



Department of Energy

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

FREEDOM OF INFORMATION ACT PROGRAM

July 15, 2015

In reply refer to: FOIA BPA 2015-01500-F

Larry G. Johnson
Attorney at Law
8505 129th Ave SE
Newcastle, WA 98056

Mr. Johnson:

This communication acknowledges your request to the Bonneville Power Administration (BPA) for records under the Freedom of Information Act (FOIA), (5 U.S.C. § 552). Your request was received on June 17, 2015, and clarified on June 28, 2015, and superseded on June 30, 2015. Your request has been assigned control number BPA-2015-01500-F. Please use this number in any correspondence with the agency about your request.

Your Initial Request:

"...all documents, electronic or otherwise, draft and final, including e-mail correspondence, presentations, correspondence, draft agreements and notes, related to the following:

- 1) As to the "U.S. Entity" as defined in the Columbia River Treaty of 1964, and as amended in 1998, please copy and produce any and all documents, including electronic documents in native file format, which either discuss or relate to the U.S. Entity's requesting Firm Transmission of Canada 's entitlement to that Columbia River Treaty power by delivering it to Canada on the BPA transmission system.
- 2) If such a request was made as identified in para. 1 above, please provide copies of any and all reports done of the analyses performed to determine if BPA could honor the request for Firm Transmission service.
- 3) Please provide any and all Firm Transmission Contracts under which the BPA Transmission business line agreed to provide Firm Transmission to Canada for the U.S. Entity under the Canadian Treaty, ~~or under any other arrangement or contract by or for BPA for any purpose~~ [strikeout after clarification from requestor on June 28, 2015.]

Please consider the relevant time period for these requests to be from 1998 to the present.”

Your Successive and Superseding Request:

“...any documents that would show what is called a “firm transmission” agreement regarding delivery of any electricity to Canada to which Canada is entitled under the Columbia River Treaty between the United States and Canada. ... use[ing] ... the OASIS web site [to] retrieve information that will identify whether such firm transmission agreements were ever sought or agreed to...”

Acknowledgement and Fee Waiver:

We have reviewed your request and have determined that it fulfills all of the criteria of a proper request under the FOIA and the Department of Energy’s (DOE) FOIA regulations at Title 10, Code of Federal Regulations, Part 1004.

Your request for a fee waiver is granted.

Complex requests:

The 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)). However, the Bonneville Power Administration has instituted multi-track processing, as permitted by FOIA (5 U.S.C. § 552(a)(6)(D)(i)). In accord with this process, 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 require significant agency time or resources to process. We have determined that a response to your request will require a review for statutory exemptions, consultations with third parties, and possibly consultations with DOE and the Department of State. We have therefore designated your request as complex.

Unusual/exceptional circumstances:

Under the FOIA, an agency may extend the response time 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. We have determined that a response to your request will require consultation with DOE headquarters and possibly the Department of State. We have therefore determined that your request involves unusual circumstances.

In light of the above conditions and determinations, we currently estimate the completion of your request by November 16, 2015.

If you have any questions about this letter, please contact James King (CorSource Technology Group, Inc.) assigned to Bonneville Power Administration, at 503-230-7621.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. M. Frost', is written over a faint, light blue oval-shaped background.

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