



Department of Energy

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

FREEDOM OF INFORMATION ACT PROGRAM

December 31, 2015

In reply refer to: FOIA #BPA-2015-00475-F

Ben Tansey, Senior Contributing Editor
Energy NewsData Publications
3400 25th Avenue W, #401
Seattle, WAS 98199

Mr. Tansey:

This is a partial 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 January 8, 2015, with an acknowledgement letter sent to you on January 23, 2015.

You requested:

1. Copies of each of the bilateral settlements BPA signed with eight parties regarding the parties' damages claims under BPA's Environmental Redispatch Policy. In an email sent to me Jan. 6, 2015, BPA spokesman Doug Johnson wrote: "We have reached agreement with all eight parties: Iberdrola, Cannon Power, NextEra, EDP Renewables, PacifiCorp, PGE, Puget Sound Energy and Eurus Energy." I request copies of each of these settlement agreements.
2. I also request copies of any material disclosing and/or detailing the total amount of damages each of these parties originally claimed during the settlement negotiations.

Response:

After conducting a thorough search of paper and electronic records in General Counsel Office, in particular Barry Bennett and Allen Chan, we have located 455 pages of records responsive to your request for "(2) material disclosing and/or detailing the total amounts of damages of each of these settlement agreements negotiations" (First Partial Release). Please note that this includes 'cover pages' inserted to distinguish among the documents pertaining to each of the eight parties involved in those settlement agreements. We are releasing 16 pages in full and releasing 439 pages with redactions under Exemption(s) 4 and 5.

The Freedom of Information Act generally requires the release of all government records upon request. However, FOIA permits withholding certain, limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)).

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, the information is confidential, and therefore must be redacted – if its release would impair BPA’s ability to obtain similar, necessary information in the future. The 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 EDP Renewables North America LLC., Eurus Energy America Corporation, Iberdrola Renewables, PacifiCorp, Portland General Electric Company, and Puget Sound Energy Inc.

The information at issue in this case was voluntarily submitted to BPA. Information is considered to be voluntarily submitted when it is not required to be provided by statute, regulation or informal mandate. Here the information was submitted voluntarily in the settlement negotiations. Because the information was voluntarily submitted, it can be withheld under Exemption 4 if it would not customarily be released to the public by EDP Renewables North America LLC., Eurus Energy America Corporation, Iberdrola Renewables, PacifiCorp, Portland General Electric Company, and Puget Sound Energy Inc.’s has shown that this type of information is not generally made available to the public by itself or by similar businesses. Therefore, it is confidential, and we are withholding it under Exemption 4.

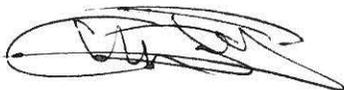
Exemption 5 protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency” (5 U.S.C. § 552(b)(5)). In plain language, the exemption protects privileged documents. The deliberative process privilege protects the decision-making processes of government agencies. Records protected under this privilege must be (1) pre-decisional – created before the adoption of an agency policy or course of action, and (2) deliberative – making recommendations or expressing opinions on a legal or policy matter. In this case, we assert Exemption 5 to protect internal BPA deliberations about the financial information provided to BPA.

Records protected by Exemption 5’s pre-decisional and deliberative privilege may be discretionarily released. We considered discretionary release in accordance with the guidelines set forth in Attorney General Holder’s March 19, 2009, FOIA Memorandum. Agencies may decline to discretionarily release material when they reasonably foresee that disclosure would harm an interest protected by the statutory exemption. The deliberative process privilege protects the decision-making processes of government agencies, and Exemption 5 encourages open, frank discussions on matters of policy and protects against public confusion and the premature disclosure of proposed policies. Disclosure of the protected draft material and internal discussions would have a chilling effect on future BPA discussions and decisions, and we decline to discretionarily release this material.

BPA is anticipating a Second and Final Release on February 26, 2016 of records responsive to “(1) Copies of each of the bilateral settlements BPA signed with eight parties regarding the parties’ damages claims under BPA’s Environmental Redispatch Policy. In an email sent to me Jan. 6, 2015, BPA spokesman Doug Johnson wrote: ‘We have reached agreement with all eight parties: Iberdrola, Cannon Power, NextEra, EDP Renewables, PacifiCorp, PGE, Puget Sound Energy and Eurus Energy.’ I request copies of each of these settlement agreements).”

If you have any questions, please contact E. Thanh Knudson, Case Coordinator (DEA Onsite Contractor), at 503-230-5221.

Sincerely,

A handwritten signature in black ink, appearing to read "C. M. Frost", written over a horizontal line.

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

Enclosure: Responsive documents

EDP Renewables North America LLC.
Responsive Documents

Knudson,Thanh (CONTR) - CGC-B1

From: Bennett,Barry (BPA) - LT-7
Sent: Thursday, August 07, 2014 2:38 PM
To: Adler,David J (BPA) - LP-7; Chan,Allen C (BPA) - LT-7; Kerns,Steven R (BPA) - PGSP-5; Bartlett,Kristine L (BPA) - PGSP-5
Subject: FW: Privileged & Confidential Communication -- EDPR NA Environmental Redispatch Claim information
Attachments: EDPR NA ER Claim 20140807.pdf

Just got this in—EDPR’s claim for damages.

A couple of interesting things and a couple of questions for Steve or Kristine at the end:

(b)(4), (b)(5)

From: Chambers, Meredith [<mailto:Meredith.Chambers@edpr.com>]
Sent: Thursday, August 07, 2014 2:19 PM
To: Bennett,Barry (BPA) - LT-7
Cc: Estes III, John N. (John.Estes@skadden.com); Walter, Ann; Hayes, Brian; Roberts, Roby
Subject: Privileged & Confidential Communication -- EDPR NA Environmental Redispatch Claim information

Privileged & Confidential Communication Subject to Settlement Privilege & FRE 408

Mr. Bennett,

In preparation for the August 15, 2014 settlement discussions regarding the Environmental Redispatch protocol, attached to this email is a letter that outlines the claim of EDP Renewables North America LLC. A paper original of the letter is being sent to your office via overnight delivery.

We anticipate that Brian Hayes, Executive Vice President, Asset Operations; Ann Walter, Asset Manager, Western Region; and Roby Roberts, Director of Communications and Governmental Affairs will attend the meeting in person. Our outside counsel, John Estes, will participate via telephone.

Please let us know if you have any questions or require further information. I will be out of the office during the next two weeks, so I have included alternate contact information in the letter and have copied the anticipated attendees on this email so that my absence does not delay communication between EDPR and BPA.

Our team looks forward to working with you.

Regards,
Meredith



Meredith Berger Chambers

EDP Renewables North America LLC

Associate General Counsel

808 Travis Street, Suite 700, Houston, Texas 77002

Direct 713.265.0327 Cell 832.289.8334 Fax 713.356.2500

www.edpr.com www.horizonwind.com

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renewables

**PRIVILEGED & CONFIDENTIAL COMMUNICATION SUBJECT TO THE SETTLEMENT PRIVILEGE AND
SUBJECT TO FEDERAL RULE OF EVIDENCE 408**

August 7, 2014

Barry Bennett
Office of the General Counsel
Bonneville Power Administration
905 NE 11th Avenue, LC-7
Portland, OR 97232

bbennett@bpa.gov

Re: Settlement discussions regarding *Cannon Power Group, LLC, et al., v.
Bonneville Power Admin*

Dear Mr. Bennett:

(b)(4)

Our team looks forward to visiting with you further on August 15 and working with BPA on this settlement matter.

