

**FEDERAL ENERGY REGULATORY COMMISSION**  
**Annual Freedom of Information Act Report**  
**FY 2008**



**February 2009**

**FEDERAL ENERGY REGULATORY COMMISSION**  
**ANNUAL FREEDOM OF INFORMATION ACT REPORT**  
**FY 2008**

**I. BASIC INFORMATION REGARDING REPORT**

**1. Contact with questions about the report.**

Toyia Johnson  
FOIA Liaison  
Federal Energy Regulatory Commission  
888 First Street, NE, Code EA-10  
Washington, DC 20426

[Toyia.Johnson@ferc.gov](mailto:Toyia.Johnson@ferc.gov)  
Telephone : 202-502-8389  
FAX Number: 202-208-2106

**2. Electronic address for report on the World Wide Web.**

<http://www.ferc.gov/legal/ceii-foia/foia/ann-rep.asp>

**3. How to obtain a copy of the report in paper form.**

Write to the following address:

Public Reference and Files Maintenance Branch Federal Energy Regulatory  
Commission 888 First Street, NE, Room 2A Washington, DC 20426

Telephone: 202-502-8371  
FAX Number: 202-208-2320  
E-Mail: [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov)

**II. MAKING A FOIA REQUEST**

**1. Name, address, and telephone number of agency component that receive FOIA requests.**

Patricia Schaub  
Acting Director, Office of External Affairs  
FOIA Officer  
Federal Energy Regulatory Commission  
888 First Street, NE, Code EA-1  
Washington, DC 20426  
Telephone: 202-502-8004

Requests may be submitted by mail, electronic mail or by utilizing the online FOIA form at <http://www.ferc.gov/legal/ceii-foia/foia>

Please refer to the FOIA Reference Guide on the Commission's Web Site <http://www.ferc.gov/legal/ceii-foia/foia/guide/basics.asp>

2. Some FOIA requests are not granted because (a) the agency has no responsive documents, (b) the responsive documents fall within one or more FOIA exemptions and are not appropriate for discretionary release, or (c) a request has been rendered moot because the responsive documents were subsequently released through other means, such as a negotiated disclosure in the course of a Commission proceeding.

### III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

#### 1. Agency-specific acronyms or other terms.

- a. **Track One Requests** -- the processing track for a FOIA request that is seeking records that are readily identifiable or were previously cleared for release.
- b. **Track Two Requests** -- the processing track for a FOIA request that is seeking records that are readily identifiable and require limited review.
- c. **Track Three Requests** -- the processing track for a FOIA request that is seeking records that are complex and/or voluminous and require a significant search and/or review.

#### 2. Definitions of terms used in this Report:

- a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **Average Number** – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
- c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies

include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency. All FOIA requests for the Federal Energy Regulatory Commission are received and processed by the Washington DC branch.

- e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.

- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-Track Processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
  - i. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
  - ii. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
  - iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
- n. **Perfected Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
- q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

**3. Include the following concise descriptions of the nine FOIA exemptions:**

- a. **Exemption 1:** classified national defense and foreign relations information
- b. **Exemption 2:** internal agency rules and practices
- c. **Exemption 3:** information that is prohibited from disclosure by another federal law
- d. **Exemption 4:** trade secrets and other confidential business information
- e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
- f. **Exemption 6:** information involving matters of personal privacy
- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

#### IV. EXEMPTION 3 STATUTES

**A. List of Exemption 3 statutes relied on by the Commission during FY 2008.**

- 1. All Exemption 3 statutes relied upon to withhold information and the number of times they were relied upon.**
- 2. Statement of whether a court upheld the use of this statute.** Our use of the statute has not been challenged in court.

