

April 29, 2020

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 Advertising and Commercials

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.

SACE requests records related to the costs and expenditures of production and placement of the broadcast and digital video commercials that TVA has run in 2020, including, but not limited to “#WereInThisTogether” (<https://www.youtube.com/watch?v=8BUb5BHRNlg>) and “We Say Thank You” (<https://www.youtube.com/watch?v=JyvBsIR9eJc>).

For purposes of this request, the term “record” means: (1) any written, printed, or typed material of any kind; and (2) any electronically, magnetically, or mechanically stored material of any kind including all electronic mail or email meaning electronically transmitted text or graphic. The term “record” does not include any video or photo footage.

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

SACE hereby requests that all fees in connection with this FOIA request be waived in accordance with Section 552((a)4)(A)(iii) which states that “if disclosure of the information is in the public interest because it is likely to contribute significantly to the public understanding of the operations of or activities of government and is not primarily in the commercial interest of the requester.” SACE qualifies because the requested documents will contribute significantly to the public’s understanding of the operations and activities of TVA by illuminating the process, criteria and costs associated with the requested videos. The materials will not be used for SACE’s commercial use or gain.

SACE is a non-profit, non-partisan environmental organization operating throughout the Southeast. The mission of SACE is to educate the public to promote the use of clean energy to ensure clean, safe and healthy communities in the Southeast. In pursuit of its mission, SACE advocates for energy

plans, policies, and systems that best serve the environmental, public health, and economic interests of utility customers in the Southeast. SACE intends to disseminate relevant documents on its website - www.cleanenergy.org - as part of its ongoing education related to protecting the economic interests of TVA customers.

Should SACE's request for a waiver of fees not be granted, then please advise SACE of the amount of any proposed search, review and reproduction charges for the requested records before those activities are carried out.

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 785-231-4131 or brady@cleanenergy.org. I appreciate your prompt attention to this matter.

Sincerely,
Brady Watson
Civic Engagement Coordinator
Southern Alliance for Clean Energy