Department of Energy

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

Official File

CORPORATE

November 29, 2004

In reply refer to: KDP-7

Mr. Michael A. Goldfarb
1150 Market Place tower
2025 First Avenue
Seattle, WA 98121
(206) 374-7090

RE: FOIA Request #05-003

Dear Mr. Goldfarb:

Thank you for your letter of November 16, 2004, requesting information under the Freedom of Information Act. In your letter you request copies of all communications since January 1, 2000, whether written or electronic, between BPA and members of congress (or their staff) concerning "Grid West" or "RTO West", including but not limited to any actual or prospective legislation concerning "Grid West" or "RTO West".

Your request was received by our office on November 29, 2004 and has been logged in as FOIA #05-003. You have agreed to pay costs up to $100. If costs for your request exceed $100, we will notify you with an estimate before proceeding. Alan Burns, Executive Vice President, Industry Restructuring, has been designated as Authorizing Official for your request. A member of his staff will estimate costs for this request and we will contact you regarding the estimate before we proceed. Mr. Burns has 20 working days from the date of your agreement to pay estimated fees to provide a response. Should you have any questions Mr. Burns may be reached at Mail Stop R-3 or by calling 503-230-5717.

Sincerely,

Annie Eissler
Freedom of Information Officer

Department of Energy

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

Official File

CORPORATE

December 14, 2004

In reply refer to: KDP-7

Mr. Michael A. Goldfarb
1150 Market Place tower
2025 First Avenue
Seattle, WA 98121
(206) 374-7090

RE: FOIA Request #05-003, 05-004, 05-005, 05-006, 05-007, and 05-008

Dear Mr. Goldfarb:

I am writing to provide you with an estimate for fees to complete six (6) of the eleven (11) Freedom of Information Act (FOIA) requests submitted to our office by you in November. Per our letters dated November 29, 2004 acknowledging the receipt of your requests, we indicated that we would contact you regarding an estimate of fees to complete them.

Upon review of the requests you submitted regarding RTO and Grid West, and the broad nature of these requests, we have determined that many potential responsive documents for each of the FOIA requests overlap and it is necessary to combine the fee estimate for these six (6) FOIAs.

We have determined that in order to conduct a reasonable search and review of the documents you are requesting, it will require time from 27 Bonneville staff members. Per Department of Energy FOIA policy, we charge commercial requestors the hourly salary rate of each searching/reviewing staff member + 16%. In addition, we charge $.05 per copied page. In our estimation the cost for search and review for these six (6) FOIA requests is approximately $39,262.22 and copy charges for an estimated 5,000 pages of documents is an additional $250.00.

In order for us to consider these requests perfected and begin the 20 working day response time allowed by FOIA, we require your signed agreement to pay the fee amount estimated above. Please provide your signature on the third page of this letter indicating your agreement to pay the estimated fees and return it to us. Upon receipt, our staff will promptly begin processing these requests.

Because your requests are so broad in nature, the cost of search and review is substantial. However, if you can be more specific about the information you seek, you may wish to narrow

the scope of your FOIA requests so that our search and review time, and therefore your costs, are reduced.

Should you have any questions, you may contact me at Mail Stop KDP-7 or by calling 503-230-5110.

Sincerely,

Debra Smiley

Debra Smiley for Annie Eissler
Freedom of Information Officer

RE: FOIA Request #05-003, 05-004, 05-005, 05-006, 05-007, and 05-008 – Fee Estimate Agreement

For BPA's official records, please sign in the space indicated below that you accept the estimation of fees contained in this letter dated December 14, 2004, regarding FOIA request #s 05-003, 05-004, 05-005, 05-006, 05-007, and 05-008 and send back to me by return fax (503) 230-4576.

_____

Michael Goldfarb
Law Offices of Michael Goldfarb

LAW OFFICES OF
MICHAEL A. GOLDFARB
1150 MARKET PLACE TOWER
2025 FIRST AVENUE
SEATTLE, WASHINGTON 98121

RECEIVED
DEC 16 2004

PHONE 206.374.7090
FAX 206.374.7095

MICHAEL A. GOLDFARB
mgoldfarb@goldfarb-law.com

December 14, 2004

Annie Eissler, FOIA Officer
Bonneville Power Administration
Routing: KDP-4
P.O. Box 3621
Portland, OR 97208

Re: FOIA Nos. 05-003, 05-004, 05-005, 05-006 and 05-009

Dear Ms. Eissler:

Your office recently acknowledged receiving several requests for information under the Freedom of Information Act. Those requests were sent via first class U.S. Mail on November 16, 2004, and logged as FOIA Nos. 05-003, 05-004, 05-005, 05-006 and 05-009.

In your letters acknowledging receipt, you claim that our requests were received on November 29, 2004. It is not unreasonable to assume that a letter sent via U.S. Mail will arrive within three calendar days. Such an assumption, in fact, is supported by the Federal Rules of Appellate Procedure. See. FRAP 26(c) (3 calendar days are added to the prescribed period).

Unless your office can show otherwise, we must assume that these letters were actually received by BPA on November 19, 2004.

The Freedom of Information Act mandates that "Each agency, upon any request for records. . . shall-- determine within 20 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefore." U.S.C. § 552(6)(A)(i).

