



SENT VIA EIA's FOIA ONLINE REQUEST FORM

April 29, 2010

U.S. Department of Energy
FOIA/Privacy Act Office
1000 Independence Avenue, SW
Washington D.C. 20585

Dear Sir or Madam:

Re: Freedom of Information Act Request

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I hereby request a copy of any and all energy legislation from Senator Kerry, or Senator Graham, or Senator Lieberman, or all three collectively, sent to EIA to be analyzed or modeled within the past month. It was reported by *Reuters* that Jonathan Cogan, spokesman for the EIA stated, "We received details. It's not a copy of legislation, but it was specific enough to allow us to go forward with our modeling efforts."¹ The news report also stated, "Elements of the bill that is aimed at reducing greenhouse gases were delivered to the EIA both verbally and by hard copy." This is the information we seek—the draft legislation and/or the "details" about the proposed legislation sent to EIA.

We are requesting these records on behalf of the American Energy Alliance, a not-for-profit organization that engages in grassroots public policy research and advocacy.

As President Obama has emphasized, "a democracy requires accountability, and accountability requires transparency," and "the Freedom of Information Act . . . is the most prominent expression of a profound national commitment to ensuring open Government." Accordingly, the President has directed that FOIA "be administered with a clear presumption: In the face of doubt, openness prevails" and that a "presumption of disclosure should be applied to all decisions involving FOIA."

This Presidential directive is especially applicable in this case. There are no FOIA exemptions which would prohibit the disclosure of the legislation or "details" that Mr. Cogan stated have been sent to EIA. We are not seeking EIA work product, or the results of EIA's modeling. We are seeking the draft legislation and details about the draft

¹ <http://www.washingtonpost.com/wp-dyn/content/article/2010/04/29/AR2010042903729.html>

legislation sent to EIA. This is public information that should be made available to the public.

We request a waiver of fees associated with this request on the basis that the American Energy Alliance is a nonprofit, tax-exempt public interest organization, with formal research, education and publication functions as part of its mission. The release of this information will serve the public interest by contributing significantly to the public's understanding of the controversial topics of environmental and energy policy and specifically the ongoing debate over greenhouse gas policies or regulations. This legislation will affect the use of energy and the price of energy for every single American citizen; the disclosure of this legislation will allow citizens to examine the proposed legislation as EIA examines the legislation. Also, this release is not primarily in our organization's commercial interest.

If our fee waiver request is denied we are willing to pay up to \$150.00, and in the event of any appeal as appropriate and regardless of that outcome or your response to this fee waiver request we request the search and document production proceed in the interim.

I will expect a response within 20 working days as provided by law. If my request is denied in whole or in part, I expect a detailed justification for withholding the records. I also request any segregable portions that are not exempt to be disclosed.

Thank you for your prompt attention to this matter.

Very truly yours,

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