

**FEDERAL ENERGY REGULATORY COMMISSION**  
**Annual Freedom of Information Act Report**  
**FY 2009**



**February 2009**

**FEDERAL ENERGY REGULATORY COMMISSION  
ANNUAL FREEDOM OF INFORMATION ACT REPORT  
FY 2009**

**I. BASIC INFORMATION REGARDING REPORT**

**1. Contact with questions about the report.**

Toyia Johnson  
FOIA Liaison  
Federal Energy Regulatory Commission  
888 First Street, NE, Code EA-1  
Washington, DC 20426

[Toyia.Johnson@ferc.gov](mailto:Toyia.Johnson@ferc.gov)

Telephone : 202-502-6088

Toll-free: 1-866-208-3372

FAX Number: 202-208-2106

**2. Electronic address for report on the World Wide Web.**

<http://www.ferc.gov/legal/ceii-foia/foia/ann-rep.asp>

**3. How to obtain a copy of the report in paper form.**

Write to the following address:

Public Reference and Files Maintenance Branch Federal Energy Regulatory  
Commission 888 First Street, NE, Room 2A Washington, DC 20426

Telephone: 202-502-8371

FAX Number: 202-208-2320

E-Mail: [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov)

**II. MAKING A FOIA REQUEST**

**1. Name, address, and telephone number of agency component that receive FOIA requests.**

Julia Bovey  
Director, Office of External Affairs  
FOIA Officer  
Federal Energy Regulatory Commission  
888 First Street, NE, Code EA-1  
Washington, DC 20426  
Telephone: 202-502-8004

Requests may be submitted via:

- **Online FOIA request form:** <http://www.ferc.gov/legal/ceii-foia/foia>
- **Mail:** 888 First Street, NE, Code EA-1, Washington, DC 20426
- **Fax:** 202-208-2106
- **E-mail:** [FOIA-CEII@ferc.gov](mailto:FOIA-CEII@ferc.gov)

Please refer to the FOIA Reference Guide on the Commission's Web Site <http://www.ferc.gov/legal/ceii-foia/foia/guide/basics.asp>

2. Some FOIA requests are not granted because (a) the agency has no responsive documents, (b) the responsive documents fall within one or more FOIA exemptions and are not appropriate for discretionary release, or (c) a request has been rendered moot because the responsive documents were subsequently released through other means, such as a negotiated disclosure in the course of a Commission proceeding.

### III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

#### 1. Agency-specific acronyms or other terms.

- a. **Track One Requests** -- the processing track for a FOIA request that is seeking records that are readily identifiable or were previously cleared for release.
- b. **Track Two Requests** -- the processing track for a FOIA request that is seeking records that are readily identifiable and require limited review.
- c. **Track Three Requests** -- the processing track for a FOIA request that is seeking records that are complex and/or voluminous and require a significant search and/or review.

#### 2. Definitions of terms used in this Report:

- a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **Average Number** – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
- c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.

- d. **Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency. All FOIA requests for the Federal Energy Regulatory Commission are received and processed by the Washington DC branch.
- e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.

- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-Track Processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
  - i. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
  - ii. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
  - iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
- n. **Perfected Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.

q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

3. Include the following concise descriptions of the nine FOIA exemptions:

- a. **Exemption 1:** classified national defense and foreign relations information
- b. **Exemption 2:** internal agency rules and practices
- c. **Exemption 3:** information that is prohibited from disclosure by another federal law
- d. **Exemption 4:** trade secrets and other confidential business information
- e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
- f. **Exemption 6:** information involving matters of personal privacy
- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

**IV. EXEMPTION 3 STATUTES**

**A. List of Exemption 3 statutes relied on by the Commission during FY 2009.**

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
16 U.S.C. § 470aa, <i>et seq.</i> (1994) [Specifically 16 U.S.C. § 470hh(a)]	Archaeological survey data	None	N/A	4

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**V. FOIA REQUESTS**

**A. Received, Processed and Pending FOIA Requests**

**1. The numbers of received, processed, and pending requests.**

	Column 1	Column 2	Column 3	Column 4
	<b>Number of Requests Pending as of Start of Fiscal Year</b>	<b>Number of Requests Received in Fiscal Year</b>	<b>Number of Requests Processed in Fiscal Year</b>	<b>Number of Requests Pending as of End of Fiscal Year</b>
<b>Federal Energy Regulatory Commission (FERC)</b>	26	113	112	27



**B.(1) Disposition of FOIA Requests – All Processed Requests**

	Number of Full Grants	Number of Partial Grants/ Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Reasons Other Denials Based on than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in chart below	
Federal Energy Regulatory Commission (FERC)	23	27	29	18	2	11	2	0	0	0	0	0	112

**B.(2) Disposition of FOIA Requests – “Other” Reasons for “Full Denials  
Based on Reasons Other than Exemptions” from Section  
V, B (1) Chart**

