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Description of document: Federal Housing Finance Authority (FHFA) records provided to Chairman Darrell Issa, House Oversight and Government Reform Committee, concerning the administration of the Freedom of Information Act (FOIA), 2011

Requested: 10-December-2011

Released date: 10-January-2012

Posted date: 12-March-2012

Source of document: FHFA FOIA Officer
Federal Housing Finance Agency
1700 G Street, NW
Washington DC 20552
Fax: 202-414-8917
Email: foia@fhfa.gov

Note: This is one of several files on the same subject for various agencies available on governmentattic.org. See: <http://www.governmentattic.org/5docs/chairmanIssa.htm>

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Federal Housing Finance Agency

1700 G Street, N.W., Washington, D.C. 20552-0003

Telephone: (202) 414-3800

Facsimile: (202) 414-3823

www.fhfa.gov

January 10, 2012

VIA EMAIL:

Re: FHFA FOIA Request No.: 2012-024

This letter is in response to your Freedom of Information Act (FOIA) request, dated December 10, 2011. Your request was received in the Federal Housing Finance Agency's (FHFA) FOIA office on December 12, 2011, and assigned FHFA FOIA request number 2012-024. Please refer to this number in any correspondence concerning your request.

You requested the following:

1. An electronic copy of the records provided by FHFA to the Honorable Chairman Darrell Issa, whose office had in January 2011 asked your agency for various data concerning the administration of the Freedom of Information Act.
2. A copy of any correspondence whatsoever sent by FHFA to Chairman Issa's office on the subject of the January 2011 inquiry, and any correspondence sent by FHFA during calendar year 2011 to Chairman Issa's office on the subject of FOIA.

Your request was processed in accordance with the FOIA (5 U.S.C. § 552) and FHFA's FOIA regulation (12 CFR Part 1202).

After review of agency files and records, FHFA has located 84 pages responsive to your request. Twenty pages are being withheld in part (redacted) pursuant to exemption 6 of the Freedom of Information Act, 5 U.S.C. § 552 (b)(6), pertaining to information the release of which would constitute an unwarranted invasion of personal privacy, including information regarding FOIA requests also made pursuant to the Privacy Act. A copy of the accessible material, totaling 84 pages, is attached.

If you wish to appeal any aspect of FHFA's decision, you must forward within 30 days:

- A copy of your initial request;
- A copy of this letter; and

- A statement of the circumstances, reasons, or arguments for seeking disclosure of the affected record(s).

The appeal must be sent either electronically to foia@fhfa.gov, or mailed to the "FOIA Appeals Officer" at the above address. The e-mail subject line, or the envelope and the letter of appeal, must be clearly marked "FOIA Appeal." Please note that all mail sent to the FHFA via the United States Postal Service is routed through a national irradiation facility, a process that may delay delivery by approximately two weeks. For any time-sensitive correspondence, please plan accordingly.

Your FOIA request is releasable to the public under subsequent FOIA requests. In responding to these requests, FHFA does not release personal information, such as home or email addresses and home or mobile telephone numbers which are protected from disclosure under FOIA Exemption 6 (5 U.S.C. § 552(b)(6)).

There is no cost in processing your request.

If you have any questions regarding the processing of your request, please contact us at foia@fhfa.gov.

Sincerely,



Stacy J. Easter
FOIA/Privacy Officer



Federal Housing Finance Agency

1700 G Street, N.W., Washington, D.C. 20552-0003

Telephone: (202) 414-3800

Facsimile: (202) 414-3823

www.fhfa.gov

February 15, 2011

The Honorable Darrell Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Chairman Issa:

In response to your letter of January 25, 2011 to the Federal Housing Finance Agency (FHFA) Freedom of Information (FOIA) Officer, Stacy Easter, regarding FHFA's FOIA program, I am providing the following information and enclosures. Specifically, you requested the following information:

- 1) FHFA's FOIA log for the past 5 years with the following information:
 - a. The name of the requester;
 - b. The date of the request.
 - c. A brief description of the documents or records sought by the request
 - d. Any tracking number assigned to the request
 - e. The date the request was closed, if it is not still outstanding.
 - f. Whether any records were provided in response to the request
 - g. Any additional identification number or code assigned to the request by FHFA for internal use.
- 2) On each log provided in response to Request No.1, identify each FOIA request that was submitted more than 45 days prior to the date of this letter and to which FHFA has not yet issued a complete and final response.
- 3) For each FOIA request identified in response to request No. 2, provide all communications between your agency and the requester.
- 4) Identify any federal judicial action in which FHFA, with the five years preceding the date of this letter, has been ordered by the court to pay any attorneys' fees or other litigation costs incurred by a FOIA requester under 5 U.S.C. § 552(a)(4)(E) or under any similar law or regulation.
- 5) For each federal action identified in response to Request No. 4, provide a copy of the court order requiring the agency to pay attorney fees or other litigation costs.

On July 30, 2008, the Housing and Economic Recovery Act of 2008 (HERA) created FHFA by combining the Office of Federal Housing Enterprise Oversight (OFHEO), the Federal Housing Finance Board (FHFB), and the Government Sponsored Enterprise "mission office" from the

Department of Housing and Urban Development. On October 1, 2008, FHFA began operations and FHFA's FOIA program replaced the OFHEO and FHFB FOIA programs.

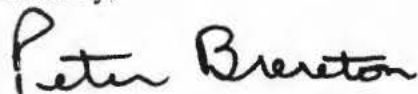
FHFA is committed to responsible transparency of the agency's business and continual improvements to its FOIA program. FHFA is also committed to balancing the public's interests with those of the Government's interest to ensure effective and robust internal deliberations, conducting the regulatory functions required of the agency and protecting information that should not be disclosed when disclosure could endanger trade secrets, confidential business financial information, personal privacy, or discourage financial institutions FHFA regulates from providing the agency access to information needed to perform its regulatory and supervisory duties.

In response to your specific requests, enclosed are:

- 1) Requests 1 and 2: For request number 1, since FHFA has been in existence since October 1, 2008, we are providing you with FHFA's FOIA logs for Fiscal Years 2009, 2010 and 2011. Those FOIA requests that were submitted more than 45 days prior to the date of this letter and to which FHFA has not yet issued a complete and final response are highlighted.
- 2) Request 3: Copies of communications between FHFA and the requester for each FOIA request identified in response to request No. 2 are enclosed.
- 3) Requests 4 and 5: None.

If FHFA may be of additional assistance, please contact me at (202) 414-3799.

Sincerely,



Peter Brereton
Associate Director for Congressional Affairs

Enclosures

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY09

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2009-01	02-Oct-08	N/A	29-Oct-08	Larry Bielak (Datagy) GBL Financial Software	FHLB members as of 9/30/08	Full Grant
2009-02	29-Sep-08	N/A	09-Dec-08	David Dilley (Michigan State Univ)	Reports re: Implementation of FAS 157 and FAS 159	Denial
2009-03	03-Oct-08	N/A	19-Nov-08	Kopecki/Crittenden (Dow Jones)	Fannie Mae's international housing and real estate owned programs.	Partial Grant
2009-04	06-Oct-08	N/A	04-Nov-08	James R. Hagerty (Wall Street Journal)	Copy of midyear evaluation presented by FHFA/OFHEO to senior executives of Fannie Mae during the 1st week of September	Denial
2009-05	06-Oct-08	N/A	25-Nov-08	Damian Paletta (Wall Street Journal)	Copy of any agreement between OFHEO and/or the FHFA related to the recent conservatorships of Fannie Mae and Freddie Mac	Partial Grant
2009-06	06-Oct-08	N/A	13-Nov-08	Sean Matula (Freedom's Watch)	Communication between Fannie Mae or Freddie Mac, OFHEO and elected officials	Full Grant
2009-07	07-Oct-08	N/A	25-Nov-08	Damian Paletta (Wall Street Journal)	Copies of any written or electronic correspondence from OFHEO and/or the FHFA to Fannie Mae or Freddie Mac between 24 Aug 08 and 8 Sep 08	Partial Grant
2009-08	07-Oct-08	N/A	08-Oct-08	Rita King Birmingham	Information on loans - rehabilitation loans, etc.	No Records
2009-09	09-Oct-08	29-Oct-08	13-Jan-09	Michael Ravnitzky	2006-2008 list of periodic employee colloquia, brown bag lunch talks, employee seminars	Partial Grant
2009-10	16-Oct-08	N/A	17-Oct-08	Donna North (Noble Corporation)	Consumer data on public disaster assistance	No Records
2009-11	17-Oct-08	N/A	08-Dec-08	Bob Hagerty (Wall Street Journal)	Loans currently owned by Fannie and Freddie originated in 2006 and 2007	Denial
2009-12	20-Oct-08	N/A	08-Dec-08	Scott A. Hodes	Currently insured Fannie Mae and Freddie Mac loans greater than \$80,000 for all 50 states.	No Records
2009-13	28-Oct-08	N/A	17-Nov-08	Kevin Malone	AG of New York deal with Fannie/Freddie	Full Grant
2009-14	28-Oct-08	Withdrawn	04-Dec-08	Kevin Hall, Bingham McCutchen LLP	Letter sent to Fannie and Freddie in early Oct that listed everything that had been a concern or under examination	Withdrawn
2009-15	29-Oct-08	10-Nov-08	20-Mar-09	George Dodd	Documents used in Director's decision to implement HVCC	Denial
2009-16	30-Oct-08	N/A	17-Dec-08	Matt Apuzzo (Associated Press)	FOIA logs - Jan. 2007 to Present	Full Grant
2009-17	30-Oct-08	N/A	30-Oct-08	Patrick Dawson	Federal Home Loan Bank Act	Full Grant

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY09

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2009-18	06-Nov-08	N/A	22-Dec-08	Zach Goldfarb (Washington Post)	Request for Director Lockhart's schedule/calendar for the month of Sep and Oct 2008	Partial Grant
2009-19	10-Nov-08	24-Nov-08	12-Feb-09	Gregory Moore	Fannie and Freddie loans secured by multifamily properties nationwide.	Denial
2009-20	13-Nov-08	20-Nov-08	22-Dec-08	Ben Dawson	Solicitation for legal services.	Full Grant
2009-21	13-Nov-08	Withdrawn	13-Nov-08	Michael Dean (Saratoga Hotel Group)	Fannie and Freddie vendors, approved vendors of servicers.	Withdrawn
2009-22	13-Nov-08	17-Nov-08	03-Feb-09	Andy Zajac (Tribune)	Minutes of Freddie Mac Board of Directors and related correspondence 2000 to 2001.	Partial Grant
2009-23	13-Nov-08	N/A	18-Nov-08	Jenny Small (Judicial Watch)	Freddie Mac and Fannie Mae and foreign central banks, foreign sovereign wealth funds.	No Records
2009-24	13-Nov-08	N/A	03-Feb-09	Jennifer Haberkorn (Washington Times)	Minutes of Freddie Mac Board of Directors and related correspondence 2000 to 2001.	Partial Grant
2009-25	14-Nov-08	N/A	17-Nov-08	Kelly Holcomb	Records of dispersed loan regarding two member banks of the Federal Home Loan Bank.	No Records
2009-26	21-Nov-08	24-Nov-08	22-Jan-09	Brittany Ballenstedt (Government Executive)	OFHEO's "Hot" issues list directed by the Office of Management and Budget memo.	No Records
2009-27	10-Nov-08	N/A	25-Nov-08	Michael Ravnitzky	Page 5 of Audit Report 07-A-03-ISTSIOM, dated 21 Sep 07	Partial Grant
2009-28	24-Nov-08	N/A	18-Dec-08	Rose Santos (FOIA Group, Inc.)	(FHFB) FOIA logs for most recent past 2 years.	Full Grant
2009-29	24-Nov-08	N/A	24-Nov-08	Rose Santos (FOIA Group, Inc.)	(OFHEO) FOIA logs for most recent past 2 years.	Full Grant
2009-30	04-Dec-08	Duplicate	08-Dec-08	Hannah Bergman (Freedom of the Press)	September 2008 Fannie Mae and Freddie Mac Board of Directors' Minutes (Duplicate of FOIA 2008-34)	No Records
2009-31	04-Dec-08	16-Dec-08	20-Feb-09	Jenny Small (Judicial Watch)	2003-present Congressional Correspondence and correspondence, agendas, etc. with or about Fannie Mae and/or Freddie Mac	Partial Grant
2009-32	04-Dec-08	N A	11-Dec-08	Joseph and Meg Leslie	All documents evidencing Fannie Mae's purchase, ownership, and subsequent sale of home loan and mortgage	No Records
2009-33	08-Dec-08	11-Dec-08	11-Dec-08	Scott A. Hodes (InfoPrivacyLaw)	Current Fannie Mae and Freddie Mac loans greater than \$80,000 for all 50 states and District of Columbia made by the Department of Housing and Urban Development from September 1, 2005 until the date there is a search for responsive records. (SEE FOIA 2009-12)	No Records

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY09

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2009-34	11-Dec-08	19-Dec-08	WITHDRAWN	Greg Ferrell (The Financial Times)	Any correspondence between the Washington, DC office of OFHEO and Freddie Mac, from January 1, 2008, through March 31, 2008, in which OFHEO addresses the subject of accounting for derivatives by Freddie Mac.	Withdrawn
2009-35	16-Dec-08	N/A	29-Jan-09	James R. Hagerty (Wall Street Journal)	OFHEO special examination of Fannie Mae in 2004-06 emails from and to Tom Donilon, Bill Maloni, Bob Maloney and Ann Kappler	Denial
2009-36	02-Jan-09	Withdrawn	WITHDRAWN	Damian Paletta (Wall Street Journal)	Any estimates of how much Fannie and Freddie might try to recoup from lenders.....	Withdrawn
2009-37	05-Jan-09	Withdrawn	12-Jan-09	Larry Bielak, GBL Financial Software Inc.	FHFB Id, District, Docket, CU Id, FDIC Cert	Withdrawn
2009-38	07-Jan-09	Withdrawn	WITHDRAWN	Lisa Chiu (Sunlight Foundation)	Copies of all internal and external reports or research products written by Eric Rosenblatt relating to either Fannie Mae or Freddie Mac	Withdrawn
2009-39	08-Jan-09	N/A	12-Feb-09	Jeffrey L. Solomon (Thaler Gertler LLP)	All notes, documents, communications and correspondence from Jan 2000 through July 2006, from Rosicki, Rosicki & Associates regarding compliance w/software licensing schema, computer network configuration, capacity and security, RRA's safeguards on data.	No Records
2009-40	08-Jan-09	21-Jan-09	12-Feb-09	Sheldon R. Lynch (Prodigy)	FHFA decision to use delegated Direct Hire Authority for Job Announcement Numbers: DH-09-05 and DH-09-02	Full Grant
2009-41	08-Jan-09	N/A	WITHDRAWN	Ishani Tewari	MIRS dataset	Withdrawn
2009-42	08-Jan-09	N/A	03-Apr-09	M. Ravnitzky	SMALLAG e-mail listserv	No Records
2009-43	10-Dec-08	N/A	22-Dec-08	K. Cobbs	Federal Wire Transfer Systems	No Records
2009-44	22-Jan-09	N/A	01/30/09	Larry Bielak (Datagy) GBL Financial Software	FHLB members as of 12/31/08	Full Grant
2009-45	27-Jan-09	5-Feb-09	28-Apr-10	Damian Paletta (Wall Street Journal)	Copies of any correspondence to or from Jim Lockhart related to the conservatorships of Fannie Mae and Freddie Mac from Jun 1, 2008 to present; copies of any studies or other records related to the conservatorship of Fannie Mae and Freddie Mac from Jun 1, 2008 to present; copies of any emails sent from Jim Lockhart to the Treasury Dept or Federal Reserve from Jun 1, 2008 to the present; copies of any emails sent from the Treasury Department or Federal Reserve to Jim Lockhart from Jun 1, 2008 to present; copies of any emails sent from Ed DeMarco to the Treasury Dept or Federal Reserve from Jun 1, 2008 to the present; copies of any emails sent from the Treasury Dept or Federal Reserve to Ed DeMarco from Jun 1, 2008 to the present.	Partial Grant
2009-46	28-Jan-09	N/A	23-Jun-09	Maria B. Liebel (DealFlow Media)	Copies of budgetary documents related to Home Equity Conversion Mortgage investments by Fannie Mae.	Denial

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY09

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2009-47	30-Dec-08	Withdrawn	WITHDRAWN	Tim Bailey (Street Links)	Lists of institutions and companies approved with Fannie and Freddie as single family sellers	Withdrawn
2009-48	03-Feb-09	N/A	26-Feb-09	Vernon Yancy Robinson	Request records pertaining to Chase Home Finance LLC and any government-sponsored enterprise (GSE) regarding loan/Mortgage number 0918389172	Denial
2009-49	03-Feb-09	N/A	26-Feb-09	Vernon Yancy Robinson	Request records pertaining to Chase Home Finance LLC and any government-sponsored enterprise (GSE) regarding loan/Mortgage number 1574634711	Denial
2009-50	03-Feb-09	N/A	26-Feb-09	Vernon Yancy Robinson	Request records pertaining to Chase Home Finance LLC and any government-sponsored enterprise (GSE) regarding loan/Mortgage number 1574637731	Denial
2009-51	03-Feb-09	N/A	26-Feb-09	Vernon Yancy Robinson	Request records pertaining to Chase Home Finance LLC and any government-sponsored enterprise (GSE) regarding loan/Mortgage number 1574637742	Denial
2009-52	03-Feb-09	N/A	26-Feb-09	Vernon Yancy Robinson	Request records pertaining to Chase Home Finance LLC and any government-sponsored enterprise (GSE) regarding loan/Mortgage number 1703618531	Denial
2009-53	03-Feb-09	N/A	26-Feb-09	Vernon Yancy Robinson	Request records pertaining to Chase Home Finance LLC and any government-sponsored enterprise (GSE) regarding loan/Mortgage number 3014957504	Denial
2009-54	03-Feb-09	N/A	26-Feb-09	Philip Barry	Records pertaining to People's Choice Home Loan Inc., and any government-sponsored enterprise (GSE) regarding loan/mortgage number 10363635	No Records
2009-55	03-Feb-09	3-Feb-09	26-Feb-09	Philip Barry	Records pertaining to People's Choice Home Loan Inc., and any government-sponsored enterprise (GSE) regarding loan/mortgage number 80306699	No Records
2009-56	06-Feb-09	29-Apr-09	25-Aug-09	Jenny Small, Judicial Watch	Documents concerning the US Government's intervention for Freddie Mac and Fannie Mae	Full Grant
2009-57	13-Feb-09	N/A	16-Mar-09	Derek Davison	A data extraction of loan-level records pertaining to agency held or agency guaranteed single family mortgages.	Denial
2009-58	13-Feb-09	17-Feb-09	27-Aug-09	Silla Brush (The Hill)	(1) FOIA Logs 07/01/08 - Present; (2) logs of correspondence that included letters from member's of Congress from 07/01/-8 to Present; (3) Organizational directory; (4) all correspondence to from Agency to from Sen. Barack Obama from 07/1/08 to Present; (4) copy of guidelines on how to communicate/coordinate with presidential campaign for Sen. Barack Obama or the Office of the President-Elect, otherwise known as the Obama-Biden transition project from 07.01.2008 to Present.	Partial Grant
2009-59	20-Feb-09	N/A	06-Mar-09	Scott Hefter (Govt. Information Services Corp.)	Copies of the most recent unclaimed monies reports/ uncashed check reports for Fannie Mae & Freddie Mac.	No Records
2009-60	23-Feb-09	N/A	23-Mar-09	Andy Zajac, Tribune	Documents not covered by attorney-client privilege in the administrative enforcement action against Leland C. Brendesel	Full Grant
2009-61	02-Mar-09	N/A	20-Mar-09	S. McCalla (Doffermire Shields Canfield & Knowles, LLC)	Construction Documents re: Fannie Mae projects	No Records