If you have any questions or require further information, please feel free to contact me at the email or phone number below, or alternatively, Ann Walter, Asset Manager, Western Region, at ann.walter@edpr.com or (713) 265-0253.

Sincerely,



Meredith Berger Chambers
Associate General Counsel
EDP Renewables North America LLC
Meredith.Chambers@edpr.com
Tel. 713-265-0327

cc: Brian Hayes
Andrew Young
John Estes
Ann Walter

Eurus Energy America Corporation
Responsive Documents

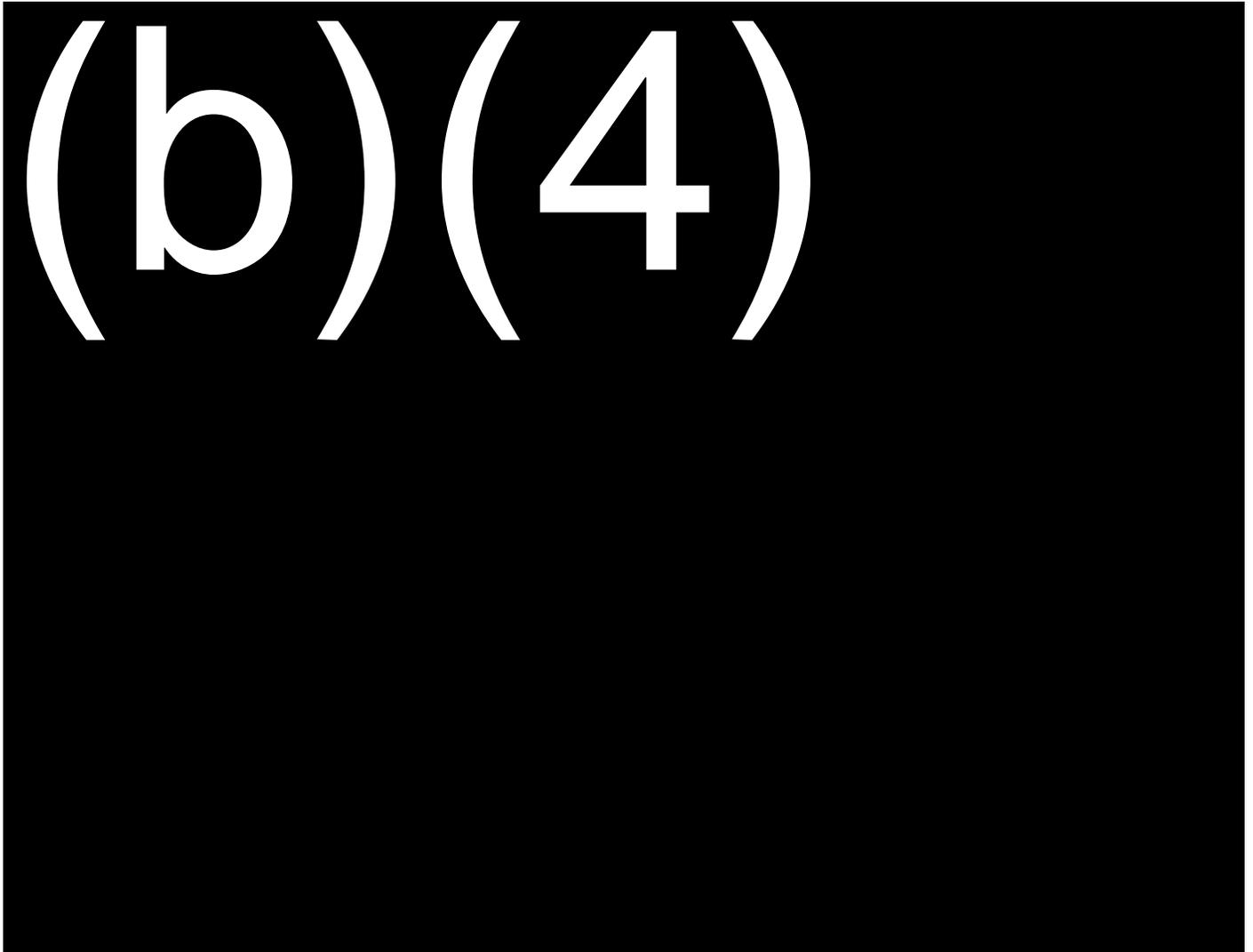
CONFIDENTIAL SETTLEMENT COMMUNICATION

VIA E-MAIL (BBENNETT@BPA.GOV) AND FIRST CLASS MAIL

November 4, 2014

Barry Bennett
Office of General Counsel
Bonneville Power Administration
905 NE 11th Avenue
Portland, OR 97232

Dear Barry:



(b)(4)

(b)(4)

(b) (4)

(b) (4)

Very truly yours,

/s/ Jay T. Waldron

Jay T. Waldron
Schwabe, Williamson & Wyatt PC
1211 SW Fifth Avenue, Suite 1900
Portland, OR 97204
Attorney for PacifiCorp

/s/ David White

David White
Portland General Electric Company
121 SW Salmon Street, 1WTC1301
Portland, OR 97204
Attorney for PGE

/s/ Jason T. Kuzma

Jason T. Kuzma
Perkins Coie LLP
10885 N.E. Fourth Street, Suite 700
Bellevue, Washington 98004-5579
Attorney for PSE

/s/ Thomas J. McCormack

Thomas J. McCormack
Chadbourne & Parke LLP
1301 Avenue of the Americas
New York, NY 10019-6022
Attorney for Eurus

Knudson,Thanh (CONTR) - CGC-B1

From: Bennett,Barry (BPA) - LT-7
Sent: Monday, November 17, 2014 1:52 PM
To: 'Kobak, Sara'
Cc: 'Waldron, Jay'; 'Erb, Jeff (Jeff.Erb@PacifiCorp.com)'; 'Cannon, Patrick (Patrick.Cannon@PacifiCorp.com)'; 'Apperson, John {Mkt Function}'; 'Kelly, Jennifer'; 'David White (David.White@pgn.com)'; 'Stefan Brown'; 'Kuzma, Jason (Perkins Coie)' (JKuzma@perkinscoie.com); 'Kari, Don (Perkins Coie)' (DKari@perkinscoie.com); 'cpignatelli@chadbourne.com'; 'McCormack, Thomas J.'; 'Syravong, Kay'; 'Carr, Kate B.'; Chan,Allen C (BPA) - LT-7; Adler,David J (BPA) - LP-7; Winner,Scott W (BPA) - PGST-5; Kerns,Steven R (BPA) - PGS-5; Stermer,Anna M (BPA) - PGSP-5
Subject: RE: ER Damages - Joint Settlement Communication

Sara—

Thanks for the response. Here is where we are:

(b) (4)

(b)(4)

I will check on schedules for a meeting during the week of December 1.

