



## Department of Energy

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

FREEDOM OF INFORMATION ACT PROGRAM

July 27, 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 is a final response to 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 Your request was received on June 17, 2015, and clarified on June 28, 2015, and superseded on June 30, 2015.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 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 made after clarification with requester 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...”

You further requested that the following six successive steps be executed:

- “1) First look at the BPA transmission service request queue that should be available on BPA’s OASIS web site.
- 2) Look through that listing of transmission service requests to see which, if any, of the requests in that queue were made by the US entity on the Treaty with a point of delivery to be made where the BPA transmission lines connect with BC Hydro transmission lines. This search should take less than an hour.
- 3) If it is found that one of the items in that transmission request queue were from the US Entity to deliver treaty power to Canada, then see if the queue indicates a System Impact Study (and possibly also a Facilities Study) was done with respect to that request. The queue should have an indication if one or both of these was/were done.
- 4) If the queue indicates a System Impact Study was done, then there is likely a link to the queue where that study can be found. It can be downloaded and readily emailed to me.
- 5) If the queue indicates a Facilities Study was done, then there is likely a link to the queue where that study can be found. It can be downloaded and readily emailed to me.
- 6) If the queue indicates that a Transmission Contract was ultimately signed as a result of the request, then there should be a link to the queue where that Transmission Contract can be found. It can be downloaded and readily emailed to me.

If this process is agreeable to you and you produce any relevant documents found as a result (or report back that no such documents were found), that should conclude this matter.”

**Response:**

BPA’s Public Utilities Specialists (Reservationist and Project Manager), in coordination with BPA staff in Transmission Policy & Strategy, Long Term Sales & Purchases, and Regional Coordination have performed the requested records search steps in BPA’s OASIS database, as you requested and enumerated to BPA’s FOIA staff. No responsive records were found as a result of that search.

There are no fees associated with this request.

**Appeal:**

You may seek administrative appeal pursuant to Department of Energy FOIA regulations at 10 C.F.R. § 1004.8. If you choose to appeal, you must do so in writing within 30 days, and include the following information:

- (1) The nature of your appeal - denial of records, partial denial of records, lack of responsive records, or denial of fee waiver;
- (2) Any legal authorities relied upon to support the appeal; and
- (3) A copy of this determination letter.

Clearly mark both your letter and envelope with the words "FOIA Appeal," and direct it to the following address:

Director, Office of Hearings and Appeals  
Department of Energy  
1000 Independence Avenue SW  
Washington DC 20585-1615

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,



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