Component	Description of “Other” Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	TOTAL
Federal Energy Regulatory Commission (FERC)	N/A	0

**B.(3) Disposition of FOIA Requests – Number of Times Exemptions Applied**

	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. (B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
Federal Energy Regulatory Commission (FERC)	N/A	3	4	17	19	18	8	6	2	N/A	5	5	N/A	N/A

**VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS**

**A. Received, Processed and Pending Administrative Appeals**

Column 1	Column 2	Column 3	Column 4
<b>Number of Appeals Pending as of Start of Fiscal Year</b>	<b>Number of Appeals Received in Fiscal Year</b>	<b>Number of Appeals Processed in Fiscal Year</b>	<b>Number of Appeals Pending as of End of Fiscal Year</b>
<b>1</b>	<b>14</b>	<b>13</b>	<b>2</b>

**B. Disposition of Administrative Appeals – All Processed Appeals**

<b>Number Affirmed on Appeal</b>	<b>Number Partially Affirmed &amp; Partially Reversed/Remanded on Appeal</b>	<b>Number Completely Reversed/Remanded on Appeal</b>	<b>Number of Appeals Closed for Other Reasons</b>	<b>TOTAL</b>
<b>9</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>13</b>

**C. (1) Reasons for Denial on Appeal – Number of Times Exemptions Applied**

<b>Ex. 1</b>	<b>Ex. 2</b>	<b>Ex. 3</b>	<b>Ex. 4</b>	<b>Ex. 5</b>	<b>Ex. 6</b>	<b>Ex. 7(A)</b>	<b>Ex. 7(B)</b>	<b>Ex. 7(C)</b>	<b>Ex. 7(D)</b>	<b>Ex. 7(E)</b>	<b>Ex. 7(F)</b>	<b>Ex. 8</b>	<b>Ex. 9</b>
N/A	N/A	N/A	N/A	<b>5</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	N/A	N/A	N/A	N/A	N/A

**C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions**

**1. Number of administrative appeals resulting in denial for reasons other than exemptions.**

<b>No Records</b>	<b>Records Referred at Initial Request Level</b>	<b>Request Withdrawn</b>	<b>Fee-Related Reason</b>	<b>Records not Reasonably Described</b>	<b>Improper Request for Other Reasons</b>	<b>Not Agency Record</b>	<b>Duplicate Request or Appeal</b>	<b>Request in Litigation</b>	<b>Appeal Based Solely on Denial of Request for Expedited Processing</b>	<b>Other *Explain in chart below</b>
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2	N/A

**C. (3) Reasons for Denial on Appeal – “Other” Reasons from Section VI, C (2) Chart**

<b>Description of “Other” Reasons for Denial on Appeal from Chart C (2) &amp; Number of Times Those Reasons Were Relied upon</b>	<b>TOTAL N/A</b>
Description #	<b>N/A</b>
Description #	

**C. (4) Response Time for Administrative Appeals**

<b>Median Number of Days</b>	<b>Average Number of Days</b>	<b>Lowest Number of Days</b>	<b>Highest Number of Days</b>
<b>29</b>	<b>36</b>	<b>19</b>	<b>94</b>

**C. (5) Ten Oldest Pending Administrative Appeals**

	10 <sup>th</sup> Oldest Appeal	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	Oldest Appeal
<b>Date of Receipt of Ten Oldest Appeals</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	8/25/09	7/21/09
<b>Number of Days Pending</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	26	50

**VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS**

**A. Processed Requests – Response Time for All Processed Perfected Requests**

**1. Median, average and range in number of days to process all perfected requests.**

	TRACK 1				TRACK 2				TRACK 3			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
<b>AGENCY OVERALL</b>	20	21	1	59	26	24	2	62	30	39	7	108
Federal Energy Regulatory Commission (FERC)												

	<b>EXPEDITED</b>			
	<b>Median Number of Days</b>	<b>Average Number of Days</b>	<b>Lowest Number of Days</b>	<b>Highest Number of Days</b>
	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b> Federal Energy Regulatory Commission (FERC)	0	0	0	0

**B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted**

- 1. The median, average and range in number of days to process all perfected requests in which information was granted. (“Granted” refers to full grants and partial grants.)**

	TRACK 1				TRACK 2				TRACK 3			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
<b>AGENCY OVERALL</b>	24	25	8	59	29	30	18	62	30	42	19	108
Federal Energy Regulatory Commission (FERC)												



	<b>EXPEDITED</b>			
	<b>Median Number of Days</b>	<b>Average Number of Days</b>	<b>Lowest Number of Days</b>	<b>Highest Number of Days</b>
	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b>	0	0	0	0
Federal Energy Regulatory Commission (FERC)				