Regards,

Barry Bennett

From: Kobak, Sara [<mailto:SKobak@SCHWABE.com>]

Sent: Tuesday, November 04, 2014 8:51 AM

To: Bennett, Barry (BPA) - LT-7

Cc: Waldron, Jay; Erb, Jeff (Jeff.Erb@PacifiCorp.com); Cannon, Patrick (Patrick.Cannon@PacifiCorp.com); Apperson, John {Mkt Function}; Kelly, Jennifer; David White (David.White@pgn.com); 'Stefan Brown'; 'Kuzma, Jason (Perkins Coie)' (JKuzma@perkinscoie.com); 'Kari, Don (Perkins Coie)' (DKari@perkinscoie.com); cpignatelli@chadbourne.com;

McCormack, Thomas J.; Syravong, Kay; Carr, Kate B.

Subject: ER Damages - Joint Settlement Communication

Hi Barry - Attached is a joint settlement letter on ER damages from PacifiCorp, PGE, PSE, and Eurus. Our apologies for the delay in getting back to you, and thank you for your continued efforts at helping us to resolve this matter. Please let us know when you have availability to meet to discuss our proposal. Thank you again - Sara

SARA KOBAK | Attorney

SCHWABE, WILLIAMSON & WYATT

1211 SW 5th Ave., Ste. 1900 Portland, OR 97204

Direct: 503-796-3735 | Fax: 503-796-2900 | Email: skobak@schwabe.com

Assistant: Kate Carr | Direct: 503-796-2067 | Email: kcarr@schwabe.com

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Iberdrola Renewables Responsive Documents

Knudson,Thanh (CONTR) - CGC-B1

From: Bennett,Barry (BPA) - LT-7
Sent: Friday, August 08, 2014 2:58 PM
To: Chan,Allen C (BPA) - LT-7; Kerns,Steven R (BPA) - PGSP-5; Bartlett,Kristine L (BPA) - PGSP-5
Cc: Adler,David J (BPA) - LP-7
Subject: FW: ER Settlement discussions - confidential - for settlement purposes only
Attachments: ER Settlement cover letter.PDF; ERD Data Summary (as sent to BPA 2014 08 08).xlsx

(b)(4), (b)(5)

(b)(6) in a few minutes so unless something else comes in immediately I will have to forward the rest Monday—though I see this one and the last one was also sent to either Allen or Dave.

From: Nguyen, Toan [<mailto:Toan.Nguyen@iberdrolaren.com>]
Sent: Friday, August 08, 2014 2:49 PM
To: Bennett,Barry (BPA) - LT-7; Adler,David J (BPA) - LP-7
Cc: Skidmore, Lara L.; Hites, Jasmine C.; Lackey, Benjamin; Lynch, Kevin; Beane, Laura; Froese, Gerry; Kester, Erin; Fischer, Jon
Subject: ER Settlement discussions - confidential - for settlement purposes only

FOR SETTLEMENT PURPOSES ONLY
CONFIDENTIAL AND PRIVILEGED

Attached, please find Iberdrola Renewables' cover letter laying out our damage claims resulting from the Bonneville Power Administration's implementation of its Environmental Redispatch and Negative Pricing Policies. We are also the data summary to support the calculation of our damage claims. Please review this information and let us know if you have any questions or concerns. Thank you for your consideration of this matter.



Toan Nguyen
Senior Counsel
Office of the General Counsel
1125 NW Couch St. Suite 700, Portland, OR 97209
503-241-3204 Office; 503-478-6395 Fax.



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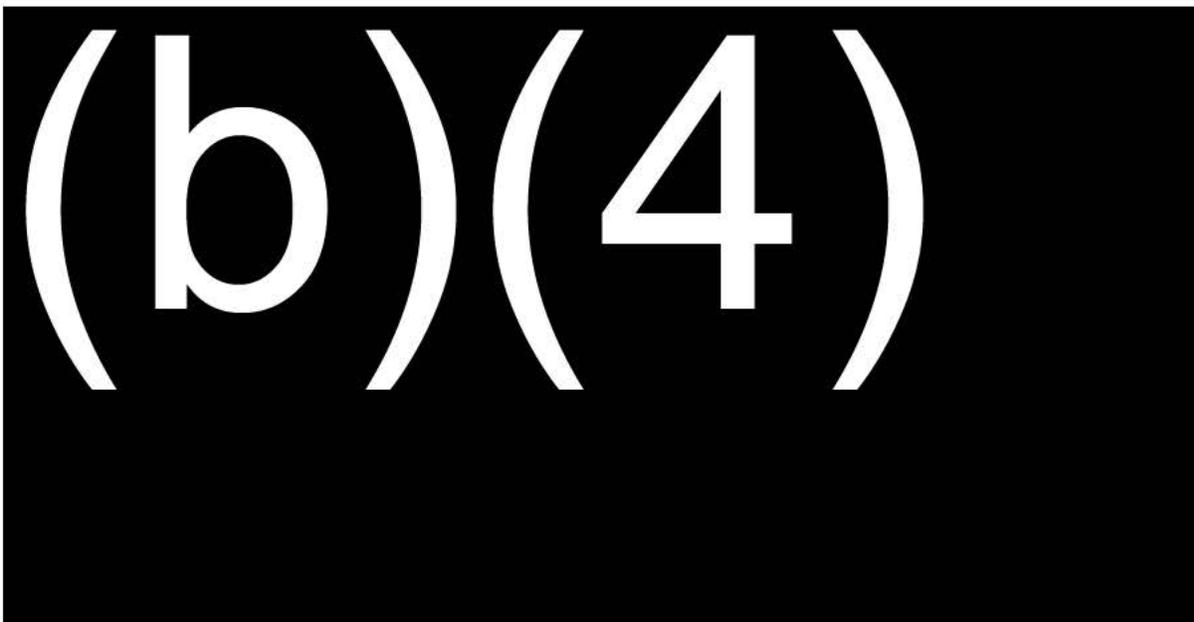
=====



Mr. Barry Bennett
Bonneville Power Administration
Office of General Counsel
905 NE 11th Avenue, LC-7
Portland, OR 97232

8th of August, 2014

Dear Barry,



Thank you for your time and consideration of this matter and we look forward to discussing this further with you at your convenience.

Sincerely,

IBERDROLA RENEWABLES, LLC

Toan Nguyen
Senior Counsel

Iberdrola Renewables, LLC
Enter address here, City, State 00000
Telephone (000) 000-0000; Fax (000) 000-0000
www.iberdrolarenewables.us



cc: W. B. Lackey, Iberdrola Renewables
K. Lynch, Iberdrola Renewables
G. Froese, Iberdrola Renewables
L. Beane, Iberdrola Renewables
J. Fischer, Iberdrola Renewables
E. Kester, Iberdrola Renewables
L. Skidmore, Troutman Sanders
J. Hites, Troutman Sanders

Iberdrola Renewables, LLC
Enter address here, City, State 00000
Telephone (000) 000-0000; Fax (000) 000-0000
www.iberdrolarenewables.us

Energy Value/MWh

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Knudson,Thanh (CONTR) - CGC-B1

From: Bennett,Barry (BPA) - LT-7
Sent: Tuesday, September 23, 2014 2:53 PM
To: Chan,Allen C (BPA) - LT-7; Adler,David J (BPA) - LP-7
Subject: Call from Iberdrola

FYI—

(b)(4), (b)(5)

Knudson,Thanh (CONTR) - CGC-B1

From: Bennett,Barry (BPA) - LT-7
Sent: Tuesday, September 23, 2014 11:36 AM
To: Chan,Allen C (BPA) - LT-7
Subject: FW: Interest on damages

FYI Lara's email below.