<b>Statute</b>	<b>Type of Information Withheld</b>	<b>Case Citation</b>	<b>Agency Overall</b>	<b>Total Number of Times Relied upon by Agency</b>
16 U.S.C. § 470aa, <i>et seq.</i> (1994) [Specifically 16 U.S.C. § 470hh(a)]	Archaeological survey data	None	Federal Energy Regulatory Commission	2

**V. FOIA REQUESTS**

**A. Received, Processed and Pending FOIA Requests**

**1. The numbers of received, processed, and pending requests.**

	Column 1	Column 2	Column 3	Column 4
	<b>Number of Requests Pending as of Start of Fiscal Year</b>	<b>Number of Requests Received in Fiscal Year</b>	<b>Number of Requests Processed in Fiscal Year</b>	<b>Number of Requests Pending as of End of Fiscal Year</b>
	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b>	11	111	96	26
Federal Energy Regulatory Commission (FERC)				



**B.(1) Disposition of FOIA Requests – All Processed Requests**

**1. The number of request dispositions.**

	Number of Full Grants	Number of Partial Grants/ Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Reasons Other Denials Based on than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in chart below	
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AGENCY OVERALL	39	21	12	11	1	11	1	0	0	0	0	0	96
Federal Energy Regulatory Commission (FERC)													

**B.(2) Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B (1) Chart**

Component	Description of “Other” Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	TOTAL
Federal Energy Regulatory Commission (FERC)	N/A	N/A

**B.(3) Disposition of FOIA Requests – Number of Times Exemptions Applied**

	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. (B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>AGENCY OVERALL</b> Federal Energy Regulatory Commission (FERC)	0	0	2	8	9	16	2	0	1	0	0	2	0	0

**VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS**

**A. Received, Processed and Pending Administrative Appeals**

Column 1	Column 2	Column 3	Column 4
<b>Number of Appeals Pending as of Start of Fiscal Year</b>	<b>Number of Appeals Received in Fiscal Year</b>	<b>Number of Appeals Processed in Fiscal Year</b>	<b>Number of Appeals Pending as of End of Fiscal Year</b>
0	8	7	1

**B. Disposition of Administrative Appeals – All Processed Appeals**

Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
3	0	0	4	7

**C. (1) Reasons for Denial on Appeal – Number of Times Exemptions Applied**

Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
0	0	0	1	1	1	0	0	0	0	0	0	0	0

**C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions**

**1. Number of administrative appeals resulting in denial for reasons other than exemptions.**

<b>No Records</b>	<b>Records Referred at Initial Request Level</b>	<b>Request Withdrawn</b>	<b>Fee-Related Reason</b>	<b>Records not Reasonably Described</b>	<b>Improper Request for Other Reasons</b>	<b>Not Agency Record</b>	<b>Duplicate Request or Appeal</b>	<b>Request in Litigation</b>	<b>Appeal Based Solely on Denial of Request for Expedited Processing</b>	<b>Other *Explain in chart below</b>
0	0	0	2	0	0	0	0	0	1	0

**C. (3) Reasons for Denial on Appeal – “Other” Reasons from Section VI, C (2) Chart**

Descriptions of the “other” reasons and the number of times each reason was relied upon.

<b>Description of “Other” Reasons for Denial on Appeal from Chart C (2) &amp; Number of Times Those Reasons Were Relied upon</b>	<b>TOTAL 0</b>
Description #	N/A
Description #	

**C. (4) Response Time for Administrative Appeals**

**1. Provide the median, average, and range in number of days to respond to administrative appeals.**

<b>Median Number of Days</b>	<b>Average Number of Days</b>	<b>Lowest Number of Days</b>	<b>Highest Number of Days</b>
28	27	20	30

**C. (5) Ten Oldest Pending Administrative Appeals**

**1. Dates of receipt of the ten oldest pending administrative appeals, and the number of days pending.**

	10 <sup>th</sup> Oldest Appeal	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	Oldest Appeal
<b>Date of Receipt of Ten Oldest Appeals</b>	N/A Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9/11/08
<b>Number of Days Pending</b>	0	0	0	0	0	0	0	0	0	13

**VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS**

**A. Processed Requests – Response Time for All Processed Perfected Requests**

**1. Median, average and range in number of days to process all perfected requests.**

	TRACK 1				TRACK 2				TRACK 3			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b>	19	18	1	40	21	25	0	128	25	44	8	166
Federal Energy Regulatory Commission (FERC)												

	<b>EXPEDITED</b>			
	<b>Median Number of Days</b>	<b>Average Number of Days</b>	<b>Lowest Number of Days</b>	<b>Highest Number of Days</b>
	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b>	0	0	0	0
Federal Energy Regulatory Commission (FERC)				

**B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted**

- 1. The median, average and range in number of days to process all perfected requests in which information was granted. (“Granted” refers to full grants and partial grants.)**

	TRACK 1				TRACK 2				TRACK 3			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b>	19	20	4	36	29	34	9	128	51	69	15	166
Federal Energy Regulatory Commission (FERC)												



	<b>EXPEDITED</b>			
	<b>Median Number of Days</b>	<b>Average Number of Days</b>	<b>Lowest Number of Days</b>	<b>Highest Number of Days</b>
	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b>	0	0	0	0
Federal Energy Regulatory Commission (FERC)				

**C. Processed Requests – Response Time in Day Increments**

**1. The number of perfected requests processed in each of the thirteen designated time Increments.**

**TRACK 1**

	<b>1-20 Days</b>	<b>21-40 Days</b>	<b>41-60 Days</b>	<b>61-80 Days</b>	<b>81-100 Days</b>	<b>101-120 Days</b>	<b>121-140 Days</b>	<b>141-160 Days</b>	<b>161-180 Days</b>	<b>181-200 Days</b>	<b>201-300 Days</b>	<b>301-400 Days</b>	<b>401+ Days</b>	<b>TOTAL</b>
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
<b>AGENCY OVERALL</b>	<b>27</b>	<b>17</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>44</b>
Federal Energy Regulatory Commission (FERC)														

**TRACK 2**

	<b>1-20 Days</b>	<b>21-40 Days</b>	<b>41-60 Days</b>	<b>61-80 Days</b>	<b>81-100 Days</b>	<b>101-120 Days</b>	<b>121-140 Days</b>	<b>141-160 Days</b>	<b>161-180 Days</b>	<b>181- 200 Days</b>	<b>201- 300 Days</b>	<b>301- 400 Days</b>	<b>401+ Days</b>	<b>TOTAL</b>
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
<b>AGENCY OVERALL</b>	<b>3</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10</b>
Federal Energy Regulatory Commission (FERC)														

**TRACK 3**

	<b>1-20 Days</b>	<b>21-40 Days</b>	<b>41-60 Days</b>	<b>61-80 Days</b>	<b>81-100 Days</b>	<b>101-120 Days</b>	<b>121-140 Days</b>	<b>141-160 Days</b>	<b>161-180 Days</b>	<b>181- 200 Days</b>	<b>201- 300 Days</b>	<b>301- 400 Days</b>	<b>401+ Days</b>	<b>TOTAL</b>
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
<b>AGENCY OVERALL</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>
Federal Energy Regulatory Commission (FERC)														

**REQUESTS GRANTED EXPEDITED PROCESSING <sup>1</sup>**

	<b>1-20 Days</b>	<b>21-40 Days</b>	<b>41-60 Days</b>	<b>61-80 Days</b>	<b>81-100 Days</b>	<b>101-120 Days</b>	<b>121-140 Days</b>	<b>141-160 Days</b>	<b>161-180 Days</b>	<b>181-200 Days</b>	<b>201-300 Days</b>	<b>301-400 Days</b>	<b>401+ Days</b>	<b>TOTAL</b>
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
<b>AGENCY OVERALL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Federal Energy Regulatory Commission (FERC)														

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<sup>1</sup> No requests for expedited processing were granted. However, some requests seeking expedited treatment were completed before the ten day statutory response timeline, therefore, making the request a moot issue.