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG – FY09

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2009-62	05-Mar-09	N/A	10-Mar-09	Rosalind Foo, United Nations	2009 base salary increase (%) and 2009 comparability supplement (%)	Full Grant
2009-63	20-Mar-09	N/A	17-Apr-09	Greg Farrell, Financial Times	Copy of an investigation into Freddie's financial reporting of their derivatives prepared by "Kroll" on behalf of OFHEO completed in February 2008	Denial
2009-64	23-Mar-09	N/A	11-May-09	Hugh Nguyen	Information regarding Fannie Mae and Freddie Mac the percentage of minority owned approved sellers & services.	No Records
2009-65	23-Mar-09	N/A	21-Apr-09	(b) (6)	All records beginning on March 5, 2009 that indicate Ms. (b) (6) and or my Huntington Workout Package number (b) (6)	No Records
2009-66	23-Mar-09	N/A	18-May-09	Peggy Hampel	Copy of records involving Fannie Mae's current RAMPD guidelines	Denial
2009-67	23-Mar-09	N/A	21-Apr-09	Peggy Hampel	Copy of records involving Fannie Mae's RAMPD guidelines that have been agreed to, in place and/or accepted by Huntington Bank beginning from January of 2009	No Records
2009-68	25-Mar-09	N/A	21-Apr-09	Dawn Kopecki (Bloomberg Newsroom)	Total amount of retention awards granted at Fannie Mae as well as the total number of employees receiving awards	Full Grant
2009-69	30-Mar-09	N/A	17-Apr-09	Joe Goldberg (AFL-CIO)	Employees exempt from FSLA	No Records
2009-70	31-Mar-09	N/A	14-Apr-09	Dawn Kopecki (Bloomberg Newsroom)	A copy of a draft report written by Williams & Connolly and others commissioned by the Office of Finance within the last 60 days; and a copy of Charles A. Bowsher's resignation letter from the Office of Finance Board of Directors.	Partial Grant
2009-71	31-Mar-09	N/A	30-Apr-09	Michael Hoggard	All documents that clearly state in full of Fannie Mae Multifamily programs.	Denial
2009-72	07-Apr-09	N/A	17-May-10	Paul Kiel (ProPublica)	Copies of correspondence between any employee of the FHFA and any employee of Freddie Mac regarding the projected cost to Freddie Mac of the Obama Administration mortgage	No Records
2009-73	13-Apr-09	N/A	WITHDRAWN	David W. Garrett	Identification of the current owner of the Mortgage for the property located at 10430 Driver Drive, Evansville, Indiana 47725.	Withdrawn
2009-74	15-Apr-09	N/A	6-May-09	Christinia Marie Lyons	The assignment or transfer CENTRAL MORTGAGE COMPANY has received from the Secretary of HUD to as a foreclosure commissioner pursuant	No Records
2009-75	13-Apr-09	N/A	30-Apr-09	Larry Bielak (Datagy) GBL Financial Software	FHLB Members as of 3/31/09	Full Grant
2009-76	17-Apr-09	N/A	8-Dec-09	D. Halbfinger, NY Times	Correspondence with Dodd - 1/1/00 to the present	Partial Grant
2009-77	17-Apr-09	WITHDRAWN	WITHDRAWN	Labaton Sucharow LLP	Fannie Mae documents 10/1/06 - present	Withdrawn

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY09

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2009-78	20-Apr-09	N/A	6-May-09	Richard Spall	The Federal Home Loan Bank Independent Director Application form and the Federal Home Loan Bank Independent Director Annual Certification Form for 2007 and 2008 and 2009 for the following individual: John F. Luikart, Federal Home Loan Bank, San Francisco	Denial
2009-79	27-Apr-09	N/A	30-Sep-10	Alan Zibel (Associated Press)	All correspondence to the department from Freddie Mac's acting chief financial officer, David Kellermann, since September 1, 2008 and the department's reply	Partial Grant
2009-80	30-Apr-09	N/A	6-May-09	Alan Zibel (Associated Press)	A copy of a report to FHFA/OFHEO by investigative firm Kroll on application of accounting rules to interest rate swaps	Denial
2009-81	05-May-09	N/A	23-Jun-09	Kaufman and Canoles	Fannie Mae Loans	Partial Grant
2009-82	11-May-09	N/A	27-May-09	Bob Hagerty, WSJ	CUSIP numbers and par values	Denial
2009-83	11-May-09	N/A	27-May-09	Laura Smitherman	Hardship letters attached to loan workout packages at Freddie Mac.	No Records
2009-84	11-May-09	N/A	27-May-09	Randle Law Office	Physical Needs Assessment of Braeswood Apartments	No Records
2009-85	14-May-09	PERFECTED 6/11/09		John Hempton	Info regarding FHFA interference with the accounting at Fannie and Freddie	Denial
2009-86	29-May-09	N/A	8-Jun-09	Keith Lake (GSA Print Depot)	IMPAC Card Holders	Full Grant
2009-87	29-May-09	N/A	3-Jun-09	L. Gorman Hume, Smith, Geddes, et al	Fannie Mae Loan	No Records
2009-88	29-May-09	N/A	1-Jul-09	Judicial Watch- J. Small	Political Campaign Contributions - Fannie Mae and Freddie Mac	No Records
2009-89	03-Jun-09	WITHDRAWN	WITHDRAWN	John Cook, Gawker Media	Records relating to David Kellerman, former acting chief financial officer of Freddie Mac.	Withdrawn
2009-90	04-Jun-09	10-Jun-09	14-Jul-09	Cotchett, Pitre & McCarthy	Kroll Report and related documents.	Partial Grant
2009-91	04-Jun-09	WITHDRAWN	WITHDRAWN	Cotchett, Pitre & McCarthy	Freddie Mac	Withdrawn
2009-92	09-Jun-09	N/A	2-Aug-09	Service Employees Int. Union	Security Contractors	Partial Grant
2009-93	10-Jun-09	N/A	1-Jul-09	Daniel R. Clark	All documents that relate to and constitute Richard B. Swinney's formal loan modification request.	No Records

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY09

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2009-94	11-Jun-09	N/A	14-Jul-09	Daniel R. Clark	All documents that report the number of loan modifications made by Downey Savings and Loan and U.S. Bank National Association from March 2009 to the present	No Records
2009-95	18-Jun-09	N/A	1-Jul-09	Brad Cochran	Copies of all internal and external communications and paperwork related to the purchase agreement for 20639 Hillcrest Drive, Springdale, AR 72762	No Records
2009-96	23-Jun-09	WITHDRAWN	WITHDRAWN	Jessica Upchurch (GSA Print Depot)	A complete releasable IMPAC/GPC/Purchase Card Holder list	Withdrawn
2009-97	26-Jun-09	N/A	6-Jul-09	Daniel R. Clark	All documents in the possession of Fannie Mae that relate to the US Bank Senior Loss Mitigation Negotiator Monica Hernandez	No Records
2009-98	08-Jul-09	N/A	30-Jul-09	M Anderson, Essential Mortg.	2009 G Fees Report	Full Grant
2009-99	10-Jul-09	WITHDRAWN	14-Jul-09	T. Halverson, Capmark	Fannie multifamily loan data	Withdrawn
2009-100	14-Jul-09	N/A	2-Aug-09	L. Bielak, GBL Financial	FHLB Members as of 6/30/09	Full Grant
2009-101	21-Jul-09	N/A	21-Aug-09	(b) (6)	Access to and copies of all records about me, which you have in your possession.	Denial
2009-102	24-Jul-09	N/A	2-Aug-09	Terry Halverson, Capmark Finance	Data on Multi-Family HUD Notes Sales that occurred in 2009 and 2009	No Records
2009-103	27-Jul-09	N/A	29-Sep-09	Laura Killian Mummert	Correspondence between Fannie Mae and the FHFA/OFHEO from the period 2005 through 2008	Denial
2009-104	28-Jul-09	N/A	7-Aug-09	Garry Buzick	Copy of any and all "Pooling and Servicing Agreements between Wells Fargo Bank and FNMA.	No Records
2009-105	30-Jul-09	N/A	21-Aug-09	Imtiaz Siddiqui (CPM Legal)	Testimony obtained by the OFHEO from current and former employees	Denial
2009-106	31-Jul-09	N/A	7-Aug-09	Sheldon Berger (InterCoastal Group of Companies)	All non-exempt Fannie Mae records relating to me	No Records
2009-107	03-Aug-09	N/A	7-Aug-09	Gerald Geter	Copy of Pool Number for Mortgage Related Security 2006	No Records
2009-108	11-Aug-09	12-Aug-09	8-Sep-09	Erin Wilson	20 Monthly All Homes Fixed Rate Mortgage, 1986-2007.	No Records
2009-109	12-Aug-09	WITHDRAWN	WITHDRAWN	Bethany McLean	Request all emails in FHFA's possession that were sent or received by Fannie's Office of General Counsel	Withdrawn
2009-110	13-Aug-09	13-Aug-09	14-Sep-09	Susan M Gray, Esq.	Copies of all contracts regarding home and residential mortgage loans	No Records

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY09

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2009-111	18-Aug-09	N/A	8-Sep-09	(b) (6)	Copy of the past and current first mortgage documents for (b) (6)	No Records
2009-112	18-Aug-09	WITHDRAWN	WITHDRAWN	Bethany McLean (Vanity Fair)	Documents that re referenced in OFHEO's Report of the Special Examination of Fannie Mae dated May 2006.	Withdrawn
2009-113	19-Aug-09	N/A	23-Sep-09	Richard Waterman (Univ. of Kentucky)	Copies of the resumes of all persons considered for or appointed to a Schedule C position from Jan. 20, 2001 to Sept. 2009.	No Records
2009-114	10-Sep-09	N/A	25-Aug-10	Andrew Neuhauser, Esq.	Copy of all formulas mandated by Fannie or Freddie to be used by mortgage services to conduct NPV test	No Records
2009-115	Withdrawn	WITHDRAWN	WITHDRAWN	Stanley Hirtle, Esq.	Information that constitute evidence or discuss NPV model used, NPV test results and NPV inputs and assumption	Withdrawn
2009-116	15-Sep-09	N/A	13-Nov-09	National Security Archive	President Obama's Memorandum of 1/21/09 and AG Holder's Memorandum	No Records
2009-117	17-Sep-09	24-Sep-09	1-Jul-10	Kozeny & McCubbin L.C.	Complaints that Missouri law firms that conduct foreclosure sales	Partial Grant
2009-118	29-Sep-09	N/A	13-Nov-09	Wall St - David Enrich	Any government contracts between FHFA and Citigroup Inc. since Sept 30, 200	Full Grant

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY10

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2010-01	10/2/2009	N/A	3/11/2010	Gary Gray	Records pertaining to PHH Mortgage Corp regarding loan number 0020741484	No Records
2010-02	10/2/2009	N/A	3/11/2010	Gary Gray	Records pertaining to USAA Federal Savings Bank regarding loan number 83458893	No Records
2010-03	10/2/009	N/A	3/11/2010	Gary Gray	Records pertaining to INDYMAC Federal Bank, FSB regarding loan number 3002893851	No Records
2010-04	10/2/2009	N/A	3/11/2010	Gary Gray	Records pertaining to Quicken Loans Inc., regarding loan number 3211753799	No Records
2010-05	10/2/2009	N/A	3/11/2010	Gary Gray	Records pertaining to Carolina First Bank regarding loan number 4120219150	No Records
2010-06	10/2/2009	N/A	3/11/2010	Gary Gray	Records pertaining to Branch Bank & Trust Corp regarding loan number 09001	No Records
2010-07	10/2/2009	N/A	3/11/2010	Gary Gray	Records pertaining to CitiMortgage Inc. regarding loan number 2000923865	No Records
2010-08	10/2/2009	N/A	3/11/2010	Gary Gray	Records pertaining to SIB Mortgage Corp regarding loan number 1000244890	No Records
2010-09	10/20/2009	N/A	5/25/2010	Jenny Small, Judicial Watch	Records of the meeting on Sept. 5, 2008 between Paulsen and Lockhart	Denial
2010-10	10/20/2009	4/1/10	8/31/2010	Jenny Small Judicial Watch	Any communication between rep of FHFA and reps of Freddie Mac for time period April 15, 2008 to Sept 8, 2008.	Partial Grant
2010-11	10/20/2009	4/1/10	8/31/2010	Jenny Small, Judicial Watch	Any communication between rep of FHFA and reps of Fannie Mae for time period April 15, 2008 to Sept 8, 2008.	Partial Grant
2010-12	10/29/2009	N/A	4/27/2010	Norman Schachter	Mortgage applications from all Federally insured banking institutions in NY state.	No Records
2010-13	10/30/2009	N/A	12/9/2009	Alina Ifteni, SNL Financial	Copy of the FHLB Banks Members List with membership as of Sept 30, 2009	Full Grant
2010-14	11/2/2009	N/A	7/6/2010	Paul J. Matvey	Documents re: Announcement Number DH-09-15	Partial Grant
2010-15	11/2/2009	N/A	3/9/2010	V&C Arriaga	Request info for Mortgage securing a Promissory Note...	No Records
2010-16	11/4/2009	Withdrawn	Withdrawn	Jack Hain	Any and all current standard addressing the issue of whether a lender in a community property may require a deed signed by a non-borrowing spouse.	Withdrawn
2010-17	11/13/2009	N/A	8/6/2010	Jonathan Cho - Allen & Overy LLP	Copies of October 14, 2009 ltr from MGIC Investment Corp to Fannie Mae listing assets in re Mortgage Guaranty Ins. Corp. and Fannie Mae ltr (Michael A. Shaw) dated 10/14/09 to MGIC Indemnity Corp., Mortgage Guaranty Ins. Corp & MGIC Investment Corp.	No Records
2010-18	11/13/2009	N/A	12/1/2009	Jay Cohen, Benjamin Office Supply	List of credit card holders in the DC Metro area including names and phone numbers.	Full Grant

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY10

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2010-19	11/18/2009	N/A	3/9/2010	Robert Campbell	Records of communication between FNMA and Listing Agent & Broker to Fannie Mae counteroffer response history of all offers made during 2009	No Records
2010-20	11/19/2009	N/A	12/9/2009	Larry Bielak, GBL Financial Software	Information on FHLB members for the date Sept. 30, 2009	Full Grant
2010-21	11/23/2009	N/A	3/9/2010	(b) (6)	All records pertaining to Fannie Mae & relating to Note & Deed of Trust of (b) (6) and real property located at (b) (6)	No Records
2010-22	12/2/2009	N/A	8/25/2010	Russell Carollo, Journalist	Copies of all databases containing information related to travel by FHFA employees and/or financed by GFHA	Partial Grant
2010-23	12/1/2009	N/A	4/27/2010	Nick Armstrong (McCallum, Methvin & Terrell, P.C.)	Any and all documents reflecting a payment or reimbursement from Fannie Mae to GMAC for property inspection and/or preservation costs	No Records
2010-24	12/3/2009	N/A	6/11/2010	Dirk Falardeau Debt4equity.com	Information regarding multifamily loans made by the GSEs	Requester Declined Release Of Records
2010-25	12/7/2009	N/A	3/2/2010	Andy Kroll, Mother Jones Magazine	Copies of any and all records, FHFA internal Correspondence and e-mails, audits concerning David J. Stern, PA law firm in Plantation, FL.	Partial Grant
2010-26	12/8/2009	Withdrawn	Withdrawn	Debbie Eamer	Copy of phone records from GMAC/Ditech regarding Ditech account information	Withdrawn
2010-27	12/23/2009	N/A	3/9/2010	William Greene	All documentation related to the loan modification request made by Jayne H. Greene for Indy Mac Loan #1010074134.	No Records
2010-28	1/5/2010	N/A		Jody Shenn, Bloomberg News	Repurchase of single-family mortgages because of breaches of representations and warranties, etc.	
2010-29	1/5/2010	N/A		Jody Shenn, Bloomberg News	Preferential guarantee-fee pricing or other perks in return for a share of seller/servicer's business, etc.	
2010-30	1/11/2010	N/A	5/25/2010	John McCormick	Copy of "existing acquired assets report" concerning property at 1064 Canosa Las Vegas NV	No Records
2010-31	1/19/2010	N/A	7/6/2010	Peggy Hampel	Complaint filed with Fannie Mae	Partial Grant
2010-32	1/19/2010	N/A	7/6/2010	Peggy Hampel	Appeal filed with FHFA	Partial Grant
2010-33	1/19/2010	N/A	2/19/2010	Larry Bielak, GBL Financial Software	FHLB Members as of 12/31/09	Full Grant
2010-34	1/26/2010	N/A	9/3/2010	Adam Miller (Mayer Brown LLP)	All records provided to Congress regarding FHFA's Inspector General or the lack thereof, including any information provided in response to letters dated 11/6/09 from Rep. Darrell Issa to Alfred Pollard and Edward Kelley.	Denial

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY10

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2010-35	1/26/2010	Not Perfected	Withdrawn	John Cook (Gawker Media)	Copies of all requests submitted to FHFA by the New York Times or the Associated Press, claiming to represent or work for the New York Times or Associated Press, between Jan. 1, 2005 and Jan. 13, 2010.	Withdrawn
2010-36	1/26/2010	N/A	8/31/2010	Bob Sexter (Chicago Tribune)	Request inspection of the minutes, and any related correspondence of other attachments, of the meetings of the board of the directors of Freddie Mac for calendar years 1999 through 2003.	Partial Grant
2010-37	1/27/2010	N/A	12/22/2010	Meena Thiruvengadam (Dow Jones Newswires)	All records related to government assistance provided to Fannie Mae and Freddie Mac	Partial Grant
2010-38	2/1/2010	N/A	11/4/2010	Nick Timiraos (Wall Street Journal)	All written communication between FHFA and Treasury including with Kenneth Feinberg, concerning the compensation agreements announced on 12/24/09.	Denial
2010-39	2/1/2010	N/A	10/29/2010	Nick Timiraos (Wall Street Journal)	All written and electronic communication between FHFA and Treasury concerning the decision to amend and restate the preferred stock purchase agreement for Fannie and Freddie	Denial
2010-40	2/3/2010	N/A	3/9/2010	Alina Ifteni, SNL Financial	Copy of the FHLB Members List with membership as of December 31, 2010	Full Grant
2010-41	2/22/2010 (amended)	N/A	5/25/2010	JD Stiller - JD Stiller Consulting	Reference to address 1616 66th St., Fennville, MI 49408	No Records
2010-42	2/22/2010	N/A	4/27/2010	Pia Malbran (CBS News)	Complete list of any and all residential homes that Fannie Mae took title of the state of Florida from 1/1/09 to present	No Records
2010-43	2/22/2010	N/A	5/25/2010	Kenneth Barton	Contract with Rpost US, Inc.	No Records
2010-44	2/23/2010		9/1/2010	Benjamen Scott Sands	Requests a copy of documents related to Benjamen Scott Sands	No Records
2010-45	2/23/2010	N/A	4/27/2010	Scott Deacle	FHLB Members as of 12/31/09	Full Grant
2010-46	2/24/2010	N/A	5/25/2010	David Barr	Records of communications with M. Daniels, B Jindal, S. Palin, et al.	No Records
2010-47	3/1/2010	N/A	5/25/2010	Jack Hain	Copy of any rule, regulation or underwriting criteria used by Fannie for the issuance of a secure loan on real property	No Records
2010-48	3/1/2010	N/A	5/25/2010	Abigail L. Madoff	Records of all employees at FHFA who are currently in the Senior Executive Service along with their work contact information	No Records
2010-49	3/9/2010	N/A	4/27/2010	Carol Forti	Mortgage WAMU/Chase number 007267652 was sold to Fannie Mae by WAMU	No Records
2010-50	3/8/2010	Withdrawn	Withdrawn	Gina Johnson	Documentation pertaining to Second Stone Ridge, formerly governed under HUD.	Withdrawn
2010-51	3/10/2010	Withdrawn	Withdrawn	Phillip Robinson. Civil Justice Inc.	Copies of records held by FHFA including Fannie and Freddie pertaining to compliance with state foreclosure laws.	Withdrawn