From: Bennett,Barry (BPA) - LT-7
Sent: Thursday, September 11, 2014 4:15 PM
To: 'Skidmore, Lara L.'
Cc: 'Lynch, Kevin'; 'Lackey, Benjamin'; 'Froese, Gerry'; 'Hites, Jasmine C.'; Adler,David J (BPA) - LP-7
Subject: RE: Interest on damages

Lara—

Thanks again for the email. I've reviewed the materials you cited and some additional material. Your email has really helped to frame this issue and move us forward.

However, our position on interest is unchanged. I do not believe interest is recoverable in litigation over environmental redispach, or that the REP situation is comparable.

To respond briefly to the points in your email:

(b) (4)

(b)(4)

(b)(4)

Regards,

Barry

From: Skidmore, Lara L. [<mailto:Lara.Skidmore@troutmansanders.com>]

Sent: Tuesday, September 09, 2014 6:28 PM

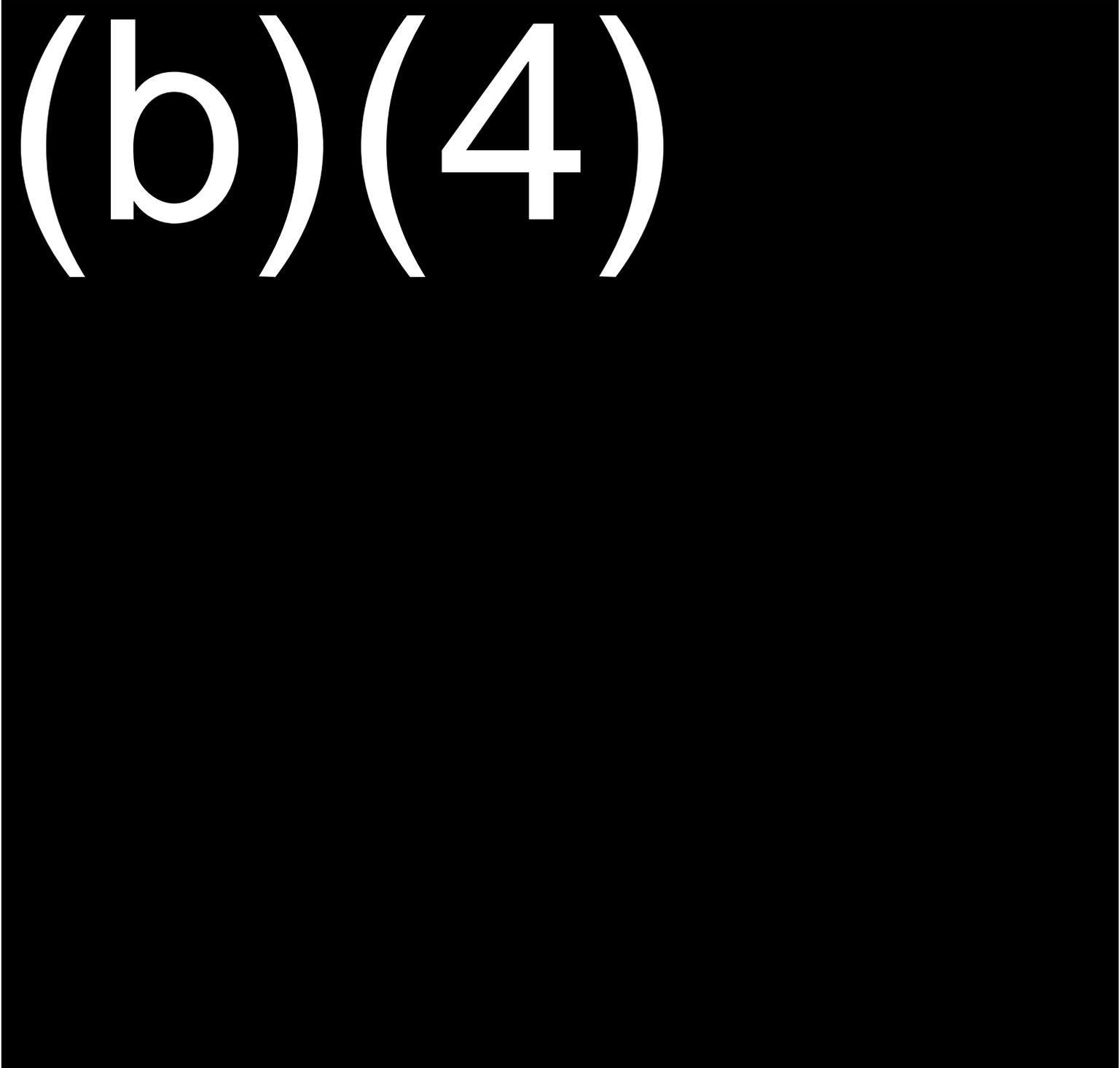
To: Bennett, Barry (BPA) - LT-7

Cc: 'Lynch, Kevin'; Lackey, Benjamin; Froese, Gerry; Skidmore, Lara L.; Hites, Jasmine C.

Subject: Interest on damages

Privileged Settlement Communication/FRE 408

Barry,



(b)(4)

(b) (4)

Thanks,
Lara

Lara L. Skidmore
Troutman Sanders LLP
805 SW Broadway, Suite 1560
Portland, OR 97205-3326
Ph: 503-290-2310
Cell: 503-459-7970
lara.skidmore@troutmansanders.com

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PacifiCorp
Responsive Documents

Knudson,Thanh (CONTR) - CGC-B1

From: Bennett,Barry (BPA) - LT-7
Sent: Friday, August 08, 2014 11:57 AM
To: Kerns,Steven R (BPA) - PGSP-5; Bartlett,Kristine L (BPA) - PGSP-5; Stermer,Anna M (BPA) - PGSP-5
Cc: Adler,David J (BPA) - LP-7; Chan,Allen C (BPA) - LT-7
Subject: FW: Confidential Mediation Submission - ER Damages
Attachments: Mediation Letter.pdf; ER DATA FOR 2011_8-06-2014.xlsx

PAC's claim. Looks like the same theory.

From: Kobak, Sara [<mailto:SKobak@SCHWABE.com>]
Sent: Friday, August 08, 2014 11:31 AM
To: Bennett,Barry (BPA) - LT-7; Adler,David J (BPA) - LP-7
Cc: Waldron, Jay; 'Erb, Jeff (Jeff.Erb@PacifiCorp.com)'; 'Obenchain, Phil (Phil.Obenchain@PacifiCorp.com)'; 'Kelly, Jennifer'; 'Apperson, John {Mkt Function}'; Carr, Kate B.; Syravong, Kay
Subject: Confidential Mediation Submission - ER Damages

Hi Barry and Dave -

Attached is PacifiCorp's confidential mediation submission to BPA on its ER damages. We also will be sending this to Barry by U.S. First-Class mail. We look forward to our meeting on August 15, and please do not hesitate to contact Jay Waldron or me if you have any questions in advance of our meeting date.

