



Department of Energy

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

SECURITY AND CONTINUITY OF OPERATIONS

November 25, 2013

In reply refer to: NN-1

Ben Tansey
Energy Newsdata Publications
PO Box 900928, Queen Anne Stn
Seattle, WA 98119-9228

FOIA #BPA-2013-01590-F

Dear Mr. Tansey:

This is a partial response to your 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 requested the following:

“The complete written report of the investigation made of a BPA Human Capital Management employee that was requested on or about Nov. 30, 2012 by BPA's Human Resources Manager, regarding claims of inappropriate or discriminatory hiring practices and/or discrimination against employees and/or veterans.”

Your request was amended on Wednesday, August 28, 2013, to include emails to or from that HCM employee from Roy Fox, Human Capital Management and the legal department at BPA.

Response:

The enclosed responsive document is redacted in its entirety pursuant to Exemption 5 of the FOIA.

Exemption 5

Exemption 5 protects from mandatory disclosure “inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency . . .” Exemption 5 incorporates the deliberative process privilege which protects advice, recommendations, and opinions that are part of the process by which agency decisions and policies are formulated.

Exemption 5 also protects attorney-client information and attorney work-product. The privilege usually protects a client’s disclosure to any attorney, but also extends to an attorney’s opinion based on those disclosures, and to communications between attorneys that reflect client-supplied information. The attorney work-product privilege protects documents created by an attorney or a non-attorney (but for an attorney) in reasonable anticipation of litigation.

BPA asserts the Exemption 5 - Attorney Work-Product privilege in this case, as the responsive document was created in reasonable anticipation of litigation and concerns an ongoing case that has yet to be determined.

The portion of your request involving emails is still being processed. We hope to provide them by January 31, 2014.

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/Privacy Act Officer

Enclosure

**FINAL INVESTIGATION REPORT
FEBRUARY 22, 2013**

[

The following 24 pages are redacted in their entirety
pursuant to Exemption 5 - Attorney Work-Product Privilege

]



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

June 24, 2014

In reply refer to: D-B1

Mr. Ben Tansey
Energy NewsData Publications
PO Box 900928
Seattle, WA 98119-9228

FOIA #BPA-2013-01590-F

Dear Mr. Tansey:

This is a final response to your request for Bonneville Power Administration (BPA) records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your original request and a clarification expanding the request were received in our office on August 28, 2013. A partial response was sent to you on November 25, 2013. We regret that we were not able to fulfill your request more quickly.

You requested:

1. The complete written report of the investigation made of a BPA Human Capital Management employee that was requested on or about Nov. 30, 2012[,] by BPA's Human Resources Manager, regarding claims of inappropriate or discriminatory hiring practices and/or discrimination against employees and/or veterans.
2. Any emails between Human Capital Management and the BPA Legal Department/General Counsel involving that employee or the then Human Resources Manager, Roy Fox . . . between November 1, 2012[,] and February 28, 2013.

Response:

We responded to Item 1 in our November 25, 2013, release letter.

For response to Item 2, we conducted a search of the paper and electronic records of Human Capital Management and the Office of General Counsel. We have located 451 pages of material responsive to your request. We are withholding 409 pages in full pursuant to Exemptions 5 and releasing 42 pages with redactions under Exemptions 5 and 6 (5 U.S.C. §§ 552(b)(5) and (b)(6)).

The Freedom of Information Act generally requires the release of all government records upon request. However, FOIA permits withholding certain, limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). 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 documents. Documents may be privileged because they are (1) attorney work-product, (2) attorney-client drafts or communications, or (3) both pre-decisional and deliberative.

The attorney work-product privilege protects documents prepared in reasonable anticipation of litigation, including civil, criminal, and administrative proceedings. In this case, we assert Exemption 5 attorney-work product privilege to protect draft reports and summaries, and a final investigation report. These records were prepared by attorneys, or employees working at an attorney's direction, and in reasonable anticipation of litigation.

Attorney-client privilege protects confidential communications between an attorney and their client relating to a legal matter for which the client has sought professional advice. The privilege encompasses facts provided by the client, and opinions provided by the attorney. Here we assert Exemption 5 attorney-client privilege to protect communications between BPA and government attorneys and BPA executives and employees, including draft documents.

Finally, Exemption 5's pre-decisional and deliberative privilege protects records that make recommendations or express opinions on legal or policy matters, and that were created before the adoption of an agency policy or course of action. The deliberative process privilege protects the decision-making processes of government agencies, and encourages frank, open discussions. We assert Exemption 5's pre-decisional and deliberative privilege here to protect draft memos and communications and discussion between agency employees regarding personnel and legal issues. Because disclosure of this material would have a chilling effect on future internal discussions and decisions, and because many of these issues are on-going at the present time, we are not making a discretionary release of any of the protected deliberative records.

Exemption 6 is generally referred to as the "personal privacy" exemption (5 U.S.C. § 552(b)(6)). This exemption protects information in personnel, medical, and similar files when disclosure would constitute a clearly unwarranted invasion of personal privacy. The records at issue here are from investigation, personnel and legal advice files, which are "similar files." Therefore, these records are appropriate for analysis under Exemption 6.

To determine whether any information must be withheld under Exemption 6, an agency must: (1) identify whether the individual has a significant privacy interest in the information; (2) identify whether release would further the public interest by shedding light on the operations and activities of the government; and (3) weigh the identified privacy interests in the information against the public interest in disclosure. If the privacy interest outweighs the public interest in disclosure, releasing the information would constitute a clearly unwarranted invasion of privacy.

BPA employees have a strong privacy interest in records concerning job performance, evaluations, and relationships with managers and fellow employees. Additionally, employees who contribute opinions or facts to discussions or investigations have a privacy interest in those contributions if revealing them could cause harm to their professional reputation or personal relationships. Therefore, we find that a substantial privacy interest exists in personal interviews and in information in these records concerning performance, employee relationships, allegations of wrongdoing, and investigations.

