

Denise Smith  
Freedom of Information Officer  
Tennessee Valley Authority  
400 West Summit Hill Dr.  
Knoxville, TN 37902-1401

**VIA ELECTRONIC MAIL**

**Re: Freedom of Information Act Request: TVA Aircraft**

Dear Ms. Smith,

The Southern Alliance for Clean Energy (SACE) is requesting the following documents from the Tennessee Valley Authority (TVA), under the Freedom of Information Act, 5 U.S.C. § 552, as amended, in electronic format wherever possible:

1. All documents, including but not limited to memoranda, meeting transcripts, purchase orders, electronic or written correspondence, budget reports, financial documents, meeting agendas, transactional documents and contracts related to TVA's decision to purchase the following items:
  - a. Textron Aviation Inc. Fixed Wing Multi-Engine aircraft (Serial number FL-999, FAA N-Number N365PT);
  - b. Eurocopter Deutschland GMBH Rotorcraft (Serial number 9588, FAA N-Number N4282AE)
  - c. Cessna Fixed Wing Multi-Engine aircraft (Serial number 560-6186, FAA N-Number N560GJ)
  - d. Textron Aviation Inc. Fixed Wing Multi-Engine (Serial number 560-6225, FAA N-Number N561PG)

This request includes any and all documents created by or relied upon by TVA Board members, TVA executive staff and TVA staff.

2. All flight records and other relevant documentation related to travel by TVA Board members, TVA staff members, TVA executive staff and/or non-TVA employees or non-TVA contractors aboard the following aircraft, including but not limited to the passenger logs of those traveling on these aircraft, documents outlining the purpose for each use of these aircraft and all financial documents, contracts and itineraries involving the use of these aircraft:
  - a. Textron Aviation Inc. Fixed Wing Multi-Engine aircraft (Serial number FL-999, FAA N-Number N365PT);
  - b. Eurocopter Deutschland GMBH Rotorcraft (Serial number 9588, FAA N-Number N4282AE)
  - c. Cessna Fixed Wing Multi-Engine aircraft (Serial number 560-6186, FAA N-Number N560GJ)

- d. Textron Aviation Inc. Fixed Wing Multi-Engine (Serial number 560-6225, FAA N-Number N561PG)

This request includes documents related to travel to states in which TVA supplies electricity or owns property, as well as documents or information related to any travel to states outside of those served by TVA (i.e. states other than Tennessee, North Carolina, Virginia, Georgia, Alabama, Mississippi, and Kentucky) as well as any travel outside of the United States.

For the purposes of this request, the term “documents” includes all written, printed, recorded or electronic: materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, maps, photographs, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages and mail in the possession or control of TVA.

FOIA requires a responding agency to make a “determination” on any request within twenty (20) working days of receipt. *See* 5 U.S.C. § 552(a)(6)(A)(i). FOIA also requires the release of all reasonably segregable portions of a document that are themselves not exempt. 5 U.S.C. § 552(b). Should TVA deny this request, TVA must inform SACE of the grounds for denial and the specific administrative appeal rights which are available. *See* 5 U.S.C. § 552(a)(6)(A)(i).

### **Request for Fee Waiver**

This request meets the case-by-case requirements for a fee waiver under both FOIA and TVA regulations. Specifically, the Southern Alliance for Clean Energy is a non-profit, tax-exempt organization engaged in educating the public about energy and environmental issues, and the information delivered in response to this request will not be used for any commercial purpose, business, trade, or profit. The records requested are for a representative of a bona fide public interest group and there is current public interest in the subject matter to which the documents pertain. For these reasons, TVA should issue a fee waiver.

Should SACE’s request for reduced or waived fees be denied, I request you contact me before processing this request if the fee is expected to be in excess of \$100.00. SACE reserves its right to appeal a fee waiver or reduction denial.

### **Claims of Exemption from Disclosure**

If you regard any documents as exempt from required disclosure under the Act, please exercise your discretion to disclose them nevertheless. In the alternative, after careful review for the purpose of determining whether any of the information is exempt from disclosure, please provide all reasonably non- exempt portions of records and communications, as required by FOIA.

We ask that you disclose this information as it becomes available to you without waiting until all of the records have been assembled. Should you elect to invoke an exemption to FOIA, please provide the required full or partial denial letter and sufficient information to appeal the denial. In accordance with the minimum requirements and regulations, this information should include:

1. Basic factual material, including the originator, date, length, and addresses of the withheld items.

2. Explanations and justifications for denial, including the identification of the exemption applicable to the withheld information or portions of the information found to be subject to exemption, and how each exemption applies to the withheld material.

If you have any questions regarding this request, please feel free to contact me at 901-827-3687 or [angela@cleanenergy.org](mailto:angela@cleanenergy.org). I appreciate your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, reading "Angela Garrone", is written over a horizontal line.

Angela Garrone, Esq.  
Energy Research Attorney  
Southern Alliance for Clean Energy