



Department of Energy

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

PUBLIC AFFAIRS

January 3, 2013

In reply refer to: DK-7

Kristin Ruether
Advocates for the West
PO Box 1612
Boise, ID 83701

FOIA BPA-2012-01592-F

Dear Ms. Ruether:

This is a partial response to the request for records that you made to the Bonneville Power Administration (BPA), under the Freedom of Information Act (FOIA), 5 U.S.C. 552.

You have requested the following:

1. All draft and final versions of any purchase power agreement, interconnect agreement, and/or transmission agreement for the North Steens 230-kV Transmission Line Project and/or the associated Echanis Wind Project, Riddle Mountain Wind Project, and East and West Ridge Wind Projects.
2. All correspondence (including but not limited to emails, memoranda, letters, and phone records) discussing the Project between the BPA and any the following entities: the Bureau of Land Management, CEP, Harney Electric Cooperative, Harney County, and ENTRIX since June 1, 2010.
3. Meeting minutes discussing the Project since June 1, 2010.
4. All other documents discussing the Project since June 1, 2010.

In an email dated November 19, 2012, you limited your request items 1, 2 and 4 to the following items:

1. Echanis Wind Integration NEPA strategy
2. Harney Echanis Wind design schedule
3. Echanis Wind Phase I schedule risks
4. Echanis Wind Project status
5. Control Center Project coordination
6. Environmental work on internal analog to digital conversion
7. BPA response to CEP's interconnection schedule
8. CEP interconnection email/letter and BPA response
9. CEP NEPA agreement
10. Final FAS report
11. BPA Network Open Season, etc., financing

12. BPA draft interconnection facility study
13. Environmental study for CEP by BPA
14. FAS cure letter
15. Affected System of Operating Agreement
16. Cure letter for CEP NEPA
17. Ownership/Financing Interconnection costs
18. BPA letter re: Transmission Asset Planning
19. Final Interconnection Facilities Study for CEP
20. Interconnection schedule request
21. Re: Glass Butte
22. Internal BPA Project management documents

Partial Response:

Enclosed are the responsive documents to item Number 3 of your request. The “Echanis Wind Plan of Service Meeting” minutes dated March 12, 2012, are the only formal meeting minutes identified in BPA’s search for responsive documents. They are released in their entirety.

Status:

Ms. Winn reports that, out of the volumes of documents provided to the BPA FOIA Office in response to your initial request, she has performed an initial review and separated the responsive documents that your revised request listed. She will go through them one more time and identify the Exemption 4 material and then begin the Exemption 4 process.

The Exemption 4 process will be lengthy because of the volume and the number of entities involved. Ms. Winn must identify the information that requires legal review by the outside entities involved in the project; remove all internal information that is not part of their review; and then provide a copy to the appropriate entity for their review. She hopes to have the second review and the Exemption 4 review requests sent within 30 days.

Our FOIA attorney, Mr. Mautner, will then perform an analysis of the outside entities submissions/arguments under Exemption 4. After the analysis is complete we must provide each entity the opportunity review our analysis and respond. If BPA does not receive a response, then we can release the information with any Exemption 4 redactions.

While the Exemption 4 review is taking place, Ms. Winn will be working on the remaining internal documents. This will involve meeting with the Authorizing Official (project manager) on the request to identify information that may require the application of any other exemptions under the FOIA.

I recognize that this process has already taken an extended period. Please trust that we understand our statutory obligations and are working to complete this request at the earliest date possible. Your continued patience is deeply appreciated.

Please contact Kim Winn, FOIA Specialist, at 503-230-5273 with any questions about this letter.

Sincerely,

/s/Christina J. Munro

Christina J. Munro

Freedom of Information Act/Privacy Act Officer

Enclosure

Echanis Wind Plan of Service Meeting
March 12, 2012
10:30 am to 12:30 pm
Two Park Place

Attendees:

Amy Freel – BPA Project Manager
Guy Plaza – Echanis
Rich Lammers – TriAxis for HEC
Rowland Cook – BPA
John McGrew – Power Engineer for CEP
Peter Blood – CEP
Marle Cane – CEP
Stan Grey – Pattern
George Hardie – Pattern
Tim Weidman – BPA Communications Engineer
Janus Sanders – BPA Data Engineer
Mike Beanland - TriAxis for HEC
Jerry Dietzen – BPA Protection Engineer
Shane Sweet – HEC Engineer
Jeff Mann- Power for CEP
Leo Lukose – Power for CEP
Dennis Stevens – BPA 60Hz Planning Engineer

