



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

August 29, 2014

In reply refer to: FOIA #BPA-2014-01685-F

Ken Nichols
NetPeak Energy Group
19720 NW Tanasbourne Dr.
Hillsboro, OR 97124

Mr. Nichols:

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 request was received in our office on August 8, 2014, with an acknowledgement letter sent to you on August 13, 2014.

You requested:

“We would like to receive the winning proposal in response to BPA’s Demand Response Program Demonstration Project RFP dated, May 23, 2014.”

Response:

BPA has no responsive records (the winning proposal). There has been no contract awarded for the Demand Response Program Demonstration Project RFP dated May 23, 2014. This notification letter is our final action on this request.

Exemption 3 of FOIA requires the withholding of information that is prohibited from disclosure by another federal statute. 5 USC 552(b)(3). 41 USC 253b(m) 9 recodified at 41 USC 4702 prohibits an agency from disclosing under FOIA a proposal that is in the possession or control of the agency, unless that proposal is set forth or incorporated by reference in a contract between the agency and the contractor. Therefore, your request for the winning proposal is denied.

There are no fees associated with this request.

Appeal:

You may seek administrative appeal pursuant to Department of Energy FOIA regulations at 10 C.F.R. § 1004.8. If you choose to appeal, you must do so in writing within 30 days, and include the following information:

- (1) The nature of your appeal - denial of records, partial denial of records, lack of responsive records, or denial of fee waiver;

- (2) Any legal authorities relied upon to support the appeal; and
- (3) A copy of this 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 E. Thanh Knudson (Case Officer, DEA Onsite Contractor) at (503)-230-2221.

Sincerely,


Christy Munro

Freedom of Information/Privacy Act Officer