



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

April 21, 2020

In reply refer to: FOIA #BPA-2020-00076-F

Chad Stokes
Cable Huston LLP
1455 SW Broadway, Suite 1500
Portland OR 97201
Email: cstokes@cablehuston.com

Dear Mr. Stokes,

This communication is the Bonneville Power Administration (BPA) first partial response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on October 15, 2019, and formally acknowledged your request on October 21, 2019.

Request

“As provided in BPA's Transmission Business Practices on Deferral Service (Extension of Commencement of Service), and the Transmission Service Request (TSR) Pending Queue on Open Access Same-Time Information System (OASIS), please provide the following documents related to NewSun Energy Transmission Company LLC's 10 MW reservation with a TSR Start Date of 6/1/2020 and an Original Assignment Reference (AREF) 82879484, a Conformance AREF after 2016 TSEP 85060163 and a Deferral AREF of 88862993: (1) the Deferral Request; (2) Unsigned Deferral Table sent to Customer/defender (NewSun Energy); (3) the unexecuted Contingent Exhibit sent to any Challenger; (4) the executed Contingent Exhibit from any Challenger; (5) the Competition Request from any Challenger; (6) the Deferral Tables sent by Defender (NewSun Energy); (7) any executed Deferral Tables; (8) any Preconfirmed Matching Request; (9) executed exhibits, Contingent Exhibits and/or notices sent to defender (NewSun Energy) or any challenger; (10) all correspondence between BPA and NewSun Energy regarding Original Assignment Reference (AREF) 82879484, a Conformance AREF after 2016 TSEP 85060163 and a Deferral AREF of 88862993; and (11) all correspondence between BPA and any Challenger regarding Original Assignment Reference (AREF) 82879484, a Conformance AREF after 2016 TSEP 85060163 and a Deferral AREF of 88862993.”

First Partial Response

BPA has searched for and gathered records responsive to your FOIA request from the following agency offices:

Open Access Same-Time Information System (OASIS) Management
Transmission Account Services
Transmission Sales

A review of those records by my office, and by the agency's Office of General Counsel (OGC), show that information and records responsive to your requests 1, 2, 7 and 10 may be subject to 5 U.S.C. § 552(b)(4) (Exemption 4), as described below; information potentially responsive to your requests 3, 4, 5, 6, 8 and 9 may be subject to 5 U.S.C. § 552(b)(5) (Exemption 5), as described below; the agency has no records responsive to your request 11—none exist as there were no competitions held with this deferral.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the partial response described above.

Processing Update

BPA continues to review and process the remaining records collected in response to your request. The FOIA generally requires the release of all responsive records upon request. However, the FOIA requires or permits withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)).

Exemption 4

Prior to publicly releasing records, BPA is required by Exemption 4 to solicit objections to the public release of any third party's confidential commercial information contained in the responsive records set. Those Exemption 4 efforts will be required with each wholesale customer whose confidential information is identified in the responsive records. Those Exemption 4 processing requirements remain ongoing with NewSun Energy Transmission Company LLC.

Exemption 5

Prior to publicly releasing records, BPA is required by Exemption 5 to consider protecting agency records showing the deliberative or decision-making processes of the agency. BPA's OGC has the burden to make a legal determination on that deliberative or decision-making information. Those Exemption 5 processing requirements remain ongoing.

Target Date

Please know that for an undetermined period, related to the agency's response to the COVID-19 pandemic, BPA personnel are operating within a remote working directive. FOIA request processing is thereby slowed. BPA remains committed to meeting its FOIA obligations to you and to all its many FOIA requesters. Owing to the ongoing review efforts, and the agency's current workforce status, BPA is extending the response target date to July 29, 2020.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Candice D. Palen". The signature is fluid and cursive, with the first name being the most prominent.

Candice D. Palen
Freedom of Information/Privacy Act Officer



Department of Energy

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

FREEDOM OF INFORMATION ACT PROGRAM

July 28, 2020

In reply refer to: FOIA #BPA-2020-00076-F

Chad Stokes
Cable Huston LLP
1455 SW Broadway, Suite 1500
Portland OR 97201
Email: cstokes@cablehuston.com

Dear Mr. Stokes,

This communication is the Bonneville Power Administration (BPA) final response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on October 15, 2019, and formally acknowledged your request on October 21, 2019. A first partial response to your request was provided on April 21, 2020.