Meeting Notes:

- There will be no low-side transformer breaker at Echanis Substation since there will be string breakers on the collector lines.
- BPA will retain the SEL 121G's at BPA's Harney Substation
- BPA will add SEL 2595 at Harney for a direct trip to Echanis Substation Breaker EB1
- CEP will add matching SEL 2595 at Echanis Substation
- The trip will be from Harney Substation to Echanis Substation only
- There will be no trip from Echanis Substation to Harney Substation
- The signal will be on dedicated single mode fibers from Harney Substation to Echanis Substation
- For the 40MW's the fiber does not need to be WECC compliant
- For the 104MW's the fiber must be WECC compliant
- There will be 2 fiber channels for the 40MW
- No telemetry is required for the 40MW
- Telemetry is required for 104MW
- The agreement will be a BASA (Balance Area Service Agreement)
- A new PRD will be created for the 40MW plan of service and for the 104MW plan of service
- SCADA/SER are not required for the 40MW plan of service
- AGC is not required for the 40MW plan of service

- PMU is not required at this time may be an addition to the 40MW plan of service

Action Items:

- Amy will confirm the need for extended range CT's at Echanis. Yes, extended range CT's are required for the full 104MW range: Extended Low Current (ELC) accuracy with 2.0 LF required.
- Amy will set up weekly progress meetings starting the week of April 1st
- CEP will follow up with Cherilyn Randal, BPA Customer Service Engineer, on the bill process and loss calculations

Follow up information:

- The single mode fiber must not have a metallic tracers has it enters BPA's Harney Substation
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P.O. Box 3621
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FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

April 11, 2016

In reply refer to: FOIA BPA-2012-01592-F

Laird Lucas
Executive Director
Advocates for the West
3115 NE Sandy Blvd. #223
Portland, OR 97232
llucas@advocateswest.org

Due to the size of the final response it cannot be posted. To obtain a copy contact the BPA FOIA Office at 503-230-5273.

Dear Mr. Lucas:

This communication is the Bonneville Power Administration's (BPA) second and final response to Kristin Ruether's Freedom of Information Act (FOIA) request, received by BPA on July 5, 2012. That FOIA request was acknowledged on July 12, 2012. A first response and partial records release was made to Ms. Ruether on January 3, 2013. We regret the delay in response.

Request

1. All draft and final versions of any purchase power agreement, interconnect agreement, and/or transmission agreement for the Project. And,
2. All correspondence (including but not limited to emails, memoranda, letters, and phone records) discussing the Project between the BPA and any the following entities: the Bureau of Land Management, CEP, Harney Electric Cooperative, Harney County, and ENTRIX since June 1, 2010. And,
3. Meeting minutes discussing the Project since June 1, 2010. And,
4. All other documents discussing the Project since June 1, 2010.

Amended Request

After a number of telephone conversations and email exchanges regarding the quantity of responsive records gathered in response to the original request, BPA provided Ms. Ruether with an index of the responsive documents. Ms. Ruether then revised the request and limited it to the following areas:

- Echanis Wind Integration NEPA strategy
- Echanis Wind schedule risks

- BPA response to Columbia Energy Partners (CEP) Interconnection Schedule
- CEP Interconnection emails, letters, BPA response
- CEP NEPA agreement
- Environmental study for CEP by BPA
- Affected system of operating agreement
- Cure letter for CEP NEPA
- Final interconnection facilities study for CEP
- Glass Butte documents

Response

A search of the electronic records in BPA's Transmission Sales, Transmission Planning, Transmission Project Management, Western Engineering, and other related departments has been conducted. We have located a total of 424 responsive pages. We are releasing 197 pages in full, and 63 partially redacted pages with redactions under 5 U.S.C. § 552(b)(5) (Exemption 5). We are withholding 21 entirely under (b)(5). Additionally, there are 6 pages containing redactions under both (b)(5) and in accord with 5 U.S.C. § 552(b)(6) (Exemption 6). Finally, we partially redacted 39 pages under (b)(6).

Records Subject to Exemption 4

Exemption 4 protects commercial and financial information submitted by a third party when that information is privileged or confidential. Exemption 4 requires that BPA identify such information and request the opinion of the submitter before determining whether to release it. In this case, BPA identified four external submitters and requested opinions on the relevant information. One submitter waived all Ex. 4 protections. One submitter has since gone out of business, and therefore no longer has rights under Ex. 4. Finally, BPA determined that two of the submitters had communicated with BPA, but had not submitted any commercial or financial information. Therefore, further Ex. 4 analysis was unnecessary, and no information was withheld from this request under Ex. 4.

