



## Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

October 11, 2016

In reply refer to: FOIA #BPA-2016-01592-F

Adrienne Thompson  
Troutman Sanders LLP  
100 SW Main Street  
Portland, Oregon 97204

Dear Ms. Thompson:

The Bonneville Power Administration (BPA) has received your request for agency records made under the Freedom of Information Act (5 U.S.C. § 552). It was received in this office on September 29, 2016 and has been assigned a Department of Energy (DOE) tracking number of BPA-2016-01592-F. Please use this number in any correspondence with the agency regarding your request.

### **Request**

"...all emails, notes, formal and informal memoranda, meeting agendas, minutes, and other communication regarding Bonneville's discovery of, and its decision to collect, certain allegedly under-charged amounts related to the short-distance discount (SDD) from customers who redirected point-to-point transmission reservations subject to the SDD from February 2010 through June 2015. Such materials would include, but are not limited to: (1) emails, notes, formal and informal memoranda, meeting agendas, minutes, and other communication involving Claudia Andrews (COO), Javier Fernandez (CFO), Nancy Mitman (former CFO), David Fitzsimmons (Transmission Sales Manager), Karen Y. Stuwe (Transmission Account Specialist), and/or the Customer Support Services Manager(s) serving from June 2015 to January 2016; and (2) the "Agency Decision Framework" as described in BPA Manual Chapter 21.5, as well as documentation demonstrating the degree to which BPA employees followed the requirements of the Framework and the requirements of BPA's "Customer Support Services Contracting Policy: Retroactive Billing Adjustment Six Year Limit" (Version 2.0, effective April 10, 2013) and BPA's "Customer Support Services: Billing Adjustment Policy (Version "7/23/13", effective Sept. 1, 2013)."

### **Acknowledgement**

We have reviewed your request and have determined it fulfills all criteria of a proper request under FOIA and DOE FOIA regulations at Title 10, Code of Federal Regulations, Part 1004.

**FOIA Fee**

You have agreed to pay up to \$ 2,000.00 in FOIA fees.

**Complex Requests**

The FOIA requires that BPA act on requests “promptly” and that the agency 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 and involve a voluminous amount of records. 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 January 31, 2017.

If you have 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