

## Winn, Kim S (BPA) - NN-1

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**From:** Winn, Kim S (BPA) - NN-1  
**Sent:** Thursday, January 30, 2014 7:40 AM  
**To:** 'Tyler C. Pepple'  
**Subject:** RE: FOIA Request #BPA-2013-01284-F  
**Attachments:** image001.jpg

Thank you. I'll keep you posted on the progress.

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**From:** Tyler C. Pepple [mailto:tcp@dvclaw.com]  
**Sent:** Wednesday, January 29, 2014 4:06 PM  
**To:** Winn, Kim S (BPA) - NN-1  
**Subject:** RE: FOIA Request #BPA-2013-01284-F

Hi Kim,

We are fine with limiting our FOIA request to correspondence to and from the two people we discussed on the phone – Lauren Nichols-Kinas and Kyle Kohne (sorry if I misspelled).

Thanks again for your help with this and please let me know if you have any questions.

Tyler

**Tyler C. Pepple | Attorney**  
Davison Van Cleve PC  
333 SW Taylor St., Ste. 400  
Portland, OR 97204  
T: 503.241.7242 | F: 503.241.8160  
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DAVISON VAN CLEVE

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**From:** Winn, Kim S (BPA) - NN-1 [mailto:kswinn@bpa.gov]  
**Sent:** Wednesday, January 29, 2014 1:19 PM  
**To:** Tyler C. Pepple  
**Subject:** RE: FOIA Request #BPA-2013-01284-F

These documents look to be available to the public already. Can you give me a call?

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**From:** Tyler C. Pepple [mailto:tcp@dvclaw.com]  
**Sent:** Thursday, January 16, 2014 3:51 PM  
**To:** Winn, Kim S (BPA) - NN-1  
**Subject:** FOIA Request #BPA-2013-01284-F

Kim,

Following up on our conversation, I was hoping we could get expedited treatment for the four documents we specifically identify in our request. Those are:

- 1/25/11 Memorandum of Understanding between BPA and PGE concerning the Cascade Crossing Transmission Project ("CCTP");
- 12/22/11 Terms and Conditions for Joint Agreement between BPA and PGE concerning the CCTP, including correspondence and information related to "Action" items listed under each enumerated "Issue" in Attachment 1 to the Agreement;
- 1/14/13 Memorandum of Understanding between BPA and PGE concerning modifications to the CCTP; and
- 5/30/13 Memorandum of Understanding between BPA and PGE contemplating PGE capacity ownership transmission option with BPA and concerning the suspension of the CCTP.

To the extent you can get my office the other responsive documents before the June 30, 2014 date you reference in your letter, I would appreciate it.

Thanks very much for your help and please feel free to call or email with any questions.

Tyler

**Tyler C. Pepple | Attorney**  
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## Winn, Kim S (BPA) - NN-1

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**From:** Melinda J. Davison <mjd@dvclaw.com>  
**Sent:** Wednesday, September 04, 2013 2:24 PM  
**To:** Winn, Kim S (BPA) - NN-1  
**Subject:** RE: Update on BPA-2013-01284-F

Dear Kim-

Pursuant to our conversation today, please limit our FOIS request to the years 2011- present. Thanks. Melinda

**Melinda J. Davison**  
Attorney  
Davison Van Cleve, PC  
333 SW Taylor St., Suite 400  
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[mjd@dvclaw.com](mailto:mjd@dvclaw.com)

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**From:** Winn, Kim S (BPA) - NN-1 [<mailto:kswinn@bpa.gov>]  
**Sent:** Wednesday, September 04, 2013 1:54 PM  
**To:** Melinda J. Davison  
**Cc:** Jesse E. Cowell  
**Subject:** RE: Update on BPA-2013-01284-F

I wish it were that simple. Now that I have everything (and it's massive) I have to de-duplicate it all (which I hope that I can do electronically) and then we do the review for other exemptions – which involves the project manager, project attorney, other subject matter experts, and the FOIA attorney – while PGE does their exemption 4 review.

BPA works in a two-track FOIA processing system. There are “simple” requests that by statute do not require external review and “complex” requests that do. As a “complex” request the timeframe of 20 days is not recognized as a deadline - it's always a goal - but it is not reasonable to expect it to get it completed in the same timeframe as something that is strictly internal.

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**From:** Melinda J. Davison [<mailto:mjd@dvclaw.com>]  
**Sent:** Wednesday, September 04, 2013 1:27 PM  
**To:** Winn, Kim S (BPA) - NN-1  
**Cc:** Jesse E. Cowell  
**Subject:** RE: Update on BPA-2013-01284-F

Thanks, can we get what you have so far this week? Melinda

**Melinda J. Davison**  
Attorney  
Davison Van Cleve, PC  
333 SW Taylor St., Suite 400

**Winn, Kim S (BPA) - NN-1**

**From:** Jesse E. Cowell [jec@dvclaw.com]  
**Sent:** Wednesday, July 10, 2013 3:57 PM  
**To:** Winn, Kim S (BPA) - NN-1  
**Cc:** Melinda J. Davison  
**Subject:** Partial withdrawal of FOIA request  
**Attachments:** FOIA Request FINAL.pdf  
 Ms. Winn,

RECEIVED BY BPA FOIA OFFICE THIS DATE: 7/10/13
DUE DATE: 8/7/13
LOG # BPA-2013-01284-F

Thank you for your telephone call this afternoon, explaining the significant costs involved with a portion of my FOIA letter request dated July 8, 2013 (a copy of which is attached to this email). In an effort to keep expected costs under \$500, I hereby withdraw the following portion from page one of that request letter:

Finally, I would like copies of all emails, correspondence, information concerning, memoranda and other documents written to or from BPA concerning PGE transmission service requests, transmission service agreements, transmission inquiries, negotiations and arrangements to or with BPA for electric power transmission, and especially dates when PGE entered transmission queues, dating from 2007 to the present.

