



Department of Energy

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

FREEDOM OF INFORMATION ACT PROGRAM

July 2, 2015

FOIA Request #BPA-2015-01544-F

Richard Till
Friends of the Columbia Gorge
522 SW Fifth Ave, Suite 720
Portland, OR 97204

Mr. Till:

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 June 29, 2015, and has been assigned control number BPA-2015-01537-F. Please use this number in any correspondence with the agency about your request.

You requested:

“... all records in the following categories added to BPA’s files during the following time period:
January 24, 2015 through June 30, 2015.”

[...] the following categories of records:

- Any materials submitted by Whistling Ridge Energy LLC (“WRE”) regarding its pending generation interconnection request;
- Any Transmission Service Requests or similar documents submitted to BPA regarding the WREP;
- Any communications between the BPA and the following persons and entities regarding the WREP:
 - Washington Energy Facility Site Evaluation Council (“EFSEC”);
 - state agencies or officials (including elected officials);
 - other federal agencies or officials (including elected officials);
 - Whistling Ridge Energy LLC (“WRE”), including all related entities such as the SDS Lumber Company, Broughton Lumber Company, and Stevenson Land Company, as well as WRE’s attorneys and other representatives; and
 - WRE’s consultants, including but not limited to URS Corp. and West Inc.

- Any meeting notes, agendas, or other related records generated from meetings between BPA, EFSEC, WRE, and consultants.”

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.

We are waiving all fees associated with this request.

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)).

Your request includes communications with various individuals and organizations that will require additional time to gather, consult, and review with these individuals and organizations. Therefore, we currently estimate the completion of your request by August 14, 2015.

You requested expedited processing for this request. We consider this matter carefully because granting expedition moves you ahead of previous requestors, and necessarily works to the direct disadvantage of others. FOIA permits expedited processing in cases of “compelling need” (5 U.S.C. § 552(a)(6)(E)). A request by any person may demonstrate compelling need if failure to obtain expedited records would pose a threat to the life or physical safety of an individual (5 U.S.C. § 552(a)(6)(E)(v)(I)).

A request by a person primarily engaged in disseminating information (usually a journalist) may demonstrate compelling need if there is an urgency to inform the public regarding actual or alleged Federal Government activity (5 U.S.C. § 552(a)(6)(E)(v)(II)). Agencies may promulgate

regulations permitting expedited processing in other cases, but as of this date the Department of Energy has declined to do so.

Your request for expedited processing is denied.

I appreciate the opportunity to assist you. If you have any questions about this letter, please contact Colleen Cushnie, FOIA Case Coordinator (BPA Contractor – ACS Professional Staffing) at (503) 230-5986 or via email at cacushnie@bpa.gov.

Sincerely,



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