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY10

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2010-52	3/11/2010	N/A	9/1/2010	Gregory Talmage, Grindstone Research	Requesting documents regarding Elizabeth (Libby) H. Mitchell, former chair of the Federal Home Loan Bank of Boston (1997 - 2001)	No Records
2010-53	3/19/2010	N/A	7/29/2010	Henry Schuck	The organizational chart for CIO division of FHFA	Partial Grant
2010-54	3/24/2010	N/A	Withdrawn	M. Miller (Cuneo, Gilbert & LaDuca	Arnold and Porter retention agreements, legal bills, etc. between 1/107 and the present.	Withdrawn
2010-55	4/8/2010	Withdrawn	Withdrawn	Eloise Figueroa (Parkin & Parkin Law	Any property Appraisals BPO's Property Valuations. Any Fannie Mae records concerning short sale guidelines	Withdrawn
2010-56	4/5/2010	Withdrawn	Withdrawn	Chet Mazur	Number of loans originated under Fannie Mae "My Community Mortgage" program	Withdrawn
2010-57	4/21/2010	N/A	5/14/2010	Larry Bielak, GBL Financial Software	FHLB Members as of 3/31/10	Full Grant
2010-58	4/27/2010	N/A	5/25/2010	Randy Locke	Request for documents at Fannie Mae regarding a Countrywide/Bank of America Loan. During 2008 - 2009	No Records
2010-59	5/3/2010	Withdrawn	Withdrawn	Bouزيد Bechir	The FHFA's salary structure adjustment for 2010	Withdrawn
2010-60	5/10/2010	N/A	5/25/2010	HD Jacobs	FHLB Members as of 3/31/10	Full Grant
2010-61	5/11/2010	N/A	6/25/2010	Maria Pavino	Provide the identification of the current Owner and Holder regarding loan #0474900867 originated on 7/26/2007 with Homecomings Financial	No Records
2010-62	5/10/2010	N/A	6/25/2010	Sandi L. Rivers	Provide the identification of the current Owner and Holder regarding loan #3128981 originated on 6/18/2008 with Homeloan Center Inc.	No Records
2010-63	5/13/2010	8/23/10	9/2/2010	Desiree Monty	Internal analyses, information and findings that led to Freddie Mac being placed in conservatorship on Sept. 6, 2008, etc.	Requester Refused To Pay For Records
2010-64	5/14/2010	N/A	6/25/2010	Maria Pavino	Provide the identification of the current Owner and Holder regarding loan #2006-03-23-01118 originated on 4/7/2006.	No Records
2010-65	5/14/2010	N/A	7/26/2010	Patricia Smith	Copies of the concealment of evidence in the case of former Senator Ted Stevens of Alaska	No Records
2010-66	5/14/2010	N/A	6/25/2010	Davina Wilson	Provide the identification of the current Owner and Holder regarding loan #209119040 originated on 6/24/2009 with Bank of America NA	No Records
2010-67	5/19/2010	N/A	9/22/2010	Jeffrey Asplund	Request access of documents pertaining to Jeffrey Asplund and/or Fortress, Inc.	No Records
2010-68	5/19/2010	N/A	7/6/2010	Michael Berger	Any information relating to loans for residential property located 3035 South Holly Street, Cambridge Minnesota 55008	No Records
2010-69	5/24/2010	N/A	6/25/2010	Deane Nault & Janet Nault	Provide the identification of the current Owner and Holder regarding loan #209119040 originated on 6/18/2008 with American Brokers Conduit	No Records

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY10

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2010-70	5/24/2010	TBD	12/1/2010	Michael Olenick	Written information related to the process mortgage servicing companies, including but not limited to Fannie Mae and Freddie Mac	Denial
2010-71	5/24/2010	6/23/10	7/23/2010	Vern McKinley	All communications and records concerning or relating to the assessment of an adverse impact on systemic risk in addressing Fannie Mae & Freddie Mac.	Denial
2010-72	5/25/2010	N/A	6/23/2010	Lolly Gaines	Request a listing of all FHFA bargaining unit eligible employees.	Full Grant
2010-73	5/25/2010	N/A	7/29/2010	Chris Robinett	Requesting knowledge of the sales price on a house sold by Fannie Mae in March 2010.	No Records
2010-74	5/26/2010	N/A	6/25/2010	Jay Lamb & Shari Hultberg	Provide the identification of the current Owner and Holder regarding loan #7437854391 originated on 4/23/2004 with Home Mortgage, Inc.	No Records
2010-75	6/2/2010	TBD	9/20/2010	D.A. James	Any written notice directed to Fannie Mae and reasonably related to "residential mortgages"	Withdrawn
2010-76	5/27/2010	N/A	7/28/2010	(b) (6)	Any information on my mortgage - (b) (6) (b) (6)	No Records
2010-77	5/26/2010	N/A	6/25/2010	Rudolph L Viggiano	Provide the identification of the current Owner and Holder regarding loan #970135896/105357579/50509 originated on 9/28/2005 with Westsound Bank, DBA Westsound Mortgage	No Records
2010-78	6/2/2010	N/A	6/25/2010	Allen & Estrella Cabiao	Provide the identification of the current Owner and Holder regarding loan #18023028/0015713548 originated on 2/25/1999 with Advanta Finance Corp	No Records
2010-79	6/2/2010	N/A	6/25/2010	Edgar Hanson	Provide the identification of the current Owner and Holder regarding loan #11317007930/003164604 originated on 2/26/2007 with American Brokers Conduit	No Records
2010-80	6/2/2010	N/A	6/25/2010	Barbara Burdette & Donna Klein	Provide the identification of the current Owner and Holder regarding loan #38017088 originated on 6/19/2008 with Countrywide Bank, FSB	No Records
2010-81	6/2/2010	N/A	6/25/2010	Edgar Hanson	Provide the identification of the current Owner and Holder regarding loan #651-651-0556472-0001/105729PAE originated on 3/24/2003 with National City Mortgage Co.	No Records
2010-82	6/2/2010	N/A	6/25/2010	Vivencio & Dionisia Franda	Provide the identification of the current Owner and Holder regarding loan #11256000708/0408120012.96013659/0408120011.145888398 originated on 9/2/2004 with Steward Financial Inc.	No Records
2010-83	6/2/2010	N/A	6/25/2010	Michael Ronzone	Provide the identification of the current Owner and Holder regarding loan #221359,221403 originated on 3/9/2007 with Pierce Commercial Bank	No Records

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY10

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2010-84	6/2/2010	N/A	6/25/2010	Raymond Litvin	Provide the identification of the current Owner and Holder regarding loan #13013606755 originated on 4/24/2007 with Washington Mutual Bank	No Records
2010-85	6/2/2010	N/A	6/25/2010	Kelly & Ross Leasure	Provide the identification of the current Owner and Holder regarding loan #2230050493720 & 2230050493690 & 927100 originated on 6/16/2005 with Decision One Mortgage Co.	No Records
2010-86	6/2/2010	N/A	6/25/2010	Maria & Eric Romento	Provide the identification of the current Owner and Holder regarding loan #0031844277 originated on 7/18/2007 with American Brokers Conduit	No Records
2010-87	6/2/2010	N/A	8/16/2010	Chris Bland	Requesting documents/information regarding the property at 3004 W. Neptune St. Tampa FL 33629	No Records
2010-88	6/1/2010	Withdrawn	Withdrawn	Benjamin Iverson	Data from the monthly interest rate survey (MIRS) produced by FHFA.	Withdrawn
2010-89	6/8/2010	N/A	6/25/2010	Allen & Estrella Cabiao	Provide the identification of the current Owner and Holder regarding loan originated on 12/26/2007 with Washington Federal Savings	No Records
2010-90	6/15/2010	N/A	9/2/2010	Lorraine Woellert - Bloomberg Newsroom	Copy of FHFA's FOIA log, between July 30, 2008 and the present	Partial Grant
2010-91	6/15/2010	N/A	11/12/2010	Lorraine Woellert - Bloomberg Newsroom	Details of Acting Director DeMarco's schedule. Dating from 9/1/2009 to the date of this letter	Partial Grant
2010-92	6/15/2010	Withdrawn	Withdrawn	Lorraine Woellert - Bloomberg Newsroom	Information about meetings of the Federal Housing Finance Board from Jan. 1, 2008 to its dissolution on Aug. 1, 2009	Withdrawn
2010-93	6/15/2010	N/A	6/25/2010	Bruce Edwards	Provide the identification of the current Owner and Holder regarding loan #0059694695 originated on 7/18/2007 with First Horizon Home Loan Corporation	No Records
2010-94	6/18/2010	TBD	Withdrawn	Martha Cannon	The name of each private law firm that performed legal services for FHFA in 2009 and year to date 2010	Withdrawn
2010-95	6/28/2010	N/A	7/6/2010	Eric Van De Ven	Any and all information relating to the loan: Loan #3010600155 originally with Perfect Mortgage.	No Records
2010-96	6/28/2010	N/A	7/6/2010	David Maslen	Copies of all bids placed with FNMA on the property located at 2601 Gala S Road, Unit 105, Kissimmee, FL 34746 - between 6/9/10 - 6/15/10	No Records
2010-97	7/8/2010	N/A		Sheridan Pauker, Wilson Sonsini, et al.	Copies of records pertaining to programs through which local govt. finance renewable energy efficiency improvements on private property (PACE)	
2010-98	7/8/2010	N/A	8/6/2010	HD Jacobs	FHLB Members as of 6/30/10	Full Grant
2010-99	7/15/2010	Withdrawn	Withdrawn	Chelley Gordon	Copies of documents relating to minutes (PACE) programs	Withdrawn
2010-100	7/15/2010	TBD		Marcia Plummer	Documents related to Countrywide Financial Corp.	

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY10

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2010-101	7/16/2010	N/A	9/1/2010	Peter Ferris	Copies of loans from the Enterprises from 2003 - 2009 - Manufactured Home Communities.	No Records
2010-102	7/20/2010	N/A	8/6/2010	Larry Bielak, GBL Financial Software	FHLB Members as of 6/30/10	Full Grant
2010-103	8/10/2010	N/A	8/16/2010	Nick Jacobs, Edge Point Contracting	Uncashed checks or stale dated checks which remain outstanding for six months or more.	No Records
2010-104	8/10/2010	N/A	8/30/2010	Michael R. Crittenden, Dow Jones Newswire	Communications relating to the Treasury's discussion or deliberation of mortgage foreclosure mitigation or prevention programs. (referral from Treasury)	Denial
2010-105	8/18/2010	TBD	9/2/2010	Stanley Hirtle, Advocates for Basic Legal Equality	HAMP investors and numbers of loans serviced for each investor	Referred to Treasury
2010-106	8/26/2010	N/A	8/30/2010	Darryl Haynes	Washington Mutual Mortgage Loan	No Records
2010-107	8/31/2010	N/A	Referred to BPD	Russell Carollo, Journalist	All records of contracts related in any way to travel. This includes contracts related to receiving data services via BPD for records of travel.	Referred to Bureau of Public Debt
2010-108	9/1/2010	N/A	9/2/2010	Jason Smathers	Log of FOIA requests for the month of August.	Full Grant
2010-109	9/2/2010	N/A	9/9/2010	Mark Pinsky, Opportunity Finance Network	Directive issued by FHFA to Fannie Mae regarding intermediary lenders.	Denial
2010-110	9/9/2010	N/A	9/10/2010	Jason Smathers, Witness unto Me	Records that have been referred to an investigator or investigative agency	No Records
2010-111	9/10/2010	N/A	9/10/2010	Brian Curran	Records pertaining to Mortgage Identification Number 1003932-2007187941-2 that was transferred from BAC Home Loans Servicing LLP, to Fannie Mae on 5/02/2007.	No Records
2010-112	9/21/2010	N/A	9/23/2010	Cindy Pickren	Request copy of all records relating to loan #0211676867-8 for property 22243 Napier Rd., Northville, MI 48167	No Records
2010-113	9/24/2010	N/A	10/21/2010	Jim Staack	Request a copy of the file from Freddie Mac relating to placing clients on its exclusionary list	No Records
2010-114	9/27/2010	N/A	12/30/10	Russell Carollo, Journalist	All records related in any way to travel by the director (including acting) chief operating officer and deputy directors Jan. 1, 2009.	Partial Grant
2010-115	9/27/2010	N/A	12/30/10	Alan Kabat	Requesting all documents regarding the investigation or report prepared on or after March 2010 by Michael Bromwich, the law firm of Fried, Frank, Harris, Shriver & Jacobson, LLP	Denial
2010-116	9/30/2010	N/A	11/12/10	Erik Haas	Any subpoenas issued on behalf of FHFA of the affiliates: Credit Suisse Group, Countrywide Financial Corp., Morgan Stanley	Denial

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY11

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2011-01	10/4/2010	N/A	10/21/2010	Nate Jones	All documents related to steps taken to respond to WH Chief of Staff and White Counsel March 16, 2010 memo to agencies re: FOIA.	Partial Grant
2011-02	10/4/2010	N/A	Withdrawn	HD Jacobs	Copy of the FHLBanks Members List with membership as of Sept 30, 2010	Withdrawn
2011-03	10/14/2010	N/A	Withdrawn	Deborah Hill - Legal Aid Society	A list of names/addresses of owners of properties foreclosed by FNM in Wash DC b/w Jan 2008 and the present.	Withdrawn
2011-04	10/20/2010	N/A	10/29/2010	Richard Stephens	The Project Name, Address, Loan Amount, Maturity or Balloon Date of All Multifamily Loans Serviced by Fannie Mae and Freddie Mac that became or become Due on 10/01/2010	No Records
2011-05	10/26/2010	11/16/2010	1/14/2011	David Barr	Any and all communications b/w FHFA and N. Gringrich, H. Barbour, and others	Full Grant
2011-06	11/1/2010	N/A	11/12/2010	HD Jacobs	Copy of the FHLBanks Members List with membership as of Sept 30, 2010	Full Grant
2011-07	11/2/2010	N/A	11/12/2010	Larry Bielak	Copy of the FHLBanks Members List with membership as of Sept 30, 2010	Full Grant
2011-08	11/5/2010	N/A	12/21/2010	Russell Carollo	Copies of all records that define, explain, discuss or describe services for records of travel for federal agencies.	Partial Grant
2011-09	11/8/2010	N/A	01/31/11	Joshua Evans	Documents from Freddie Mac: minutes and agendas; salary, position, committee assignments; expenses and reimbursement requests; travel records	Partial Grant

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY11

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2011-10	11/9/2010	N/A	11/15/2010	Charles Babcock	All correspondence/documents related to FHFA taking conservatorship of Fannie Mae and Freddie Mac in Sept. 2008.	Denial
2011-11	11/9/2010	N/A	01/26/11	Chris Fusco	Copies of Federal Home Loan Mortgage Corporation board minutes, ethics statements, inspector general reports, and correspondence re: Rahm Emanuel's service as director	No Records
2011-12	11/30/2010	N/A	1/19/2011	Frank Bass	Any correspondence between 1/1/2010 and present with: John Boehner (OH); Eric Cantor (VA); Jeb Hensarling (TX); Paul Ryan (WI); Spencer Bachus (AL); Michele Backman (MN); Dave Camp (MI); Darrell Issa (CA)	Full Grant
2011-13	11/30/2010	N/A	12/29/2010	Larry Bush	Info re: FOIA; Agency directive, guidance, contracts and billing (2008-2010)	Withdrawn
2011-14	12/3/2010	N/A	12/22/2010	Doug Carroll	FOIA log from 9/1/2008 to present	Partial Grant
2011-15	12/8/2010	N/A	12/14/2010	Russell Carollo	"copies of all records of contracts relating to travel" original #2010-107 referred to BPD. BPD sent back several pages for FHFA review.	Full Grant
2011-16	12/15/2010	N/A	12/16/2010	a-Esther Kaplan b-Jennifer J. Johnson (Fed)	Records re: meetings involving representatives of FHFA	Referred Information is Non-Responsive to Request

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY11

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTED	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2011-22	1/18/2011	N/A		Ben Hallman	All minutes of meetings with lobbyists or members of the public with regard to Dodd-Frank, as well as, any notes or minutes taken and any correspondence between FHFA staffers and members of Congress, public or interest groups related to the agency's rulemaking of Dodd-Frank.	
2011-23	1/19/2011	N/A	1/20/2011	Joseph Portera	Requested the three settlement agreements between FRE and FNM, Bank of America, N.A., BAC Home Loans Servicing LP, Countrywide Home Loans, and Ally Financial.	Denial
2011-24	1/21/2011	N/A		Glen Corso	Requested settlement agreements between Bank America/Country Wide Home Loans and Fannie Mae. Also requested docs between BA and Freddie Mac/ FHFA and Freddie Mac and Fannie Mae and the Doc Gap Settlement.	
2011-25	1/24/2011	N/A		Jennifer Dixon	Copies of correspondence between the Fannie Mae, Freddie Mac, the White House, Treasury Department, Consumer Advocates, Industry Trade Groups and others concerning whether Fannie Mae	
2011-26	1/25/2011	N/A	02/01/11	John Althen	Requester is seeking any all records relating to FHFA's continuing agreement to pay for the legal defense of Franklin Raines, Timothy Howard, and Leanne Spencer.	No Records
2011-27	1/28/2011	N/A	01/31/11	Amy Woodward	Requested access to and copies of the Federal Housing Finance Board's FOIA log from July 1, 2010 to Jan. 1, 2011.	Partial Grant

FEDERAL HOUSING FINANCE AGENCY FREEDOM OF INFORMATION ACT REQUEST LOG -- FY11

REQUEST NUMBER	DATE RECEIVED	DATE PERFECTE D	DATE CLOSED	REQUESTOR INFORMATION	DESCRIPTION OF INFORMATION REQUESTED/COMMENTS	DISPOSITION OF RECORDS
2011-28	1/31/2011	N/A	2/1/2011	Edward McMurray	Requested the following mortgage info: 1. Name of Trust that each loan is in. 2. Name of the Trustee that manages the trust. 3. SEC Identification Number. 4. Pooling & Servicing Agreement. 5. All Trust sub-Agreements and Contracts. 6. MBS bond Certificate Holders 7. List showing specific loans in the Trust. 8. Date each loan was transferred into the Trust for property located at 15300 Dismuke Rd., Unit 1534 Biloxi MS 39352 PHH Account #0026118414	No Records
2011-29						
2011-30						
2011-31						
2011-32						
2011-33						
2011-34						

Bowman, Angelia (Contractor)

From: Lee, David A.
Sent: Tuesday, January 04, 2011 4:20 PM
To: #FOIA
Subject: FW: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)
Attachments: Vote Solar -- FHFA FOIA Fee Waiver Request (pdf of signed letter)_ (PALIB2_5196877_5).PDF

David A. Lee
Chief FOIA Officer
Chief Privacy Officer

From: Pauker, Sheridan [mailto:spauker@wsgr.com]
Sent: Tuesday, December 07, 2010 8:04 PM
To: Lee, David A.
Cc: rosalind@votesolar.org; Adam Browning; !FOIA Office; Ratchford, Jeanne
Subject: RE: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)

Dear Mr. Lee,

The FHFA's response to my letter dated November 4, 2010 did not address the argument made in Section 3 of my letter (attached hereto for your reference).
In Section 3, I argued that Vote Solar should not be charged for any fees associated with reviewing the documents because its request is for a non-commercial purpose. See 5 U.S.C. Section 552(a)(4)(A)(ii)(III) and 5 C.F.R. Part 1303.50(d).