**D. Pending Requests – All Pending Perfected Requests**

- 1. Number of perfected requests pending as of the end of the fiscal year, and the median and average number of days those requests had been pending.**

	TRACK 1			TRACK 2			TRACK 3		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b>	12	16.5	16	8	5	8	6	9.5	132
Federal Energy Regulatory Commission (FERC)									

	EXPEDITED			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b>	0	0	0	0
Federal Energy Regulatory Commission (FERC)				

**E. Pending Requests – Ten Oldest Pending Perfected Requests**

**1. Dates of receipt of the ten oldest perfected requests pending as of the end of the fiscal year, and the number of days those requests had been pending.**

<b>Date of Receipt of Ten Oldest Pending</b>	<b>10th Oldest Request and Number of Day Pending</b>	<b>9th</b>	<b>8th</b>	<b>7th</b>	<b>6th</b>	<b>5th</b>	<b>4th</b>	<b>3rd</b>	<b>2nd</b>	<b>Oldest Request and Number of Days Pending</b>
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Agency Overall</b>  Federal Energy Regulatory Commission (FERC)	9/15/08 11 days	9/8/08 16 days	9/5/08 17 days	9/4/08 18 days	9/3/08 19 days	9/3/08 19 days	8/27/08 23 days	8/22/08 26 days	8/20/08 28 days	10/27/04 <sup>2</sup> 744 days

<sup>2</sup> FOIA number FY04-191 was on hold for 252 days in FY 2006 at the behest of the requester.

**VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER**

- Information for adjudicated requests for expedited processing or adjudicated requests for a fee waiver, i.e., requests for expedited processing or requests for a fee waiver which were granted or denied. This does not include requests for expedited processing or requests for a fee waiver which became moot for various reasons and, as a result, were neither granted nor denied.

**A. Requests for Expedited Processing**

- Requests for expedited processing made both at the initial request level and, when applicable, at the administrative appeal level.**

	<b>Number Granted</b>	<b>Number Denied</b>	<b>Median Number of Days to Adjudicate</b>	<b>Average Number of Days to Adjudicate</b>	<b>Number Adjudicated Within Ten Calendar Days</b>
	N/A	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b> Federal Energy Regulatory Commission (FERC)	0	8	10	10	6



**B. Requests for Fee Waiver**

**1. Requests for a waiver of fees made both at the initial request level and, when applicable, at the administrative appeal level.**

	<b>Number Granted</b>	<b>Number Denied</b>	<b>Median Number of Days to Adjudicate</b>	<b>Average Number of Days to Adjudicate</b>
	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b>	0	6	6	6
Federal Energy Regulatory Commission (FERC)				

**IX. FOIA PERSONNEL AND COSTS**

**A. Personnel**

	PERSONNEL			COSTS		
	Number of “Full-Time FOIA Employees”	Number of “Equivalent Full-Time FOIA Employees”	Total Number of “Full-Time FOIA Staff”	Processing Costs	Litigation- Related Costs	Total Costs
	N/A	N.A	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b>  Federal Energy Regulatory Commission (FERC)	1	3.54	4.54	\$666,202.00	N/A	\$666,202.00

**X. FEES COLLECTED FOR PROCESSING REQUESTS**

	<b>Total Amount of Fees Collected</b>	<b>Percentage of Total Costs</b>
	N/A	N/A
<b>AGENCY OVERALL</b> Federal Energy Regulatory Commission (FERC)	\$2637.59	3.9%

**XI. FOIA REGULATIONS**

- **Electronic links to FERC’s FOIA regulations and fee schedule:**

**FOIA REGULATION:** 18 C.F.R. § 388.108, can be accessed through GPO  
<http://www.access.gpo.gov/nara/cfr/index.html>

**FEE SCHEDULE:** <http://www.ferc.gov/legal/ceii-foia/foia/guide/fees.asp>

**XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS**

**A. Backlogs of FOIA Requests and Administrative Appeals**

1. **The number of FOIA requests and administrative appeals that were pending beyond the statutory time period as of the end of the fiscal year. (Such requests and appeals are considered “backlogged.”)**

