



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

September 3, 2014

In reply refer to: FOIA #BPA-2014-01761-F

Jennifer Middleton
2933 Central Blvd
Eugene, OR 97403

Dear Ms. Middleton:

We have received your request for records under the Freedom of Information Act, 5 U.S.C. § 552. Thank you for your interest in the Bonneville Power Administration (BPA). Your request was received in this office on August 25, 2014, and has been assigned control number BPA-2014-01761-F. Please use this number in any correspondence with the agency about your request.

You requested:

“(1) All leases, rental agreements, sale agreements, contracts, deeds, and other documents setting forth financial transactions or agreements between BPA and any other entity over the last ten years (August 2004 to the present) referring or relating to the land described as the Biddle Butte Microwave Radio Station Site and/or BBT-AR-1, Parcels 1 and 2 (more specifically, the 0.69 acres conveyed to the United States of America and its assigns by Warranty Deed dated November 18, 1952, by Spencer Biddle and Erskine Biddle Wood), or any part thereof, including any communications towers erected thereon.

(2) Records demonstrating all income derived from any rental, lease, or sale of the above described property to any entity or individual over the past ten years.

(3) All records describing or demonstrating use by BPA of the above premises as a communication station by the Government over the past ten years.”

We have reviewed your letter and have determined that it 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 agreed to pay \$200 in fees.

Complex requests:

FOIA requires that we act on requests “promptly” and that we make a determination on your request and respond within 20 working days (5 U.S.C. § 552(a)(6)). The Bonneville Power Administration has instituted multi-track processing, as permitted by FOIA (5 U.S.C. § 552(a)(6)(D)(i)). Simple requests and complex requests are placed in two different queues, and each queue is processed on its own first-in, first-out basis. Requests are placed in the complex

queue if they will require significant agency time or resources to process. Based on the number of years involved with your request and the fact there may be commercial or private entities involved with the property we are classifying your request as complex.

Unusual/exceptional circumstances:

Under FOIA, an agency may extend the normal 20-day deadline by an additional ten business days if “unusual circumstances” exist (5 U.S.C. § 552(a)(6)(B)(i)). Unusual circumstances include the need to search records located in field facilities, requests for a voluminous amount of records, and requests that require consultation with other agencies or agency components including Department of Energy headquarters. If an agency cannot fulfill the request within the 30 working days provided by the extended deadline, agencies must (a) notify the requester and (b) work with the requester to modify or limit the scope of the request or arrange an alternative time frame for processing (5 U.S.C. § 552(a)(6)(B)(ii)).

In this instance, BPA may need to obtain approval from any entities that may be involved in the property to release any privileged information. Under FOIA Exemption 4 federal agencies can withhold “trade secrets and commercial or financial information obtained from a person that is privileged and confidential (5 U.S.C. § 552(b)(4).” Therefore, we currently estimate the completion of your request by November 30, 2014. Because this date is outside of the permissible 30-day extended deadline, we will contact you shortly to discuss the possibility of modifying or limiting your request to permit faster processing.

I appreciate the opportunity to assist you. If you have any questions about this letter, please contact Kim Winn at 503-230-5273 or kswinn@bpa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christy Munro". The signature is written in a cursive style and is positioned to the right of the word "Sincerely,".

Christy Munro
Freedom of Information/Privacy Act Officer