



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

November 21, 2014

In reply refer to: BPA-2015-00190-F

Brooke Polehonka
P.O. Box 908
Kirkland, WA 98083

Ms. Polehonka:

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 November 13, 2014, and has been assigned control number BPA-2015-00190-F. Please use this number in any correspondence with the agency about your request.

You requested:

“Miller Act Bond (Performance/Payment Bond) for the Tri-Cities Bundled Work Projects; Benton Project. Henkels & McCoy is the Prime Contractor for the project.”

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)).

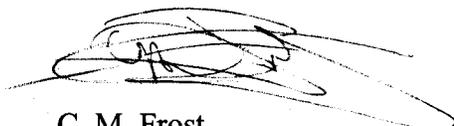
Exemption 4 protects “trade secrets and commercial or financial information obtained from a person and privileged and confidential” (5 U.S.C. § 552(b)(4)). The existence of Exemption 4 encourages businesses and other entities to voluntarily furnish useful commercial or financial information, and provides protection from competitive harm to submitters who are required to furnish information to the government.

Information is considered commercial or financial in nature if it relates to business or trade. Here, you have requested a performance bond from an entity outside of BPA. Information is “obtained from a person” when it has been provided to the government by an individual or a wide range of entities including corporations and state and foreign governments. The information at issue in this request was provided by Henkels & McCoy from Blue Bell PA. Henkels & McCoy is a privately held engineering, project management, construction, and training firm providing critical infrastructure for the electric power, renewable energy, communications, natural gas and pipeline, and water industries.

Your request involves unusual circumstances because the records include material generated by an entity outside of BPA. In these circumstances BPA provides the outside party with the opportunity to review the records and comment on the confidentiality or sensitivity of the material. Because this will cause a delay in processing, we currently estimate that we can complete your request by March 5, 2015.

I appreciate the opportunity to assist you. If you have any questions about this letter, please contact Marla J. Cummins, FOIA Case Officer (BPA Contractor, Act 1 Group) at (503) 230-5247 or via email at mjcummins@bpa.gov.

Sincerely,



C. M. Frost
Freedom of Information/Privacy Act Officer