

**Morris, Alexander**

HR-2017-00299F

**From:** 30909-46086880@requests.muckrock.com  
**Sent:** Friday, December 16, 2016 11:53 AM  
**To:** FOIA-Central  
**Subject:** Freedom of Information Request: Rick Perry Energy

December 16, 2016  
Department of Energy  
FOIA Requester Service Center  
1000 Independence Avenue, SW  
Mail Stop MA-90  
Washington, DC 20585

DEC 16 2016 34  
SCIENTIFIC/EDUCATIONAL NEWS MEDIA  
100 FREE PAGES

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

Records from 2015 and 2016 relating to or mentioning Rick Perry, including communications received from or sent to Mr. Perry, as well as emails mentioning him.

I am a member of the news media and request classification as such. I have previously written about the government and its activities for AND Magazine, MuckRock and Glomar Disclosure and have an open arrangement with each. My articles have been widely read, with some reaching over 100,000 readers. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through the non-profit Internet Archive, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance. Additionally, case law states that "proof of the ability to disseminate the released information to a broad cross-section of the public is not required." *Judicial Watch, Inc. v. Dep't of Justice*, 365 F.3d 1108, 1126 (D.C. Cir. 2004); see *Carney v. U.S. Dep't of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). Further, courts have held that "qualified because it also had "firm" plans to "publish a number of . . . document sets" concerning United States foreign and national security policy." Under this criteria, as well, I qualify as a member of the news media. Additionally, courts have held that the news media status "focuses on the nature of the requester, not its request. The provision requires that the request be "made by" a representative of the news media. *Id.* § 552(a)(4)(A)(ii)(II). A newspaper reporter, for example, is a representative of the news media regardless of how much interest there is in the story for which he or she is requesting information." As such, the details of the request itself are moot for the purposes of determining the appropriate fee category.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Alexander

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Michael Best

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Filed via MuckRock.com

E-mail (Preferred): 30909-46086880@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock

DEPT MR 30909

411A Highland Ave

Somerville, MA 02144-2516


PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.





**Department of Energy**  
Washington, DC 20585

**MEMORANDUM TO:** MARTI AYERS  
FOIA OFFICER  
SOUTHWESTERN POWER ADMINISTRATION

**FROM:** ALEXANDER C. MORRIS   
FOIA OFFICER  
OFFICE OF PUBLIC INFORMATION

**SUBJECT:** FOIA REQUEST OF MICHAEL BEST  
(HQ-2017-00299-F)

The attached request submitted by Mr. Michael Best is partially transferred to your office for action. Mr. Best submitted the request under the Freedom of Information Act. Specifically, Mr. Best is requesting the following:

Records from 2015 and 2016 relating to or mentioning Rick Perry, including communications received from or sent to Mr. Perry, as well as emails mentioning him.

In a February 15, 2017, email confirmation to Ms. Anjelica Ruda of my office, Mr. Best agreed to amend the request to:

An e-mail search of the following individuals: the Secretary, the Deputy Secretary, the Chief of Staff, the Associate Deputy Secretary, the head of the Southwestern Power Administration (SWPA), Under Secretary for Science and Energy, Assistant Secretary for Energy Efficiency and Renewable Energy, and Assistant Secretary for Fossil Energy, for e-mails to or from: Rick Perry, Brandy Marty, Brian Newby, Jay Kimbrough, Ray Sullivan.

Please conduct a search of your files for responsive documents and respond directly to Mr. Best.

For your reference, I have included a copy of the FOIA request and a copy of the interim letter to Mr. Best.

If you have any questions about this transfer or the request, please don't hesitate to contact me or Ms. Anjelica Ruda of my staff at (202) 586-1355.

Attachment:  
Request  
Interim Response Letter



## Marti Ayers

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**From:** Ruda, Anjelica M. (CONTR) <Anjelica.Ruda@hq.doe.gov>  
**Sent:** Friday, February 24, 2017 4:14 PM  
**To:** Marti Ayers  
**Subject:** HQ-2017-00299-F Transfer  
**Attachments:** HQ-2017-00299-F\_request.pdf; HQ-2017-00061-F\_request amendment.pdf; HQ-2017-00299-F\_interim letter.pdf; HQ-2017-00299-F\_transfer memo.pdf

Good Afternoon Marti,

The requester for the attached request agreed to the same email search as the request in HQ-2017-00401-F which I transferred to your office a few weeks ago. I am transferring to SWPA for the search related to the head of SWPA. It is for an email search of the head of SWPA for Rick Perry. Since this will be the same search as HQ-2017-00401-F, you can just use those results for this request.

Let me know if you have any questions.

Thanks,

Anjelica



**Department of Energy**  
Washington, DC 20585

FEB 24 2017

Mr. Michael Best  
MuckRock  
DEPT MR 30909  
411A Highland Ave  
Somerville, MA 02144-2516

Via Email to: [30909-46086880@requests.muckrock.com](mailto:30909-46086880@requests.muckrock.com)

Re: HQ-2017-00299-F

Dear Mr. Best,

This is an interim response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested the following:

Records from 2015 and 2016 relating to or mentioning Rick Perry, including communications received from or sent to Mr. Perry, as well as emails mentioning him.

In a February 15, 2017, email with Ms. Anjelica Ruda of my office, you agreed to amend your request to an e-mail search of the following individuals: the Secretary, the Deputy Secretary, the Chief of Staff, the Associate Deputy Secretary, the head of the Southwestern Power Administration (SWPA), Under Secretary for Science and Energy, Assistant Secretary for Energy Efficiency and Renewable Energy, and Assistant Secretary for Fossil Energy, for e-mails to or from: Rick Perry, Brandy Marty, Brian Newby, Jay Kimbrough, Ray Sullivan.

I have assigned your request to DOE's Office of the Executive Secretariat (ES), Office of Fossil Energy (FE), and Office of Energy Efficiency and Renewable Energy (EERE) to conduct a search of their files for responsive documents. Upon completion of the search and review of any records located, you will be provided a response.

Your request also falls under the jurisdiction of SWPA and will be transferred to that office to conduct a search of its files and provide a response to you.

If you have any questions about the processing of the request with SWPA, please contact the FOIA Officer at SWPA, Ms. Marti Ayers at One West Third Street, S1200, Tulsa, Oklahoma 74103. She can also be contacted at 918-595-6609.

In your letter, you asked to be informed if there are fees associated with the processing of the request. For purposes of assessment of any fees, you have been categorized under the DOE




regulation that implements the FOIA at Title 10, Code of Federal Regulations (CFR), Section 1004.9(b)(3), as a "news media" requestor. Requestors in this category are charged fees for duplication only and are provided 100 pages at no cost. You will be notified if there are fees associated with your request.

You may contact DOE's FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, at 202-586-5955 or by mail at MA-46/Forrestal Building 1000 Independence Avenue, S.W. Washington, D.C. 20585 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 at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Please refer to the above referenced number in any communications about the request. If you have any questions about the processing of this request or this correspondence, you may contact Ms. Anjelica Ruda in this office at MA-46/Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, or at (202) 586-1355.

I appreciate the opportunity to assist you with this matter.

Sincerely,



Alexander C. Morris  
FOIA Officer  
Office of Public Information