Records Subject to Discretionary Release

Please be aware that while responding to Ms. Ruether's requests, and in reviewing the responsive agency records for potential redaction under Exemption 5, BPA has been at all times mindful of Attorney General Holder's Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act, 74 Fed. Reg. 51879 (Oct. 8, 2009) (Holder Memo), directing all Federal agencies to adopt a presumption in favor of disclosure. In accord with the Holder Memo, records protected by Exemption 5's deliberative process privilege may be discretionarily released. BPA has considered and approved the discretionary release of some information in the responsive records set that would otherwise be arguably subject to Exemption 5.

Records Subject to the Deliberative Processes Privilege of Exemption 5

Exemption 5 and the deliberative process privilege (hereinafter, Exemption 5) protects records evincing the deliberative or decision-making processes of government agencies. Records protected under Exemption 5 must be both “pre-decisional” and “deliberative.” A record is “pre-decisional” if it is “generated before the adoption of an agency policy.” Judicial Watch, Inc. v. FDA, 449 F.3d 141, 151 (D.C. Cir. 2006). 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. Coastal States Gas Corp. v. DOE, 617 F.2d 854, 867 (D.C. Cir. 1980). The general purpose of Exemption 5 is to “prevent injury to the quality of agency decisions.” NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 151 (1975) Specifically, Exemption 5 exists to: (1) encourage open, frank discussions on matters of policy between subordinates and superiors; (2) protect against premature disclosure of proposed policies before they are actually adopted; and (3) protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action. Coastal States Gas Corp. v. DOE, 617 F.2d 854, 866 (D.C. Cir. 1980). BPA has considered and declined a discretionary release of some “pre-decisional” and “deliberative” information in the responsive records set because BPA can reasonably foresee that disclosure would harm the interests intended to be protected and encouraged by Exemption 5. Further, BPA asserts here that disclosure of certain draft material and internal discussions would have a chilling effect on future BPA discussions and decisions, and we decline to discretionarily release this material. Greenberg v. U.S. Dep't of the Treasury, 10 F. Supp. 2d 3, 16 n.19 (D.D.C. 1998). Accordingly, BPA asserts Exemption 5 to withhold the following information: draft documents, internal legal opinions, and employee opinions, analysis and recommendations. .

Records Subject to Exemption 6

Exemption 6 of the FOIA protects information about individuals in “personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” The application of Exemption 6 requires balancing the public’s interest in acquiring the information against the individual’s privacy interests. NARA v. Favish, 541 U.S. 157 (2004). If a significant privacy interest is found to exist, but there is no FOIA public interest in disclosure, the information should be protected. Nat'l Ass'n of Retired Fed. Employees v. Horner, 879 F.2d 873, 879 (D.C. Cir. 1989). Accordingly, BPA asserts Exemption 6 to withhold personal conversations and information unrelated to BPA’s work, and personal, non-BPA contact information including cell phone numbers. BPA can find no public interest in this information and we have therefore redacted it under Exemption 6.

Records Not Subject to Discretionary Release under Exemption 6

Please be aware that the right of privacy asserted belongs to the individual, not to the agency, and information that falls under Exemption 6 cannot be discretionarily released. Ditlow v. Shultz, 517 F.2d 166, 172 (D.C. Cir. 1975) (“agency assertion of authority to make discretionary

disclosure" would "undercut the privacy expectations protected by Exemption 6"). Therefore, BPA did not analyze the forgoing information under the discretionary release guidelines found in the Holder Memo.

Fees

There are no fees associated with BPA's response to Ms. Ruether's request.

Appeal

Pursuant to Department of Energy FOIA regulations at 10 C.F.R. § 1004.8, you may administratively appeal this response in writing within 30 calendar days. If you choose to appeal, include the following:

- (1) The nature of your appeal - denial of records, partial denial of records, adequacy of search, or denial of fee waiver; and,
- (2) any legal authorities relied upon to support the appeal; and,
- (3) a copy of the determination letter.

Clearly mark both your letter and envelope with the words "FOIA Appeal," and direct it to:

Director, Office of Hearings and Appeals
Department of Energy
1000 Independence Avenue SW
Washington DC 20585-1615

If you have questions about this communication, you may contact James King, (CorSource Technology Group, Inc.), assigned to BPA FOIA Office, at 503-230-7621.

Sincerely,



C. M. Frost
Freedom of Information/Privacy Act Officer