Thank you - Sara

SARA KOBAK | Attorney
SCHWABE, WILLIAMSON & WYATT
1211 SW 5th Ave., Ste. 1900 Portland, OR 97204
Direct: 503-796-3735 | Fax: 503-796-2900 | Email: skobak@schwabe.com
Assistant: Kate Carr | Direct: 503-796-2067 | Email: kcarr@schwabe.com
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ATTORNEYS AT LAW

Pacwest Center, 1211 SW 5th Ave., Suite 1900, Portland, OR 97204 | Phone 503.222.9981 | Fax 503.796.2900 | www.schwabe.com

JAY T. WALDRON
Direct Line: 503-796-2945
E-Mail: jwaldron@schwabe.com

August 8, 2014

CONFIDENTIAL MEDIATION STATEMENT

VIA E-MAIL (BBENNETT@BPA.GOV) AND FIRST CLASS MAIL

Barry Bennett
Office of General Counsel
Bonneville Power Administration
905 NE 11th Avenue
Portland, OR 97232

RE: PacifiCorp's Damages from ER Policy
Our File No.: 123961-182988

Dear Barry:

(b) (4)

(b) (4)

Very truly yours,

/s/ Jay T. Waldron

Jay T. Waldron

JTW:fap

cc: Jeff Erb
Phil Obenchain
Jennifer Kelly
John Apperson



(b)(4)

CONFIDENTIAL SETTLEMENT COMMUNICATION

VIA E-MAIL (BBENNETT@BPA.GOV) AND FIRST CLASS MAIL

November 4, 2014

Barry Bennett
Office of General Counsel
Bonneville Power Administration
905 NE 11th Avenue
Portland, OR 97232

Dear Barry:

(b) (4)

(b)(4)

(b)(4)

(b) (4)

(b)(4)

Very truly yours,

/s/ Jay T. Waldron

Jay T. Waldron
Schwabe, Williamson & Wyatt PC
1211 SW Fifth Avenue, Suite 1900
Portland, OR 97204
Attorney for PacifiCorp

/s/ David White

David White
Portland General Electric Company
121 SW Salmon Street, 1WTC1301
Portland, OR 97204
Attorney for PGE

/s/ Jason T. Kuzma

Jason T. Kuzma
Perkins Coie LLP
10885 N.E. Fourth Street, Suite 700
Bellevue, Washington 98004-5579
Attorney for PSE

/s/ Thomas J. McCormack

Thomas J. McCormack
Chadbourne & Parke LLP
1301 Avenue of the Americas
New York, NY 10019-6022
Attorney for Eurus

Knudson,Thanh (CONTR) - CGC-B1

From: Bennett,Barry (BPA) - LT-7
Sent: Monday, November 17, 2014 1:52 PM
To: 'Kobak, Sara'
Cc: 'Waldron, Jay'; 'Erb, Jeff (Jeff.Erb@PacifiCorp.com)'; 'Cannon, Patrick (Patrick.Cannon@PacifiCorp.com)'; 'Apperson, John {Mkt Function}'; 'Kelly, Jennifer'; 'David White (David.White@pgn.com)'; 'Stefan Brown'; 'Kuzma, Jason (Perkins Coie)' (JKuzma@perkinscoie.com); 'Kari, Don (Perkins Coie)' (DKari@perkinscoie.com); 'cpignatelli@chadbourne.com'; 'McCormack, Thomas J.'; 'Syravong, Kay'; 'Carr, Kate B.'; Chan,Allen C (BPA) - LT-7; Adler,David J (BPA) - LP-7; Winner,Scott W (BPA) - PGST-5; Kerns,Steven R (BPA) - PGS-5; Stermer,Anna M (BPA) - PGSP-5
Subject: RE: ER Damages - Joint Settlement Communication

Sara—

Thanks for the response. Here is where we are:

(b) (4)

(b)(4)

I will check on schedules for a meeting during the week of December 1.

Regards,

Barry Bennett

From: Kobak, Sara [<mailto:SKobak@SCHWABE.com>]

Sent: Tuesday, November 04, 2014 8:51 AM

To: Bennett, Barry (BPA) - LT-7

Cc: Waldron, Jay; Erb, Jeff (Jeff.Erb@PacifiCorp.com); Cannon, Patrick (Patrick.Cannon@PacifiCorp.com); Apperson, John {Mkt Function}; Kelly, Jennifer; David White (David.White@pgn.com); 'Stefan Brown'; 'Kuzma, Jason (Perkins Coie)' (JKuzma@perkinscoie.com); 'Kari, Don (Perkins Coie)' (DKari@perkinscoie.com); cpignatelli@chadbourne.com;

McCormack, Thomas J.; Syravong, Kay; Carr, Kate B.

Subject: ER Damages - Joint Settlement Communication

Hi Barry - Attached is a joint settlement letter on ER damages from PacifiCorp, PGE, PSE, and Eurus. Our apologies for the delay in getting back to you, and thank you for your continued efforts at helping us to resolve this matter. Please let us know when you have availability to meet to discuss our proposal. Thank you again - Sara

SARA KOBAK | Attorney

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Portland General Electric Company
Responsive Documents

Knudson,Thanh (CONTR) - CGC-B1

From: David White <David.White@pgn.com>
Sent: Friday, August 08, 2014 2:48 PM
To: Chan,Allen C (BPA) - LT-7; Bennett,Barry (BPA) - LT-7
Cc: Stefan Brown; Shawn Davis; Scott Seidman (scott.seidman@tonkon.com)
Subject: ER Settlement Conference
Attachments: Damages Calculation.docx; ER 2011 Damages Estimate.xlsx

Confidential Settlement Communication – Subject to Fed. R. Evid. 408

Barry and Allen,

In preparation for the ER settlement conference next week, I am attaching an excel spreadsheet and summary document estimating Portland General Electric Company's damages in 2011 as a result of the environmental redispach policy.

David White | Portland General Electric Company
503-464-7701 | C. 503-680-6382
david.white@pgn.com

Settlement Communication – Subject to Federal Rule of Evidence 408

August 8, 2014

Portland General Electric Company – 2011 Environmental Re-dispatch Damages Estimate