Request

“As provided in BPA's Transmission Business Practices on Deferral Service (Extension of Commencement of Service), and the Transmission Service Request (TSR) Pending Queue on Open Access Same-Time Information System (OASIS), please provide the following documents related to NewSun Energy Transmission Company LLC's 10 MW reservation with a TSR Start Date of 6/1/2020 and an Original Assignment Reference (AREF) 82879484, a Conformance AREF after 2016 TSEP 85060163 and a Deferral AREF of 88862993: (1) the Deferral Request; (2) Unsigned Deferral Table sent to Customer/defender (NewSun Energy); (3) the unexecuted Contingent Exhibit send to any Challenger; (4) the executed Contingent Exhibit from any Challenger; (5) the Competition Request from any Challenger; (6) the Deferral Tables sent by Defender (NewSun Energy); (7) any executed Deferral Tables; (8) any Preconfirmed Matching Request; (9) executed exhibits, Contingent Exhibits and/or notices sent to defender (NewSun Energy) or any challenger; (10) all correspondence between BPA and NewSun Energy regarding Original Assignment Reference (AREF) 82879484, a Conformance AREF after 2016 TSEP 85060163 and a Deferral AREF of 88862993; and (11) all correspondence between BPA and any Challenger regarding Original Assignment Reference (AREF) 82879484, a Conformance AREF after 2016 TSEP 85060163 and a Deferral AREF of 88862993.”

Response

BPA has searched for and gathered records responsive to your FOIA request from the following agency offices: Open Access Same-Time Information System (OASIS) Management; Transmission Account Services; Transmission Commercial Planning; Transmission Sales. Those

offices located 32 pages of records responsive to your request. BPA is withholding 26 pages of records under 5 U.S.C. § 552(b)(4) (Exemption 4) and releasing 6 pages of records, unredacted. A description of the records collected, the respective page counts, and an explanation of pages released and the exemptions applied follows.

1. The Deferral Request; 4 responsive pages were located and 4 pages are being released.
2. Unsigned Deferral Table sent to Customer/defender (NewSun Energy); 6 responsive pages were located and 6 pages are being withheld under Exemption 4.
3. The unexecuted Contingent Exhibit sent to any Challenger; knowledgeable agency Transmission personnel have confirmed that no records exist because there were no competitions held with this deferral.
4. The executed Contingent Exhibit from any Challenger; knowledgeable agency Transmission personnel have confirmed that no records exist because there were no competitions held with this deferral.
5. The Competition Request from any Challenger; knowledgeable agency Transmission personnel have confirmed that no records exist because there were no competitions held with this deferral.
6. The Deferral Tables sent by Defender (NewSun Energy); knowledgeable agency Transmission personnel have confirmed that no records exist because there were no competitions held with this deferral.
7. Any executed Deferral Tables; 3 responsive pages were located and 3 pages are being withheld under Exemption 4.
8. Any Preconfirmed Matching Request; knowledgeable agency Transmission personnel have confirmed that no records exist because there were no competitions held with this deferral.
9. Executed exhibits, Contingent Exhibits and/or notices sent to defender (NewSun Energy) or any challenger; knowledgeable agency Transmission personnel have confirmed that no records exist because there were no competitions held with this deferral.
10. All correspondence between BPA and NewSun Energy regarding Original Assignment Reference (AREF) 82879484, a Conformance AREF after 2016 TSEP 85060163 and a Deferral AREF of 88862993; 17 responsive pages were located and 17 pages are being withheld under Exemption 4.
11. All correspondence between BPA and any Challenger regarding Original Assignment Reference (AREF) 82879484, a Conformance AREF after 2016 TSEP 85060163 and a Deferral AREF of 88862993. As communicated in the agency's April 21, 2020, letter to you the agency has no records responsive to your request 11—none exist because there were no competitions held with this deferral.

Responsive to your enumerated items 3, 4, 5, 6, 8, 9, and 11, knowledgeable agency Transmission personnel have provided 2 pages of portions of an internal agency Competition Tracking Spreadsheet (CTS) excel record. Those pages are being released to confirm no germane competitions were held.

Explanation of Exemptions

The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)).

Exemption 4

Prior to publicly releasing agency records, BPA is required by Exemption 4 to solicit objections to the public release of any third party's confidential commercial information contained in the responsive records set. BPA provided NewSun Energy Transmission Co. with an opportunity to formally object to the public release of their information contained in BPA records. NewSun submitted their objections to BPA. BPA accepted those objections, based on guidance available from the U.S. Department of Justice, and is withholding NewSun's commercial confidential information from public release.

Fees

There are no fees associated with the response to your request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the search, exemption determinations, and records release described above. Your FOIA request BPA-2020-00076-F is now closed with all available agency records provided.

Appeal

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 by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. (The Office of Hearings and Appeals prefers to receive appeals by email.) The appeal must contain all 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, Jason Taylor, at 503.230.3537, jetyaylor@bpa.gov, or the address on this 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,



Candice D. Palen
Freedom of Information/Privacy Act Officer

Responsive agency records accompany this communication.

