



Department of Energy

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

PUBLIC AFFAIRS

October 8, 2011

In reply refer to: DK-7

Richard van Dijk

Ex 6

FOIA #BPA-2011-01630-F

Dear Mr. van Dijk:

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:

Copies of all e-mails, memos, meeting minutes, presentations and hand written notes of those involved with the potential changes to contractual obligations as outlined in the PTSA agreements used for the Network Open Season 2008, 2009 and 2010 and the potential impact to the three major transmission projects enabled by the Network Open Season of 2008 (I-5, Big Eddy-Knight, Central Ferry-Lower Monumental). The data range being requested is from January 1, 2011 to date of receipt of this request.

Response:

BPA is providing the enclosed responsive documents in their entirety.

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.

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

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

Sincerely,

for /s/Cheri Benson

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

October 14, 2011

In reply refer to: DK-7

Richard van Dijk
Another Way BPA
Ex 6

FOIA #BPA-2011-01630-F

Dear Mr. van Dijk:

This is the second 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:

Copies of all e-mails, memos, meeting minutes, presentations and hand written notes of those involved with the potential changes to contractual obligations as outlined in the PTSA agreements used for the Network Open Season 2008, 2009 and 2010 and the potential impact to the three major transmission projects enabled by the Network Open Season of 2008 (1-5, Big Eddy-Knight, Central Ferry-Lower Monumental). The data range being requested is from January 1, 2011 to date of receipt of this request, August 5, 2011.

Response:

BPA is providing the enclosed responsive documents in their entirety or with some information withheld under Exemption 5 of the FOIA.

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 is 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.

The documents withheld under Exemption 5 are part of the pre-decisional process that is still underway with regards to the PTSA agreements with our customers. Draft documents, by their

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.

very nature, are pre-decisional because they are prepared prior to the undertaking of any action by the agency. Draft documents are deliberative because they are part of the deliberative process by which that agency action was considered and taken. They reflect only the tentative view of their authors, views that might be altered or rejected upon further deliberation either by the authors or by their superiors. The withheld information does not represent final agency policy on the matters it discusses.

The documents being withheld in their entirety are being withheld both because they express opinions that fall within the deliberative process privilege and they fall within the attorney-client privilege. They include legal analysis bearing on the potential modifications to the Network Open Season. Release of the material exchanged between attorneys and their clients could deter an open and candid exchange between the two parties. Moreover, attorneys would not feel they could adequately advise and represent their clients if the information is disclosed.

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 Cheri Benson, FOIA/Privacy Act 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

Enclosure: Responsive documents on CD



Department of Energy

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

PUBLIC AFFAIRS

November 16, 2011

In reply refer to: DK-7

Richard van Dijk

Ex 6

FOIA #BPA-2011-01630-F

Dear Mr. van Dijk:

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:

Copies of all e-mails, memos, meeting minutes, presentations and hand written notes of those involved with the potential changes to contractual obligations as outlined in the PTSA agreements used for the Network Open Season 2008, 2009 and 2010 and the potential impact to the three major Transmission projects enabled by the Network Open Season of 2008 (I-5, Big Eddy-Knight, Central Ferry-Lower Monumental). The data range being requested is from January 1, 2011, to date of receipt of this request.

Response:

BPA is providing the enclosed responsive documents 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 (Horizon, or EDP Renewables)," 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 Horizon, Inc.

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,

/s/ Christina J. Munro

Christina J. Munro

Freedom of Information Act/Privacy Act Officer

Enclosure: Responsive Documents