



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

August 22, 2014

In reply refer to: FOIA #BPA-2014-01727-F

Clayton Hogeland

Ex 6

Dear Mr. Hogeland:

We have received your request for records under the Freedom of Information Act, 5 U.S.C. § 552, transferred from the Department of Energy. The Bonneville Power Administration (BPA) is a Power Marketing Administration for the Pacific Northwest, and may have records responsive to your request.

Your letter was received in this office on August 19, 2014, and has been assigned control number BPA-2014-01727-F. Please use this number in any correspondence with the agency about your request.

You requested:

“1. Memos, letters, and/or reports that discuss the power outage across the United States that happened between 2002 to 2008. Specific reports sought would be the ones that detail Enron's involvement that created such incidents.

2. Memos, letters, and reports that discuss the "brown outs" in California and throughout the Western United States between January 1, 1998, to December 31, 2008. The subject would involve Enron's involvement in said incidents through all means including speculating on the energy market.

3. Letters, memos, and reports that discuss the energy price surge in California and surrounding states between January 1, 1998, to December 31, 2008. The reports specially detail Enron's role and involvement in said increases.”

We have reviewed your letter and have determined that it **does not** addresses all of the criteria of a proper request under the FOIA, DOE, and BPA regulation that implements the FOIA at Title 10, Code of Federal Regulations, Part 1004. You did not address your willingness to pay fees associated with the search for the responsive records.

The FOIA authorizes BPA to charge fees to recover the costs of searching for, reviewing, and reproducing records. Fees vary by requester type. You have been classified as an “individual seeking the information for your personal, not commercial, use.” The fees for this category of requester are as follows:

- Search time: No charge for the first two hours; additional hours charged at the hourly rate of searching employee plus 16%. Average hourly rate is \$42 per hour.

- Review time: No charge
- Duplication: 100 free pages, \$0.10 per page thereafter

You can request a fee waiver; however, you must adequately address the criteria for fee waivers as established by the Department of Energy at 10 C.F.R. § 1004.9(a)(8). Fee waivers are generally issued when (a) disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding government operations, and (b) disclosure is not primarily in the commercial interest of the requester.

Factors used by BPA in fee waiver determinations include:

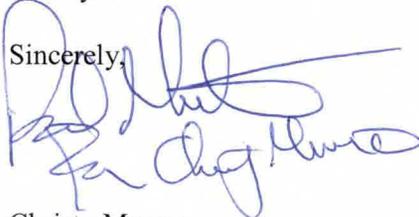
1. The subject of the request: Whether the subject of the requested records concerns “the operations or activities of the government;”
2. The informative value of the information to be disclosed: Whether the disclosure is “likely to contribute” to an understanding of government operations or activities;
3. The contribution to an understanding by the general public of the subject likely to result from disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further the understanding of the subject matter;
4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute “significantly” to public understanding of government operations or activities;
5. The existence and magnitude of a commercial interest: Whether you have a commercial interest that would be furthered by the requested disclosure; and, if so
6. The primary interest in disclosure: Whether the magnitude of your identified commercial interest is sufficiently large, in comparison with the public interest in disclosure, that disclosure is “primarily in [your] commercial interest.”

If you would like a request for a waiver to be considered, please provide information that addresses these factors. You should provide this information to Kim Winn, FOIA Public Liaison, by **September 5, 2014**. You can reach Ms. Winn at 503-230-5273 or by email at kswinn@bpa.gov.

Your request is on hold until fees are addressed. If we do not hear from you by this date, we will consider your request for information withdrawn.

Thank you for your interest in the Bonneville Power Administration. I appreciate the opportunity to assist you.

Sincerely,



Christy Munro
Freedom of Information/Privacy Act Officer