When determining the public interest in these records, we considered the value of the records in shedding light on BPA operations and recent increased interest in BPA operations, particularly concerning human resources matters. We also considered the seniority of the employees involved. Records concerning lower-level employees are less likely to shed light on government operations. Thus, while we find that there is a public interest in these records, the substantial privacy interest of the employees outweighs any public interest. We are withholding this information under Exemption 6. Information withheld under Exemption 6 cannot be considered for discretionary disclosure.

This is our final response to your August 28, 2013, request. 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, please include the following:

- (1) The nature of your appeal - denial of records, partial denial of records, adequacy of search, or denial of fee waiver;
- (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 the following address:

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

I appreciate the opportunity to assist you. If you have any questions, please contact Kim Winn, FOIA Public Liaison, at (503) 230-5273.

Sincerely,

/s/ Christina J. Munro
Christina J. Munro
Freedom of Information/Privacy Act Officer

Enclosure: Responsive documents

United States Government

**Department of Energy
Bonneville Power Administration**

memorandum

DATE: December XX, 2012

**REPLY TO
ATTN OF:** NH-1

SUBJECT: Investigation into Allegations

TO: (b) (6)

You provided an undated letter to me during our face-to-face meeting on Friday, November 30, 2012. The letter contains numerous allegations concerning harassing, retaliatory, and discriminatory behavior directed toward you and other members of your work group. I have decided to engage BPA's Office of General Counsel to conduct an investigation on my behalf. Such an investigation is likely to include on-the-record interviews with you, your supervisor(s), and members of your work group; as well as collection of relevant documents. You will be contacted by BPA legal counsel when you return to the office.

Roy Fox
Manager, Human Capital Management

cc: D. Keskitalo, S. Burns, M. Cockrum

To: Keskitalo II,David H (BPA) - NHE-1[dhkeskitaloi@bpa.gov]
From: Black,Kathy L (BPA) - LC-7
Sent: Sun 12/9/2012 8:06:34 PM
Subject: RE: Sample letter to authorize an investigation

David,

It will be a challenge to get any time from me this coming week unless the interest arbitration hearing ends on Thursday rather than going into Friday.

(b) (5)

Kathy

From: Keskitalo II,David H (BPA) - NHE-1
Sent: Friday, December 07, 2012 5:15 PM
To: Black,Kathy L (BPA) - LC-7
Subject: RE: Sample letter to authorize an investigation

Thanks Kathy. I've only been on the periphery of these so would you have time to look at thoughts I'd have on how it would go? I'm thinking Roy wants to meet sooner than the week of the 17th.

David Keskitalo
503-230-5312

From: Black,Kathy L (BPA) - LC-7
Sent: Friday, December 07, 2012 11:50 AM
To: Fox,Roy B (BPA) - NH-1; Keskitalo II,David H (BPA) - NHE-1
Cc: Wooldridge,Mary L (BPA) - LC-7; Fickes,Anne Macron (BPA) - NHE-1; Fennell,Bradley K (BPA) - NHE-1
Subject: RE: Sample letter to authorize an investigation

Sure, that's fine, and I should have more time available to help once we get through next week's interest arbitration.

From: Fox,Roy B (BPA) - NH-1
Sent: Friday, December 07, 2012 10:07 AM
To: Black,Kathy L (BPA) - LC-7; Keskitalo II,David H (BPA) - NHE-1
Cc: Wooldridge,Mary L (BPA) - LC-7; Fickes,Anne Macron (BPA) - NHE-1; Fennell,Bradley K (BPA) - NHE-1
Subject: RE: Sample letter to authorize an investigation

Thanks. (b) (5)

(b) (5)

From: Black, Kathy L (BPA) - LC-7
Sent: Thursday, December 06, 2012 8:18 AM
To: Fox, Roy B (BPA) - NH-1
Cc: Keskitalo II, David H (BPA) - NHE-1; Wooldridge, Mary L (BPA) - LC-7
Subject: Sample letter to authorize an investigation

Roy,

(b) (5)

Thanks

Kathy

<< File: Draft Letter Fox to (b) (6) doc >>

To: Wooldridge, Mary L (BPA) - LC-7[miwooldridge@bpa.gov]
Cc: Black, Kathy L (BPA) - LC-7[klblack@bpa.gov]
From: Keskitalo II, David H (BPA) - NHE-1
Sent: Mon 12/31/2012 7:08:56 PM
Subject: RE: Interviews re (b) (6) issue

(b) (5)

David Keskitalo
503-230-5312

From: Wooldridge, Mary L (BPA) - LC-7
Sent: Monday, December 31, 2012 10:35 AM
To: Keskitalo II, David H (BPA) - NHE-1
Cc: Black, Kathy L (BPA) - LC-7
Subject: Interviews re: (b) (6) issue

David - do you know if Roy sent out emails regarding the investigation? I would like to start setting up the interviews and don't want to surprise anyone.

Mary

To: Fox,Roy B (BPA) - NH-1[rbfox@bpa.gov]
Cc: Keskitalo II,David H (BPA) - NHE-1[dhkeskitaloii@bpa.gov]; Wooldridge,Mary L (BPA) - LC-7[mlwooldridge@bpa.gov]
From: Black,Kathy L (BPA) - LC-7
Sent: Tue 1/8/2013 1:16:36 AM
Subject: Change of Plans in (b) (6) Investigation

*** Attorney/Client Privileged Communication ***

Roy,

(b) (5), (b) (6)

Kathy

To: Black, Kathy L (BPA) - LC-7[klblack@bpa.gov]
From: Keskitalo II, David H (BPA) - NHE-1
Sent: Tue 1/8/2013 7:28:27 PM
Subject: Link (b) (6)

(b) (6)

David Keskitalo
503-230-5312

David Keskitalo
503-230-5312

From: Wachal, Ellen E (BPA) - NHQ-1
Sent: Thursday, January 10, 2013 8:52 AM
To: Cockrum Jr, Mitchell A (BPA) - NHQ-1; Keskitalo II, David H (BPA) - NHE-1
Subject: FW: Performance Appraisal
Importance: High

(b) (6)

David, how should we respond?

