



## Department of Energy

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

PUBLIC AFFAIRS

November 17, 2011

In reply refer to: DK-7

Patrick R. Moberg  
The Moberg Law Firm  
P.O. Box 1856  
Winter Park, FL 32790

### **FOIA #BPA-2012-00195-F**

Dear Mr. Moberg:

This is a partial response to your request for records that you made to the Bonneville Power Administration (BPA) under the Freedom of Information Act (FOIA), 5 U.S.C. 552.

#### **You have requested the following:**

- A copy of all contracts between the BPA, and/or its agents, and TerrAqua, Inc.
- A copy of all correspondence between the BPA, and/or its agents, and Mike Ward (a/k/a Mike Wardski).
- A copy of all correspondence between the BPA, and/or its agents, and TerrAqua, Inc.

#### **Response:**

BPA is providing a copy of all contracts between the BPA and/or its agents and TerrAqua, Inc. either in their entirety or with some information withheld under Exemption 4 and 6. The exemptions are explained below.

Under Exemption 4 of FOIA, information may be exempt from disclosure if it is "commercial" in nature, is "obtained [by BPA] from a person (TerrAqua, Inc.)," and is "privileged or confidential." Here, there is no question that the redacted information in the contract is commercial in nature and that BPA obtained it from TerrAqua, Inc.

Under Exemption 6 of FOIA, BPA asserts this exemption for information which could reasonably be expected to constitute an unwarranted invasion of personal privacy if disclosed. The withheld information consists of the names and personal contact information (address, email, and/or phone numbers) of employees and sub-contractors of TerrAqua, Inc. Release of this information could subject these individuals to unwanted intrusions of privacy. There is no public interest in the disclosure of this information because it does not shed any light on how BPA has performed its statutory duties.

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.

Pursuant to 10 CFR 1004.8, if you are dissatisfied with this determination, or the adequacy of the search, you may appeal in writing within 30 calendar days of receipt of a final response letter. The appeal should be made to the Director, Office of Hearings and Appeals, HG-1, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA Appeal is being made.

I appreciate the opportunity to assist you. Please contact Laura Atterbury, FOIA/Privacy Act Specialist at (503) 230-7305 with any questions about this letter.

Sincerely,

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

Enclosure: Responsive Documents



## Department of Energy

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

PUBLIC AFFAIRS

February 17, 2012

In reply refer to: DK-7

Patrick R. Moberg  
The Moberg Law Firm  
PO Box 1856  
Winter Park, FL 32790

### FOIA #BPA-2012-00195-F

Dear Mr. Moberg:

This is the final response to your request for records that you made to the Bonneville Power Administration (BPA), under the Freedom of Information Act (FOIA), 5 U.S.C. 552.

#### **You have requested the following:**

1. A copy of all contracts between the BPA and/or its agents, and TerrAqua, Inc.
2. A copy of all correspondence between the BPA and/or its agents, and Mike Ward (a/k/a Mike Wardski).
3. A copy of all correspondence between the BPA and/or its agents and TerrAqua, inc.

#### **Response:**

In an earlier letter, dated November 17, 2011, BPA partially released copies of all contracts between the BPA and/or its agents and TerrAqua, Inc.

Enclosed in this final release are copies of draft reports, contracts, correspondence, and invoices either in their entirety or with some information withheld under Exemption 4.

Under Exemption 4 of FOIA, information may be exempt from disclosure if it is "commercial" in nature, is "obtained [by BPA] from a person (TerrAqua, Inc.)," and is "privileged or confidential." Here, there is no question that the redacted information in the contract is commercial in nature and that its release would likely cause TerrAqua, Inc., substantial competitive harm.

Pursuant to 10 CFR 1004.8, if you are dissatisfied with this determination, or the adequacy of the search, you may appeal in writing within 30 calendar days of receipt of a final response letter. The appeal should be made to the Director, Office of Hearings and Appeals, HG-1, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA Appeal is being made.

There are no fees associated with this request due to the length of time that our review has taken. Your patience is appreciated.

I appreciate the opportunity to assist you. Please contact Kim Winn, Communications Specialist at 503-230-7305 with any questions about this letter.

Sincerely,

*/s/Christina J. Munro*

Christina J. Munro

Freedom of Information Act/Privacy Act Officer

Enclosed: DVD of responsive documents