In your email to me dated September 30, 2010, you included within your estimate of fees those associated with reviewing documents. In your email message dated October 14, 2010, you stated that the \$10,000 fee estimate was necessary to cover the costs of reviewing the requested documents. Under FOIA, these costs cannot be charged to Vote Solar because its request is not for a commercial purpose.

Vote Solar respectfully requests that you respond to the argument in Section 3 of my letter, summarized above, and re-calculate the fees necessary to proceed with the review, without including fees associated with reviewing the documents.

Thank you,

Sheridan J. Pauker, Esq. | Wilson Sonsini Goodrich & Rosati
Energy and Clean Technology Group
One Market Plaza, Spear Tower, Suite 3300 | San Francisco, California 94105
Direct: (b) (6) | Fax: (b) (6) | Email: spauker@wsgr.com

From: Lee, David A. [mailto:David.Lee@fhfa.gov]
Sent: Friday, December 03, 2010 12:58 PM
To: Pauker, Sheridan

Cc: rosalind@votesolar.org; Adam Browning; !FOIA Office
Subject: RE: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)

Ms. Pauker

Attached please find the Federal Housing Finance Agency's response to your fee waiver request. The original is being mailed to you.

David A. Lee
Chief FOIA Officer
Chief Privacy Officer

From: Pauker, Sheridan [mailto:spauker@wsgr.com]
Sent: Thursday, November 04, 2010 8:35 PM
To: Lee, David A.
Cc: rosalind@votesolar.org; Adam Browning; Ratchford, Jeanne
Subject: FW: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)
Importance: High

Dear Mr. Lee,

Attached please find Vote Solar's response to your email below Dated October 14, 2010, and your letter dated October 29, 2010.

The original is being mailed to you by Federal Express for delivery tomorrow.

Sincerely,

Sheridan J. Pauker, Esq. | Wilson Sonsini Goodrich & Rosati
Energy and Clean Technology Group
One Market Plaza, Spear Tower, Suite 3300 | San Francisco, California 94105
Direct: (b) (6) | Fax: (b) (6) | Email: spauker@wsgr.com

From: Pauker, Sheridan
Sent: Tuesday, November 02, 2010 2:54 PM
To: 'Lee, David A.'
Cc: Adam Browning; 'rosalind@votesolar.org'
Subject: RE: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)
Importance: High

Hi David,

I received your letter today stating that you consider Vote Solar's FOIA Request # 2010-97 to be withdrawn.

Vote Solar is in the process of preparing a response to your email correspondence below requesting a fee waiver and/or a fee reduction. We expect to have this request to you within the next couple of days. FOIA Request 2010-97 is not withdrawn. There is no time applicable limit for FOIA requestors under these circumstances, and I'd like to make clear that Vote Solar is not withdrawing its request.

Sincerely,

Sheridan J. Pauker, Esq. | Wilson Sonsini Goodrich & Rosati

From: Lee, David A. [mailto:David.Lee@fhfa.gov]
Sent: Thursday, October 14, 2010 8:09 AM
To: Pauker, Sheridan
Cc: Ratchford, Jeanne; Adam Browning
Subject: RE: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)

Ms. Pauker:

We have reviewed your email below. As I understand your request, you would like to know a) the estimated number of responsive records; b) the estimated number of releasable (non-exempt) records (including records that contain some redacted material); and c) the estimated total cost of completing the request for each of the 4 proposed narrowed requests.

The four possible narrowed requests listed below are very broad and sweeping (requesting all correspondence or records relating to PACE to and from undefined and unnamed non-governmental third parties (including corporate entities, trade associations and agents thereof)). In order to provide you with the information requested for each of the 4 requests, FHFA would need to review each document in the 20 to 25 boxes so that 1) we could identify the estimated number of responsive documents; 2) determine the estimated number of documents which may be releasable (with or without redactions), and 3) estimate the cost for completing each request. Doing so would be akin to conducting a full blown search and review. As such, we cannot proceed without an advance payment from you.

If you would like FHFA to proceed with processing your request, whether the original request, one of the narrowed requests, or if you would like us to provide you with the information you requested for each proposed narrowed request, we will require advance payment of at least \$10,000 in accordance with FHFA's FOIA regulation (*see* 12 CFR § 1202.11). If Vote Solar does not agree to pay this fee, we will consider the request withdrawn.

Until we hear from you, processing your request continues to be suspended.

Sincerely,

David A. Lee
Chief FOIA Officer
Chief Privacy Officer

From: Pauker, Sheridan [mailto:spauker@wsgr.com]
Sent: Monday, October 04, 2010 11:27 PM
To: Lee, David A.
Cc: Ratchford, Jeanne; Adam Browning
Subject: RE: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)

Mr. Lee,

Thank you for your response.

My client would like more information regarding the estimated number of responsive (and releasable) documents, if it were to narrow the FOIA request.

The client suggests four possible narrowed requests:

- 1) All correspondence or records relating to PACE (as defined in our request letter) provided by non-governmental third parties (including corporate entities, trade associations and agents thereof) to current or former employees or associates of FHFA.
- 2) All correspondence or records relating to PACE (as defined in our request letter) provided to non-governmental third parties (including corporate entities, trade associations and agents thereof) by current or former employees or associates of FHFA.
- 3) All correspondence or records relating to PACE (as defined in our request letter) provided by non-governmental third parties (including corporate entities, trade associations and agents thereof) to Stephen Cross, Edward DeMarco, James Lockhart, Patricia McClung, Alfred Pollard and Marianne Sullivan.
- 4) All correspondence or records relating to PACE (as defined in our request letter) provided to non-governmental third parties (including corporate entities, trade associations and agents thereof) by Stephen Cross, Edward DeMarco, James Lockhart, Patricia McClung, Alfred Pollard and Marianne Sullivan.

For each of the above 4 requests, could you please provide:

- a) the estimated number of responsive records.
- b) the estimated number of releasable (non-exempt) records (including records that contain some redacted material)
- c) the estimate total cost of completing the request.

This information will help us to determine how to narrow our search and determine whether it is willing to pay additional fees.

I would be happy to discuss this further by phone.

Thank you,

Sheridan J. Pauker, Esq. | Wilson Sonsini Goodrich & Rosati
Energy and Clean Technology Group
One Market Street, Spear Tower, Suite 3300 | San Francisco, California 94105
Direct: (b) (6) | Fax: (b) (6) | Email: spauker@wsgr.com

From: Lee, David A. [mailto:David.Lee@fhfa.gov]
Sent: Thursday, September 30, 2010 11:12 AM
To: Pauker, Sheridan
Cc: Ratchford, Jeanne
Subject: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)

Ms. Pauker:

This is a follow up to our telephone conversation on Tuesday September 28, 2010 regarding the subject FOIA request.

In your email of August 3, 2010 to Jeanne Ratchford, you indicated that Vote Solar Initiative was willing to pay fees up to \$2,500 in connection with the subject request. As I mentioned to you in our telephone conversation on September 28th, to date the fees incurred associated with searching, printing, copying, and reviewing documents (both responsive and non-responsive) located in response to your request have significantly exceeded \$2,500 and are closer to \$6,000. I also mentioned that based on preliminary indications the fees to finish responding to your request were likely to be 1 to 2 times higher.

To date we have reviewed approximately 8 boxes of documents and have another 15 to 20 more boxes of documents to review. Of those documents, approximately 20 to 30% are responsive (that does not mean that the documents are releasable, just that they fall within the parameters of the subject request). Based on a preliminary review and analysis, it appears that 90 to 95% of the responsive documents will likely be withheld from disclosure citing either Exemption b(4) (commercial or financial information); b(5) (deliberative process privilege, attorney-work product privilege, and/or attorney-client privilege); or b(8) (matters contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions), or a combination thereof.

Since we have exceeded the \$2,500 in fees that Vote Solar has indicated a willingness to pay, processing your request has been suspended until you advise me on how you would like to proceed. If you would still like FHFA to proceed with processing your request we will require advance payment in accordance with FHFA's FOIA regulation. See 12 CFR § 1202.11(e)(1). Given the costs incurred to date, fees for processing this request are likely to be between \$12,000 and \$18,000. If Vote Solar does not agree to pay these fees, we will consider the request withdrawn.

Finally, you may narrow the scope of your request in order that it may be processed with a reasonable amount of effort and expense. If you do narrow your request, we will estimate the fees to process it and will require advance payment.

If you have any questions, I can be reached at (202) 414-3804.

Sincerely,

David A. Lee
Chief FOIA Officer
Chief Privacy Officer
Federal Housing Finance Agency

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Federal Housing Finance Agency

1700 G Street, N.W., Washington, D.C. 20552-0001

Telephone: (202) 414-3800

Facsimile: (202) 414-3823

www.fhfa.gov

January 4, 2011

Sheridan J. Pauker
Wilson Sonsini Goodrich & Rosati
One Market Plaza, Spear Tower, Suite 3300
San Francisco, California 94105-1126

Dear Ms. Pauker:

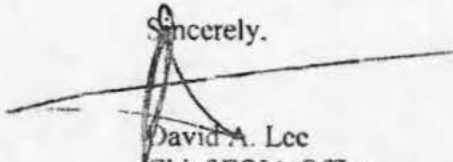
This is in response to your email to me of December 7, 2010 wherein you state that FHFA did not respond to all of your arguments in your November 4, 2010 request for fee waiver. Specifically, you stated that "[i]n Section 3, I argued that Vote Solar should not be charged for any fees associated with reviewing the documents because its request is for a non-commercial purpose. See 5 U.S.C. Section 552(a)(4)(A)(ii)(III) and 5 C.F.R. Part 1303.50(d)."

First, be advised that 5 C.F.R. Part 1303.50(d) is an Office of Management and Budget regulation, not an FHFA regulation. The applicable regulation for fee waivers for FHFA can be found at 12 C.F.R. § 1202.11 which tracks the statutory requirements of the fee waiver provisions of the Freedom of Information Act.

Second, after reviewing Vote Solar's request, it has been determined that Vote Solar's request is for non-commercial purposes and as such only fees for document search and duplication will be charged. Be advised, however, that given the very broad nature of Vote Solar's request and the voluminous amounts of documents located to date that may be responsive, it will take a significant amount of time to review these documents and make a determination whether to release or withhold the documents. At this point in time, I cannot give you an estimated date of completion.

You will be notified of the fees once FHFA has completed responding to your FOIA request.

Sincerely,


David A. Lee
Chief FOIA Officer



Federal Housing Finance Agency

1700 G Street, N.W., Washington, D.C. 20552-0003

Telephone: (202) 414-3800

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www.fhfa.gov

December 3, 2010

Sheridan J. Pauker
Wilson Sonsini Goodrich & Rosati
One Market Plaza, Spear Tower, Suite 3300
San Francisco, California 94105-1126

Dear Ms. Pauker:

This is in response to your November 4, 2010 letter requesting a fee waiver for processing Vote Solar Initiative's (Vote Solar) Freedom of Information Act (FOIA) Request (Federal Housing Finance Agency (FHFA) Request Number 2010-97).

In your letter you argue that Vote Solar is entitled to a fee waiver because disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. *See* 5 U.S.C. §552(a)(4)(A)(iii).

In the alternative, if the above fee waiver request is denied in whole or part, Vote Solar argues that Vote Solar should be construed as a "representative of the news media" and therefore should not be charged for document search and review. *See* 5 U.S. C. §552(a)(4)(A)(ii).

For the reasons set forth below, Vote Solar's request for a fee waiver under both 5 U.S.C. §552(a)(4)(A)(iii) and 5 U.S. C. §552(a)(4)(ii) is denied.

I. Disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

In order to qualify for a such a fee waiver, six factors must be met. These six factors are split into 2 categories. The first category (which has four factors) addresses whether disclosure of the information "is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government". The second category (which has two factors) addresses whether disclosure of the information "is not primarily in the commercial interest of the requester."

A. Disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.

The four factors to consider under this category are:

- (1) The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government";
- (2) The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
- (3) The contribution to an understanding of the subject by the general public likely to result from disclosure: Whether disclosure of the requested information will contribute to "public understanding"; and
- (4) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

For factor 1, an agency must consider whether the requested records concern the identifiable operations or activities of the federal government, as opposed to a general public interest in a record. This connection must be direct and clear, and not remote or attenuated. The records requested by Vote Solar concern an identifiable operation or activity of the Federal government. Therefore, factor 1 has been met.

For factor 2, an agency must conduct an analysis of the substantive content of the disclosable portions of the records requested in order to determine whether their disclosure will in fact be informative regarding the particular government activities or operations that are the subject of the request. As indicated in my email to you of September 30, 2010, the vast majority of the records (90 to 95%) are likely not disclosable under FOIA. A review of the records that are likely to be disclosable indicates that most, if not all, are already in the public domain and therefore releasing them again would not contribute to an understanding of government operations or activities as nothing new would be added to the public record. *See, e.g., Blakey v. Department of Justice*, 549 F. Supp. 362, 364-65 (D.D.C. 1982), *aff'd mem.*, 720 F.2d 215 (D.C. Cir. 1983) (Table, NO. 82-2499); *Forest Guardians v. U.S. Dept. of Interior*, 416 F.3d 1173, 1181 (10th Cir. 2005) (noting that "The district court correctly noted that the information sought by Forest Guardians is publicly available and this generally is a factor that weighs against granting a fee waiver."); and *Campbell v. United States Dep't of Justice*, 164 F.3d 20, 36 (D.C. Cir. 1999) (noting that "the mere fact that material is in the public domain does not justify denying a fee waiver; only material that has met a threshold level of public dissemination will not further 'public understanding' within the meaning of the fee waiver provisions.").

Examples of records that would be disclosable include the following:

- Recovery Through Retrofit:
http://www.whitehouse.gov/assets/documents/Recovery_Through_Retrofit_Final_Report.pdf
- DOE Guidelines for Pilot Pace Financing Programs:
http://www1.eere.energy.gov/wip/pdfs/arra_guidelines_for_pilot_pace_programs.pdf

- DOE Municipal Energy Funding Presentation:
http://www1.eere.energy.gov/wip/solutioncenter/pdfs/EECBG_Innovative_EE_Financing_Approaches_061509.pdf
- Boulder, Colorado program documents:
<http://www.bouldercounty.org/bocc/cslp/eligibility.htm>
- City of Palm Desert, California program documents: www.cityofpalmdesert.org
- The Atlantic: <http://www.theatlantic.com/business/print/2010/07/environmental-disaster/59231/>
- Berkeley Daily Planet: <http://www.berkeleydailyplanet.com/issue/2010-07-13/article/35831?headline=Solar-Finance>
- The Washington Post: <http://www.washingtonpost.com>
- The New York Times:
http://www.nytimes.com/2009/08/31/science/earth/31leed.html?_r=3&th=&emc=th&page
- California Real Estate Journal: <http://www.dailyjournal.com/public/pubmain.cfm>
- Wall Street Journal: <http://online.wsj.com/home-page>
- FDIC Financial Institution Letter:
<http://www.fdic.gov/news/news/financial/2010/fil10037.pdf>
- Letter from 9 California politicians to Lockhart regarding PACE:
<http://pacenow.org/documents/FHFA%20LETTER%207.30.09%20municipalities%20%20mavors.pdf>
- White paper on PACE by Paul, Hastings, Janofsky & Walker LLP :
[http://pacenow.org/documents/PHJW%20PACE%20White%20Paper%205.28.10%20\(final\).pdf](http://pacenow.org/documents/PHJW%20PACE%20White%20Paper%205.28.10%20(final).pdf)
- Mortgage Bankers Association Letter:
http://www.mbaa.org/files/Advocacy/2010/MBA_LettertoHUDandDOEonPACELoans.pdf
- NCUA Media Advisory: http://www.ncua.gov/news/press_releases/2010/MA10-0715EnergyLoanPrograms.pdf

Clearly information that would be disclosable is already in the public domain as it has been publically disseminated. Releasing it again will not contribute to an understanding of government operations or activities. As such factor 2 has not been met.

Given that these documents are already in the public domain, disclosing them to Vote Solar would not contribute to "public understanding" (factor 3) and would likely not contribute "significantly" to public understanding of government operations or activities (factor 4). Therefore, factors 3 and 4 have also not been met.

Since factors 2, 3 and 4 have not been met, it is not necessary to address the second category and its 2 factors (the existence and magnitude of a commercial interest: whether the requester has a

commercial interest that would be furthered by the requested disclosure, and the primary interest in disclosure: whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester.").

Consequently, your request for a fee waiver under 5 U.S.C. §552(a)(4)(A)(iii) is denied.

II. Representative of the News Media.

FOIA defines "a representative of the news media" as –

any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. In this clause, the term "news" means information that is about current events or that would be of current interest to the public. Examples of news-media entities are television or radio stations broadcasting to the public at large and publishers of periodicals (but only if such entities qualify as disseminators of "news") who make their products available for purchase by or subscription by or free distribution to the general public. These examples are not all-inclusive. Moreover, as methods of news delivery evolve (for example, the adoption of the electronic dissemination of newspapers through telecommunications services), such alternative media shall be considered to be news-media entities. A freelance journalist shall be regarded as working for a news-media entity if the journalist can demonstrate a solid basis for expecting publication through that entity, whether or not the journalist is actually employed by the entity. A publication contract would present a solid basis for such an expectation; the Government may also consider the past publication record of the requester in making such a determination.