From: (b) (6)
Sent: Thursday, January 10, 2013 8:46 AM
To: Cockrum Jr, Mitchell A (BPA) - NHQ-1
Cc: Wachal, Ellen E (BPA) - NHQ-1
Subject: RE: Performance Appraisal

(b) (6), (b) (5)

From: Cockrum Jr, Mitchell A (BPA) - NHQ-1
Sent: Wednesday, January 09, 2013 4:40 PM
To: (b) (6)
Cc: Wachal, Ellen E (BPA) - NHQ-1
Subject: RE: Performance Appraisal

(b) (6), (b) (5)

Mitch Cockrum, Service Delivery Supervisor - Talent Acquisition
Human Capital Management | Bonneville Power Administration
macockrum@bpa.gov | (503) 230-3190
HR Help: 503 230-3230 | HRHelp@bpa.gov
Only Here will you define the future of energy!
Visit careers.bpa.gov for career opportunities.

From: (b) (6)
Sent: Tuesday, January 08, 2013 11:28 AM
To: Cockrum Jr, Mitchell A (BPA) - NHQ-1
Cc: Wachal, Ellen E (BPA) - NHQ-1
Subject: RE: Performance Appraisal

Sorry- actually I do not need answer to this question (b) (6), (b) (5)
[Redacted]

From: (b) (6)
Sent: Monday, January 07, 2013 4:20 PM
To: Cockrum Jr, Mitchell A (BPA) - NHQ-1
Cc: Wachal, Ellen E (BPA) - NHQ-1
Subject: Performance Appraisal

(b) (6)

Human Capital Management/Bonneville Power Administration

(b) (6)

Only Here will you define the future of energy!
Visit jobs.bpa.gov for career opportunities.

Message

From: Black, Kathy L (BPA) - LC-7 [/O=BPA/OU=BPASITE1/CN=RECIPIENTS/CN=KLB1193]
Sent: 1/18/2013 4:06:02 PM
To: Keskitalo II, David H (BPA) - NHE-1 [/O=BPA/OU=BPASite1/cn=Recipients/cn=DHK8037]; Fox, Roy B (BPA) - NH-1 [/O=BPA/OU=BPASite1/cn=Recipients/cn=RBF1276]
CC: Wooldridge, Mary L (BPA) - LC-7 [/O=BPA/OU=BPASite1/cn=Recipients/cn=MLW9083]
Subject: RE: Let us know when you have executed your notification plan

FYI - We have scheduled the second interview with (b) (6) for January 25 and hope to schedule other interviews for the following week.

From: Keskitalo II, David H (BPA) - NHE-1
Sent: Thursday, January 17, 2013 2:51 PM
To: Fox, Roy B (BPA) - NH-1
Cc: Black, Kathy L (BPA) - LC-7
Subject: RE: Let us know when you have executed your notification plan

Roy,

Have you been able to schedule time with these folks? Please let us know if we can help.

David Keskitalo
503-230-5312

From: Black, Kathy L (BPA) - LC-7
Sent: Friday, January 04, 2013 8:12 AM
To: Fox, Roy B (BPA) - NH-1
Cc: Keskitalo II, David H (BPA) - NHE-1; Wooldridge, Mary L (BPA) - LC-7; Black, Kathy L (BPA) - LC-7
Subject: RE: Let us know when you have executed your notification plan

Roy,

(b) (5), (b) (6)

Thanks,

Kathy

From: Black, Kathy L (BPA) - LC-7
Sent: Friday, December 21, 2012 3:06 PM
To: Fox, Roy B (BPA) - NH-1
Cc: Keskitalo II, David H (BPA) - NHE-1; Wooldridge, Mary L (BPA) - LC-7
Subject: Let us know when you have executed your notification plan

Roy,

(b) (6), (b) (5)

I am out until January 3 but will be looking at e-mail and working with David on another matter. Please call if you need anything.

Kathy

Cell: (b) (6)

Message

From: Wachal, Ellen E (BPA) - NHQ-1 [/O=BPA/OU=BPASITE1/CN=RECIPIENTS/CN=EEW3821]
Sent: 1/18/2013 10:07:04 PM
To: Black, Kathy L (BPA) - LC-7 [/O=BPA/OU=BPASite1/cn=Recipients/cn=KLB1193]
CC: Keskitalo II, David H (BPA) - NHE-1 [/O=BPA/OU=BPASite1/cn=Recipients/cn=DHK8037]
Subject: RE: Fact question re: (b) (6)

Course. Let me know if you need more info.

From: Black, Kathy L (BPA) - LC-7
Sent: Friday, January 18, 2013 2:04 PM
To: Wachal, Ellen E (BPA) - NHQ-1
Cc: Keskitalo II, David H (BPA) - NHE-1
Subject: RE: Fact question re: (b) (6)

Thank you!

From: Wachal, Ellen E (BPA) - NHQ-1
Sent: Friday, January 18, 2013 1:37 PM
To: Black, Kathy L (BPA) - LC-7
Cc: Keskitalo II, David H (BPA) - NHE-1
Subject: RE: Fact question re: (b) (6)

Susan and I met with (b) (6) on 7/30 at 2:30pm, in room 160. (I try to keep good notes).

From: Black, Kathy L (BPA) - LC-7
Sent: Friday, January 18, 2013 10:59 AM
To: Wachal, Ellen E (BPA) - NHQ-1
Cc: Keskitalo II, David H (BPA) - NHE-1
Subject: Fact question re: (b) (6)

Ellen,

Can you look through your records and let me know when you conducted (b) (6)

Thanks

Kathy

To: Wooldridge, Mary L (BPA) - LC-7[mlwooldridge@bpa.gov]
From: Black, Kathy L (BPA) - LC-7
Sent: Thur 1/24/2013 2:11:25 AM
Subject: FW: Status Report
Status Report on (b) (6) Complaint Investigation.doc

From: (b) (6)
Sent: Tuesday, January 22, 2013 3:51 PM
To: Black, Kathy L (BPA) - LC-7; Bob Stewart
Subject: Status Report

Kathy:

The attached is our view of the case at this point, now that we have all read the transcript.

Perhaps we could schedule a conference call sometime in the next couple of days to discuss.