I anticipate filing a second FOIA request sometime in the future, refining and pinpointing information sought in this withdrawn portion. For the present, however, I ask that you please proceed with the remaining portion of my original FOIA letter request.

Thank you once again for your assistance and please contact me if you have any further questions.

**Jesse E. Cowell**  
 Attorney  
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 Portland, OR 97204  
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7/11/2013

# Davison Van Cleve PC

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Suite 400  
333 SW Taylor  
Portland, OR 97204

July 8, 2013

Christina J. Munro, FOIA Officer  
Mail Stop DK-7  
Bonneville Power Administration  
P.O. Box 3621  
Portland, OR 97208

Re: Freedom of Information Act Request

Dear Ms. Munro:

I am submitting this Freedom of Information Act ("FOIA") request on behalf of my firm, Davison Van Cleve P.C. ("Davison Van Cleve"). I would like copies of all emails, correspondence, information concerning, memoranda and other documents written to or from the Bonneville Power Administration ("BPA") and its employees or agents, regarding Portland General Electric Company's ("PGE") proposed Cascades Crossing Transmission Project, including:

1. The January 25, 2011 Memorandum of Understanding ("MOU") between BPA and PGE concerning the Cascades Crossing Transmission Project;
2. The December 22, 2011 Terms and Conditions for Joint Agreement ("Agreement") between BPA and PGE concerning the Cascades Crossing Transmission Project, including correspondence and information relating to "Action" items listed under each enumerated "Issue" in Attachment 1 to the Agreement;
3. The January 14, 2013 MOU between BPA and PGE concerning modifications to the Cascades Crossing Transmission Project; and
4. The May 30, 2013 MOU between BPA and PGE contemplating a PGE capacity ownership transmission option with BPA and concerning the suspension of the Cascades Crossing Transmission Project.

This request excludes the actual, finalized MOUs and Agreement listed above, which have been made publically available on BPA's website. Finally, I would like copies of all emails, correspondence, information concerning, memoranda and other documents written to or from BPA concerning PGE transmission service requests, transmission service agreements, transmission inquiries, negotiations and arrangements to or with BPA for electric power transmission, and especially dates when PGE entered transmission queues, dating from 2007 to the present.

This FOIA request is for public interest informational purposes, intended for use by Davison Van Cleve in the capacity of representing clients in state administrative proceedings regarding matters which do or may concern subjects within this request. Pursuant to 43 C.F.R. § 2.45, I request a full fee waiver. Davison Van Cleve regularly appears before state and federal administrative agencies on behalf of a variety of clients, including both private and public entities, regarding matters often involving BPA and public utilities. Accordingly, this FOIA request is very

Christina J. Munro  
July 8, 2013  
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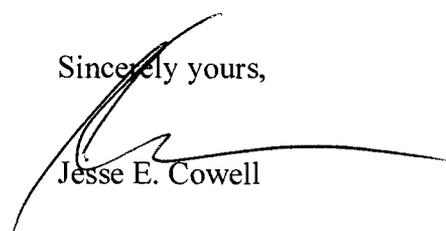
likely to contribute significantly to public understanding of government operations or activities. The information obtained will be shared with clients and will not be obtained primarily in the benefit of Davison Van Cleve's commercial interest.

In accord with the fee waiver criteria of 43 C.F.R. § 2.48(a), I submit the following information. This FOIA request concerns the operations of the federal government since BPA is a federal agency. Disclosure is likely to contribute to public understanding of BPA activities because Davison Van Cleve is likely to use pertinent information obtained to inform clients and the Oregon Public Utility Commission ("OPUC") of interactions between BPA and PGE which are and may be the subject of future proceedings before the OPUC. As Davison Van Cleve regularly appears before the OPUC and represents clients and client groups which include large public and private entities, disclosure will be toward a significantly broad audience. The information requested concerns details of interactions between BPA and PGE which potentially implicate arrangements not publicly reported by PGE in representations made before the OPUC, and which have not been fully disclosed or made available for public analysis. The public's understanding will be significantly enhanced by disclosure because the OPUC is now considering cases in which issues raised in this FOIA request could materially impact PGE electric rates for years to come.

In demonstration against the presumption stated in 43 C.F.R. § 2.48(b)(3)(iii) that Davison Van Cleve's commercial interest outweighs the public interest, I submit that disclosure will directly impact the electric rates to be determined by a governmental agency, the OPUC, concerning a regulated state public utility, PGE. Any commercial benefit arguably accruing to Davison Van Cleve through knowledge in aid of client representation will be vastly outweighed by the public impact accompanying due consideration by the OPUC of transmission negotiations and arrangements between PGE and BPA in relation to PGE rate requests.

Should you find the foregoing justification for a full fee waiver lacking in some respect, I ask that you request clarification per 43 C.F.R. § 2.51. If the full fee waiver request is denied and you elect not to seek clarification, I request a partial fee waiver per 43 C.F.R. § 2.45(b). I am willing to pay all reasonable costs, including processing costs, associated with responding to this request in an expeditious manner. Please let me know if the costs will exceed \$500. Please send the documents to the above address. Thank you for your assistance.

Sincerely yours,



Jesse E. Cowell