



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-2014-01786-F

Alex Chamberlain
McCullough Research
3816 SE Woodstock Blvd
Portland, OR 97202

Dear Mr. Chamberlain:

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 28, 2014, and has been assigned control number BPA-2014-01786-F. Please use this number in any correspondence with the agency about your request.

You requested:

Original contract negotiated between BPA and Alcoa Inc. regarding a 10-year power deal with the Intalco aluminum plant in Ferndale, WA, signed in December of 2012.

We have reviewed your letter and determined that it addresses all of the criteria of a proper request under the FOIA and the Department of Energy's FOIA regulations at Title 10, Code of Federal Regulations, Part 1004. You have agreed to pay all applicable 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.

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 will need to obtain approval from the contracted entity 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 December 31, 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, FOIA Public Liaison, at 503-230-5273.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christy Munro". The signature is written in a cursive style with a large initial "C".

Christy Munro
Freedom of Information/Privacy Act Officer