

HQ - 2016 - 0011 - 1

GILL RAGON OWEN

GILL RAGON OWEN, P.A.
ATTORNEYS AT LAW
425 WEST CAPITOL AVENUE, SUITE 3800
LITTLE ROCK, ARKANSAS 72201
TELEPHONE 501.376.3800
FACSIMILE 501.372.3359
www.gill-law.com

JORDAN P. WIMPY | ATTORNEY
DIRECT: 501.801.3816
EMAIL: jwimp@gill-law.com

March 9, 2017

Via email Joanna.gorsage@hq.doe.gov

JoAnna Gorsage
Central Research, Contractor to U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

MAR 13 2017 *og*

Commercial

Via email marti.ayers@swpa.gov

Marti Ayers
FOIA/Privacy Act Officer
Southwestern Power Administration
One West Third Street
Tulsa, Oklahoma 74103-3502

**Re: Amended Request For Information, Records, and Documents Concerning
the Participation Agreement Among the U.S. Department of Energy and
Clean Line Entities**

Dear JoAnna and Marti:

On March 25, 2016, the U.S. Department of Energy ("DOE" or "Department") issued a Record of Decision and Secretarial Determination *re:* the Clean Line Energy Partners LLC ("Clean Line") Application to DOE for the Department's participation in the Plains and Eastern Clean Line Transmission Line Project ("Project") pursuant to Section 1222(b) of the Energy Policy Act of 2005.

The Department also entered into a Participation Agreement with the various Clean Line entities, which requires the Department's review, consideration, decision-making, and approval on various items. See e.g., Participation Agreement § 3.5 (amending the Routing and ROW Plan). Additionally, DOE is part of a Coordination Committee established to "coordinate and manage the efforts of Clean Line Entities and DOE relating to the Project and provide a forum for updates, discussion and attempted resolution of any relevant issues with respect to the Transaction Documents and the Project." *Id.* § 5.1(a). It is assumed that Southwestern Power Administration (SWPA) may be performing some of the above stated requirements.

JoAnna

Accordingly, on behalf of *Downwind, LLC* and *Golden Bridge, LLC*, and pursuant to the Freedom of Information Act (5 U.S.C. § 552), I hereby request a copy of:

all correspondence, notes, memoranda, reports, summaries, analyses, and other documents, in draft or final form, that were prepared, developed, drafted, reviewed, or received by the U.S. Department of Energy and/or the Southwestern Power Administration, from March 26, 2016 through current, regarding:

- the performance of the Participation Agreement, including without limitation the satisfaction of, or efforts to satisfy, any requirement of the Conditions Precedent established in Sections 6.1, 6.2, 6.3 and 6.4;*
- the meetings of the Coordination Committee; and*
- the development, amendment and/or modification of the Routing and ROW Plan.*

Please make all records available as electronic copies. In the event DOE or Southwestern assert that any such documents are not subject to disclosure pursuant to 5 U.S.C. § 552(b), or any other applicable law or regulation, please identify such documents and provide a brief description thereof, including an explanation as to the reason(s) for nondisclosure.

Downwind, LLC and Golden Bridge, LLC are both multi-member associations of concerned citizens duly organized and operated under the laws of the State of Arkansas. The organizations are cooperating to protect working agricultural operations, private property rights, and Arkansas's natural beauty and heritage by uniting disparate interests and coordinating the effort to avoid and/or mitigate the Project's impact on Arkansas. Collectively, the organizations represent members from Crawford, Franklin, Johnson, Pope, Conway, Faulkner, Van Buren, Cleburne, White, Jackson, Poinsett, Cross and Mississippi Counties (Arkansas). The members, both individually and through the organizations, submitted voluminous substantive and procedural comments on the Project's significant impacts at each available opportunity. An examination and analysis of the requested records and information is appropriate and necessary to ensure that the public fully understands DOE and Southwestern's continued participation in the Project and implementation of the Record of Decision and Participation Agreement pursuant to Section 1222.

Neither Downwind nor Golden Bridge will profit from the use of the records or use them for commercial interest. Therefore, I request that the DOE and Southwestern waive all fees in connection with this request. If DOE and Southwestern should nevertheless determine that fees are required by applicable statutes or regulation, then I agree to pay reasonable cost and expenses. Please confer with my office prior to assessing any estimated costs and expenses beyond \$100.00. Required costs and expenses up to the above-stated limit will be paid promptly upon request from DOE and Southwestern.

Letter to JoAnna Gorsage and Marti Ayers

March 9, 2017

Page 2

Please confirm receipt of this request by email reply. Should you have any questions, or need any further information, please do not hesitate to reach me by email or contact me directly at (501) 376-3800. I thank you in advance for your assistance and your prompt attention to this request.

Sincerely,


Jordan Wimpy

JPW/ajj