



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

January 18, 2018

In reply refer to: FOIA #BPA-2018-00526 -F

Brian Dilks
Dilks & Knopik, LLC
35308 SE Center Street
Snoqualmie, WA 98065
brian.dilks@dilksknopik.com
research@dilksknopik.com

Dear Mr. Dilks:

This communication is the Bonneville Power Administration's (BPA) final response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your records request was received by BPA on January 12, 2018 and assigned a Department of Energy (DOE) tracking number of BPA-2018-00526-F. Please use that tracking number in any correspondence with the agency regarding this request.

Request

"...copies of [BPA's] fiscal records concerning all unclaimed, undeliverable, overdue and/or outstanding funds or obligations, (i.e. deposits or obligations NOT currently held by your state's abandoned property division) in the amount of \$1,000.00 or greater, currently held in accounts managed by [BPA], including any and all:

1. Amounts on deposit with [BPA] that are held in trust for recipients whose whereabouts are unknown, including instances in which payment was never attempted, payment was never requested, and/or instances when payments were returned as undeliverable. Such amounts may relate to (but are not limited to) tax refunds, tax overpayments, cash deposits, cash escrows, cash securities, performance bonds, sheriffs bonds, eminent domain, matured government bonds, real estate foreclosures, vendor payments, restitution payments, proceeds from public sales of lost property, unsuccessful electronic fund transfers, and/or lost heir accounts.
2. Checks or warrants issued by [BPA] for payments on obligations incurred by any [BPA] agency, department, office, court, college or other authorized authority that have remained outstanding for a period of six months or longer; AND the payee retains the right to claim the funds. (i.e. The payment has not been replaced, was not issued in error, and/or the obligation to the payee has not been voided by law.)

Specifically, the released records should include the amount held on behalf of the payee/recipient, any available identifying information regarding the recipient of the funds, the date associated with the obligation, and information indicating either the account in which the funds are held or the nature of the payment. Additionally, if [BPA] issued a check that was not negotiated, please provide the check number, the check date, and the address where the payment was sent, if available.

Responsive documents may include the following:

- Stale Dated/Un-cashed Checks Report/Register
- Check/Warrant Reconciliation Report/Register
- Unclaimed Checks Report”

Acknowledgment

BPA has reviewed your request for agency records and has determined it fulfills all criteria of a proper request under the FOIA and the DOE FOIA regulations at Title 10, Code of Federal Regulations, Part 1004.

Response

BPA has conducted electronic searches of records in the following agency offices: Financial Systems & Automation. No agency records responsive to your request were identified.

BPA's Financial Systems personnel have indicated that for any unclaimed funds, the agency's Accounts Payable (AP) desk receives a notice from the United States Treasury Department and thereafter the agency contacts the payment's owner for recourse, whether for salary or any AP payment made. This would include Limited Payable payments (i.e., checks) that are aged over one year and remain uncashed. Further, BPA's Financial Systems personnel have indicated that, being a Federal entity, BPA is not allowed to issue debt. Only the United States Treasury Department may do that. Under Federal law, all funds in the BPA Fund are available to the BPA Administrator. Finally, the agency doesn't regularly see the types of items you've requested. Since the United States Treasury Department is the agency's Bank, and holds the BPA account funds, the Treasury may have the records and information you seek.

Certification

Your FOIA request is now closed with no available agency records to provide. Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the determinations described above.

Fee

There are no FOIA fees applicable to your request for BPA records.

Appeal

This decision, as well as the adequacy of the search, may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to:

Director, Office of Hearings and Appeals,
HG-1, L'Enfant Plaza
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. The appeal must contain all of the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either: 1) in the district where you reside; 2) where you have your principal place of business; 3) where DOE's records are situated; or 4) in the District of Columbia.

You may contact BPA's FOIA Public Liaison, Sarah Westenberg, at the address at the letter header for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
E-mail: ogis@nara.gov
Phone: 202-741-5770; Toll-free: 1-877-684-6448; Fax: 202-741-5769

Questions about this communication may be directed to James King, CorSource Technology Group LLC, at jjking@bpa.gov or 503.230.7621.

Sincerely,



C. M. Frost
Freedom of Information/Privacy Act Officer