Best Regards,

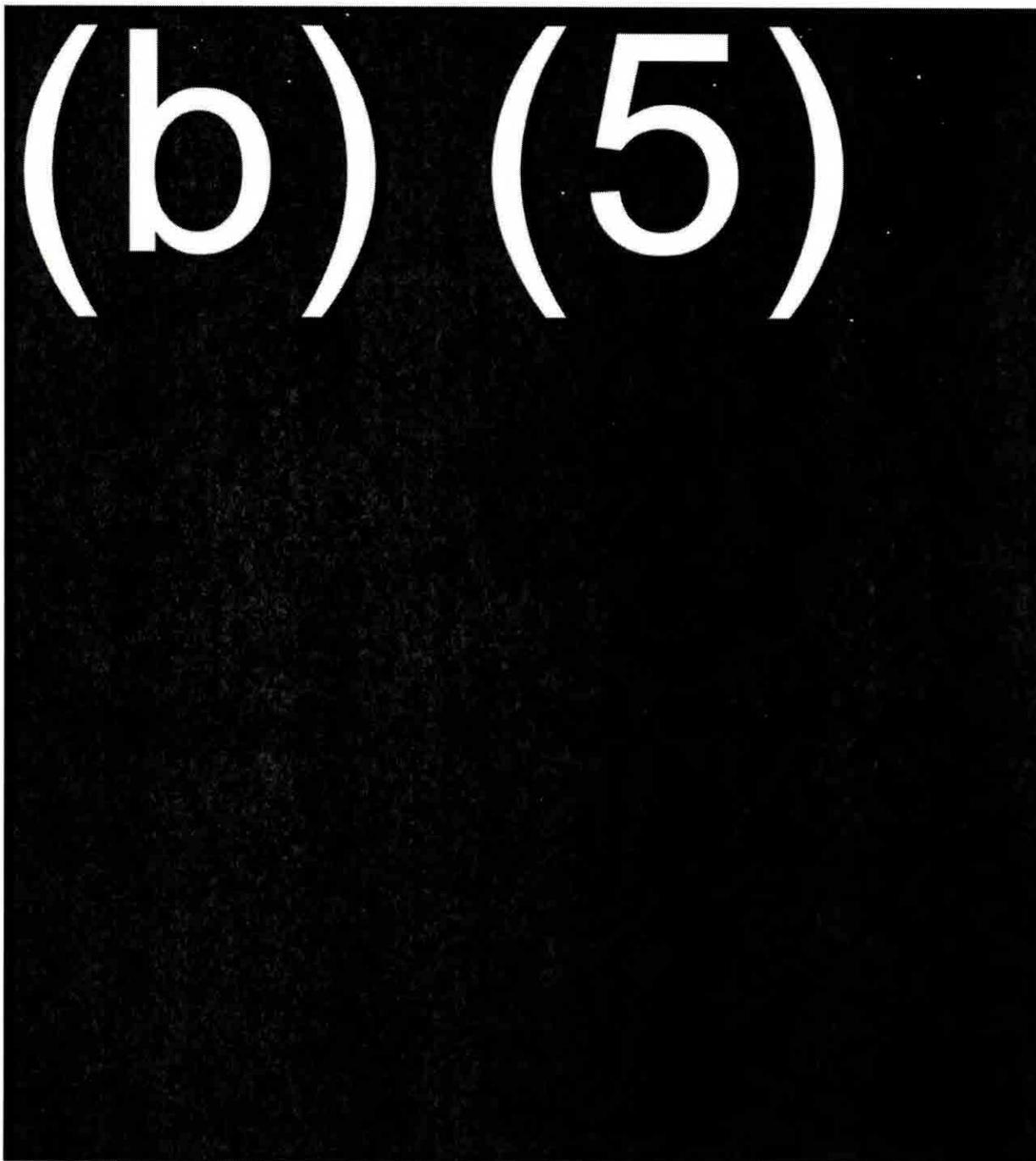
Dick Pashley

Attorney Work Product

From: Bob Stewart and Dick Pashley, Investigators

To: Kathy Black, BPA OGC

Subject: Status Report on (b) (6) Complaint Investigation:



The following four pages are redacted in their entirety under Exemption 5 -
Attorney-Work Product privilege

Message

From: Black, Kathy L (BPA) - LC-7 [/O=BPA/OU=BPASITE1/CN=RECIPIENTS/CN=KLB1193]
Sent: 1/24/2013 10:47:34 PM
To: Keskitalo II, David H (BPA) - NHE-1 [/O=BPA/OU=BPASite1/cn=Recipients/cn=DHK8037]
Subject: RE: my voicemail/need attorney advice

*** Attorney/Client Privileged Communication ***

(b) (5), (b) (6)

From: Keskitalo II, David H (BPA) - NHE-1
Sent: Thursday, January 24, 2013 11:54 AM
To: Black, Kathy L (BPA) - LC-7
Subject: my voicemail/need attorney advice

Kathy,

(b) (6), (b) (5)

David Keskitalo
503-230-5312

Message

From: Black, Kathy L (BPA) - LC-7 [/O=BPA/OU=BPASITE1/CN=RECIPIENTS/CN=KLB1193]
Sent: 1/25/2013 3:50:30 PM
To: Keskitalo II, David H (BPA) - NHE-1 [/O=BPA/OU=BPASite1/cn=Recipients/cn=DHK8037]
CC: Wooldridge, Mary L (BPA) - LC-7 [/O=BPA/OU=BPASite1/cn=Recipients/cn=MLW9083]
Subject: FW: Contacts

How does Roy want to notify (b) (6)

From: Wooldridge, Mary L (BPA) - LC-7
Sent: Thursday, January 24, 2013 5:27 PM
To: Black, Kathy L (BPA) - LC-7
Subject: RE: Contacts

He will need to do one for (b) (6) and make sure (b) (6) brings all of (b) (6) records regarding (b) (6) --- if they still exist.

