



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

March 7, 2016

In reply refer to: FOIA #BPA-2016-00577-F

Dirk R. Middents
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Dear Mr. Middents:

The Bonneville Power Administration (BPA) has received your request for records under the Freedom of Information Act (5 U.S.C. § 552). Your request was received in this office on February 26, 2016, and has been assigned tracking number BPA-2016-00577-F. Please use this number in any correspondence with the agency regarding your request.

Request:

“[A]ny agreements between the Bonneville Power Administration (BPA) and Longview Fibre Company or KapStone Paper and Packaging Corporation, including, but not limited to, an integration and/or transmission agreement and any agreements for the Longview plant (now KapStone) to purchase power from or sell power to BPA.”

Clarification:

On February 29, 2016 you further clarified your request as:

- 1) any agreements between BPA and Longview Fibre Paper and Packaging, Inc., AND
- 2) any agreements between BPA and KapStone Paper and Packaging Corporation, WITH
- 3) no records date limitation

Acknowledgement:

We have reviewed your request and clarification 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.

Fee:

You have agreed to pay up to \$200.00 in FOIA fees for processing the above request.

Expedited Processing:

On March 1, 2016 you inquired on the topic of expedited processing for this request.

The FOIA permits expedited processing in cases of “compelling need” (5 U.S.C. § 552(a)(6)(E)). A requester may demonstrate compelling need if failure to obtain records quickly would pose a threat to the life or physical safety of an individual (5 U.S.C. § 552(a)(6)(E)(v)(I)). Also, a request by an individual primarily engaged in disseminating information (e.g., 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)). In the absence of a demonstration of either of the above conditions, BPA cannot grant expedited processing of your request.

Additionally to note, BPA responds to its many FOIA requests on a timeline often driven by records gathering efforts from various agency departments, by the required exemption analyses under all applicable sections of 5 U.S.C. § 552(b), and by agency staff availability and workloads. Also, the complexity and breadth of a request often controls the response timeline. We consider requests for expedited processing carefully because granting such a request moves it ahead of previously submitted requests, and ineludibly works to the disadvantage of other requesters. In the interest of fairness to all FOIA requesters BPA cannot, without a clear demonstration of compelling need, grant expedited processing of your request.

Complex Requests:

The FOIA requires that BPA 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, BPA has instituted multi-track processing, as permitted by the 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 may require a review for statutory exemptions and consultations with possible third parties. 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 agency components. We have determined that a response to your request

may possibly require consultation with other agency components. 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 June 3, 2016.

If you have any questions about this communication, you may contact James King (CorSource Technology Group, Inc.), assigned to the BPA FOIA office, at 503-230-7621.

Sincerely,



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