5 U.S. C. 552(a)(4)(ii).

Merely stating that you are a representative of the news media or a journalist is not sufficient to invoke this waiver. See Hall v. CIA, No. 04-00814, 2005 WL 850379, at *6 (D.D.C. Apr. 13, 2005) (finding organization's statement that "'news media status is pled,'" without mentioning specific activities in which it is engaged, "misstates the burden that a party . . . must carry . . . [o]therwise, every conceivable FOIA requester could simply declare itself a 'representative of the news media' to circumvent applicable fees" and finding that plaintiff's endeavors, including "research contributions . . . email newsletters' . . . and a single magazine or newspaper article "were more akin to those of a middleman or information vendor; determining that second plaintiff offered only conclusory assertion that it was representative of news media and "mentioned no specific activities [that it] conducted); see also Brown v. U.S. Patent & Trademark Office, 445 F. Supp. 2d 1347, 1356-57 (M.D. Fla. 2006) (finding that plaintiff has not shown "that he is a freelance journalist with a 'solid basis for expecting publication'" (quoting agency regulation); and See Brown, 445 F. Supp. 2d at 1356-57 (holding that plaintiff who provided no evidence of employment by news organization or evidence that he was "freelance" journalist as defined by agency's regulation, has "not demonstrated 'firm intention' of creating or

publishing an editorialized work," and does not qualify as representative of news media), *aff'd per curiam*, 226 F. App'x 866 (11th Cir. 2007).

In support of Vote Solar's request, you assert, *inter alia*, that "Vote Solar and its staff regularly gather information of potential interest to a segment of the public, including information regarding state and federal PACE legislation, litigation and policy developments relating to PACE, . . ." and that Vote Solar disseminates information through "newsletters, articles written for publication by the news media, fact sheets, white papers, press releases, blog posts, webinars, conference proceedings, and other means." This is more akin to those of a middleman or information vendor rather than a representative of the media. Further, a review of Vote Solar's annual report indicates that its mission is "to fight climate change and foster economic opportunity by bringing solar energy into the mainstream." See Vote Solar Initiative 2008 Annual Report at p. 2. This clearly does not constitute a "representative of the news media" as defined by the FOIA. Therefore, Vote Solar's request for a fee waiver as a "representative of the new media" under 5 U.S. C. §552(a)(4)(ii) is denied.

If you would like FHFA to proceed with processing Vote Solar's FOIA request, whether the original request, one of the narrowed requests, or if you would like us to provide you with the information you requested for each proposed narrowed request, we will require advance payment of at least \$10,000 in accordance with FHFA's FOIA regulation (*see* 12 CFR § 1202.11). If Vote Solar does not agree to pay this fee, we will consider the request withdrawn.

Until we hear from you, processing your request continues to be suspended.


If you wish to appeal any aspect of FHFA's decision on your fee waiver request, you must forward within 30 days:

- A copy of your initial request;
- A copy of this letter; and
- A statement of the circumstances, reasons, or arguments for why this denial should not be upheld.

The appeal must either be sent electronically to foia@fhfa.gov, or mailed to the "FOIA Appeals Officer" at the above address. The e-mail subject line, or the envelope and the letter of appeal must be clearly marked "FOIA Appeal."

Your FOIA request is releasable to the public under subsequent FOIA requests. In responding to these requests, FHFA does not release personal information, such as email and home addresses and home or mobile telephone numbers, which are protected from disclosure under FOIA Exemption 6 (5 U.S.C. Section 552(b)(6)).

Sincerely,


David A. Lee
Chief FOIA Officer

(b) (6)

From: Lee, David A.
Sent: Wednesday, December 01, 2010 3:09 PM
To: 'Pauker, Sheridan'
Cc: 'rosalind@votesolar.org'; 'Adam Browning'; Ratchford, Jeanne; (b) (6)
(Contractor)
Subject: RE: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)

Ms. Pauker

I expect that a response will be sent by no later than Friday of this week.

Sincerely,

David A. Lee
Chief FOIA Officer
Chief Privacy Officer

From: Pauker, Sheridan [mailto:spauker@wsgr.com]
Sent: Tuesday, November 30, 2010 1:36 PM
To: Lee, David A.
Cc: rosalind@votesolar.org; Adam Browning; Ratchford, Jeanne
Subject: RE: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)

Dear Mr. Lee,

I have not yet received a response from FHFA to my letter dated November 4th. On November 16th, you indicated that FHFA was in the process of responding to this letter, but I have not received any correspondence from FHFA to date.

Has FHFA sent a response? If not, Vote Solar would appreciate an estimate of when FHFA is expected to respond, so that it can evaluate its next steps with regard to the FOIA request.

Thank you,

Sheridan J. Pauker, Esq. | Wilson Sonsini Goodrich & Rosati
Energy and Clean Technology Group
One Market Plaza, Spear Tower, Suite 3300 | San Francisco, California 94105
Direct: (b) (6) | Fax: (b) (6) | Email: spauker@wsgr.com

From: Lee, David A. [mailto:David.Lee@fhfa.gov]
Sent: Tuesday, November 16, 2010 1:25 PM
To: Pauker, Sheridan
Cc: rosalind@votesolar.org; Adam Browning; Ratchford, Jeanne
Subject: RE: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)

Ms. Pauker:

I received your voice mail of today and apologize for not responding earlier to this email. It was in my junk email folder.

This is to confirm that FHFA has received your letter concerning not withdrawing FOIA request 2010-97 along with Vote Solar's request for a fee waiver. FHFA is in the process of reviewing and responding to your letter.

Sincerely,

David A. Lee
Chief FOIA Officer
Chief Privacy Officer

From: Pauker, Sheridan [mailto:spauker@wsgr.com]
Sent: Friday, November 12, 2010 2:02 PM
To: Lee, David A.
Cc: rosalind@votesolar.org; Adam Browning; Ratchford, Jeanne
Subject: RE: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)

Mr. Lee,

I'm writing to request your confirmation that FHFA received my letter from last week regarding Vote Solar's indication that it is not withdrawing FOIA Request 2010-97 and Vote Solar's request for a fee waiver.

Thank you,

Sheridan J. Pauker, Esq. | Wilson Sonsini Goodrich & Rosati
Energy and Clean Technology Group
One Market Plaza, Spear Tower, Suite 3300 | San Francisco, California 94105
Direct: (b) (6) Fax: (b) (6) | Email: spauker@wsgr.com

From: Pauker, Sheridan
Sent: Thursday, November 04, 2010 5:35 PM
To: 'Lee, David A.'
Cc: 'rosalind@votesolar.org'; Adam Browning; Ratchford, Jeanne
Subject: FW: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)
Importance: High

Dear Mr. Lee,

Attached please find Vote Solar's response to your email below Dated October 14, 2010, and your letter dated October 29, 2010.

The original is being mailed to you by Federal Express for delivery tomorrow.

Sincerely,

Sheridan J. Pauker, Esq. | Wilson Sonsini Goodrich & Rosati
Energy and Clean Technology Group
One Market Plaza, Spear Tower, Suite 3300 | San Francisco, California 94105
Direct: (b) (6) | Fax: (b) (6) | Email: spauker@wsgr.com

From: Pauker, Sheridan
Sent: Tuesday, November 02, 2010 2:54 PM
To: 'Lee, David A.'
Cc: Adam Browning; 'rosalind@votesolar.org'
Subject: RE: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)
Importance: High

Hi David,

I received your letter today stating that you consider Vote Solar's FOIA Request # 2010-97 to be withdrawn.

Vote Solar is in the process of preparing a response to your email correspondence below requesting a fee waiver and/or a fee reduction. We expect to have this request to you within the next couple of days. FOIA Request 2010-97 is not withdrawn. There is no time applicable limit for FOIA requestors under these circumstances, and I'd like to make clear that Vote Solar is not withdrawing its request.

Sincerely,

Sheridan J. Pauker, Esq. | Wilson Sonsini Goodrich & Rosati
Energy and Clean Technology Group
One Market Plaza, Spear Tower, Suite 3300 | San Francisco, California 94105
Direct: (b) (6) | Fax: (b) (6) | Email: spauker@wsgr.com

From: Lee, David A. [mailto:David.Lee@fhfa.gov]
Sent: Thursday, October 14, 2010 8:09 AM
To: Pauker, Sheridan
Cc: Ratchford, Jeanne; Adam Browning
Subject: RE: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)

Ms. Pauker:

We have reviewed your email below. As I understand your request, you would like to know a) the estimated number of responsive records; b) the estimated number of releasable (non-exempt) records (including records that contain some redacted material); and c) the estimated total cost of completing the request for each of the 4 proposed narrowed requests.

The four possible narrowed requests listed below are very broad and sweeping (requesting all correspondence or records relating to PACE to and from undefined and unnamed non-governmental third parties (including corporate entities, trade associations and agents thereof)). In order to provide you with the information requested for each of the 4 requests, FHFA would need to review each document in the 20 to 25 boxes so that 1) we could identify the estimated number of responsive documents; 2) determine the estimated number of documents which may be releasable (with or without redactions), and 3) estimate the cost for completing each request.

Doing so would be akin to conducting a full blown search and review. As such, we cannot proceed without an advance payment from you.

If you would like FHFA to proceed with processing your request, whether the original request, one of the narrowed requests, or if you would like us to provide you with the information you requested for each proposed narrowed request, we will require advance payment of at least \$10,000 in accordance with FHFA's FOIA regulation (*see* 12 CFR § 1202.11). If Vote Solar does not agree to pay this fee, we will consider the request withdrawn.

Until we hear from you, processing your request continues to be suspended.

Sincerely,

David A. Lee
Chief FOIA Officer
Chief Privacy Officer

From: Pauker, Sheridan [mailto:spauker@wsgr.com]
Sent: Monday, October 04, 2010 11:27 PM
To: Lee, David A.
Cc: Ratchford, Jeanne; Adam Browning
Subject: RE: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)

Mr. Lee,

Thank you for your response.

My client would like more information regarding the estimated number of responsive (and releasable) documents, if it were to narrow the FOIA request.

The client suggests four possible narrowed requests:

- 1) All correspondence or records relating to PACE (as defined in our request letter) provided by non-governmental third parties (including corporate entities, trade associations and agents thereof) to current or former employees or associates of FHFA.
- 2) All correspondence or records relating to PACE (as defined in our request letter) provided to non-governmental third parties (including corporate entities, trade associations and agents thereof) by current or former employees or associates of FHFA.
- 3) All correspondence or records relating to PACE (as defined in our request letter) provided by non-governmental third parties (including corporate entities, trade associations and agents thereof) to Stephen Cross, Edward DeMarco, James Lockhart, Patricia McClung, Alfred Pollard and Marianne Sullivan.
- 4) All correspondence or records relating to PACE (as defined in our request letter) provided to non-governmental third parties (including corporate entities, trade associations and agents thereof) by Stephen Cross, Edward DeMarco, James Lockhart, Patricia McClung, Alfred Pollard and Marianne Sullivan.

For each of the above 4 requests, could you please provide:

- a) the estimated number of responsive records.

- b) the estimated number of releasable (non-exempt) records (including records that contain some redacted material)
- c) the estimate total cost of completing the request.

This information will help us to determine how to narrow our search and determine whether it is willing to pay additional fees.

I would be happy to discuss this further by phone.

Thank you,

Sheridan J. Pauker, Esq. | Wilson Sonsini Goodrich & Rosati
Energy and Clean Technology Group
One Market Street, Spear Tower, Suite 3300 | San Francisco, California 94105
Direct: (b) (6) | Fax: (b) (6) | Email: spauker@wsgr.com

From: Lee, David A. [mailto:David.Lee@fhfa.gov]
Sent: Thursday, September 30, 2010 11:12 AM
To: Pauker, Sheridan
Cc: Ratchford, Jeanne
Subject: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)

Ms. Pauker:

This is a follow up to our telephone conversation on Tuesday September 28, 2010 regarding the subject FOIA request.

In your email of August 3, 2010 to Jeanne Ratchford, you indicated that Vote Solar Initiative was willing to pay fees up to \$2,500 in connection with the subject request. As I mentioned to you in our telephone conversation on September 28th, to date the fees incurred associated with searching, printing, copying, and reviewing documents (both responsive and non-responsive) located in response to your request have significantly exceeded \$2,500 and are closer to \$6,000. I also mentioned that based on preliminary indications the fees to finish responding to your request were likely to be 1 to 2 times higher.

To date we have reviewed approximately 8 boxes of documents and have another 15 to 20 more boxes of documents to review. Of those documents, approximately 20 to 30% are responsive (that does not mean that the documents are releasable, just that they fall within the parameters of the subject request). Based on a preliminary review and analysis, it appears that 90 to 95% of the responsive documents will likely be withheld from disclosure citing either Exemption b(4) (commercial or financial information); b(5) (deliberative process privilege, attorney-work product privilege, and/or attorney-client privilege); or b(8) (matters contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions), or a combination thereof.

Since we have exceeded the \$2,500 in fees that Vote Solar has indicated a willingness to pay, processing your request has been suspended until you advise me on how you would

like to proceed. If you would still like FHFA to proceed with processing your request we will require advance payment in accordance with FHFA's FOIA regulation. See 12 CFR § 1202.11(e)(1). Given the costs incurred to date, fees for processing this request are likely to be between \$12,000 and \$18,000. If Vote Solar does not agree to pay these fees, we will consider the request withdrawn.

Finally, you may narrow the scope of your request in order that it may be processed with a reasonable amount of effort and expense. If you do narrow your request, we will estimate the fees to process it and will require advance payment.

If you have any questions, I can be reached at (202) 414-3804.

Sincerely,

David A. Lee
Chief FOIA Officer
Chief Privacy Officer
Federal Housing Finance Agency

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November 4, 2010

Mr. David Lee
Chief FOIA Officer
Federal Housing Finance Agency
1700 G Street, N.W.
Washington, DC 20552

Re: Freedom of Information Act Request Number 2010-97

Dear Mr. Lee:

I am writing in response to your email messages dated October 14, 2010 and September 30, 2010 (attached hereto for reference as Attachment 1). My client, the Vote Solar Initiative ("Vote Solar"), hereby requests a waiver of fees pursuant to 5 U.S.C. §552(a)(4)(A)(iii). Should the Federal Housing Finance Agency ("FHFA") deny the requested fee waiver, my client hereby asserts that it should not be charged for either reviewing or search costs assessed by FHFA because it qualifies as a "representative of the news media" and because the records requested are not for commercial use. Additional information supporting Vote Solar's fee waiver request and request for fee reductions is provided herein.

In addition, following up on my email correspondence to you dated November 2, 2010, I am reiterating that Vote Solar has not withdrawn FOIA Request 2010-97, and FHFA has no basis for considering this request to be withdrawn.

1. Vote Solar's FOIA Request and FHFA's Correspondence

In FOIA Request 2010-97, submitted on July 7, 2010, Vote Solar seeks copies of records pertaining to programs through which local governments finance renewable energy or energy efficiency improvements on private property and levy assessments on the property benefited thereby, in most instances known as "Property Assessed Clean Energy" or "Energy Loan Tax Assessment Programs" (collectively referred to herein as "PACE") provided to or produced by FHFA. Specifically, Vote Solar seeks:

- (1) All correspondence or other records relating to PACE provided to General Counsel Alfred Pollard and to Acting Director Edward J. DeMarco from sources external to FHFA.

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AUSTIN NEW YORK PALO ALTO SAN DIEGO SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

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November 4, 2010
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(2) All correspondence or other records relating to PACE produced by or provided to current or former employees or associates of FHFA, the Federal National Mortgage Association (Fannie Mac), the Federal Home Loan Mortgage Corporation (Freddie Mac), or the Federal Home Loan Banks in the possession of FHFA, including, but not limited to the following individuals: James Lockhart, Edward DeMarco, Stephen Cross, Marianne Sullivan, Alfred Pollard and Patricia McClung.

In your email message to me dated September 30, 2010 (attached as part of Attachment 1), you estimated that "fees incurred associated with searching, printing, copying and reviewing documents (both responsive and non-responsive) located in response to your request have significantly exceeded \$2,500 and are closer to \$6,000." You estimated that 90-95% of the responsive documents would be withheld from disclosure under various FOIA exemptions. You stated that if Vote Solar wanted FHFA to proceed with processing the request, you would require advance payment and that Vote Solar would need to agree to pay between \$12,000 and \$18,000 for processing of the request, or else the request would be considered withdrawn. See Attachment 1.

In my email message to you dated October 4, 2010 (also attached as part of Attachment 1), I requested an estimate of fees associated with narrowing this request in the following ways:

(a) All correspondence or records relating to PACE (as defined in our request letter) provided by non-governmental third parties (including corporate entities, trade associations and agents thereof) to current or former employees or associates of FHFA.

(b) All correspondence or records relating to PACE (as defined in our request letter) provided to non-governmental third parties (including corporate entities, trade associations and agents thereof) by current or former employees or associates of FHFA.

(c) All correspondence or records relating to PACE (as defined in our request letter) provided by non-governmental third parties (including corporate entities, trade associations and agents thereof) to Stephen Cross, Edward DeMarco, James Lockhart, Patricia McClung, Alfred Pollard and Marianne Sullivan.

(d) All correspondence or records relating to PACE (as defined in our request letter) provided to non-governmental third parties (including corporate entities, trade associations and agents thereof) by Stephen Cross, Edward DeMarco, James Lockhart, Patricia McClung, Alfred Pollard and Marianne Sullivan.

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In your email message dated October 14, 2010 (included in Attachment 1), you requested advance payment of \$10,000 in fees in order to review the requested documents and provide a more accurate estimate of the total fees for this narrowed request. You stated that if Vote Solar did not agree to pay such fees, you would consider the request withdrawn. Finally, your letter dated October 29, 2010, attached as Attachment 2 (which I received by Federal Express on November 2nd, 2010), you stated that FHFA considered request 2010-97 to be withdrawn. Vote Solar's response to your emails and letter is set forth herein.

2. Fee Waiver Request

The documents requested in Vote Solar's FOIA Request Number 2010-97 should be provided without charge or at a charge reduced below the fees estimated in your email correspondence because, as noted in Vote Solar's FOIA request, "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." §552(a)(4)(A)(iii). This fee waiver request satisfies all six of the factors enumerated in the Department of Justice fee waiver policy guidance memorandum (FOIA Update Vol. VIII, No.1 1987 ("DOJ Guidance")), as explained below.

(a) The Requested Records Concern the Operations or Activities of the Government.

The requested records concern the operations or activities of government because they concern the development of FHFA's public response to PACE in its "Statement on Certain Energy Retrofit Loan Programs" dated July 6, 2010 (the "FHFA PACE Guidance"). The FHFA PACE Guidance presented FHFA's conclusion that PACE programs "present significant safety and soundness concerns" and affirmed Fannie Mae and Freddie Mac's May 5, 2010 letters to seller-servicers which stated that PACE programs run contrary to the Fannie Mae-Freddie Mac Uniform Security Instrument. The development, drafting and release of the FHFA PACE Guidance are clearly operations and activities of the government. The request seeks records of information provided to FHFA staff and records generated by FHFA staff regarding PACE in developing the FHFA PACE Guidance. The records sought relate to FHFA's operations and activities in reviewing, processing and responding to third party requests, arguments, position papers and other documents regarding PACE.

(b) The Disclosure of the Records Requested is Likely to Contribute to an Understanding of Government Operations or Activities.

Vote Solar believes that disclosure of the records requested by Vote Solar is likely to contribute to an understanding of government operations or activities because Vote Solar will

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provide the public with insight into which third parties provided information to FHFA staff regarding PACE, what information was provided to FHFA and what arguments were made in this regard, and how FHFA staff responded to such information and formulated the FHFA PACE Guidance. As discussed in greater detail below, Vote Solar intends to provide information to the public about these activities through the publication of fact sheets, email alerts, blog posts and other web content analyzing the disclosed documents. These publications will help the public better understand the government operations and activities involved in FHFA's response to third party information regarding PACE and the FHFA's development of the FHFA PACE Guidance and other responses by FHFA.