From: Black, Kathy L (BPA) - LC-7
Sent: Thursday, January 24, 2013 5:24 PM
To: Wooldridge, Mary L (BPA) - LC-7
Subject: FW: Contacts

(b) (6)

From: Fox, Roy B (BPA) - NH-1
Sent: Thursday, January 24, 2013 4:16 PM
To: Black, Kathy L (BPA) - LC-7; Keskitalo II, David H (BPA) - NHE-1
Subject: Contacts

Susan, Mitch and Ellen were all brief on this by me the first week of January. In checking records, it does not appear I sent this. OK to deliver today?

<< File: Draft Letter Fox to (b) (6) (2).doc >>

United States Government

Department of Energy
Bonneville Power Administration

memorandum

DATE: January 24, 2013

REPLY TO
ATTN OF: NH-1

SUBJECT: Investigation into Allegations

TO: (b) (6)

You provided an undated letter to me during our face-to-face meeting on Friday, November 30, 2012. The letter contains numerous allegations concerning harassing, retaliatory, and discriminatory behavior directed toward you and other members of your work group. I have decided to engage BPA's Office of General Counsel to conduct an investigation on my behalf. Such an investigation is likely to include on-the-record interviews with you, your supervisor(s), and members of your work group, as well as collection of relevant documents. You have been contacted by BPA legal counsel since you've returned to the office and have had one meeting with our investigators. I expect you to participate fully in the process and to refrain from discussing this with others.

Roy B. Fox
Chief Human Capital Officer

cc:
D. Keskitalo – NHE-1
S. Burns – NHO-1
M. Cockrum – NHO-1

To: Black,Kathy L (BPA) - LC-7[klblack@bpa.gov]
From: Clark,David C (BPA) - NHI-1
Sent: Sun 2/3/2013 5:27:15 PM
Subject: Re: what is the investigation interview on my schedule?

Very helpful and now clear. Thanks.

----- Original Message -----

From: Black,Kathy L (BPA) - LC-7
Sent: Sunday, February 03, 2013 09:11 AM
To: Clark,David C (BPA) - NHI-1
Subject: RE: what is the investigation interview on my schedule?

Dave,

(b) (6), (b) (5)

Feel free to call or stop by on Monday if you have questions.

Kathy

From: Clark,David C (BPA) - NHI-1
Sent: Saturday, February 02, 2013 5:50 PM
To: Black,Kathy L (BPA) - LC-7
Subject: what is the investigation interview on my schedule?

Message

From: Keskitalo II,David H (BPA) - NHE-1 [/O=BPA/OU=BPASITE1/CN=RECIPIENTS/CN=DHK8037]
Sent: 2/3/2013 6:57:15 PM
To: Black,Kathy L (BPA) - LC-7 [/O=BPA/OU=BPASite1/cn=Recipients/cn=KLB1193]
Subject: FW: Examples on (b) (6) part II
Attachments: Examples, part I; RSA Documentation_Client Interactions_SBP POV.docx

(b) (6), (b) (5)

David Keskitalo
503-230-5312

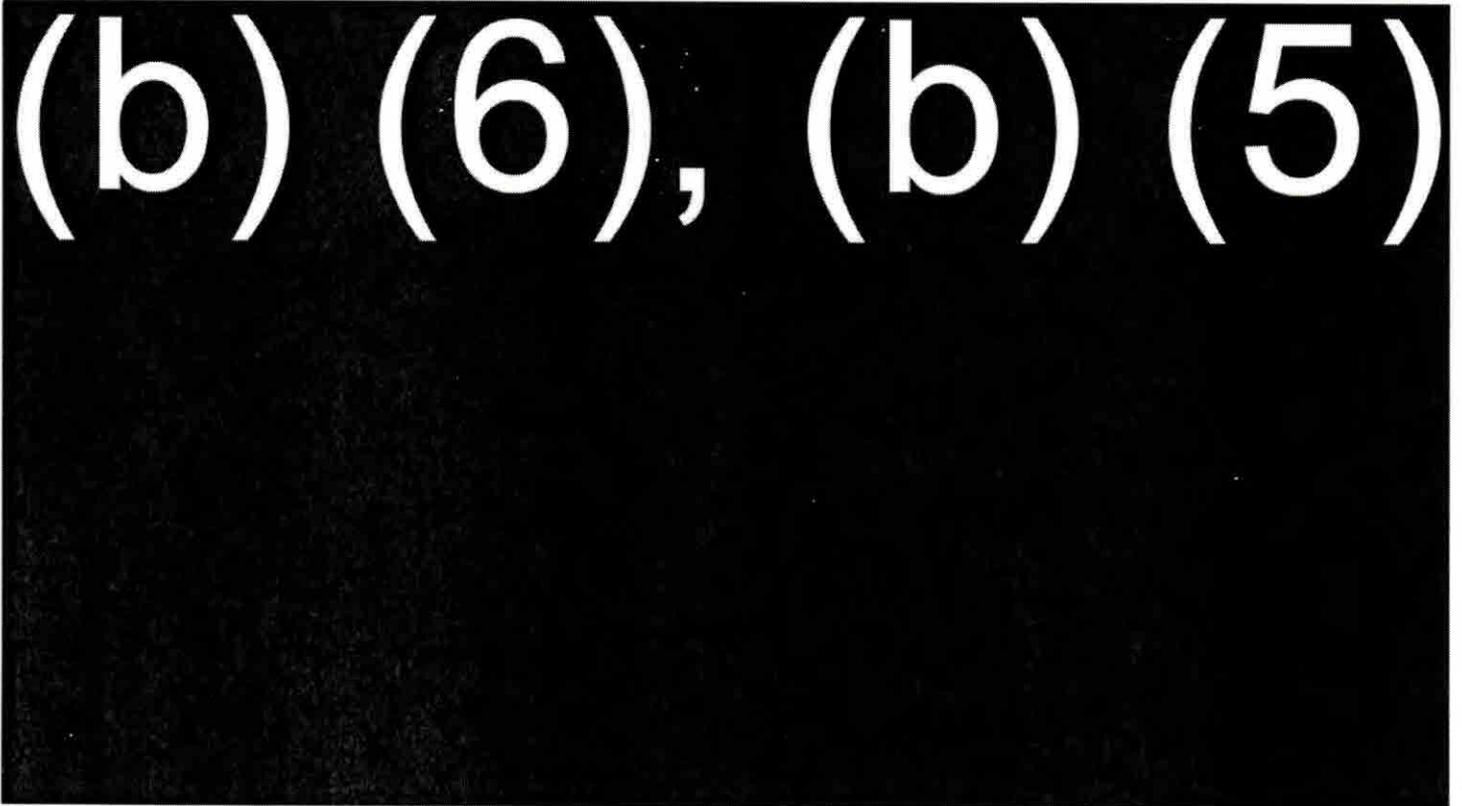
From: Wachal,Ellen E (BPA) - NHQ-1
Sent: Friday, February 01, 2013 4:26 PM
To: Keskitalo II,David H (BPA) - NHE-1
Subject: Examples on (b) (6) part II

