

July 28, 2016

Mr. Michael Kaplan  
Director  
Oregon Department of Energy  
625 Marion St. NE  
Salem, OR 97301-3737

Re: Public Records Request

Pursuant to the Oregon Public Records Law ORS 192.440, it is hereby requested that the Oregon Department of Energy (“ODE”) release in paper or digital form the following agency public records:

- All correspondences, phone records and other communications spanning the period January 22, 2009 through July 31, 2016, rendered in paper, email, digital or other form, evidencing the imparting, sharing or exchanging of information between, to and from ODE Director Michael Kaplan, former ODE Director Mark Long, former ODE Acting Director and Administrator of the Energy Development Services Division (“EDSD”), Bob Repine, ODE EDSD Policy Analyst Elizabeth Ross, former ODE EDSD Business Energy Incentives Program Manager Maureen Bock, ODE EDSD Business Energy Incentives Energy Analysts Mark Brady, Evan Elias, Roland Gilchrist, ODE EDSD Energy Tax Credits, Grants and Compliance (“ETCGC”) Manager Michael Williams, ODE EDSD RETC Lead / Energy Analyst Deby Davis, ODE EDSD RETC Program Specialist Gina Gonzalez, and ODE EDSD RETC Program Specialists Julie Stone and Tina Suzuki, *and* the following entities and individuals:
  - PacifiCorp;
  - Gregory E. Abel, PacifiCorp;
  - Stefan A. Bird, PacifiCorp;
  - Sarah Kamman, Esq., PacifiCorp;
  - Dustin T. Till, Esq., PacifiCorp;
  - Klamath Water Users Association or “KWUA;”
  - Klamath Water and Power Agency or “KWAPA;”
  - Brad Kirby;
  - Daniel (Dan) Keppen;
  - Gregory (Greg) Addington;
  - Luther Horsley;
  - Klamath Irrigation District;
  - Tulelake Irrigation District;
  - Edward T. Bair;
  - David Cacka;
  - Gregory Carleton;
  - David Solem;

- Ross Fleming;
  - Jason Chapman;
  - Mark Stuntebeck;
  - Hollie Cannon;
  - Paul S. Simmons, Esq.;
  - William M. Ganong, Esq.;
  - Becky Hyde, Upper Klamath Water Users Association;
  - Former Klamath County Commissioner Al Switzer;
  - Energy Trust of Oregon;
  - Former Oregon Governor Theodore Kulongoski;
  - Former Klamath County Commissioner Al Switzer;
  - U.S. Congressman Greg Walden;
  - Nicholas Strader, Chief of Staff, Office of U.S. Congressman Greg Walden.
- The subject matters of the requested correspondences and communications should discuss or otherwise address the following:
    - The Klamath Basin Restoration Agreement or “KBRA”;
    - The Upper Klamath Basin Comprehensive Agreement or “UKBCA”;
    - The Klamath Hydroelectric Settlement Agreement or “KHSA”;
    - The Klamath Hydroelectric Settlement Agreement, as amended April 6, 2016 or “Amended KHSA”;
    - The Klamath Power and Facilities Agreement or “KPFA”;
    - The 1.1 megawatt facility known as the renewable energy “C-Drop Hydroelectric Project” (as publicly reported in the [Klamath Falls Herald & News – 5/4/12](#) (Ex. 1) and on the [Klamath Irrigation District website](#) during 2011-2012 (Ex. 2), and described in the U.S. Bureau of Reclamation’s publicly available [Final Environmental Assessment](#) (Oct. 2011) prepared pursuant to NEPA) (Ex. 3);
    - Business Energy Tax Credits issued to any party in connection with the C-Drop Hydroelectric Project, as described by ODE in its publicly available June 27, 2016 [Presentation to the \[Oregon\] Joint Committee on Department of Energy Oversight](#) (Ex. 4).

The Institute for Trade, Standards and Sustainable Development (“ITSSD”) is requesting this information in its capacity as a nonprofit public interest institution. The ITSSD’s globally recognized work focuses, in part, on domestic as well as international environmental and energy law and policy research, analysis, education and public information disclosure.

The ITSSD does not anticipate that the production of these documents in digital form will engender a processing fee. However, should the search for these documents entail such a cost, and a fee waiver is not available, the ITSSD would appreciate being informed of the estimated cost and provided a cost breakdown prior to your office undertaking this request, as ODE’s Public Records Request Policy provides.

Pursuant to ODE's Public Record Request Policy, you must respond to this request as soon as practicable and without unreasonable delay.

Thank you for your full and prompt attention to this matter.

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Very truly yours,

*Lawrence A. Kogan*

Lawrence A. Kogan  
President