LTF AVAILABLE TRANSFER CAPABILITY (ATC) AUTHORIZATION

OFFICIAL USE ONLY	
May be exempt from public release under the Freedom of Information Act (5 U.S.C. 552), exemption number and category:	
<u>Exemption 5 - Privileged Information</u>	
BPA review required before public release.	
Name/Org: <u>OASIS Management</u>	Date: <u>4/4/2019</u>

SOC Restricted Information														
<input checked="" type="checkbox"/> Analysis			<input checked="" type="checkbox"/> Authorized			<input type="checkbox"/> Not Awardable			<input type="checkbox"/> Subgrid			<input type="checkbox"/> Contract Actions Only		
1. TSR Characteristics														
Request Type		Customer			TSR Assign Ref		Date TSR Queued		Override Queued Time					
Deferral		NEWSUN ENERGY (NSET)			88862993		4/1/2019		Date					
Service Type		MW Requested		Profiled?		Source/POR			Sink/POD					
LTF-Yearly PTP		10		No		LAPINE115/LAPINE115			BETHEL230 / BPAT.PGE					
Start Time		Stop Time			Sale Ref			Cluster Study Year						
6/1/2020		6/1/2025			16248			Study Year						
Related Ref		Deal Ref			Pre-confirmed			ROFR w/Offer						
85060163					Yes			Yes						
Original-Newpoint Proxy Points						Original-Transfer Template Received?								
Source/POR			Sink/POD			N/A								
N/A / N/A			N/A / N/A											
2. Analysis Details (ATC Methodology, ATC Impacts of Long-Term Firm Requests)														
Eval Method						If NT Service Type Sink Bus is:								
3.1.1						N/A								
Eval POR			Eval POD			2nd Eval POR			2nd Eval POD					
LaPine115			Bethel 230			N/A			N/A					
Flowgate Impacts for Original or Redirect TSRs (ST Horizon)														
SOA	CCN	WL	CCS	NOH	NJD	PA	RP	WOM	WOS	WJD	SOC	NOEL		
MW	MW	MW	MW	MW	MW	MW	MW	MW	MW	MW	MW	MW		
DM No	DM No	DM No	DM No	DM No	DM No	DM No	DM No	DM No	DM No	DM No	DM No	DM No		
Flowgate Impacts for Original or Redirect TSRs (LT Horizon)														
SOA	CCN	WL	CCS	NOH	NJD	PA	RP	WOM	WOS	WJD	SOC	NOEL		
MW	MW	MW	MW	MW	MW	MW	MW	MW	MW	MW	MW	MW		
DM No	DM No	DM No	DM No	DM No	DM No	DM No	DM No	DM No	DM No	DM No	DM No	DM No		
External/Intertie Impacts for Original or Redirect TSRs														
AC	AC	NI	NI	DC	DC	LAG	LAG	MI	RATS	RATS	JD	ROCK		
N>S	S>N	N>S	S>N	N>S	S>N	E>W	W>E	E>W	N>S	S>N	WIND	CREEK		
MW	MW	MW	MW	MW	MW	MW	MW	MW	MW	MW	MW	MW		
External/Intertie Impacts for Original or Redirect TSRs														
WOG	WOG	WOH												
E>W	W>E	E>W												
MW	MW	MW												

LTF AVAILABLE TRANSFER CAPABILITY (ATC) AUTHORIZATION

Additional Comments and/or Attachments					
This is the customer's 1 st deferral of service. There is sufficient ATC for this TSR.					
<input checked="" type="checkbox"/> Deferral Request? <i>If applicable, provide number of times deferred; Customer may defer up to 5 times.</i>					
1st Deferral					
<input type="checkbox"/> Renewal Request? <i>If applicable, check reason no competition was initiated.</i>					
<input type="checkbox"/> No Renewal competition due to a full deferral queue on the same path(s). <input type="checkbox"/> No eligible Challenger found. <input type="checkbox"/> There is currently a competition in progress that impacts the same path(s).					
<input type="checkbox"/> MW Profiled? <i>(If applicable, provide profiles MWs)</i>					
Start Time/ Stop Time	MW	Start Time/ Stop Time	MW	Start Time/ Stop Time	MW
-		-		Start / Stop	#
<input type="checkbox"/> Partial Offer <i>(If applicable, provide Partial offer details)</i>					
Offer Start Time	Offer Stop Time	MW Offered	Qualify for ROFR?		
Start	Stop	#	No		
Additional Comments and/or Attachments					
<input type="checkbox"/> Remainder <i>(If applicable, provide Remainder details)</i>					
<i>If the Customer wants the remaining LTF ATC not granted by the Partial Service, the Customer must submit a Remainder TSR no longer than 5 Calendar Days from the date the Customer changes the TSR's status to CONFIRMED. The Remainder TSR must contain the information below.</i>					
Remainder 1			Remainder 2		
Source/POR	Sink/POD	Source/POR	Sink/POD	Source/POR	Sink/POD
Source / POR	Sink. / POD	Source / POR	Sink. / POD	Source / POR	Sink. / POD
Start Time	Stop Time	Start Time	Stop Time	Start Time	Stop Time
Start	Stop	Start	Stop	Start	Stop
Request Type	MW	Request Type	MW	Request Type	MW
	#		#		#
Related Ref	Deal Ref	Related Ref	Deal Ref	Related Ref	Deal Ref
A-Ref #	A-Ref #	A-Ref #	A-Ref #	A-Ref #	A-Ref #
Sale Ref	Qualify for ROFR?	Sale Ref	Qualify for ROFR?	Sale Ref	Qualify for ROFR?
Contract #	Yes	Contract #	Yes	Contract #	Yes
Additional Comments and/or Attachments			Additional Comments and/or Attachments		