	<b>Number of Backlogged Requests as of End of Fiscal Year</b>	<b>Number of Backlogged Appeals as of End of Fiscal Year</b>
	N/A	N/A
<b>AGENCY OVERALL</b>	<b>1</b>	<b>0</b>
Federal Energy Regulatory Commission (FERC)		

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

- The consultation portions of the Annual Report require information about consultations received from other agencies, not sent to other agencies.

	Column 1	Column 2	Column 3	Column 4
	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Processed</u> by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>End</u> of the Fiscal Year
	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b>	0	0	0	0
Federal Energy Regulatory Commission (FERC)				

**C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency**

**1. Provide the dates of receipt of the ten oldest consultations received from other agencies pending at your agency as of the end of the fiscal year.**

	<b>10th Oldest Consultation and Number of Days Pending</b>	<b>9th</b>	<b>8th</b>	<b>7th</b>	<b>6th</b>	<b>5th</b>	<b>4th</b>	<b>3rd</b>	<b>2nd</b>	<b>Oldest Consultation and Number of Days Pending</b>
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Agency Overall</b> Federal Energy Regulatory Commission (FERC)	0	0	0	0	0	0	0	0	0	0
Date	0	0	0	0	0	0	0	0	0	0
Number of Days										

**D. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged**

- 1. The number of requests received and the number of requests processed during the fiscal year from last year’s Annual Report and the number of those received and processed during the fiscal year from the current Annual Report.**

	Column 1	Column 2	Column 3	Column 4
	<b>NUMBER OF REQUESTS RECEIVED</b>		<b>NUMBER OF REQUESTS PROCESSED</b>	
	<b>Number Received During Fiscal Year from Last Year’s Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year’s Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>
	N/A	N/A	N/A	N/A
<b>Agency Overall</b>  Federal Energy Regulatory Commission (FERC)	<b>99</b>	<b>111</b>	<b>104</b>	<b>96</b>

	Column 1	Column 2
	<b>Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report</b>
	N/A	N/A
<b>AGENCY OVERALL</b>	Data not required to be reported until FY2009	<b>1</b>
Federal Energy Regulatory Commission (FERC)		



**E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged**

- 1. The number of administrative appeals received and the number of administrative appeals processed during the fiscal year from last year’s Annual Report and the number of those received and processed during the fiscal year from the current Annual Report.**

	Column 1	Column 2	Column 3	Column 4
	<b>NUMBER OF APPEALS <u>RECEIVED</u></b>		<b>NUMBER OF APPEALS <u>PROCESSED</u></b>	
	<b>Number Received During Fiscal Year from Last Year’s Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year’s Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>
	N/A	N/A	N/A	N/A
<b>Agency Overall</b>	<b>9</b>	<b>8</b>	<b>11</b>	<b>7</b>
Federal Energy Regulatory Commission (FERC)				

	Column 1	Column 2
	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report</b>
	N/A	N/A
<b>AGENCY OVERALL</b> Federal Energy Regulatory Commission (FERC)	Data not required to be reported until FY2009	<b>0</b>

**F. Discussion of Other FOIA Activities (Optional)**

**1. Agency's efforts to improve FOIA administration.**

The Commission is continuing its efforts to acquire additional software to handle FOIA requests in the most efficient manner possible. This software would assist the Commission in streamlining the FOIA process by using templates for routine correspondence, permit requesters to view the status of request on our webpage and easily identify similar FOIA requests.

We are also developing additional training for pertinent staff members to make sure that they are abreast of new developments regarding FOIA regulations and have a clear understanding of their role in the FOIA process.

