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April 1, 2019

Leonard Tao,
Director and Chief FOIA Officer
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Subject: Request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

Dear Mr. Tao:

I request records under the Freedom of Information Act, which are described below. Further, as more fully set forth below, I also request a fee waiver as I have no commercial interest in the described records and it is in the public interest for the Federal Energy Regulatory Commission (FERC) to disclose these records to the public.

Description of records sought:

On March 28, 2019, three electric industry trade associations¹ filed a Motion to Intervene in numerous FERC dockets including NP19-4-000. In this filing, the following agreement between the FERC and the North American Electric Reliability Corporation (NERC) is described on page 14:

The Trade Associations understand that in 2010 NERC and the Commission intentionally chose to post only the public versions of the Notices of Penalty without the names of the entities to address security concerns because the names, when combined with information on the violations and penalties, were considered CEII. In addition to the entity names, details on

I request copies of any documents that describe such agreement, understanding or arrangement between FERC and NERC in or about 2010 including any memos, directives, reports, emails, notes, FERC/NERC quarterly meeting minutes or any other documents in any way describing this arrangement to withhold the names of entities in Notices of Penalty.

¹ The American Public Power Association (APPA), the Edison Electric Institute (EII), and the National Rural Electric Cooperative Association (NRECA).

Request for Waiver of Fees:

I am a private citizen with expertise in emergency preparedness and critical infrastructure protection. I maintain a blog where I intend to disseminate this information². I have no commercial interest in the requested information.

The Commission has previously found that I am entitled to a waiver of fees as I meet all the requirements of 18 C.F.R. §388.109(c).³ Should you need more specifics, let me know and I will be happy to provide them.

The records may be provided to me electronically at this email address: CivilDefenseBook@gmail.com.

Sincerely,



Michael Mabee

² <https://michaelmabee.info/category/mikes-blog/> (accessed April 1, 2019).

³ See for example FOIA 2018-75, FOIA 2019-19 and FOIA 2019-30.