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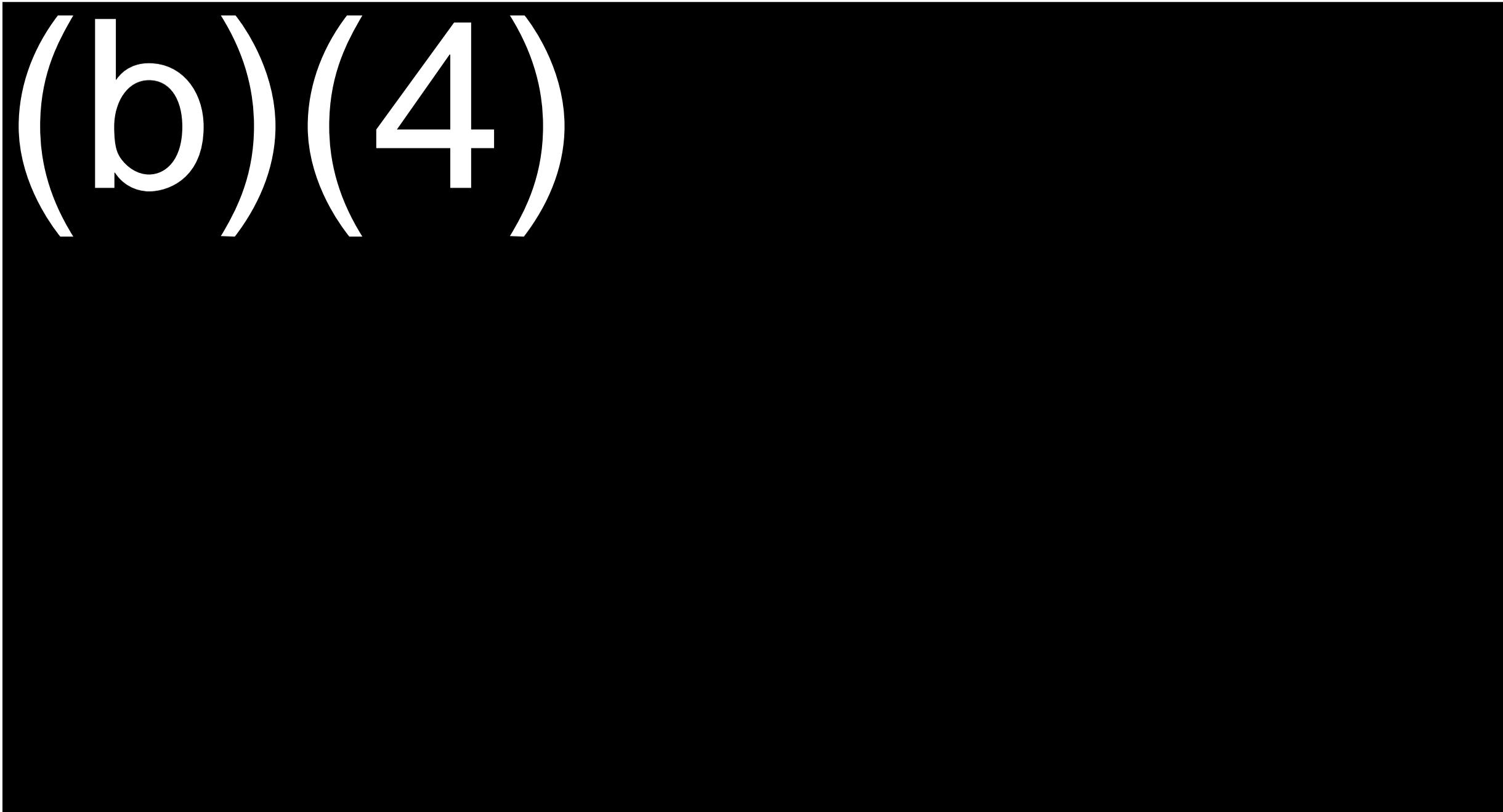
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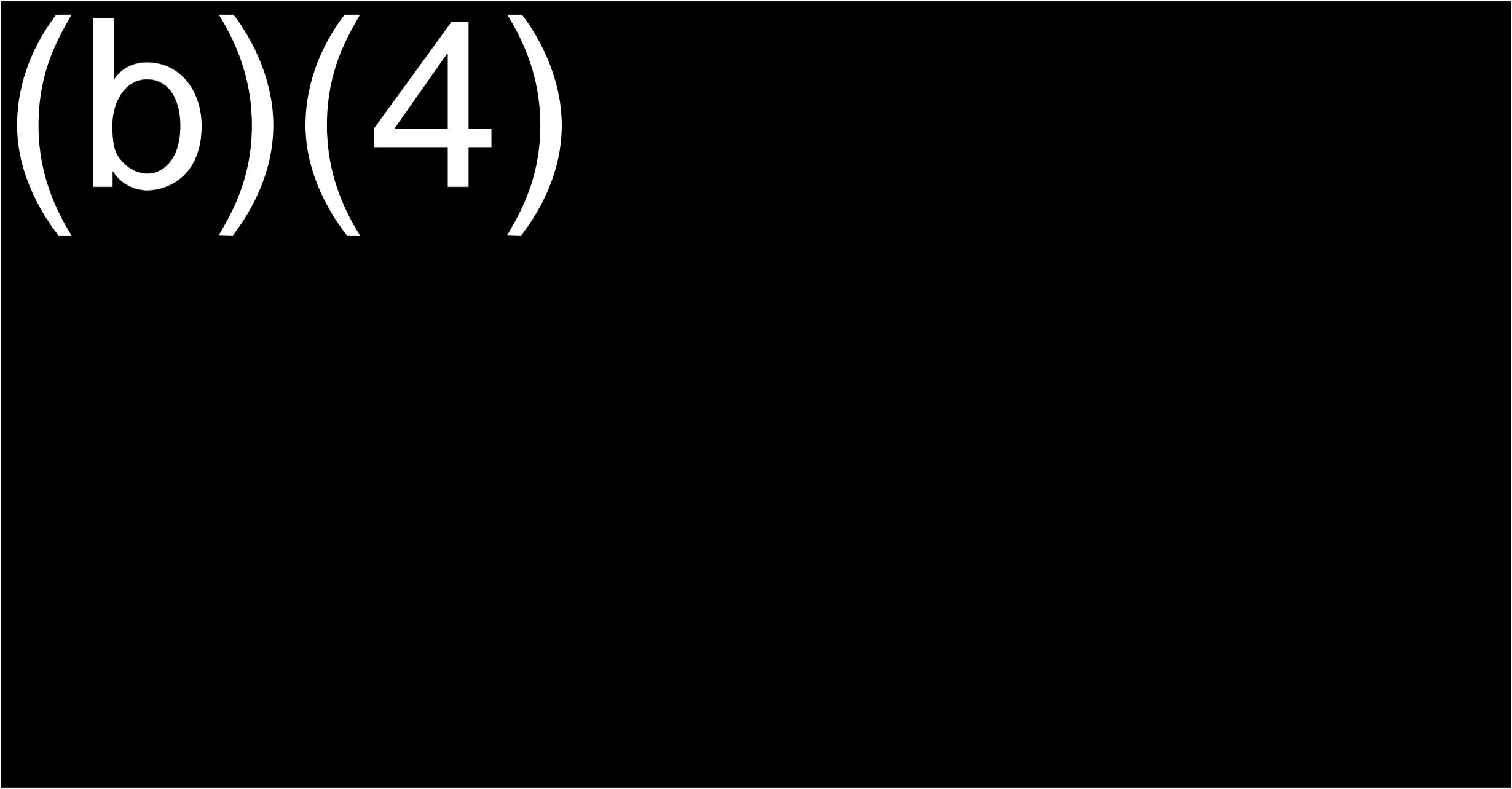
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CONFIDENTIAL SETTLEMENT COMMUNICATION

VIA E-MAIL (BBENNETT@BPA.GOV) AND FIRST CLASS MAIL

November 4, 2014

Barry Bennett
Office of General Counsel
Bonneville Power Administration
905 NE 11th Avenue
Portland, OR 97232

Dear Barry:

This letter is submitted jointly by PacifiCorp, Portland General Electric Company (PGE), Puget Sound Energy, Inc. (PSE), and Eurus Combine Hills II LLC (Eurus) concerning settlement of damages from BPA's implementation of its Environmental Redispatch (ER) program. The enclosed information is confidential and is being shared with BPA with the understanding that the information is subject to settlement privileges and confidentiality protections.