**C. Processed Requests – Response Time in Day Increments**

- 1. Provide the number of perfected requests processed in each of the thirteen designated time increments (i.e., report the number of requests processed within 20 days in the first column, the number processed within 21-40 days in the second column, etc.)**

**TRACK 1**

	<b>1-20 Days</b>	<b>21-40 Days</b>	<b>41-60 Days</b>	<b>61-80 Days</b>	<b>81-100 Days</b>	<b>101-120 Days</b>	<b>121-140 Days</b>	<b>141-160 Days</b>	<b>161-180 Days</b>	<b>181-200 Days</b>	<b>201-300 Days</b>	<b>301-400 Days</b>	<b>401+ Days</b>	<b>TOTAL</b>
<b>AGENCY OVERALL</b>	<b>33</b>	<b>24</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>58</b>
Federal Energy Regulatory Commission (FERC)														

**TRACK 2**

	<b>1-20 Days</b>	<b>21-40 Days</b>	<b>41-60 Days</b>	<b>61-80 Days</b>	<b>81-100 Days</b>	<b>101-120 Days</b>	<b>121-140 Days</b>	<b>141-160 Days</b>	<b>161-180 Days</b>	<b>181-200 Days</b>	<b>201-300 Days</b>	<b>301-400 Days</b>	<b>401+ Days</b>	<b>TOTAL</b>
<b>AGENCY OVERALL</b>	<b>16</b>	<b>22</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>41</b>
Federal Energy Regulatory Commission (FERC)														

**TRACK 3**

	<b>1-20 Days</b>	<b>21-40 Days</b>	<b>41-60 Days</b>	<b>61-80 Days</b>	<b>81-100 Days</b>	<b>101-120 Days</b>	<b>121-140 Days</b>	<b>141-160 Days</b>	<b>161-180 Days</b>	<b>181-200 Days</b>	<b>201-300 Days</b>	<b>301-400 Days</b>	<b>401+ Days</b>	<b>TOTAL</b>
<b>AGENCY OVERALL</b>	<b>3</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>13</b>
Federal Energy Regulatory Commission (FERC)														

**REQUESTS GRANTED EXPEDITED PROCESSING <sup>1</sup>**

	<b>1-20 Days</b>	<b>21-40 Days</b>	<b>41-60 Days</b>	<b>61-80 Days</b>	<b>81-100 Days</b>	<b>101-120 Days</b>	<b>121-140 Days</b>	<b>141-160 Days</b>	<b>161-180 Days</b>	<b>181-200 Days</b>	<b>201-300 Days</b>	<b>301-400 Days</b>	<b>401+ Days</b>	<b>TOTAL</b>
<b>AGENCY OVERALL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Federal Energy Regulatory Commission (FERC)														

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<sup>1</sup> No requests for expedited processing were granted. However, some requests seeking expedited treatment were completed before the ten day statutory response timeline, therefore, making the request a moot issue.

**D. Pending Requests – All Pending Perfected Requests**

- 1. Number of perfected requests pending as of the end of the fiscal year, and the median and average number of days those requests had been pending.**

	TRACK 1			TRACK 2			TRACK 3		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
<b>AGENCY OVERALL</b>	13	29	46.15	6	37	34	8	116	202
Federal Energy Regulatory Commission (FERC)									

	EXPEDITED			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b>	0	0	0	0
Federal Energy Regulatory Commission (FERC)				

**E. Pending Requests – Ten Oldest Pending Perfected Requests**

- 1. Dates of receipt of the ten oldest perfected requests pending as of the end of the fiscal year, and the number of days those requests had been pending.**

<b>Date of Receipt of Ten Oldest Pending</b>	<b>10th Oldest Request and Number of Day Pending</b>	<b>9th</b>	<b>8th</b>	<b>7th</b>	<b>6th</b>	<b>5th</b>	<b>4th</b>	<b>3rd</b>	<b>2nd</b>	<b>Oldest Request and Number of Days Pending</b>
<b>Agency Overall</b>	7/22/09 49 days	7/8/09 55 days	6/17/09 52 days	6/16/09 52 days	4/23/09 112 days	3/17/09 121 days	3/17/09 121 days	11/24/08 212 days	10/9/08 202 days	10/27/04 <sup>2</sup> 999 days
Federal Energy Regulatory Commission (FERC)										

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<sup>2</sup> FOIA number FY04-191 was on hold for 252 days in FY 2006 at the behest of the requester.

**VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER**

**A. Requests for Expedited Processing**

	<b>Number Granted</b>	<b>Number Denied</b>	<b>Median Number of Days to Adjudicate</b>	<b>Average Number of Days to Adjudicate</b>	<b>Number Adjudicated Within Ten Calendar Days</b>
<b>AGENCY OVERALL</b>	0	10	9	8	10
Federal Energy Regulatory Commission (FERC)					

**B. Requests for Fee Waiver**

	<b>Number Granted</b>	<b>Number Denied</b>	<b>Median Number of Days to Adjudicate</b>	<b>Average Number of Days to Adjudicate</b>
<b>AGENCY OVERALL</b>	2	7	10	10
Federal Energy Regulatory Commission (FERC)				

**IX. FOIA PERSONNEL AND COSTS**

	<b>PERSONNEL</b>			<b>COSTS</b>		
	<b>Number of “Full-Time FOIA Employees”</b>	<b>Number of “Equivalent Full-Time FOIA Employees”</b>	<b>Total Number of “Full-Time FOIA Staff”</b>	<b>Processing Costs</b>	<b>Litigation- Related Costs</b>	<b>Total Costs</b>
<b>AGENCY OVERALL</b>	1	3.56	4.56	<b>\$ 692,848</b>	N/A	<b>\$ 692,848</b>
Federal Energy Regulatory Commission (FERC)						



**X. FEES COLLECTED FOR PROCESSING REQUESTS**

	<b>Total Amount of Fees Collected</b>	<b>Percentage of Total Costs</b>
<b>AGENCY OVERALL</b>  Federal Energy Regulatory Commission (FERC)	\$839.19	1.5%

**XI. FOIA REGULATIONS**

**Electronic links to FERC’s FOIA regulations and fee schedule:**

- **FOIA REGULATION: 18 C.F.R. § 388.108**, can be accessed through GPO <http://www.access.gpo.gov/nara/cfr/index.html>
- **FEE SCHEDULE:** <http://www.ferc.gov/legal/ceii-foia/foia/guide/fees.asp>

## XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

### A. Backlogs of FOIA Requests and Administrative Appeals

	<b>Number of Backlogged Requests as of End of Fiscal Year</b>	<b>Number of Backlogged Appeals as of End of Fiscal Year</b>
<b>AGENCY OVERALL</b>	<b>0</b>	<b>0</b>
Federal Energy Regulatory Commission (FERC)		

**B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations**

	Column 1	Column 2	Column 3	Column 4
	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Processed</u> by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>End</u> of the Fiscal Year
<b>AGENCY OVERALL</b>	0	1	1	0
Federal Energy Regulatory Commission (FERC)				

**C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency**

	<b>10<sup>th</sup> Oldest Consultation and Number of Days Pending</b>	<b>9<sup>th</sup></b>	<b>8<sup>th</sup></b>	<b>7<sup>th</sup></b>	<b>6<sup>th</sup></b>	<b>5<sup>th</sup></b>	<b>4<sup>th</sup></b>	<b>3<sup>rd</sup></b>	<b>2<sup>nd</sup></b>	<b>Oldest Consultation and Number of Days Pending</b>
<b>Date Received</b>	0	0	0	0	0	0	0	0	0	0
<b>Number of Days Pending</b>	0	0	0	0	0	0	0	0	0	0

**D. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged**

	Column 1	Column 2	Column 3	Column 4
	<b>NUMBER OF REQUESTS RECEIVED</b>		<b>NUMBER OF REQUESTS PROCESSED</b>	
	<b>Number Received During Fiscal Year from Last Year's Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year's Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>
<b>Agency Overall</b>	<b>111</b>	<b>113</b>	<b>96</b>	<b>112</b>
Federal Energy Regulatory Commission (FERC)				

	Column 1	Column 2
	<b>Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report</b>
<b>AGENCY OVERALL</b>	<b>*0</b>	<b>0</b>
Federal Energy Regulatory Commission (FERC)		

**\*CORRECTION: FY08 Annual report incorrectly reflected one backlogged request.**

**E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged**

	Column 1	Column 2	Column 3	Column 4
	<b>NUMBER OF APPEALS <u>RECEIVED</u></b>		<b>NUMBER OF APPEALS <u>PROCESSED</u></b>	
	<b>Number Received During Fiscal Year from Last Year's Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year's Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>
<b>Agency Overall</b>	<b>8</b>	<b>14</b>	<b>7</b>	<b>13</b>
Federal Energy Regulatory Commission (FERC)				

	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report</b>
<b>AGENCY OVERALL</b>	<b>0</b>	<b>0</b>
Federal Energy Regulatory Commission (FERC)		

**F. Discussion of Other FOIA Activities (Optional)**

**1. Provide here any further information about the agency's efforts to improve FOIA administration.**

The Commission has completed negotiations for new FOIA software. This new technology will enable FERC to manage requests in the most efficient manner possible. This software will streamline the FOIA process by using templates for routine correspondence, permit requesters to view the status of request on our webpage and easily identify similar FOIA requests.

All FERC staff employees attended mandatory FOIA training. This training advised staff of the new open government initiative and emphasized the importance of conducting an adequate search.