(b) (6), (b) (5)

Message

From: Wachal, Ellen E (BPA) - NHQ-1 [/O=BPA/OU=BPASITE1/CN=RECIPIENTS/CN=EFW3821]
Sent: 1/25/2013 9:46:34 PM
To: Keskitalo II, David H (BPA) - NHE-1 [/O=BPA/OU=BPASite1/cn=Recipients/cn=DHK8037]
Subject: Examples, part I
Importance: High

Hi David -



Ellen E. Wachal | Talent Acquisition
Human Capital Management | Bonneville Power Administration
503-230-4391 | eewachal@bpa.gov

Only Here will you define the future of energy!
Visit careers.bpa.gov for career opportunities.

The following two pages are redacted in their entirety under Exemption 5 -
Attorney-Work Product privilege

Message

From: Black,Kathy L (BPA) - LC-7 [/O=BPA/OU=BPASITE1/CN=RECIPIENTS/CN=KLB1193]
Sent: 2/5/2013 4:59:03 PM
To: Keskitalo II,David H (BPA) - NHE-1 [/O=BPA/OU=BPASite1/cn=Recipients/cn=DHK8037]
Subject: RE: Examples on  part II

*** Attorney/Client Privileged Communication ***

(b) (6), (b) (5)

From: Keskitalo II,David H (BPA) - NHE-1
Sent: Sunday, February 03, 2013 10:57 AM
To: Black,Kathy L (BPA) - LC-7
Subject: FW: Examples on  part II

(b) (6), (b) (5)

David Keskitalo
503-230-5312

From: Wachal,Eilen E (BPA) - NHQ-1
Sent: Friday, February 01, 2013 4:26 PM
To: Keskitalo II,David H (BPA) - NHE-1
Subject: Examples on  part II

(b) (6), (b) (5)

Message

From: Black, Kathy L (BPA) - LC-7 [/O=BPA/OU=BPASITE1/CN=RECIPIENTS/CN=KLB1193]
Sent: 2/11/2013 11:12:28 PM
To: Black, Kathy L (BPA) - LC-7 [/O=BPA/OU=BPASite1/cn=Recipients/cn=KLB1193]; Johanson, Cherie J (CONTR) - LC-7 [/O=BPA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CJJ4071]
CC: Keskitalo II, David H (BPA) - NHE-1 [/O=BPA/OU=BPASite1/cn=Recipients/cn=DHK8037]
Subject: RE: Transcripts from (b) (6) Investigation

David,

(b) (6), (b) (5)

contain the information you need, as I haven't had a chance to read them fully. I'll let you know tomorrow.

Kathy

From: Black, Kathy L (BPA) - LC-7
Sent: Monday, February 11, 2013 2:46 PM
To: Johanson, Cherie J (CONTR) - LC-7
Cc: Keskitalo II, David H (BPA) - NHE-1
Subject: Transcripts from (b) (6) Investigation

Cherie,

(b) (6), (b) (5)

Please send them to David K and make sure all of the electronic versions are in the directory.

Thanks!

Kathy

Message

From: Johanson,Cherie J (CONTR) - LC-7 [/O=BPA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CJJ4071]
Sent: 2/11/2013 11:17:29 PM
To: Keskitalo II,David H (BPA) - NHE-1 [/O=BPA/OU=BPASite1/cn=Recipients/cn=DHK8037]
Subject: Transcript request
Attachments: (b) (6)

(b) (6)

Here you go ☺

*Cherie Johanson
Paralegal II
Unisys
Office of General Counsel LC-7
Bonneville Power Administration
(503) 230-4267*

Message

From: Black, Kathy L (BPA) - LC-7 [/O=BPA/OU=BPASITE1/CN=RECIPIENTS/CN=KLB1193]
Sent: 2/13/2013 1:26:51 AM
To: Fox, Roy B (BPA) - NH-1 [/O=BPA/OU=BPASite1/cn=Recipients/cn=RBF1276]
Subject: Confidential: DRAFT of Investigation Report
Attachments: Combination Black and newest footnotes.doc

Roy,

(b) (6), (b) (5)

I'll be in the office all week and look forward to your comments.

Kathy

XS264

Cell: (b) (6)

Message

From: Fox, Roy B (BPA) - NH-1 [/O=BPA/OU=BPASITE1/CN=RECIPIENTS/CN=RBF1276]
Sent: 2/14/2013 1:36:32 AM
To: Black, Kathy L (BPA) - LC-7 [/O=BPA/OU=BPASite1/cn=Recipients/cn=KLB1193]
Subject: RE: Confidential: Investigation Update

(b) (6), (b) (5)

From: Black, Kathy L (BPA) - LC-7
Sent: Wednesday, February 13, 2013 4:05 PM
To: Fox, Roy B (BPA) - NH-1
Subject: Confidential: Investigation Update

Roy,

(b) (6), (b) (5)

Kathy

Message

From: Oden-Orr, Donna A (BPA) - LC-7 [/O=BPA/OU=BPASITE1/CN=RECIPIENTS/CN=DAO1481]
Sent: 2/14/2013 5:53:16 PM
To: Keskitalo II, David H (BPA) - NHE-1 [/O=BPA/OU=BPASite1/cn=Recipients/cn=DHK8037]
CC: Black, Kathy L (BPA) - LC-7 [/O=BPA/OU=BPASite1/cn=Recipients/cn=KLB1193]
Subject: RE: (b) (6)

David,

(b) (6), (b) (5)

*Donna Oden-Orr
Attorney-Advisor
Bonneville Power Administration
905 NE 11th Ave.,
Portland, OR 97208
503.230.7389 direct
503.230.7405 fax*

From: Keskitalo II, David H (BPA) - NHE-1
Sent: Wednesday, February 13, 2013 7:44 PM
To: Oden-Orr, Donna A (BPA) - LC-7; Black, Kathy L (BPA) - LC-7
Subject: RE: (b) (6)

Yes, this is the same one.