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After you have had a chance to review this settlement proposal, please let us how we best can resolve this matter. If you have any questions about the information in this letter, please also do not hesitate to contact us.

Very truly yours,

/s/ Jay T. Waldron

Jay T. Waldron
Schwabe, Williamson & Wyatt PC
1211 SW Fifth Avenue, Suite 1900
Portland, OR 97204
Attorney for PacifiCorp

/s/ David White

David White
Portland General Electric Company
121 SW Salmon Street, 1WTC1301
Portland, OR 97204
Attorney for PGE

/s/ Jason T. Kuzma

Jason T. Kuzma
Perkins Coie LLP
10885 N.E. Fourth Street, Suite 700
Bellevue, Washington 98004-5579
Attorney for PSE

/s/ Thomas J. McCormack

Thomas J. McCormack
Chadbourne & Parke LLP
1301 Avenue of the Americas
New York, NY 10019-6022
Attorney for Eurus

Knudson,Thanh (CONTR) - CGC-B1

From: Bennett,Barry (BPA) - LT-7
Sent: Monday, November 17, 2014 1:52 PM
To: 'Kobak, Sara'
Cc: 'Waldron, Jay'; 'Erb, Jeff (Jeff.Erb@PacifiCorp.com)'; 'Cannon, Patrick (Patrick.Cannon@PacifiCorp.com)'; 'Apperson, John {Mkt Function}'; 'Kelly, Jennifer'; 'David White (David.White@pgn.com)'; 'Stefan Brown'; 'Kuzma, Jason (Perkins Coie)' (JKuzma@perkinscoie.com); 'Kari, Don (Perkins Coie)' (DKari@perkinscoie.com); 'cpignatelli@chadbourne.com'; 'McCormack, Thomas J.'; 'Syravong, Kay'; 'Carr, Kate B.'; Chan,Allen C (BPA) - LT-7; Adler,David J (BPA) - LP-7; Winner,Scott W (BPA) - PGST-5; Kerns,Steven R (BPA) - PGS-5; Stermer,Anna M (BPA) - PGSP-5
Subject: RE: ER Damages - Joint Settlement Communication

Sara—

Thanks for the response. Here is where we are:

(b) (4)

(b)(4)

I will check on schedules for a meeting during the week of December 1.

Regards,

Barry Bennett

From: Kobak, Sara [<mailto:SKobak@SCHWABE.com>]

Sent: Tuesday, November 04, 2014 8:51 AM

To: Bennett, Barry (BPA) - LT-7

Cc: Waldron, Jay; Erb, Jeff (Jeff.Erb@PacifiCorp.com); Cannon, Patrick (Patrick.Cannon@PacifiCorp.com); Apperson, John {Mkt Function}; Kelly, Jennifer; David White (David.White@pgn.com); 'Stefan Brown'; 'Kuzma, Jason (Perkins Coie)' (JKuzma@perkinscoie.com); 'Kari, Don (Perkins Coie)' (DKari@perkinscoie.com); cpignatelli@chadbourne.com;

McCormack, Thomas J.; Syravong, Kay; Carr, Kate B.

Subject: ER Damages - Joint Settlement Communication

Hi Barry - Attached is a joint settlement letter on ER damages from PacifiCorp, PGE, PSE, and Eurus. Our apologies for the delay in getting back to you, and thank you for your continued efforts at helping us to resolve this matter. Please let us know when you have availability to meet to discuss our proposal. Thank you again - Sara

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Direct: 503-796-3735 | Fax: 503-796-2900 | Email: skobak@schwabe.com

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Puget Sound Energy Inc.
Responsive Documents

Knudson,Thanh (CONTR) - CGC-B1

From: Adler,David J (BPA) - LP-7
Sent: Friday, August 08, 2014 4:32 PM
To: Kerns,Steven R (BPA) - PGSP-5; Bartlett,Kristine L (BPA) - PGSP-5; Chan,Allen C (BPA) - LT-7
Cc: Bennett,Barry (BPA) - LT-7
Subject: FW: Settlement Communication Subject to Federal Rule of Evidence 408 - PSE Environmental Redispatch Estimated Damages
Attachments: 2014.08.08 PSE Estimated Damages Calculation.pdf; 2014.08.08 PSE Estimated Damages Calculation Worksheet.xlsx

Attached are the docs just received from Puget identifying their damage claims.

From: Kuzma, Jason (Perkins Coie) [<mailto:JKuzma@perkinscoie.com>]
Sent: Friday, August 08, 2014 4:28 PM
To: Bennett,Barry (BPA) - LT-7; Adler,David J (BPA) - LP-7
Cc: Kari, Don (Perkins Coie)
Subject: Settlement Communication Subject to Federal Rule of Evidence 408 - PSE Environmental Redispatch Estimated Damages

Settlement Communication Subject to Federal Rule of Evidence 408

Barry and David,

Attached is the estimated damages to Puget Sound Energy, Inc. due to Environmental Redispatch. Please feel free to contact me if you have any questions regarding the attached documents.

Thanks,
Jason

Jason Kuzma | Perkins Coie LLP
The PSE Building
10885 N.E. Fourth Street
Suite 700
Bellevue, WA 98004-5579
PHONE: 425.635.1416
FAX: 425.635.2416
CELL: 206.499.2438
E-MAIL: jkuzma@perkinscoie.com

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**Settlement Communication
Subject to Federal Rule of Evidence 408**