(c) Disclosure of the Requested Records will Contribute to the Public Understanding.

The disclosure of the requested records will contribute to the understanding of the public at large, and not merely the individual understanding of Vote Solar, because Vote Solar has a great deal of expertise and public prominence regarding PACE policy and Vote Solar intends to make such information available to the public.

Vote Solar is a nonprofit public interest organization that promotes public policies that will enable solar energy to become mainstream. Vote Solar has been one of the foremost public leaders in drafting, analyzing and developing PACE legislation and providing analysis of policy relating to PACE across the United States since 2008. Vote Solar has prepared numerous fact sheets, white papers, policy analyses and action alerts regarding PACE which it publicizes on its website¹, which received approximately 5,000 page views in the past year, through its blog which is also syndicated on the Cleantechies.com news portal and the PACENow stakeholder website², and through its electronic mailing list, which is sent to Vote Solar's 50,000 members regularly.

As demonstrated in these publications, Vote Solar is skilled at taking a legally-complex policy, synthesizing the relevant information, and conveying the information in a means readily understandable by the public. Vote Solar has held webinars regarding PACE and its representatives have spoken publicly regarding PACE on numerous occasions.³ Vote Solar

¹ See, e.g., http://votesolar.org/wp-content/uploads/2009/06/solar-finance-paper_100808_final1.pdf;
<http://votesolar.org/city-initiatives/solar-municipal-property-tax-financing/pace-financing-toolkit/>;
<http://votesolar.org/city-initiatives/solar-municipal-property-tax-financing/pacetoolkit/>;
<http://votesolar.org/wp-content/uploads/2010/05/PHJW-PACE-White-Paper.pdf>.

² See, e.g., <http://blog.cleantechies.com/2010/06/23/stepping-up-pressure-on-pace/>; <http://pacenow.org/blog/>.

³ See, e.g., <http://votesolar.org/2010/03/recorded-webinar-strategies-for-passing-pace-enabling-legislation/>;
<http://votesolar.org/2010/07/pace-campaign-update-7292010/>;

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regularly publishes in various news media outlets in the renewable energy and clean technology sectors.⁴ Vote Solar is recognized as an information resource on solar, clean energy, and PACE-related subjects by major media, as reflected in the numerous news media organizations which have quoted and referenced Vote Solar regarding PACE and other clean energy issues.⁵ Vote Solar has given presentations on PACE to at least 10 major conference on clean energy issues, and expects to be invited to present at similar conferences in the future. As such, Vote Solar is in an excellent position to contribute to the broader public understanding on energy financing and PACE-related issues.

Vote Solar intends to analyze the records released by FOIA pursuant to its request and extract the previously-nonpublic information that is relevant to the public understanding of FHFA's activities. Vote Solar will then help the greater public understand FHFA's operations and activities in responding to third party information regarding PACE and the development of the FHFA PACE Guidance through the publication of fact sheets, email alerts, blog posts and other web content. Because of Vote Solar's expertise on PACE policy and demonstrated history of providing information regarding PACE to the public, Vote Solar has the expertise and competence necessary to analyze the requested documents and effectively convey the relevant information to the public. For these reasons, disclosure of the records requested by Vote Solar will contribute to a broad, public understanding of the formulation of the FHFA PACE Guidance.

<http://www.solar2010.org/program/cepa.htm> (ASES National Solar Conference May 20, 2010, "Jumping on the PACE Financing Train: the Little Engine that Could," presentation by Claudia Eyzaguirre, Senior Policy Advocate, Vote Solar Initiative).

⁴ See, e.g., <http://www.greentechmedia.com/articles/read/will-fanny-and-freddy-stop-pace/>;

<http://www.grist.org/article/new-york-passes-clean-energy-financing-bill>;

<http://www.grist.org/article/sf-keeping-pace>;

<http://www.renewableenergyworld.com/rea/news/article/2009/12/keeping-up-the-pace>;

<http://www.renewableenergyworld.com/rea/news/article/2010/09/pace-update-latest-bad-faith-move-from-fannie-freddie-highlights-the-need-for-congressional-action>;

<http://www.matternetwork.com/2010/7/the-pace-counter-attack.cfm>.

⁵ See, e.g., <http://about.lbog.org/finance-options-for-home-solar-are-growing/>;

http://articles.sfgate.com/2009-02-18/business/17189521_1_solar-system-solar-panels-state-rebate;

<http://www.bizjournals.com/sanfrancisco/stories/2010/07/05/daily5.html>;

<http://www.bizjournals.com/southflorida/stories/2010/04/19/story10.html?b=1271649600^3196891&s=industry&i=green>;

<http://motherjones.com/blue-marble/2010/06/fannie-and-freddie-attack-clean-energy-plan>;

<http://www.renewableenergyworld.com/rea/news/article/2010/07/pace-primer-boon-for-solar-developers-or-boondoggle-for-everyone>;

<http://www.renewableenergyworld.com/rea/news/article/2010/04/new-york-gets-us-40m-in-pace-funds>;

<http://www.grist.org/article/californias-photovoltaic-push>.

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(d) The Contribution to Public Understanding of Government Operations or Activities will be Significant.

The contribution to the public understanding of government operations or activities that will result from the requested disclosure will be significant, because at this time, the public does not have information regarding the third parties which provided comments and information regarding the development of the FHFA PACE Guidance or how FHFA responded to such comments and submissions.

The public has access to information regarding a Fannie Mae "Lender Letter" dated September 18, 2009, which provided that "servicers should treat [PACE] as any tax or assessment that may take priority over Fannie Mae's lien." There is also public information regarding a year of negotiations among the U.S. Department of Energy, White House, and consultations with FHFA that resulted in the development of the DOE's Guidelines for Pilot PACE Financing Guidelines on May 7, 2010.⁶

The public does not, however, have transparent information regarding which entities provided comments to FHFA regarding PACE, the content of any such communication, and how FHFA integrated this information into the FHFA PACE Guidance. Information regarding information and comments provided by third parties and FHFA's responses is not currently in the public domain. As noted above, Vote Solar is well-positioned to provide salient information to the interested public. Because the public does not have this information currently, the disclosure of the requested records will significantly contribute to the public's understanding of the operations or activities of government.

(e) Vote Solar Has No Commercial Interest that would be Furthered by Disclosure.

A "commercial interest" for purposes of determining whether a fee waiver is available under FOIA, is one that "furthers a commercial, trade or profit interest as those terms are commonly understood." DOJ Guidance § II(B)(1). As mentioned in FOIA Request Number 2010-97, Vote Solar is a fiscally-sponsored project of the Tides Center, a 501(c)(3) non-profit organization. Vote Solar's mission is to use public policy and educational initiatives to fight climate change by bringing solar energy into the mainstream. Vote Solar conducts policy initiatives to promote PACE because PACE has tremendous potential to increase the production of solar energy in the United States. Vote Solar, as a non-profit public advocacy organization,

⁶ See http://www1.eere.energy.gov/wip/pdfs/arra_guidelines_for_pilot_pace_programs.pdf.

Federal Housing Finance Agency
November 4, 2010
Page 7

does not sell anything, and does not derive commercial, trade or profit interest from the information sought. Vote Solar intends to review and analyze the records disclosed, and to provide information about FHFA's decision making regarding PACE to the public free of charge and without generating profit, trade or commercial interest therefrom. Thus, Vote Solar has no commercial interest that would be furthered by disclosure.

(f) Disclosure is Not Primarily in the Commercial Interest of Vote Solar

The final factor of the DOJ Guidance concerns the balance between the magnitude of the commercial interest of the requester in disclosure and the public interest in disclosure. As stated above, Vote Solar has no commercial interest in the disclosure of the requested documents. Thus, the magnitude of the commercial interest is zero, and does not outweigh the substantial public interest in disclosure of the requested records.

* * *

Accordingly, "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." §552(a)(4)(A)(iii). In consideration of the application of the factors set forth in the DOJ Guidance, FHFA should waive or substantially reduce the quoted fees for the processing and duplication of Vote Solar's FOIA Request.

3. FHFA Should Not Charge Vote Solar for "Reviewing" Fees Because Vote Solar's Request is for a Non-Commercial Purpose.

If FHFA denies Vote Solar's request for a fee waiver, or only grants a partial fee waiver, FHFA should still refrain from charging Vote Solar for the cost of "reviewing" the requested documents, because, as noted in FOIA Request 2010-97, Vote Solar's FOIA request is not commercial in nature. Under 5 U.S.C. § 552(a)(4)(A)(ii)(III), an agency may not assess fees associated with document review when records are not requested for commercial use. *See also* 5 CFR § 1303.50(d).

Vote Solar does not seek the requested records to further a "commercial, trade or profit interest". Vote Solar derives no commercial interest from the records and intends to provide information sought to the public at no charge. Instead, as discussed in section 2(e) above, Vote Solar seeks the requested records in order to educate the public about the operations and activities of FHFA in responding to information about PACE and developing the FHFA PACE Guidance. As noted, PACE is aligned with Vote Solar's mission to reduce global warming and expand the use of solar energy.

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In your email message to me dated September 30, 2010 (attached as part of Attachment 1), you estimated that "fees incurred associated with searching, printing, copying and reviewing documents (both responsive and non-responsive) located in response to your request have significantly exceeded \$2,500 and are closer to \$6,000." In your email message dated October 14, 2010, you requested advance payment of \$10,000 in fees in order to review the requested documents and provide a more accurate estimate of the total fees for this request. Because Vote Solar does not seek the requested records for a commercial purpose, any fees associated with reviewing the requested documents for their relevance or regarding the applicability of relevant FOIA exemptions may not be assessed in connection with this request. Accordingly, if Vote Solar's request for a fee waiver is denied in whole or in part, FHFA should re-estimate the fees without attempting to charge Vote Solar for fees associated with reviewing documents.

4. FHFA Should Not Charge Vote Solar for Fees Incurred in "Searching" for the Requested Records or "Reviewing" Such Records Because Vote Solar is a Representative of the News Media.

Even if FHFA denies Vote Solar's request for a fee waiver, or only grants a partial fee waiver, FHFA should still refrain from charging Vote Solar for the cost of "searching" for or "reviewing" the requested documents, because Vote Solar qualifies as a "representative of the news media" under 5 U.S.C. § 552(a)(4)(A)(ii)(II). Under FOIA, a "representative of the news media" is defined as "any person or entity that gathers information of potential interest to a segment of the public, uses editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." 5 U.S.C. § 552(a)(4)(A)(ii).

Votes Solar and its staff regularly gather information of potential interest to a segment of the public, including information regarding state and federal PACE legislation, litigation and policy developments relating to PACE, and tax, financial incentives and other federal and state regulatory policies relevant to solar and renewable energy development. This information is of interest to a broad segment of the public, including individuals, policymakers, businesses and organizations interested in preventing climate change and mitigating environmental harm associated with fossil energy and encouraging incentives for the development of solar and other renewable energy. Vote Solar's national membership is comprised of 50,000 individuals who have opted in through the Vote Solar website or other methods to receive solar policy news and information from Vote Solar. As such, Vote Solar's members are highly engaged, with email open rates typically between 15-20%.

Since its founding in 2002, Vote Solar has leveraged the editorial skills of its staff to analyze, synthesize and explain the information they have gathered regarding PACE, renewable energy incentives and other policy developments. Vote Solar then uses these editorial skills to

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produce distinct works that are actively disseminated to an audience, including newsletters sent via electronic mail, articles written for publication by the news media, fact sheets, white papers, press releases, blog posts, webinars, conference proceedings, and other means.⁷ Vote Solar's data and information is often referenced by other informational sources, such as the U.S. Department of Energy, Wikipedia, and the American Council for an Energy Efficient Economy.⁸ Members of Vote Solar are frequent contributing writers for Grist.org, Greentech Media, and Renewable Energy World.⁹ In the past 12 months, Vote Solar has sent 11 emails regarding PACE issues to either its full 50,000-person membership or subsets of its membership. As provided under the FOIA statute, electronic dissemination of such works is included in the definition of "news".¹⁰

With regard to FOIA Request Number 2010-97, Vote Solar seeks information regarding third party communications and information provided by third parties to FHFA staff, FHFA's response to such communications and information, and the development of the FHFA PACE Guidance. This information is of great interest to a broad segment of the public.¹¹ National interest in PACE programs is significant, as evidenced by the fact that over 20 states have developed enabling legislation.¹² Major municipalities across the country, including San Diego, San Francisco, Boulder, and Washington D.C. have been in the process of developing PACE programs, yet such programs have been stymied by the FHFA PACE Guidelines. The FHFA PACE Guidelines have resulted in numerous lawsuits and the filing of Federal legislation.¹³

As noted above, Vote Solar has 50,000 members nationwide. Vote Solar staff intend to use their editorial skills to turn the raw materials disclosed as a result of its FOIA request into one or more distinct works, such as fact sheets, email alerts, press releases, blog posts, and news articles. Vote Solar intends to distribute these materials on its website, to media organizations, to

⁷ See notes 1 through 5; see also http://www.ases.org/index.php?view=article&catid=12:latest-features&id=172:SolarToday&option=com_content&Itemid=23;
<http://votesolar.org/2010/02/sf-green-lights-pace-program/>;
<http://votesolar.org/2009/10/what-upfront-cost/>;
<http://votesolar.org/2010/05/florida-2010-pace-is-the-bright-spot-in-a-sunless-session/>;
http://votesolar.org/press/ny_pace_release/;
<http://votesolar.org/press/press-releases/ny-gets-federal-pace-funds/>.

⁸ See, e.g., http://www.solaramericacities.energy.gov/resources/guide_for_local_governments/2/5/;
<http://www.dsireusa.org/solar/solarpolicyguide?id=26>;
http://en.wikipedia.org/wiki/PACE_Financing;
<http://www.accee.org/sector/state-policy/toolkit/pace>.

⁹ See note 2.

¹⁰ See 5 U.S.C. § 552(a)(4)(A)(ii); see also *Elect. Privacy Info. Ctr. v. DOD*, 241 F.Supp. 2d 5, 14 (D.D.C. 2003).

¹¹ See, e.g. note 5.

¹² See <http://www.dsireusa.org/solar/solarpolicyguide?id=26>.

¹³ See, e.g. [http://ag.ca.gov/cms_attachments/press/pdfs/n1951_final_pace_complaint_&_exhibits_\(stamped\).pdf](http://ag.ca.gov/cms_attachments/press/pdfs/n1951_final_pace_complaint_&_exhibits_(stamped).pdf);
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h5766ih.txt.pdf;

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its membership via electronic mail, on relevant environmental and renewable energy-interest blogs. Courts have recognized that such activities qualify nonprofit organizations for FOIA requester status as "representatives of the news media."¹⁴ Because it "regularly publishes or disseminates information to the public," Vote Solar qualifies as a "representative of the news media."¹⁵

As noted, your September 30, 2010 email message estimated fees incurred associated with "searching, printing, copying and reviewing documents (both responsive and non-responsive)". For the reasons outlined above, Vote Solar qualifies as a "representative of the news media". Thus, any fees associated with "searching" for responsive documents and "reviewing" such documents should not be charged to my client in connection with this request. If FHFA denies Vote Solar's request for a fee waiver in whole or in part, FHFA may only charge Vote Solar for costs associated with document duplication in excess of 100 pages, or an electronic equivalent of 100 pages.

5. Vote Solar's FOIA Request is Not Withdrawn.

In your email to me dated October 14, 2010 (attached hereto as Attachment 1), you stated that if Vote Solar did not agree to pay a fee of \$10,000, you would consider the request withdrawn. No time limit was provided for Vote Solar's response to this demand, nor is there any such time limit required by the FOIA statute or FHFA's FOIA regulations. Vote Solar does not agree to withdraw its request. Instead, Vote Solar requests that FHFA apply the waiver of fees required by 5 U.S.C. §552(a)(4)(A)(iii).

* * *

In summary, Vote Solar hereby requests a fee waiver pursuant to §552(a)(4)(A)(iii). If the fee waiver is denied, Vote Solar requests a significant reduction in the fees estimated by FHFA. As mentioned in my email message to Jeanne Ratchford dated August 2, 2010, Vote Solar is willing to pay fees associated with FOIA Request Number 2010-97 up to a maximum of \$2500.00. Vote Solar's request is not for commercial purposes, and Vote Solar meets FOIA's definition of a "representative of the news media", thus FHFA should not assess any fees associated with "reviewing" and "searching" for documents responsive to this request. Should you require any further information to make your determination regarding this fee waiver

¹⁴ See, e.g., *Elect. Privacy Info. Ctr. v. DOD*, 241 F.Supp. 2d 5, 14 (D.D.C. 2003). (holding that nonprofit public interest organization that produces electronic newsletters, public reports and analyses and distributes information on the internet was a "representative of the news media" for purposes of FOIA requester status and fee assessments).

¹⁵ See *Nat'l Security Archive v. DOD*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

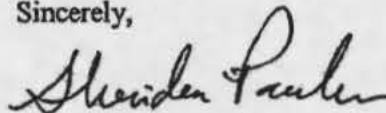
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request, please do not hesitate to ask. Finally, FOIA Request 2010-97 is not withdrawn, and FHFA has no basis for considering such request to be withdrawn.

Please respond as soon as possible with your determination regarding Vote Solar's fee waiver request, and, if such waiver is denied, Vote Solar's request for a reduction in fees based on its requestor categories. My mailing address is provided above. I can be reached via email at spauker@wsgr.com and my telephone number is (b) (6).

Thank you for your prompt consideration of this request.

Sincerely,



Sheridan Pauker
Wilson Sonsini Goodrich & Rosati

Cc: Adam Browning
Rosalind Jackson
The Vote Solar Initiative

Attachment 1

- Email correspondence from FHFA dated October 14, 2010.
- Email correspondence to FHFA dated October 4, 2010.
- Email correspondence from FHFA dated September 30, 2010.

5196877_4.DOC

AUSTIN NEW YORK PALO ALTO SAN DIEGO SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

Pauker, Sheridan

From: Lee, David A. [David.Lee@fhfa.gov]
Sent: Thursday, October 14, 2010 8:09 AM
To: Pauker, Sheridan
Cc: Ratchford, Jeanne; Adam Browning
Subject: RE: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)

Ms. Pauker:

We have reviewed your email below. As I understand your request, you would like to know a) the estimated number of responsive records; b) the estimated number of releasable (non-exempt) records (including records that contain some redacted material); and c) the estimated total cost of completing the request for each of the 4 proposed narrowed requests.

The four possible narrowed requests listed below are very broad and sweeping (requesting all correspondence or records relating to PACE to and from undefined and unnamed non-governmental third parties (including corporate entities, trade associations and agents thereof)). In order to provide you with the information requested for each of the 4 requests, FHFA would need to review each document in the 20 to 25 boxes so that 1) we could identify the estimated number of responsive documents; 2) determine the estimated number of documents which may be releasable (with or without redactions), and 3) estimate the cost for completing each request. Doing so would be akin to conducting a full blown search and review. As such, we cannot proceed without an advance payment from you.