(b) (6), (b) (5)

David Keskitalo
503-230-5312

From: Oden-Orr, Donna A (BPA) - LC-7
Sent: Wednesday, February 13, 2013 7:41 PM
To: Black, Kathy L (BPA) - LC-7; Keskitalo II, David H (BPA) - NHE-1
Subject: RE: (b) (6)

(b) (6), (b) (5)

*Donna Oden-Orr
Attorney-Advisor
Bonneville Power Administration
905 NE 11th Ave.,*

Portland, OR 97208
503.230.7389 direct
503.230.7405 fax

From: Black, Kathy L (BPA) - LC-7
Sent: Wednesday, February 13, 2013 5:54 PM
To: Keskitalo II, David H (BPA) - NHE-1; Oden-Orr, Donna A (BPA) - LC-7
Subject: RE: (b) (6)

(b) (6), (b) (5)

From: Keskitalo II, David H (BPA) - NHE-1
Sent: Wednesday, February 13, 2013 11:58 AM
To: Black, Kathy L (BPA) - LC-7; Oden-Orr, Donna A (BPA) - LC-7
Subject: (b) (6)

(b) (6), (b) (5)

David Keskitalo
503-230-5312

To: Johanson,Cherie J (CONTR) - LC-7[cjohanson@bpa.gov]
From: Black,Kathy L (BPA) - LC-7
Sent: Fri 2/22/2013 12:05:11 AM
Subject: RE: Finalization of (b) (6) Report

That sounds great. Thanks!

From: Johanson,Cherie J (CONTR) - LC-7
Sent: Thursday, February 21, 2013 3:57 PM
To: Black,Kathy L (BPA) - LC-7
Subject: RE: Finalization of (b) (6) Report

Hi Kathy,

(b) (6), (b) (5)

Have a good evening,

Cherie Johanson
Paralegal II
Unisys
Office of General Counsel LC-7
Bonneville Power Administration
(503) 230-4267

From: Black,Kathy L (BPA) - LC-7
Sent: Thursday, February 21, 2013 3:03 PM
To: Johanson,Cherie J (CONTR) - LC-7
Subject: FW: Finalization of (b) (6) Report

*** Attorney Work Product ***

(b) (6), (b) (5)

From: Black,Kathy L (BPA) - LC-7
Sent: Thursday, February 21, 2013 2:52 PM
To: Fox,Roy B (BPA) - NH-1

Cc: Keskitalo II,David H (BPA) - NHE-1; Wooldridge,Mary L (BPA) - LC-7
Subject: Finalization of (b) (6) Report

*** Attorney/Client Privileged Communication ***
*** Attorney Work Product ***

Roy,

(b) (6), (b) (5)

If you see any typos in this narrative, please let me know and I will fix them before compiling the full report.

Thanks

Kathy
X5264

<< File: Thu 2-22 Final Report.doc >>

To: Black, Kathy L (BPA) - LC-7[kblack@bpa.gov]
From: Johanson, Cherie J (CONTR) - LC-7
Sent: Fri 2/22/2013 6:41:26 PM
Subject: RE: Finalization of (b) (6) Report

Hi Kathy,

(b) (6), (b) (5)

Thanks!

Cherie Johanson
Paralegal II
Unisys
Office of General Counsel LC-7
Bonneville Power Administration
(503) 230-4267

From: Black, Kathy L (BPA) - LC-7
Sent: Thursday, February 21, 2013 3:03 PM
To: Johanson, Cherie J (CONTR) - LC-7
Subject: FW: Finalization of (b) (6) Report

*** Attorney Work Product ***

(b) (6), (b) (5)

From: Black, Kathy L (BPA) - LC-7
Sent: Thursday, February 21, 2013 2:52 PM
To: Fox, Roy B (BPA) - NH-1
Cc: Keskitalo II, David H (BPA) - NHE-1; Wooldridge, Mary L (BPA) - LC-7
Subject: Finalization of (b) (6) Report

*** Attorney/Client Privileged Communication ***
*** Attorney Work Product ***

Roy,

(b) (6), (b) (5)

(b) (6), (b) (5)

If you see any typos in this narrative, please let me know and I will fix them before compiling the full report.

Thanks

Kathy
X5264

<< File: Thu 2-22 Final Report.doc >>

Message

From: Black, Kathy L (BPA) - LC-7 [/O=BPA/OU=BPASITE1/CN=RECIPIENTS/CN=KLB1193]
Sent: 2/22/2013 7:05:44 PM
To: Johanson, Cherie J (CONTR) - LC-7 [/O=BPA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CJJ4071]
Subject: RE: Finalization of (b) (6) Report
Attachments: (b) (6) Harassment Complainant 751.412, December 3, 2012.pdf; FW: Request for information for our Legal department



(b) (6) FW: Request for
Harassment Co... information for o...

From: Johanson, Cherie J (CONTR) - LC-7
Sent: Friday, February 22, 2013 10:41 AM
To: Black, Kathy L (BPA) - LC-7
Subject: RE: Finalization of (b) (6) Report

Hi Kathy,

(b) (6), (b) (5)

Thanks!