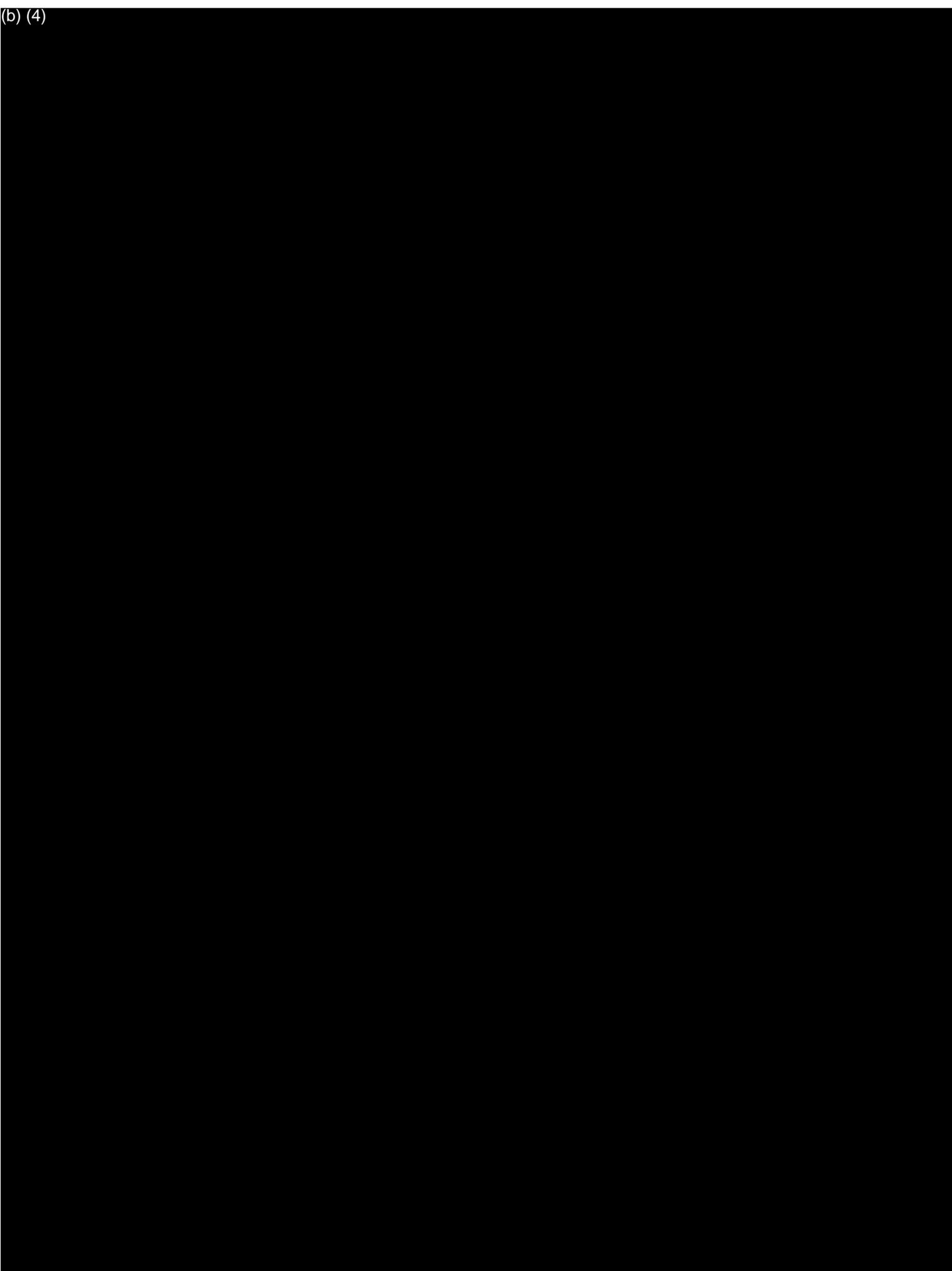
August 8, 2014

Puget Sound Energy, Inc. – 2011 Environmental Re-dispatch Damages Estimate

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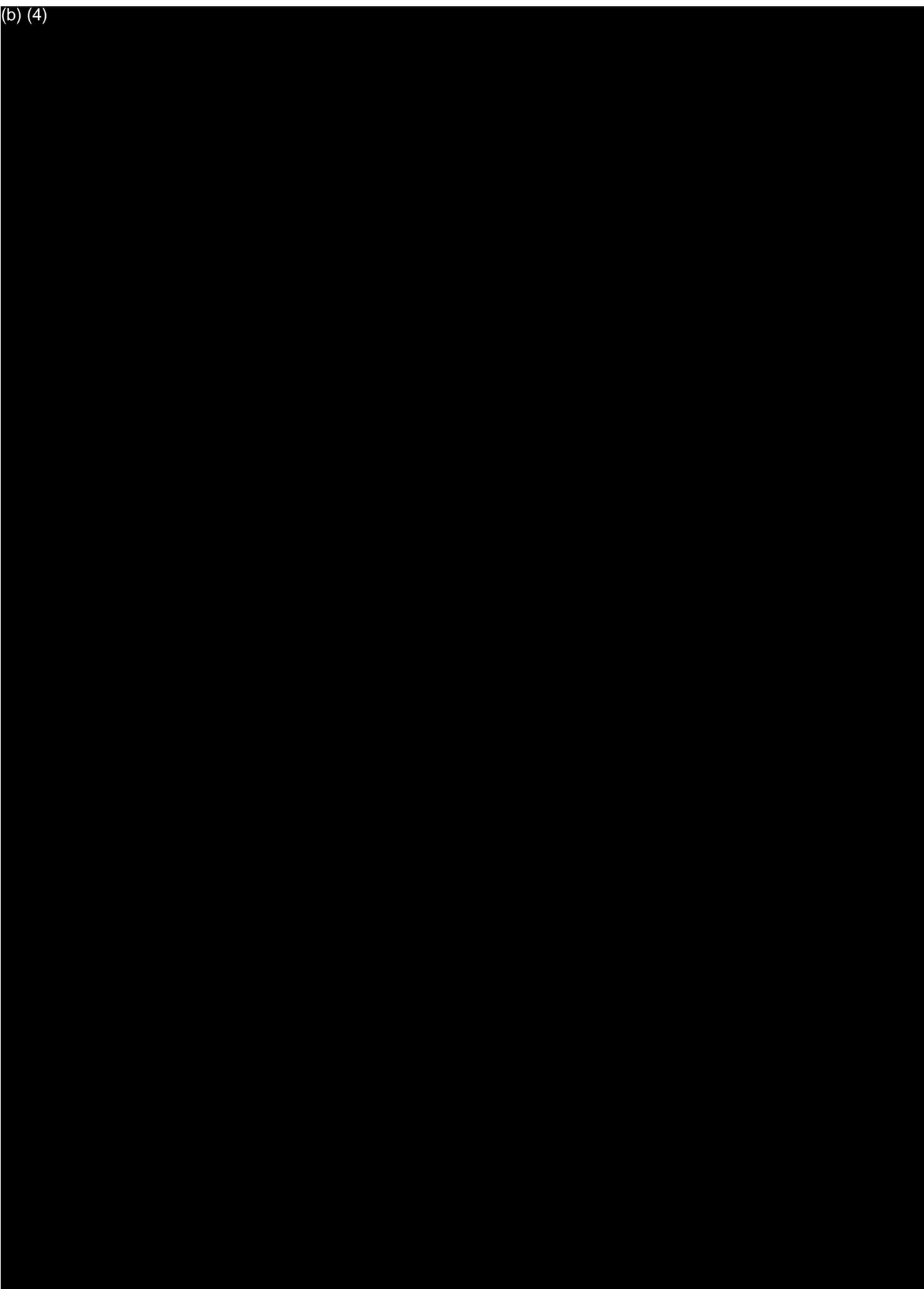
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VIA E-MAIL (BBENNETT@BPA.GOV) AND FIRST CLASS MAIL

November 4, 2014

Barry Bennett
Office of General Counsel
Bonneville Power Administration
905 NE 11th Avenue
Portland, OR 97232

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Attorney for PacifiCorp

/s/ David White

David White
Portland General Electric Company
121 SW Salmon Street, 1WTC1301
Portland, OR 97204
Attorney for PGE

/s/ Jason T. Kuzma

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Perkins Coie LLP
10885 N.E. Fourth Street, Suite 700
Bellevue, Washington 98004-5579
Attorney for PSE

/s/ Thomas J. McCormack

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