a new request to narrow the list down? Sorry for the late reply as I was off work until now. Thx

Non-responsive per request



From: King,James J (BPA) - CGI-7 <jjking@bpa.gov>

Sent: Wednesday, October 12, 2022 10:05 AM

To: [Non-responsive per request] [Non-responsive per request]

Subject: BPA-2023-00046-F - [Non-responsive per request] - emails between Mainzer and CAISO from 2010 – 2021 - request for re-scope

Hi, Keven,

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Volume

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Let us know your thoughts.

–J.

From: King,James J (BPA) - CGI-7

Sent: Tuesday, October 11, 2022 11:42 AM

To: [Non-responsive per request] [Non-responsive per request]

Subject: New FOIA request received - BPA-2023-00046-F - [Non-responsive per request] - emails between Mainzer and CAISO from 2010 – 2021

Good morning again, [Non-responsive per request]

The Bonneville Power Administration has received your second request for records, made under the Freedom of Information Act. I’ll begin the agency’s response process on that today, as well.

Request

“All emails between Elliot Mainzer and California Independent System Operator (CAISO) from 2010 – 2021.”

Requester

[Non-responsive per request]

Email: *Non-responsive per*

Next

You'll be receiving an acknowledgment letter from the agency, shortly, as required by the FOIA.

You may contact me with any questions or follow-ups.

Best,

James

James King | FOIA Public Liaison | Bonneville Power Administration | 503-230-7621



Department of Energy

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

FREEDOM OF INFORMATION ACT PROGRAM

July 20, 2023

In reply refer to: FOIA #BPA-2023-00046-F

SENT VIA EMAIL ONLY TO: [REDACTED]

Non-responsive per request

Dear [REDACTED]
Non-responsive

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 records request on October 11, 2022, and formally acknowledged your request on November 7, 2022.

Request

"All emails between Elliot Mainzer and California Independent System Operator (CAISO) from 2010 – 2021."

Clarification

After initial records search results were communicated to you via email exchanges with the FOIA office, and with your agreement, your FOIA requested was changed to:

"All emails between Elliot Mainzer and California Independent System Operator (CAISO) from 2010 – 2021; limited to those emails containing the terms 'EIM' or 'Energy Imbalance Market'."

Response

BPA has searched for and gathered records responsive to your request. BPA collected 260 pages of responsive records from the agency's Outlook email system. The records accompany this communication, with the following redactions applied:

- 19 redactions applied under 5 U.S.C. § 552(b)(6) (Exemption 6)

A detailed explanation of the applied exemptions follows.

Explanation of Exemptions

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains the FOIA's nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

Exemption 6

Exemption 6 serves to protect Personally Identifiable Information (PII) contained in agency records when no overriding public interest in the information exists. BPA does not find an overriding public interest in a release of the information redacted under Exemption 6 — specifically, cell phone numbers. BPA cannot waive this PII redaction, as the protections afforded by Exemption 6 belong to individuals and not to the agency.

Lastly, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and release nonexempt information. The agency has determined that in certain instances partial disclosure is possible, and has accordingly segregated the records into exempt and non-exempt portions.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search, the redactions applied thereto, and the records release described above.

Appeal

The records release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this final release, within 90 calendar days from the date of this communication. 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.

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 or the status of your FOIA request may be directed to James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621. Questions may also be directed to E. Thanh Knudson, Case Coordinator (ACS Staffing Group), at 503-230-5221 or etknudson@bpa.gov.

Sincerely,

Candice D. Palen
Freedom of Information/Privacy Act Officer

[Attachments / Enclosures: Agency records responsive to FOIA request BPA-2023-00046-F accompany this communication.](#)