*Cherie Johanson
Paralegal II
Unisys
Office of General Counsel LC-7
Bonneville Power Administration
(503) 230-4267*

From: Black, Kathy L (BPA) - LC-7
Sent: Thursday, February 21, 2013 3:03 PM
To: Johanson, Cherie J (CONTR) - LC-7
Subject: FW: Finalization of (b) (6) Report

*** Attorney Work Product ***

(b) (6), (b) (5)

From: Black, Kathy L (BPA) - LC-7

United States Government

Department of Energy
Bonneville Power Administration

memorandum

DATE: December 3, 2012

REPLY TO
ATTN OF: NH - 1

SUBJECT: (b) (6)

TO: (b) (6)

(b) (6), (b) (5)

(b) (6), (b) (5)

Sincerely,



Roy B. Fox
Chief Human Capital Officer

cc: Official File - NHE-1

To: Johanson,Cherie J (CONTR) - LC-7[cjjohanson@bpa.gov]
From: Black,Kathy L (BPA) - LC-7
Sent: Fri 2/22/2013 9:39:25 PM
Subject: FW: Finalization of (b) (6) Report
Report.doc

I've accepted the changes with one modification. Thanks for taking the time to check through this carefully.

From: Johanson,Cherie J (CONTR) - LC-7
Sent: Friday, February 22, 2013 11:34 AM
To: Black,Kathy L (BPA) - LC-7
Subject: RE: Finalization of (b) (6) Report
Importance: High

Great, thanks! I have attached the report with suggested track changes with comments for your review.

I'll finish gathering the exhibits.

*Cherie Johanson
Paralegal II
Unisys
Office of General Counsel LC-7
Bonneville Power Administration
(503) 230-4267*

From: Black,Kathy L (BPA) - LC-7
Sent: Friday, February 22, 2013 11:06 AM
To: Johanson,Cherie J (CONTR) - LC-7
Subject: RE: Finalization of (b) (6) Report

(b) (6), (b) (5)

From: Johanson,Cherie J (CONTR) - LC-7
Sent: Friday, February 22, 2013 10:41 AM
To: Black,Kathy L (BPA) - LC-7
Subject: RE: Finalization of (b) (6) Report

Hi Kathy,

(b) (6), (b) (5)

Thanks!

Cherie Johanson
Paralegal II
Unisys
Office of General Counsel LC-7
Bonneville Power Administration
(503) 230-4267

From: Black, Kathy L (BPA) - LC-7
Sent: Thursday, February 21, 2013 3:03 PM
To: Johanson, Cherie J (CONTR) - LC-7
Subject: FW: Finalization of (b) (6) Report

*** Attorney Work Product ***

(b) (6), (b) (5)

From: Black, Kathy L (BPA) - LC-7
Sent: Thursday, February 21, 2013 2:52 PM
To: Fox, Roy B (BPA) - NH-1
Cc: Keskitalo II, David H (BPA) - NHE-1; Wooldridge, Mary L (BPA) - LC-7
Subject: Finalization of (b) (6) Report

*** Attorney/Client Privileged Communication ***
*** Attorney Work Product ***

Roy,

(b) (6), (b) (5)

If you see any typos in this narrative, please let me know and I will fix them before compiling the full report.

Thanks

Kathy
X5264

<< File: Thu 2-22 Final Report.doc >>

To: Fox, Roy B (BPA) - NH-1[rbfox@bpa.gov]; Keskitalo II, David H (BPA) - NHE-1[dhkeskitaloii@bpa.gov]
Cc: Black, Kathy L (BPA) - LC-7[kblack@bpa.gov]
From: Johanson, Cherie J (CONTR) - LC-7
Sent: Fri 2/22/2013 11:50:50 PM
Subject: ****Confidential**** Final Investigation Report with Exhibits
13.02.22(b) (6) Report with Exhibits.pdf

Hello Gentlemen,

Attached, please find the confidential final Investigation Report of (b) (6) with exhibits. Please click on the bookmark icon to the left once you open the pdf for ease of reference.

Mr. Fox: I am compiling a binder with a hard copy of the report and exhibits for you. For confidential delivery, please advise when a good time would be to bring it down to your office.

Thank you,

*Cherie Johanson
Paralegal II
Unisys
Office of General Counsel LC-7
Bonneville Power Administration
(503) 230-4267*

**FINAL INVESTIGATION REPORT
FEBRUARY 22, 2013**

The following 24 pages are redacted in their entirety
pursuant to Exemption 5 Attorney Work-Product privilege

To: Keskitalo II,David H (BPA) - NHE-1[dhkeskitaloii@bpa.gov]
From: Black,Kathy L (BPA) - LC-7
Sent: Tue 2/26/2013 1:03:00 AM
Subject: FW: Transcripts

(b) (6) .ptx
(b) (6) .ptx

The attached seven transcripts
(totaling 360 pages) are being withheld in
their entirety pursuant to Exemption 5 -
Attorney Work-Product privilege.

Here you go.

From: Black,Kathy L (BPA) - LC-7
Sent: Thursday, February 21, 2013 2:58 PM
To: Keskitalo II,David H (BPA) - NHE-1
Subject: Transcripts

*** Attorney Work Product ***

David,

(b) (6), (b) (5)

Thanks

Kathy
X5264

To: Black, Kathy L (BPA) - LC-7[klblack@bpa.gov]
From: Fox, Roy B (BPA) - NH-1
Sent: Thur 2/14/2013 1:36:32 AM
Subject: RE: Confidential: Investigation Update

(b) (6), (b) (5)

From: Black, Kathy L (BPA) - LC-7
Sent: Wednesday, February 13, 2013 4:05 PM
To: Fox, Roy B (BPA) - NH-1
Subject: Confidential: Investigation Update

Roy,

(b) (6), (b) (5)

Kathy

To: Fox,Roy B (BPA) - NH-1[rbfox@bpa.gov]
From: Black,Kathy L (BPA) - LC-7
Sent: Wed 2/13/2013 1:26:51 AM
Subject: Confidential: DRAFT of Investigation Report
Combination Black and newest footnotes.doc

Roy,

(b) (6), (b) (5)

I'll be in the office all week and look forward to your comments.

Kathy

X5264

Cell: (b) (6)

The attachment (the following 19 pages) is redacted in its entirety
pursuant to Exemption 5 - Attorney Work-Product Privilege