



Department of Energy

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

PUBLIC AFFAIRS

January 19, 2012

In reply refer to: DK-7

Benjamin D. Johnson, Esq.
Bennett, Tueller, Johnson & Deere
3165 East Millrock Drive, Suite 500
Salt Lake City, UT 84121

FOIA #BPA-2012-00194-F

Dear Mr. Johnson:

This is a final response to your request for information that you made to the Bonneville Power Administration (BPA) under the Freedom of Information Act (FOIA), 5 USC § 552.

You have requested the following:

A copy of all un-redacted documents concerning the Auspurger Mountain Radio Station Fiber Upgrade Contract, Contract No. 00048810 dating from November 30, 2010 to October 28, 2011:

1. All job site meeting minutes.

Released in their entirety and released FOIA 2011-00300

2. All job site inspection reports.

Released FOIA 2011-00300

3. All payment and performance.

Released in their entirety

4. All contracts between BPA.

Released in their entirety

5. All correspondence, including, but not limited to emails, between and among BPA, Intelepoint, LLC and Robinson Brothers Construction, Inc., and their employees or attorneys, including, but not limited to Glenn Nishida, Jared Perez, Glenn Van Bergen, Chris Gorman, Craig Sorenson, Brad Cheney, Mike Rakoz, Mike Silvey, John Bradach, and David Leatherwood relating to the Augspurgen project including, but not limited to, correspondence relating to Black

Due to the size of the responsive documents they cannot be posted. To obtain a copy contact the BPA FOIA Office at 503-230-7305.

Pine Directional, Inc., differing site conditions at the project, and/or equitable adjustments requested at the project.

Released in part:

Exemption 5 protects from mandatory disclosure “inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency . . .” Exemption 5 incorporates the deliberative process privilege which protects advice, recommendations, and opinions that are part of the process by which agency decisions and policies are formulated.

Exemption 5 also protects attorney client information, which are communications between attorney and client that relate to a legal matter for which the client has sought professional advice. The privilege usually protects a client’s disclosure to any attorney, but also extends to an attorney’s opinion based on those disclosures, and to communications between attorneys that reflect client-supplied information.

6. All directives or orders issued by BPA relating to performing or continuing to perform work at the project.

Released FOIA 2011-00300

7. All documents submitted to BPA by Intelpoint, LLC and/or Robinson Brothers Construction, Inc. including, but not limited to, documents submitted concerning differing site conditions and equitable adjustments requested at the Augspurgen project.

Released in their entirety and released FOIA 2011-00300

8. All reports and documents relating to investigations conducted by BPA on differing site conditions at the Augspurgen project.

No responsive documents

9. All geo-technical reports or investigations relating to Augspurgen Mountain and the subject contract.

No responsive documents

10. All documents relating to a determination of job completion percentages at the project, specifically including, but not limited to, job completion percentages assigned to boring on the Augspurgen project.

Released FOIA 2011-00300

11. Current cost reference guides used by BPA.

Documented in contract and released FOIA 2011-00300

12. All documents relating to the work performed by APEX at the Augspurgen Project.

Released FOIA 2011-00300

13. All documents relating to boring or drilling performed at the Augspurgen Project.
Released in their entirety and released FOIA 2011-00300
14. All notices submitted to BPA by Intelepoint, LLC and/or Robinson Brothers Construction, Inc. including, but not limited to, notices of differing site conditions or notices concerning equitable adjustments.
Released FOIA 2011-00300
15. All photographs of the Augspurgen Project.
Released FOIA 2011-00300
16. All payment applications submitted to BPA by Intelepoint, LLC and/or Robinson Brothers Construction, Inc.
Released FOIA 2011-00300
17. All payments made by BPA to Intelepoint, LLC and/or Robinson Brothers Construction, Inc.
Released FOIA 2011-00300
18. All directives or orders to disturb site conditions or to continue with drilling and/or boring after Black Pine Directional, Inc., provided its notice of differing site conditions on September 30, 2010.
No responsive documents
19. All preconstruction meeting reports
No responsive documents
20. All communications between Kevin Bell or Randy Roach with Glenn Nishida or any BPA personnel relating to the Augspurgen Project.
Released in part; see above explanation of application of Exemption 5
21. All documents relating to Glenn Nishida meeting with Black Pine Directional, Inc.
No responsive documents
22. All records relating to contract modifications between the BPA and Intelepoint, LLC.
Released in part; see above explanation of application of Exemption 5
23. All reports regarding Black Pine Directional, Inc. claim to differing site conditions.
Released in their entirety
24. All investigations relating to the site conditions at the Augspurgen project.
No responsive documents
25. All records relating to the BPA engaging in an informal claims process with Intelepoint,

LLC, Robinson Brothers Construction, and Black Pine Directional, Inc. regarding the Augspurgen project.
No responsive documents

26. All waivers or releases signed by Intelepoint, LLC or Robinson Brothers Construction relating to the Augspurgen project.
No responsive documents

27. All internal correspondence (including emails) among BPA personnel regarding the Augspurgen project.
Released in their entirety

28. All documents which establish that the BPA has paid Intelepoint, LLC in full for the work it performed at the Augspurgen Project.
No responsive documents

29. All bids the BPA received by any contractor, including Intelepoint, LLC for the Augspurgen Mountain Radio Station Fiber Upgrade Contract No. 00048810.
No responsive documents – sole source

30. All recordings of any communications between the BPA, Robinson Brothers Construction, Intelepoint, LLC or Black Pine Direction, Inc.
Released FOIA 2011-00300

31. All reports relating to the Augspurgen project.
Released FOIA 2011-00300

32. All records relating to the boring specifications, bore paths, or bore profiles utilized by Apex at the Augspurgen project.
Released FOIA 2011-00300

33. Records of any payment for work performed by Apex at the Augspurgen Project.
Released FOIA 2011-00300

34. All records relating to the government approval and funding of the Augspurgen Project.
Released FOIA 2011-00300

35. All photographs of boring performed by Apex at the Augspurgen Project.
Released FOIA 2011-00300

36. All records relating to the costs to complete the Augspurgen Project.
Released in their entirety

37. All communications between Kevin Bell or Randy Roach with Carter Mann, Esq. or John Bradach, Esq.
Released in their entirety

38. All records relating to any equitable adjustment given at the Augspurgen project.
Released FOIA 2011-00300

39. BPA's entire file relating to the Augspurgen project.
Released FOIA 2011-00300
Released in part; see above explanation of application of Exemption 5

If you are dissatisfied with this determination, you may appeal within 30 days from the date you received this letter to The Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585. The appeal must be in writing and both the envelope and the letter must be clearly marked "Freedom of Information Act Appeal."

I appreciate the opportunity to assist you with this matter. If you have any questions or concerns about this letter please contact Kim Winn, Communications Specialist, at 503-230-7305.

Sincerely,

/s/ Christina J. Munro
Christina J. Munro
Freedom of Information Act/Privacy Act Officer

Enclosure: CD with responsive documents