If you would like FHFA to proceed with processing your request, whether the original request, one of the narrowed requests, or if you would like us to provide you with the information you requested for each proposed narrowed request, we will require advance payment of at least \$10,000 in accordance with FHFA's FOIA regulation (*see* 12 CFR § 1202.11). If Vote Solar does not agree to pay this fee, we will consider the request withdrawn.

Until we hear from you, processing your request continues to be suspended.

Sincerely,

David A. Lee
Chief FOIA Officer
Chief Privacy Officer

From: Pauker, Sheridan [mailto:spauker@wsgr.com]
Sent: Monday, October 04, 2010 11:27 PM
To: Lee, David A.
Cc: Ratchford, Jeanne; Adam Browning
Subject: RE: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)

Mr. Lee,

Thank you for your response.

My client would like more information regarding the estimated number of responsive (and releasable) documents, if it were to narrow the FOIA request.

The client suggests four possible narrowed requests:

- 1) All correspondence or records relating to PACE (as defined in our request letter) provided by non-governmental third parties (including corporate entities, trade associations and agents thereof) to current or former employees or associates of FHFA.
- 2) All correspondence or records relating to PACE (as defined in our request letter) provided to non-governmental third parties (including corporate entities, trade associations and agents thereof) by current or former employees or associates of FHFA.
- 3) All correspondence or records relating to PACE (as defined in our request letter) provided by non-governmental third parties (including corporate entities, trade associations and agents thereof) to Stephen Cross, Edward DeMarco, James Lockhart, Patricia McClung, Alfred Pollard and Marianne Sullivan.
- 4) All correspondence or records relating to PACE (as defined in our request letter) provided to non-governmental third parties (including corporate entities, trade associations and agents thereof) by Stephen Cross, Edward DeMarco, James Lockhart, Patricia McClung, Alfred Pollard and Marianne Sullivan.

For each of the above 4 requests, could you please provide:

- a) the estimated number of responsive records.
- b) the estimated number of releasable (non-exempt) records (including records that contain some redacted material)
- c) the estimate total cost of completing the request.

This information will help us to determine how to narrow our search and determine whether it is willing to pay additional fees.

I would be happy to discuss this further by phone.

Thank you,

Sheridan J. Pauker, Esq. | Wilson Sonsini Goodrich & Rosati
Energy and Clean Technology Group
One Market Street, Spear Tower, Suite 3300 | San Francisco, California 94105
(b) (6) Email: spauker@wsgr.com

From: Lee, David A. [mailto:David.Lee@fhfa.gov]
Sent: Thursday, September 30, 2010 11:12 AM
To: Pauker, Sheridan
Cc: Ratchford, Jeanne
Subject: Vote Solar Initiative FOIA Request (FHFA FOIA 2010-97)

Ms. Pauker:

This is a follow up to our telephone conversation on Tuesday September 28, 2010 regarding the subject FOIA request.

In your email of August 3, 2010 to Jeanne Ratchford, you indicated that Vote Solar Initiative was willing to pay fees up to \$2,500 in connection with the subject request. As I mentioned to you in our telephone conversation on September 28th, to date the fees incurred associated with searching, printing,

copying, and reviewing documents (both responsive and non-responsive) located in response to your request have significantly exceeded \$2,500 and are closer to \$6,000. I also mentioned that based on preliminary indications the fees to finish responding to your request were likely to be 1 to 2 times higher.

To date we have reviewed approximately 8 boxes of documents and have another 15 to 20 more boxes of documents to review. Of those documents, approximately 20 to 30% are responsive (that does not mean that the documents are releasable, just that they fall within the parameters of the subject request). Based on a preliminary review and analysis, it appears that 90 to 95% of the responsive documents will likely be withheld from disclosure citing either Exemption b(4) (commercial or financial information); b(5) (deliberative process privilege, attorney-work product privilege, and/or attorney-client privilege); or b(8) (matters contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions), or a combination thereof.

Since we have exceeded the \$2,500 in fees that Vote Solar has indicated a willingness to pay, processing your request has been suspended until you advise me on how you would like to proceed. If you would still like FHFA to proceed with processing your request we will require advance payment in accordance with FHFA's FOIA regulation. See 12 CFR § 1202.11(e)(1). Given the costs incurred to date, fees for processing this request are likely to be between \$12,000 and \$18,000. If Vote Solar does not agree to pay these fees, we will consider the request withdrawn.

Finally, you may narrow the scope of your request in order that it may be processed with a reasonable amount of effort and expense. If you do narrow your request, we will estimate the fees to process it and will require advance payment.

If you have any questions, I can be reached at (202) 414-3804.

Sincerely,

David A. Lee
Chief FOIA Officer
Chief Privacy Officer
Federal Housing Finance Agency

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Attachment 2

Letter from FHFA dated October 29, 2010



Federal Housing Finance Agency

1700 G Street, N.W., Washington, D.C. 20552-0003

Telephone: (202) 414-3800

Facsimile: (202) 414-3823

www.fhfa.gov

October 29, 2010

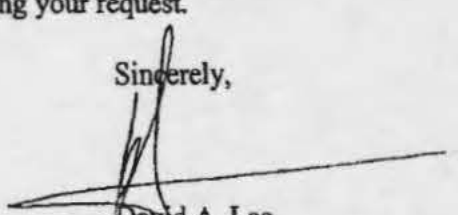
Sheridan J. Pauker
Wilson Sonsini Goodrich & Rosati
One Market Street, Spear Tower, Suite 3300
San Francisco, California 94105

Dear Ms. Pauker:

By email dated October 14, 2010 you were informed that if Vote Solar did not agree to pay a fee of \$10,000 for processing their FOIA request (FOIA 2010-97), FHFA would consider the request withdrawn. To date FHFA has not heard from either you or Vote Solar. Consequently, we consider FOIA Request 2010-97 withdrawn. As such, FHFA will no longer process your request.

If you would like to resubmit your request you may do so and we will treat it as a new request. Be advised that we will require advance payment of fees for searching and reviewing documents prior to processing your request.

Sincerely,



David A. Lee
Chief FOIA Officer

From: Ratchford, Jeanne
 Sent: Sunday, August 29, 2010 12:00 PM
 To: Pauker, Sheridan
 Cc: Adam Browning
 Subject: RE: FHFA FOIA2010-97

Dear Ms. Pauker,

Thank you for the notification. We are still searching/reviewing documents. I don't expect to complete the review of documents until the end of September.

Sincerely,

Jeanne Ratchford
 FOIA Officer
foia@fhfa.gov

From: Pauker, Sheridan [mailto:spauker@wsgr.com]
 Sent: Friday, August 27, 2010 6:40 PM
 To: Ratchford, Jeanne
 Cc: Adam Browning
 Subject: RE: FHFA FOIA2010-97

Dear Ms. Ratchford,

I wanted to let you know that I will be out of the office until September 3th. Please cc my client Adam Browning of the Vote Solar Initiative on any correspondence in the interim, because I will not have email access.

Thanks very much,

Sheridan J. Pauker, Esq. | Wilson Sonsini Goodrich & Rosati
 Energy and Clean Technology Group
 One Market Street, Spear Tower, Suite 3300 | San Francisco, California 94105
 Email: spauker@wsgr.com

(b) (6)

From: Ratchford, Jeanne [mailto:Jeanne.Ratchford@fhfa.gov]
 Sent: Wednesday, August 04, 2010 11:12 AM
 To: Pauker, Sheridan
 Subject: RE: FHFA FOIA2010-97

Dear Ms. Pauker:

Thank you for your prompt response. I do not need an additional letter regarding your agreement to pay fees up to \$2500.

Your request has been assigned to the complex track and will not be completed by August 5, 2010. Although I am working on your request, there are several other requests I am processing that FHFA received prior to your request.

The search for records responsive to your request is underway. Your request will be processed as expeditiously as possible in accordance with the FOIA (5 U.S.C. Section 552) and the FHFA's FOIA regulation (12 CFR Part 1202).

Sincerely,

Jeanne Ratchford
 FOIA Officer
foia@fhfa.gov

From: Pauker, Sheridan [mailto:spauker@wsgr.com]
 Sent: Tuesday, August 03, 2010 5:37 PM
 To: Ratchford, Jeanne
 Cc: Adam Browning
 Subject: RE: FHFA FOIA2010-97

Dear Ms. Ratchford,

Thank you for your email. My client is willing to pay fees up to \$2500 in connection with this request. Is this email confirmation sufficient, or do you need a letter in addition?

Also, I wanted to confirm my understanding that the deadline for FHFA's response to the FOIA request is still this Thursday, August 5th. Please confirm whether this is FHFA's understanding as well.

Thank you very much,

Sheridan J. Pauker, Esq. | Wilson Sonsini Goodrich & Rosati
 Energy and Clean Technology Group
 One Market Street, Spear Tower, Suite 3300 | San Francisco, California 94105
 Email: spauker@wsgr.com

(b) (6)

From: Ratchford, Jeanne [mailto:Jeanne.Ratchford@fhfa.gov]
 Sent: Tuesday, August 03, 2010 11:43 AM

file://O:\OIT\FOIA_2010\00_FOIA_FY10_REQUESTS\01_FOIA_FY10_OPEN_REQUES... 2/2/2011

To: Pauker, Sheridan
Subject: FHFA FOIA2010-97

Dear Ms. Pauker:

I am writing to advise you that I have begun processing your Freedom of Information Act (FOIA) request (attached). I have determined that the fees to process your request will exceed the \$500.00 you have authorized. Based on the scope of your request, I estimate the fees to process your FOIA request will exceed \$2000.00.

In order to reduce the fees to process the request, you may narrow your request. If you do not wish to narrow your request, you will need to agree in writing to pay fees up to \$2500.00. Please note that processing your request will be suspended until you respond.

Please be advised that your FOIA request has been assigned to the complex track.

Sincerely,

Jeanne Ratchford
FOIA Officer
foia@fhfa.gov

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From: Pauker, Sheridan [spauker@wsgr.com]
 Sent: Friday, August 27, 2010 6:40 PM
 To: Ratchford, Jeanne
 Cc: Adam Browning
 Subject: RE: FHFA FOIA2010-97

Dear Ms. Ratchford,

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Thanks very much,

Sheridan J. Pauker, Esq. | Wilson Sonsini Goodrich & Rosati
 Energy and Clean Technology Group
 One Market Street, Spear Tower, Suite 3300 | San Francisco, California 94105
 (b) (6) Email: spauker@wsgr.com

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 Subject: RE: FHFA FOIA2010-97

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The search for records responsive to your request is underway. Your request will be processed as expeditiously as possible in accordance with the FOIA (5 U.S.C. Section 552) and the FHFA's FOIA regulation (12 CFR Part 1202).

Sincerely,

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 FOIA Officer
foia@fhfa.gov

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Thank you very much,

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Sincerely,

Jeanne Ratchford
 FOIA Officer

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foia@fhfa.gov

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From: Ratchford, Jeanne
 Sent: Friday, August 06, 2010 6:46 PM
 To: Pauker, Sheridan
 Cc: Adam Browning
 Subject: RE: FHFA FOIA2010-97

Dear Ms. Pauker:

I estimate that we will complete the review of documents and release any records determined to not be exempt from disclosure by September 30, 2010.

Sincerely,

Jeanne Ratchford
 FOIA Officer
foia@fhfa.gov

From: Pauker, Sheridan [mailto:spauker@wsgr.com]
 Sent: Wednesday, August 04, 2010 6:12 PM
 To: Ratchford, Jeanne
 Cc: Adam Browning
 Subject: RE: FHFA FOIA2010-97

Dear Ms. Ratchford,

Thank you very much for your prompt response.

We appreciate your efforts to process the request as expeditiously as possible. Could you please provide an estimate of the date by which you expect to have completed your response to the request (per 5 U.S.C. Section 552(a)(7)(B)(ii))? If this information is available on a telephone line or internet service, could you please provide the information on where to find it?

Thanks again,

Sheridan J. Pauker, Esq. | Wilson Sonsini Goodrich & Rosati
 Energy and Clean Technology Group
 One Market Street, Spear Tower, Suite 3400 | San Francisco, California 94105
 Email: spauker@wsgr.com

(b) (6)

From: Ratchford, Jeanne [mailto:Jeanne.Ratchford@fhfa.gov]
 Sent: Wednesday, August 04, 2010 11:12 AM
 To: Pauker, Sheridan
 Subject: RE: FHFA FOIA2010-97

Dear Ms. Pauker:

Thank you for your prompt response. I do not need an additional letter regarding your agreement to pay fees up to \$2500.

Your request has been assigned to the complex track and will not be completed by August 5, 2010. Although I am working on your request, there are several other requests I am processing that FHFA received prior to your request.

The search for records responsive to your request is underway. Your request will be processed as expeditiously as possible in accordance with the FOIA (5 U.S.C. Section 552) and the FHFA's FOIA regulation (12 CFR Part 1202).

Sincerely,

Jeanne Ratchford
 FOIA Officer
foia@fhfa.gov

From: Pauker, Sheridan [mailto:spauker@wsgr.com]
 Sent: Tuesday, August 03, 2010 5:37 PM
 To: Ratchford, Jeanne
 Cc: Adam Browning
 Subject: RE: FHFA FOIA2010-97

Dear Ms. Ratchford,

Thank you for your email. My client is willing to pay fees up to \$2500 in connection with this request. Is this email confirmation sufficient, or do you need a letter in addition?

Also, I wanted to confirm my understanding that the deadline for FHFA's response to the FOIA request is still this Thursday, August 5th. Please confirm whether this is FHFA's understanding as well.

Thank you very much,

Sheridan J. Pauker, Esq. | Wilson Sonsini Goodrich & Rosati
 Energy and Clean Technology Group
 One Market Street, Spear Tower, Suite 3400 | San Francisco, California 94105
 Email: spauker@wsgr.com

(b) (6)

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From: Ratchford, Jeanne [mailto:Jeanne.Ratchford@fhfa.gov]
Sent: Tuesday, August 03, 2010 11:43 AM
To: Pauker, Sheridan
Subject: FHFA FOIA2010-97

Dear Ms. Pauker:

I am writing to advise you that I have begun processing your Freedom of Information Act (FOIA) request (attached). I have determined that the fees to process your request will exceed the \$500.00 you have authorized. Based on the scope of your request, I estimate the fees to process your FOIA request will exceed \$2000.00.

In order to reduce the fees to process the request, you may narrow your request. If you do not wish to narrow your request, you will need to agree in writing to pay fees up to \$2500.00. Please note that processing your request will be suspended until you respond.

Please be advised that your FOIA request has been assigned to the complex track.

Sincerely,

Jeanne Ratchford
FOIA Officer
foia@fhfa.gov

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From: Ratchford, Jeanne
Sent: Tuesday, August 03, 2010 2:43 PM
To: spauker@wsgr.com
Subject: FHFA FOIA2010-97
Attachments: FOIA2010-97_initial request (1).pdf

Dear Ms. Pauker:

I am writing to advise you that I have begun processing your Freedom of Information Act (FOIA) request (attached). I have determined that the fees to process your request will exceed the \$500.00 you have authorized. Based on the scope of your request, I estimate the fees to process your FOIA request will exceed \$2000.00.

In order to reduce the fees to process the request, you may narrow your request. If you do not wish to narrow your request, you will need to agree in writing to pay fees up to \$2500.00. Please note that processing your request will be suspended until you respond.

Please be advised that your FOIA request has been assigned to the complex track.

Sincerely,

Jeanne Ratchford
FOIA Officer
foia@fhfa.gov

(b) (6)

From: Hall, Kimberly
Sent: Thursday, July 08, 2010 7:56 AM
To: Pauker, Sheridan
Cc: Ratchford, Jeanne
Subject: RE: FHFA FOIA Request

Dear Mr. Pauker:

This e-mail confirms receipt of your Freedom of Information Act (FOIA) request. Your request is being reviewed and you will be contacted once it is determined if additional information or clarification is needed.

Your request was received in the FOIA office on July 8, 2010, and assigned the Federal Housing Finance Agency (FHFA) FOIA request number 2010-97. Please refer to this tracking number in any correspondence concerning your request.

Your FOIA request is releasable to the public under subsequent FOIA requests. In responding to these requests, FHFA does not release personal privacy information, such as home address and home phone number, all of which is protected from disclosure under Exemption 6.

If you have questions concerning your request, you may contact Jeanne Ratchford at 202-414-6425 or by email at foia@fhfa.gov.

Sincerely,

Kimberly Hall
Information Management Assistant

From: Pauker, Sheridan [mailto:spauker@wsgr.com]
Sent: Wednesday, July 07, 2010 10:33 PM
To: !FOIA Office
Cc: abrowning@votesolar.org
Subject: FHFA FOIA Request

Dear FOIA Officer,

Please find the attached FOIA Request submitted at the request of the Vote Solar Initiative.

If you have any questions, please do not hesitate to contact me.

Thank you very much for your prompt attention to this request.

Sheridan J. Pauker, Esq. | Wilson Sonsini Goodrich & Rosati
Energy and Clean Technology Group
One Market Street, Spear Tower, Suite 3300 | San Francisco, California 94105
(b) (6) | Email: spauker@wsgr.com

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July 7, 2010

Mr. Mark Laponsky
Chief FOIA Officer
Federal Housing Finance Agency
1700 G Street, N.W.
Washington, DC 20552

Re: Freedom of Information Act Request

Dear Mr. Laponsky:

This letter constitutes a request under the Freedom of Information Act, 5 U.S.C. §552 ("FOIA"). I am submitting this letter at the request of my client, the Vote Solar Initiative, a non-profit organization that uses public policy and educational initiatives to fight climate change by bringing solar energy into the mainstream. The Vote Solar Initiative is a fiscally-sponsored project of the Tides Center, a 501(c)(3) non-profit organization. This request is being made for the public interest purpose of increasing the public knowledge of government operations and activities, and records are not being requested for commercial use.

By this request, the Vote Solar Initiative seeks copies of records pertaining to programs through which local governments finance renewable energy or energy efficiency improvements on private property and levy assessments on the property benefited thereby, in most instances known as "Property Assessed Clean Energy" or "Energy Loan Tax Assessment Programs" (collectively referred to herein as "PACE") provided to or produced by the Federal Housing Finance Agency ("FHFA").

The term "record" refers to agency records as defined in 5 U.S.C. §552(f)(2) and maintained in any format, including, but not limited to: memoranda, correspondence, analyses, evaluations, policies, reports, notes of meetings, and other written and printed records or records in any other format, including records kept in electronic format.

This request includes the following records:

1. All correspondence or other records relating to PACE provided to General Counsel Alfred Pollard and to Acting Director Edward J. DeMarco from sources external to FHFA.

Federal Housing Finance Agency
July 7, 2010
Page 2

2. All correspondence or other records relating to PACE produced by or provided to current or former employees or associates of FHFA, the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), or the Federal Home Loan Banks in the possession of FHFA, including, but not limited to the following individuals: James Lockhart, Edward DeMarco, Stephen Cross, Marianne Sullivan, Alfred Pollard and Patricia McClung.

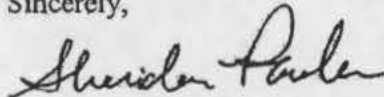
This request is limited to records produced or received between January 1, 2008 and the present date. Please duplicate and furnish the records without inspection by the Vote Solar Initiative.

The Vote Solar Initiative is willing to pay fees associated with the processing of this request and duplication of records up to a maximum of \$500.00. If you estimate that the fees will exceed this amount, please inform me first.

