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August 15, 2012

RECEIVED BY BPA FOIA OFFICE THIS DATE: 8/17/12
DUE DATE: 9/17/12
LOG # BPA-2012-0176-F

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Christina J. Munro, FOIA Officer
Mail Stop DK-7
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208

Re: FOIA Request Concerning Recipients of BPA's Low Density Discount

Dear Ms. Munro:

This request is sent pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. It seeks production of information related to the Bonneville Power Administration's ("BPA") Low Density Discount ("LDD") program and its LDD customers, from 1997 to the present. Based on information we obtained from BPA's website, we understand that approximately 56 BPA customers currently receive the LDD. When referencing "LDD customers", this request is meant to include all of BPA's customers that received a LDD at any time from 1997 to 2012, inclusive. For those customers who did not begin receiving a LDD until some point after 1997, please consider this request to apply to all years during which they have received a LDD between 1997 and the present date, inclusive.

Please provide this office with all responsive documents and records regarding each of BPA's LDD customers, in the following topic areas:

(1) For each Calendar Year ("CY") from 1997 to 2011, please produce all data submitted to BPA by each LDD customer (which information is due to BPA by June 30th of the following year) that is related to BPA's calculation of that customer's LDD discount percentage and/or annual dollar benefit. This includes, but is not necessarily limited to:

- (a) each LDD customer's annual financial and operating reports (e.g., USDA Rural Utility Services Form 7, similar National Rural Utilities Cooperative Finance Corporation form, or other audited financial report);
- (b) each LDD customer's annual EIA-861 report to the Energy Information Administration;
- (c) any other CY data submitted by each LDD customer that is related to BPA's determination of the customer's LDD; and

(d) each LDD customer's certification that the data submitted is true and correct.

If BPA's data submission requirements between 1997 to 2011 have varied from the types of documents listed above (which we understand to be the current requirements), please provide us with whatever data the LDD customer submitted for each calendar year from 1997 to 2011 pertaining to BPA's determination of the customer's LDD under the then-applicable guidelines.

We understand that CY 2011 data was due from BPA customers that receive a LDD by the end of June 2012. If some BPA LDD recipients have not yet submitted their required data, please identify these customers, and state the date by which BPA expects to receive the required LDD information.

(2) For each year from 1998 to 2012, please produce information reflecting BPA's applicable discount percentage and/or annual dollar benefit awarded for each LDD customer. Please state the date of this discount calculation and determination by BPA, provide documents communicating the amount of this discount calculation to each LDD customer, and indicate the effective date(s) of each such LDD determination for each LDD customer.

Please note that we are not requesting all of BPA's internal calculations, correspondence, or other documentation of BPA's LDD adjustments based on certain types of loads and ineligible charges. Such information is not intended to be within the scope of this FOIA request. However, we are requesting BPA's customary form of notice to or communication with the customer informing the customer of BPA's determination of any applicable LDD discount percentage and/or annual dollar benefit.

(3) For each year from 1997 to 2012, please produce documentation reflecting the total dollar amount value of the LDD awarded to each of BPA's LDD customers in that year (i.e., documents showing that Customer A received a LDD valued at \$100,000.00 in 2001, and a LDD worth \$115,000.00 in 2008).

Again, please note that we are not requesting all forms of BPA documentation showing the yearly breakdown of LDD benefits by customer. But given what we have been able to locate via our independent research, we would expect that BPA is in possession of charts or spreadsheets listing all LDD customers and the dollar amount of each customer's LDD discount for each year, for example. That is the type of documentation we are requesting.

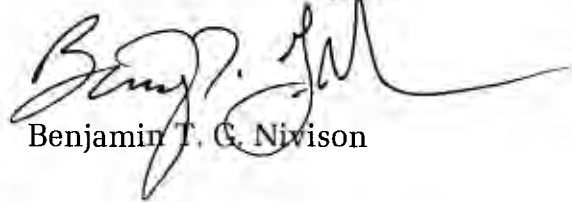
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Thank you for your assistance with this request. We are willing and able to pay any applicable fees associated with the retrieval and production of this information. We are not requesting a fee waiver at this time, although we are acting in the public interest in obtaining this information. If, however, the costs associated with this request are going to be greater than five hundred dollars (\$500.00), please contact me to discuss whether this request could be modified to manage those costs.

If I can provide any further information regarding the scope of this FOIA request, or the nature of the information requested, please let me know. We look forward to receiving BPA's response to this request at the soonest possible date.

Sincerely,

HELSELL FETTERMAN LLP

A handwritten signature in black ink, appearing to read "Benjamin T. G. Nivison", with a long horizontal flourish extending to the right.

Benjamin T. G. Nivison

BTN:aeg