As it is reasonable to assume that our requests were actually received by your office on November 19, 2004, a response to our requests is due no later than December 21, 2004. If our determination of the corrected response date is inaccurate, please advise us in writing.

Thank you for your prompt attention to this matter.

Very truly yours,

Michael A. Goldfarb

cc: Steve Larson

Department of Energy

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

Official File

CORPORATE

February 24, 2005

In reply refer to: KDP-7

Mr. Michael A. Goldfarb
Attn: Ms. Rachel Farkas
1150 Market Place tower
2025 First Avenue
Seattle, WA 98121
(206) 374-7090

RE: Fee Estimate Detail for FOIA Requests - #05-003, 05-004, 05-005, 05-006, 05-007 and 05-008

Dear Ms. Farkas:

Per your request, are providing additional detail regarding the fee estimate we provided for your firm's FOIA requests 05-003, 05-004, 05-006, 05-007, and 05-008.

The method we used to provide this more detailed estimate entailed contacting each of the BPA staff and contractors involved with researching and reviewing your firm's FOIA requests #s 05-003, 05-004, 05-005, 05-006, 05-007 ad 05-008. We asked them to rework their original estimate in order to break down time and grade per request. We then took this break down and multiplied it by the grade and appropriate step level for each searching/reviewing employee. By utilizing the applicable grade and step for each employee, we are able to provide you with a more accurate estimate than the one provided in our letter dated January 26, 2005. The breakdown, per request is as follows:

FOIA 05-003:

1 Grade 10 –	4 hours	= 116.48
1 Grade 11 –	1	= 36.70
3 Grade 13 –	7.5	= 313.75
4 Grade 14 –	10	= 532.46
2 Grade 15 –	6	= 407.30
2 SES –	5-41	
(variable based on docs)		= 406.00 - 3329.20
1 Contractor – 2		= 324.80
Total:		**= $2137.49 - 5060.69**

FOIA 05-004:

1 Grade 10 –	2 hours	= 58.24
1 Grade 12 –	1	= 40.75
4 Grade 13 –	21.5	= 987.74
5 Grade 14 –	20	= 1053.72
3 Grade 15 –	9.5	= 639.45
1 SES –	1	= 81.20
1 Contractor -	2	= 324.80
Total:		**= $3186.06**

FOIA 05-005:

1 Grade 10 -	4 hours	= 116.48
1 Grade 11 -	1	= 36.69
3 Grade 13 -	5.5	= 255.36
5 Grade 14 -	13	= 717.89
2 Grade 15 -	8	= 553.60
2 SES -	25	= 2030.00
1 Contractor -	3	= 162.40
Total:		**= $3872.42**

FOIA 05-006:

1 Grade 10 -	30 hours	= 873.60
1 Grade 11 -	1.5	= 55.05
4 Grade 13 -	95	= 4290.40
10 Grade 14 -	192	= 10519.74
6 Grade 15 -	81.5	= 5756.79
2 SES -	26	= 2111.20
1 Contractor –	25	= 4060.00
Total:		**= $27666.78**

FOIA 05-007:

1 Grade 11 -	1	= 36.69
3 Grade 13 -	6.25	= 284.61
2 Grade 14 -	6	= 313.74
1 Grade 15 -	3	= 195.75
2 SES -	41 – 61	
(variable based on docs)		= 1705.20 - 4953.20
1 Contractor -	1	= 162.40
Total:		**= $2698.39 - $5946.39**

FOIA 05-008:

1 Grade 11 –	1	= 36.69
3 Grade 13 -	5.25	= 244.40
2 Grade 14 -	6	= 313.74
1 Grade 15 -	2	= 130.50
2 SES -	41-61	
(variable based on docs)		= 1705.20 - 4953.20
1 Contractor -	1	= 162.40
Total:		**= $2592.93 - $5840.93**

The total estimated cost of processing these requests ranges from $42,154.07 - $51,573.27 for staff search and review time, plus estimated copying fees of $250.00.

If you have any questions, you may contact me at 503-230-5110.

Sincerely,

Annie Eissler

Annie Eissler
Freedom of Information Officer

bcc:
R. Roach – LC –7
S. Larson – LC-7
J. Bennett -- LC-7
C. Jacobson -- LC-7
Official File – KDP-7 (EX 13-13, 05-003)

Aeissler: dls: 3084/1/26/05 (KD-KDP:\FOIA\FOIA2005Letters\Misc Letters\M. Goldfarb Fees Breakdown 05-003 – 05-008.doc)

Department of Energy

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

CORPORATE

May 9, 2005

In reply refer to: KDP-7

Mr. Michael A. Goldfarb
1150 Market Place Tower
2025 First Avenue
Seattle, WA 98121
(206) 374-7090

RE: FOIA Request #05-006

Dear Mr. Goldfarb:

I am writing because our office has not yet received your signed agreement to pay the estimated fees to process your FOIA request, designated FOIA #05-006. Because it has been several weeks since we provided a written estimate to you, if we do not receive your signed agreement to pay estimated fees to process your request by May 23, 2005, we will consider your FOIA request withdrawn.

Sincerely,

Debra Smiley
Freedom of Information Office