LTF AVAILABLE TRANSFER CAPABILITY (ATC) AUTHORIZATION

<input type="checkbox"/> Conformance TSR Details <i>(If applicable, provide Conformance TSR details)</i>				
<i>Upon authorization of LTF Service, the Customer's Account Executive will notify the Customer and provide instructions to submit the Conformance TSR(s). The customer will have five business days after the Account Executive notification to submit the Conformance TSR(s). Conformance TSR(s) need to be submitted prior to Contract actions. Conformance TSR(s) must be submitted Pre-Confirmed and must contain the Parent TSR Assign-Ref in the Deal Ref field.</i>				
Request Type	Source/POR Source / POR	Sink/POD Sink. / POD	MW #	Sale Ref Contract #
Start Time	Stop Time	Related Ref A-Ref #	Deal Ref A-Ref #	Pre-confirmed No
3. Planning Analysis and Subgrid Attachment. Attach Planning Subgrid Analysis				
<input checked="" type="checkbox"/> No Subgrid Check required. Check the appropriate option(s):				
<input type="checkbox"/> Renewal of existing service	<input checked="" type="checkbox"/> Deferral of service	<input type="checkbox"/> Transfer of service		
<input type="checkbox"/> Competition on Intertie	<input type="checkbox"/> impacts NERC Horizon ONLY	<input type="checkbox"/> NT Displaced DNR		
<input type="checkbox"/> Offer within 0-48 months in both NERC and LT Horizons but meets the following conditions:				
<ul style="list-style-type: none"> No ROFR with offer Not a Newpoint Not on a constrained path 		<ul style="list-style-type: none"> SCD less than or equal to 24 months No more than 24 months in duration 		
<input type="checkbox"/> Subgrid Check Required. Attach Planning Subgrid Check.				
<input type="checkbox"/> CTP Review Required. Attach CTP Decision Documentation.				
4. Authorization Details				
<i>Please proceed with an offer to this customer for the above requested service. Upon Execution of the contract, the following TSR actions will be taken:</i>				
<input checked="" type="checkbox"/> The TSR will be ACCEPTED/CONFIRMED.				
<input type="checkbox"/> The customer will have 15 Calendar Days to place the TSR in CONFIRMED status after BPA Transmission Services changes the OASIS status of the TSR to COUNTEROFFER.				
<input type="checkbox"/> The customer will have 15 Calendar Days to place the TSR in CONFIRMED status after BPA Transmission Services changes the OASIS status of the TSR to ACCEPTED.				

LTF AVAILABLE TRANSFER CAPABILITY (ATC) AUTHORIZATION

Additional Actions after TSR Confirmation

Recall TSR Supersede TSR Displace TSR Create TSN Delete old TSN

If the customer does not sign the contract, this request will be DECLINED and receive no further consideration unless it is associated with a PTSA. If this Authorization is for a Deferral, Redirect, or Transfer of service, the Parent Table will need to be adjusted accordingly upon Confirmation of the TSR.

		Data			
Type of Competition	Review Year	# of Challengers Identified	MW Completed	Defender Defends*	Challenger Challenge
2.2	2011	3	50	3	
	2012	4	222		3
	2013	1	39		1
	2014	4	200	1	3
	2015	4			
	2016	5	180		1
	2017	3	75		
	2018	10	53		
17.7	2011	1	5		1
	2012	1	5		
	2013	2	50		1
	2014	1	20	1	1
	2017	22			
	2018	2	8		
Grand Total		63	907	5	11

*If Defender defends, Defender retains its capacity.

If there are uncompleted Deferrals in the Deferral Queue on the same path as a Renewal, no Renewal competition may be initiated until all Deferrals on the same path have been competed and resolved.