If this request is denied in whole or in part, please justify the withholding of all records by reference to specific exemptions under FOIA and release all segregable portions of otherwise exempt material. My mailing address is provided above. I can be reached via email at spauker@wsgr.com and my telephone number is (b) (6)

Thank you very much for your prompt consideration of this request.

Sincerely,



Sheridan Pauker
Wilson Sonsini Goodrich & Rosati

Cc: Adam Browning
The Vote Solar Initiative

From: JODY SHENN, BLOOMBERG/ NEWSROOM: <jshenn@bloomberg.net>
Sent: Tuesday, February 01, 2011 3:38 PM
To: Lee, David A.
Subject: RE: Re:FW: Re:FHFA FOIA Requests - 2010-28 and 2010-29
Attachments: alt_body.html

Understood. I'm patient and appreciate the work you're doing.

Sent From Bloomberg Mobile MSG

----- Original Message -----

From: David A. Lee <David.Lee@fhfa.gov>
At: 2/1/2011 15:36

Mr. Shenn

Even taking into account how you broke down the two FOIA requests into separate parts, because of the volume of documents (both the emails and documents attached thereto) it will take considerable time to review each email and attached document to determine whether 1) it is in fact responsive to your requests; and 2) if responsive whether the entire document or portions thereof can be released or not.

Given that this is complex request and the voluminous amount of documents, it will take a considerable amount of time to review all of the documents. We are in the process of reviewing documents now and while I cannot give you an estimated date of completion, as we come across documents that can be released, either in whole or in part, we will make partial disclosures and not wait until we have reviewed all the documents.

If you have any questions, please contact me.

Sincerely,

David A. Lee
Chief FOIA Officer
Chief Privacy Officer

From: JODY SHENN, BLOOMBERG/ NEWSROOM: [mailto:jshenn@bloomberg.net]
Sent: Tuesday, January 04, 2011 1:47 PM
To: !FOIA Office
Subject: Re:FW: Re:FHFA FOIA Requests - 2010-28 and 2010-29

Thank you for the follow up. My request after hearing of the volume last month was that the two FOIA request each be broken down into separate parts, as listed in the email below, with your response on each piece hopefully coming to me after each review was completed. Is that possible?

Subject: Re:FHFA FOIA Requests - 2010-28 and 2010-29

Please confirm that this has been received and is being worked on.

Thanks so much,
Jody

From:

JODY SHENN, BLOOMBERG/ NEWSROOM:

To:

<Jeanne.Ratchford@fhfa.gov>

Subject:

Re:FHFA FOIA Requests - 2010-28 and 2010-29

Date:

12/09/2010 8:00:10

Can you please handle the request by processing discrete pieces of it in the following order:

For FOIA2010-28:

1) All emails or other written communications sent or received by Ed DeMarco or Jim Lockhart relating to demands that Washington Mutual repurchase single-family mortgages because of breaches of representation and warranties, or other loan deficiencies. For the time period of June 30 2008, to present.

2) All emails or other written communications sent or received by Ed DeMarco relating to demands that seller/servicers or other counterparties repurchase single-family mortgages because of breaches of representations and warranties, or other loan deficiencies. For the time period of Jan. 1 2010, to present.

3) All emails or other written communications sent or received by Ed DeMarco or Jim Lockhart relating to demands that seller/servicers or other counterparties repurchase single-family mortgages because of breaches of representations and warranties, or other loan deficiencies. For the time period of Jan. 1 2009, to Jan. 1, 2010.

3) All emails or other written communications sent or received by Ed DeMarco or Jim Lockhart relating to demands that seller/servicers or other counterparties repurchase single-family mortgages because of breaches of representations and warranties, or other loan deficiencies. For the time period of Jan. 1 2008, to Jan. 1, 2009.

For FOIA2010-29

4) All emails or other written communications and documents sent or received by Ed DeMarco or Jim Lockhart regarding the policies or actions of Fannie Mae and Freddie Mac relating to the companies' so-called alliances, or negotiated contractual arrangements giving preferential guarantee-fee pricing or other perks in return for a specific share of a seller/servicer's business. Time period of Nov. 30, 2008 to the present.

From:

#Foia<#FOIA@fhfa.gov>

To:

JODY SHENN, BLOOMBERG/ NEWSROOM:

Subject:

FW: Re:FHFA FOIA Requests - 2010-28 and 2010-29

Date:

1/04/2011 10:33:20

Mr. Shenn

I wanted to follow up on the email below. Be advised that we have located over 750 emails responsive to your request. Be also advised that the vast majority of these emails have one or more documents attached thereto. Given the voluminous nature of documents, it will take a considerable amount of time to review these documents and make a determination whether to release or withhold the documents. At this time, I cannot give you an estimated date of completion. If you would like to further narrow your search please advise. Otherwise we will proceed with reviewing these documents as expeditiously as possible, taking into consideration the volume of documents, and other FOIA's that have been received.

Sincerely,

David A. Lee
Chief FOIA Officer

From: Ratchford, Jeanne
Sent: Tuesday, January 04, 2011 9:47 AM
To: JODY SHENN, BLOOMBERG/ NEWSROOM:
Subject: RE: Re:FHFA FOIA Requests - 2010-28 and 2010-29

Dear Mr. Shenn:

Good morning. Your email was received and the search for documents is completed. We are currently reviewing the documents and will respond to you as soon as possible.

Sincerely,

Jeanne Ratchford
FOIA Officer
foia@fhfa.gov<mailto:foia@fhfa.gov>

From: JODY SHENN, BLOOMBERG/ NEWSROOM: [mailto:jshenn@bloomberg.net]
Sent: Tuesday, January 04, 2011 8:42 AM
To: Ratchford, Jeanne

Please let me know if breaking down this way poses any challenges.

Thank you,
Jody

From:

Jeanne Ratchford<Jeanne.Ratchford@fhfa.gov>

To:

JODY SHENN, BLOOMBERG/ NEWSROOM:

Subject:

FHFA FOIA Requests - 2010-28 and 2010-29

Date:

12/08/2010 9:55:00

Dear Mr. Shenn:

On October 7, 2010, you agreed to narrow your two Freedom of Information Act requests as follows:

- FOIA2010-28 – You requested for the time period January 1, 2008 to the present:

All emails or other written communications sent or received by Ed DeMarco or Jim Lockhart relating to demands that seller/servicers or other counterparties repurchase single-family mortgages because of breaches of representations and warranties, or other loan deficiencies.

All emails or other written communications sent or received by Ed DeMarco or Jim Lockhart relating to demands that Washington Mutual repurchase single-family mortgages because of breaches of representation and warranties, or other loan deficiencies.

- FOIA2010-29 – You requested for the time period January 1, 2008 to the present:

All emails or other written communications and documents sent or received by Ed DeMarco or Jim Lockhart regarding the policies or actions of Fannie Mae and Freddie Mac relating to the companies' so-called alliances, or negotiated contractual arrangements giving preferential guarantee-fee pricing or other perks in return for a specific share of a seller/servicer's business.

I am writing to advise you that the search for records that may be responsive is completed. The search terms we used produced a very large volume of documents (I estimate 25 to 30 boxes based on what we have printed so far) and we suspect many of the documents are not responsive to your request.

Please know that our goal is to complete your request as quickly as possible and appreciate your patience. It would be very helpful and allow us to complete your request sooner if you could further narrow your request or give us additional information about what exactly you are looking for so we can better locate any responsive and releasable documents. If you are not able to narrow your request, I estimate it will take several months to print and review all possibly responsive documents.

Thank you.

Sincerely,

Jeanne Ratchford
FOIA Officer

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Re FW FHFA FOIA2010-28 and 2010-29_narrowed request.txt
From: JODY SHENN, BLOOMBERG/ NEWSROOM: [jshenn@bloomberg.net]
Sent: Thursday, October 07, 2010 4:17 PM
To: Ratchford, Jeanne
Subject: Re: FW: FHFA FOIA2010-28 and 2010-29
Attachments: alt_body.html; FOIA2010-28_Intitial request1.doc; FOIA2010-29_intial request.doc

I'm sorry, thought I had confirmed with last email. Please take this as confirmation.

Sent From Bloomberg Mobile MSG

----- Original Message -----
From: Jeanne Ratchford <Jeanne.Ratchford@fhfa.gov>
At: 10/7/2010 15:56

Dear Mr. Shenn:

I have not received confirmation from you that my summaries of your modified requests are accurate. Please confirm so that I may proceed in processing your requests.

Sincerely,

Jeanne Ratchford
FOIA Officer
foia@fhfa.gov
From: Ratchford, Jeanne
Sent: Wednesday, September 29, 2010 3:50 PM
To: jshenn@bloomberg.net
Subject: FHFA FOIA2010-28 and 2010-29

Dear Mr. Shenn:

Thank you for agreeing to narrow the enclosed Freedom of Information Act requests. Per our conversation, please confirm that you have modified the requests as follows:

FOIA2010-28 - You are requesting for the time period January 1, 2008 to the present:

All emails or other written communications sent or received by Ed DeMarco or Jim Lockhart relating to demands that seller/servicers or other counterparties repurchase single-family mortgages because of breaches of representations and warranties, or other loan deficiencies.

All emails or other written communications relating to demands that Washington Mutual repurchase single-family mortgages because of breaches of representation and warranties, or other loan deficiencies.

FOIA2010-29 - You are requesting for the time period January 1, 2008 to the present:

All emails or other written communications and documents sent or received by Ed DeMarco or Jim Lockhart regarding the policies or actions of Fannie Mae and Freddie Mac relating to the companies' so-called alliances, or negotiated contractual arrangements giving preferential guarantee-fee pricing or other

Re FW FHFA FOIA2010-28 and 2010-29_narrowed request.txt
perks in return for a specific share of a seller/servicer's business.

Please confirm by email that I have correctly stated your narrowed requests.
Thank you.

Sincerely,

Jeanne Ratchford
FOIA Officer
foia@fhfa.gov

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From: Hall, Kimberly
Sent: Wednesday, January 06, 2010 9:16 AM
To: jshenn@bloomberg.net
Cc: Ratchford, Jeanne
Subject: FOIA2010-28
Dear Ms. Shenn:

This e-mail confirms receipt of your Freedom of Information Act (FOIA) request. Your request is being reviewed and you will be contacted once it is determined if additional information or clarification is needed.

Your request was received in the FOIA office on January 5, 2010 and assigned the Federal Housing Finance Agency (FHFA) FOIA request number 2010-28. Please refer to this tracking number in any correspondence concerning your request.

Your FOIA request is releasable to the public under subsequent FOIA requests. In responding to these requests, FHFA does not release personal privacy information, such as home address and home phone number, all of which is protected from disclosure under Exemption 6.

If you have questions concerning your request, you may contact Jeanne Ratchford at 202-414-6425 or by email at foia.fhfa.gov.

Sincerely,

Kimberly Hall
Information Management Assistant

From: Hall, Kimberly
Sent: Wednesday, January 06, 2010 9:56 AM
To: jshenn@bloomberg.net
Cc: Ratchford, Jeanne
Subject: FOIA2010-29
Dear Mr. Shenn:

This e-mail confirms receipt of your Freedom of Information Act (FOIA) request. Your request is being reviewed and you will be contacted once it is determined if additional information or clarification is needed.

Your request was received in the FOIA office on January 5, 2010 and assigned the Federal Housing Finance Agency (FHFA) FOIA request number 2010-29. Please refer to this tracking number in any correspondence concerning your request.

Your FOIA request is releasable to the public under subsequent FOIA requests. In responding to these requests, FHFA does not release personal privacy information, such as home address and home phone number, all of which is protected from disclosure under Exemption 6.

If you have questions concerning your request, you may contact Jeanne Ratchford at 202-414-6425 or by email at foia.fhfa.gov.

Sincerely,

Kimberly Hall
Information Management Assistant

Janice Kaye
Federal Housing Finance Agency
FOIA Officer
1777 F Street, N.W.
Washington, D.C. 20006

Jan. 5, 2010

FREEDOM OF INFORMATION ACT REQUEST

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 *et seq* ("FOIA"), I request copies of (or access to) 1) any internal Federal Housing Finance Agency memos, e-mails or other written communications and documents created since January 1, 2008 and regarding the policies or actions of Fannie Mac and Freddie Mac relating to demands that seller/servicers or other counterparties repurchase single-family mortgages because of breaches of representations and warranties, or other loan deficiencies and 2) any communications from FHFA officials to Fannie Mae and Freddie Mac officials regarding the same topic and 3) any communications to or from FHFA on the same to or from other governmental or private companies or organizations; and 4) similar Office of Federal Housing Enterprise Oversight documents retained by FHFA; (hereinafter the "Records".)

I am a reporter for Bloomberg News, an accredited and recognized newsgathering organization. I request the Records to inform the public about matters of public concern.

FOIA requires that your agency respond to this request within 20 business days. This request is segregable, and your agency may not withhold entire records because of one section that you believe is exempt from disclosure. Under federal law, if you choose to withhold any such parts of the records from disclosure, you must specify in a written response the factual and legal basis for withholding any part of the Records.

In responding to FOIA requests, the agency must operate with a presumption in favor of disclosure. As stated in a January 21, 2009 Presidential Memorandum: "All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government."

I agree to pay reasonable fees for the Records, including actual costs up to \$250. If you estimate that actual costs will exceed this amount, please contact me so that I may make the appropriate arrangements for payment. Please contact me if I may assist in your office's response to this request.

Jody Shenn
Bloomberg News
(b) (6)
jshenn@bloomberg.net

cc: Karen Toulon, Bureau Chief
Charles Glasser, Esq., Global Media Counsel

From: Boyce, Gilbert W. [Gilbert.Boyce@KutakRock.com]
Sent: Wednesday, September 29, 2010 4:49 PM
To: Ratchford, Jeanne
Subject: RE: FHFA FOIA Request 2010-100

Hi Ms. Ratchford. Thank you for your correspondence. The time period is 2005 to 2008. Please give me a call at (b) (6) to discuss how to best narrow the request. Thank you. Gil

Gilbert W. Boyce
Partner - Litigation Department
Kutak Rock LLP
1101 Connecticut Avenue, N.W.
Suite 1000
Washington, DC 20036
(202) 828-2400

From: Ratchford, Jeanne [mailto:Jeanne.Ratchford@fhfa.gov]
Sent: Tuesday, September 28, 2010 5:40 PM
To: Boyce, Gilbert W.; Plummer, Marcia V.
Subject: FHFA FOIA Request 2010-100

Dear Mr. Boyce and Ms. Plummer:

Your enclosed Freedom of Information Act (FOIA) request was received on July 15, 2010.

I am writing to advise you that because your request is very broad and sweeping, I estimate that it will take many months to search and review potentially responsive documents. I also expect that many of the of the documents that you are requesting will be exempt from disclosure. Please note that you will be charged for search and review time even if the records are subsequently determined to be exempt from disclosure.

If you would still like me to proceed with processing your request, please provide the time period covered by your request. I also request that you narrow the scope of your request in order that it may be processed with a reasonable amount of effort and expense. If you do not want to narrow the scope of your request, I will estimate the fees to process your request and require advanced payment in accordance with FHFA's FOIA regulation (12 CFR Part 1202).

Please keep in mind that the Supreme Court expressly stated that FOIA was not intended as a means to assist litigants, *National Labor Relations Board v. Sears Roebuck & Co.*, 421 U.S. 132, 143 n.10 (1975) and that the primary purpose of FOIA was not to benefit litigants or to serve as a substitute for civil discovery, *Baldrige v. Shapiro*, 455 U.S. 345, 360 n. 14 (1982).

Processing your request will be suspended until you advise me on how you would like to proceed.

Sincerely,

Jeanne Ratchford
FOIA Officer

file:///O:\OIT\FOIA_2010\00_FOIA_FY10_REQUESTS\01_FOIA_FY10_OPEN_REQUES... 2/2/2011

foia@fhfa.gov

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(b) (6)

From: Hall, Kimberly
Sent: Friday, July 16, 2010 8:51 AM
To: Boyce, Gilbert W.; Plummer, Marcia V.
Cc: Ratchford, Jeanne
Subject: RE: FHFA FOIA request.pdf

Dear Ms. Plummer:

This e-mail confirms receipt of your Freedom of Information Act (FOIA) request. Your request is being reviewed and you will be contacted once it is determined if additional information or clarification is needed.

Your request was received in the FOIA office on July 15, 2010, and assigned the Federal Housing Finance Agency (FHFA) FOIA request number 2010-100. Please refer to this tracking number in any correspondence concerning your request.

Your FOIA request is releasable to the public under subsequent FOIA requests. In responding to these requests, FHFA does not release personal privacy information, such as home address and home phone number, all of which is protected from disclosure under Exemption 6.

If you have questions concerning your request, you may contact Jeanne Ratchford at 202-414-6425 or by email at foia@fhfa.gov.

Sincerely,

Kimberly Hall
Information Management Assistant

-----Original Message-----

From: Plummer, Marcia V. [mailto:(b) (6)]
Sent: Thursday, July 15, 2010 4:10 PM
To: !FOIA Office
Subject: FHFA FOIA request.pdf

FHFA FOIA request.pdf

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Thank you.

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July 15, 2010

Federal Housing Finance Agency
Jeanne Ratchford
FOIA Officer
1700 G Street, NW
Washington, D.C. 20552
telephone number: (202) 343-1561
fax number: (202) 414-8917
e-mail address: foia@fhfa.gov

Dear Ms. Ratchford:

Pursuant to the Freedom of Information Act, please furnish to us a complete copy of all records in your possession regarding:

The following documents related to Countrywide Financial Corporation, Countrywide Home Loans, Countrywide Bank, National Association, Countrywide Bank, FSB and any of their subsidiaries (collectively, "Countrywide") in the possession or control of FHFA: (i) any and all examination or inspection reports of Countrywide and any and all records and communications related thereto; (ii) any and all reports, studies, analyses, evaluations, records, communications and other informational material relating to mortgage loans purchased by Fannie Mae or Freddie Mac or used as collateral for FHLB advances concerning (A) Countrywide's loan origination, sale and servicing policies, practices and procedures, (B) the performance or status of mortgage loans originated, sold or serviced by Countrywide, and (C) mortgage loans repurchased by, or put back to, Countrywide; (iii) any and all documents relating to mortgage loans purchased by Fannie Mae or Freddie Mac or used as collateral for FHLB advances concerning Countrywide's underwriting, underwriting guidelines and exceptions thereto; (iv) any and all of the foregoing documents concerning mortgage loans that were originated or sold by Countrywide but that are currently serviced by Countrywide's successor; and (v) any and all of the foregoing documents

KUTAK ROCK LLP

Jeanne Ratchford
July 15, 2010
Page Two

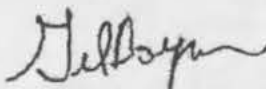
produced by Fannie Mae, Freddie Mac and FHLB in connection with investigations of or suits against such parties. If only portions of the documents requested herein can be released pursuant to FOIA, or otherwise, we hereby request that the FHFA send me such portions, and that it redact any remaining portions which cannot be released pursuant to FOIA.

Please provide us with your bill respecting the costs of producing the above documents, and will send you promptly our payment check.

We will pay your reasonable and customary charges for complying with this request.

Thank you for your assistance and cooperation in this matter. Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gil Boyce", with a stylized flourish at the end.

Gilbert W. Boyce, Esq.