



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



IN REPLY REFER TO:
7202.4-OS-2009-00295

May 15, 2009

Via Certified Mail/Receipt (7007 0710 0001 9880 0545)

Mr. David Hogan
Protect Our Communities Foundation
P.O. Box 141
Mount Laguna, California 91948

Dear Mr. Hogan:

On May 11, 2009, you filed a Freedom of Information Act (FOIA) request with the Department of the Interior, in a letter addressed to Mr. Ray McInerney, Office of the Secretary, FOIA Officer, on behalf of the Protect Our Communities Foundation, stating:

“The purpose of this FOIA request is to determine the extent and content of communications between the Department of Interior Office of the Secretary (Office of the Secretary), San Diego Gas and Electric, Sempra Energy, and other government agencies since December 2008 regarding construction of the Sunrise Powerlink across the Cleveland National Forest in San Diego County and the extent of supplemental environmental review. Consistent with the POC mission and consistent with the Freedom of Information Act (FOIA, 5 U.S.C. § 552, I respectfully request the following information on behalf of POC:

- Documentation of any communications between San Diego Gas and Electric and the Office of the Secretary regarding the Sunrise Powerlink;
- Documentation of any communications between consultants, lobbyists, or any other agents of SDG&E and the Office of the Secretary regarding the Sunrise Powerlink;
- Documentation of any communications between Sempra Energy and the Office of the Secretary regarding the Sunrise Powerlink;

- Documentation of any communications between consultants, lobbyists, or any other agents of Sempra Energy including but not limited to Latham & Watkins and the Office of the Secretary regarding the Sunrise Powerlink;
- Documentation of communications between David J. Hayes and the Office of the Secretary regarding the Sunrise Powerlink;
- Documentation of any communications between the Department of Energy and the Office of the Secretary regarding the Sunrise Powerlink;
- Documentation of any communications between the USDA Forest Service and the Office of the Secretary regarding the Sunrise Powerlink;
- Documentation of any communication between any other federal government official and the Office of the Secretary regarding the Sunrise Powerlink, and;
- Documentation of any Office of the Secretary internal communications regarding the Sunrise Powerlink.”

Your request was received in the Office of the Secretary FOIA office on May 12, 2009, and assigned control number **OS-2009-00295**. Please cite this number in any future communications with our office regarding your request.

With respect to your request:

We have classified your request as an “other-use request.” As an “other-use requester,” you are entitled to up to 2 hours of search time and 100 pages of photocopies before being charged for the processing of FOIA requests. As a matter of policy, however, the Department of the Interior does not bill requesters for FOIA fees incurred in processing requests when their fees do not exceed \$30.00, because the cost of collection would be greater than the fee collected (See 43 C.F.R. §2.18(a)).

You have asked for copies of agency records. According to our regulations, you may choose the format of disclosure for such records. Unless you specify otherwise, the Office of the Secretary will provide copies of responsive records on a CD-ROM disk as scanned PDF images when the responsive records exceed 50 pages.

Today we are writing to respond to your request on behalf of the Office of the Secretary. After a thorough and comprehensive search within the Secretary’s Immediate Office, it has been determined that the Office of the Secretary has no records responsive to your request.

Under law, we are required to advise you of your appeal rights whenever informing you that we believe that we have no records responsive to your FOIA request. Therefore, if you have additional information (not provided in your request letter) that would lead you to believe that documents responsive to your request are, indeed, on file in files maintained by the Office of the Secretary, you may file an FOIA appeal by writing to the FOIA Appeals Officer, U.S. Department of the Interior, 1849 C Street, N.W., MS 6556 – MIB, Washington, D.C. 20240. Your appeal letter must be received no later than 30 calendar days (excluding Saturdays, Sundays and legal holidays) after the date you receive this letter. Your appeal letter must be marked, both on its envelope and at the top of its first page, with the legend “FREEDOM OF INFORMATION APPEAL.” Your appeal letter must be accompanied by a copy of your original FOIA request (a copy of which is enclosed with our response, for your convenience), and an indication of where you believe responsive documents might be filed within the Office of the Secretary.

There is no fee for the processing of this request.

This completes the Office of the Secretary’s response to your request.

If you have any questions regarding the Office of the Secretary’s response to your request, or any of the issues discussed in this letter, you may contact Ray McInerney by phone at 202-565-1076, by fax at 202-219-2374, by e-mail at osfoia@nbc.gov, or by mail at U.S. Department of the Interior, 1951 Constitution Avenue, N.W., MS 116 – SIB, Washington, D.C. 20240. Within the Office of the Secretary, we are committed to providing you, our customer, with the highest quality of service possible.

Sincerely,



Ray J. McInerney
Office of the Secretary
FOIA Officer

Enclosure

PRIVACY ACT notice: Before you choose to contact us, electronically, there are a few things you should know. The information you submit, including your electronic address, may be seen by various people. We will scan a copy of your request into our electronic OS FOIA administrative/image file. We will key the information that you provide to us into our electronic OS FOIA tracking file. We may share it with other individuals, both within and without the Department, involved in Freedom of Information Act administration. You may be contacted by any of these individuals. In other limited circumstances, including requests from Congress or private individuals, we may be required by law to disclose some of the information you submit. Also, e-mail is not necessarily secure against interception. If your communication is very sensitive, or includes personal information like your bank account, charge card, or social security number, you might want to send it by postal mail, instead.