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*"Rummaging in the government's attic"*

Description of document: Tennessee Valley Authority (TVA) 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: 13-December-2011

Posted date: 12-March-2012

Source of document: TVA FOIA Officer  
400 West Summit Hill Dr. WT 7D  
Knoxville, TN 37902-1499  
Fax: 865-632-6901

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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From: "FOIA"  
Date: Dec 13, 2011 3:04:23 PM  
Subject: Response to your FOIA request to the TVA

Attached is a copy of TVA's response to Chairman Issa's request along with the FOIA data and other correspondence with his office.

There are no fees for processing your request.

If you have any questions, please feel free to contact me.

Sincerely,

Denise Smith  
FOIA Officer  
Tennessee Valley Authority  
400 W. Summit Hill Drive (WT 7D)  
Knoxville, TN 37902-1401  
(865)632-6945  
(865) 632-6901 FAX  
[dsmith@tva.gov](mailto:dsmith@tva.gov)

**From:** [Mills paw, Tegan](#)  
**To:** [Smith, Julia Denise](#);  
**Subject:** RE: Tennessee Valley Authority - FOIA Information Requested by the Committee on Oversight and Government Reform  
**Date:** Tuesday, February 15, 2011 12:53:07 PM

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Dear Mr. Smith

Thank you for your prompt response to the Chairman's request. The Committee appreciates your time and cooperation with the request. Thanks again

Sincerely,

Tegan Mills paw  
Oversight & Government Reform Committee

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**From:** Smith, Julia Denise [mailto:[dsmith@tva.gov](mailto:dsmith@tva.gov)]  
**Sent:** Tuesday, February 15, 2011 11:36 AM  
**To:** Mills paw, Tegan  
**Subject:** RE: Tennessee Valley Authority - FOIA Information Requested by the Committee on Oversight and Government Reform

February 15, 2011

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

Dear Chairman Issa:

This responds to your letter of January 25, 2011, requesting a log of Freedom of Information Act (FOIA) requests and related information for the five years preceding the date of your letter.

Attached is an excel spreadsheet responsive to Items 1 and 2 of your letter. In response to Item 3 of your letter, attached is a PDF file of my communications with requesters whose requests have been pending more than 45 days from Jan. 25, 2011. We have not had any FOIA litigation responsive to Items 4 and 5 of your letter.

I hope you find this information helpful. If you have any questions, please contact me at (865) 632-6945 or by e-mail to [dsmith@tva.gov](mailto:dsmith@tva.gov).

Sincerely,

**Denise Smith**  
FOIA Officer  
Tennessee Valley Authority  
400 W. Summit Hill Drive (WT 7D)  
Knoxville, TN 37902-1401  
(865)632-6945  
(865) 632-6901 FAX  
[dsmith@tva.gov](mailto:dsmith@tva.gov)

**From:** [Smith, Julia Denise](#)  
**To:** ["Mills paw, Tegan";](#)  
**Subject:** RE: Tennessee Valley Authority - FOIA Information Requested by the Committee on Oversight and Government Reform  
**Date:** Tuesday, February 15, 2011 11:35:48 AM  
**Attachments:** [TVA FOIA requests 1-25-06 thru 1-25-11.xlsx](#)  
[Correspondence with requesters.pdf](#)

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February 15, 2011

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

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Sincerely,

**Denise Smith**  
FOIA Officer  
Tennessee Valley Authority  
400 W. Summit Hill Drive (WT 7D)  
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ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
2157 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6143

Majority (202) 225-5074  
Minority (202) 225-5051

January 25, 2011

Denise Smith  
FOIA Officer  
Tennessee Valley Authority  
400 West Summit Hill Drive (WT 7D)  
Knoxville, TN 37902-1401

Dear Ms. Smith:

The Freedom of Information Act (“FOIA”) is one of the most important tools for government transparency and accountability. In their mission to find waste, fraud, and abuse, the oversight and investigative committees of Congress, including the Committee on Oversight and Government Reform (“Committee”), are often assisted by tips, complaints, and briefings from media organizations, watchdog groups, and concerned citizens. These private-sector actors are often the first to become aware of federal inefficiency or malfeasance. FOIA allows them to scrutinize the activities of federal agencies. Without FOIA, they could not hold the government accountable, nor could they provide crucial assistance to Congressional oversight. President Obama recognized the importance of FOIA when he made it the subject of an executive memorandum on his second day in office.<sup>1</sup>

The Committee, as the principal oversight committee in the House of Representatives with broad oversight jurisdiction as set forth in House Rule X, is very interested in ensuring that all federal agencies respond in a timely, substantive, and non-discriminatory manner to requests for information under FOIA. To enable the Committee to understand the impact of recent changes to FOIA procedures and to evaluate agencies’ compliance with FOIA, please provide the following information, records, and explanations by **February 15, 2011 at 5:00 pm**.

1. Provide your agency’s FOIA log(s) for the five years preceding the date of this letter, in Microsoft Excel or a similar format that allows sorting by column or information category, including at least the following information: (a) the name of the requestor; (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 by your agency pursuant to Section 7 of the OPEN Government Act of 2007<sup>2</sup>; (e) the date the request was closed, if it

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<sup>1</sup> The White House, Memorandum for the Heads of Executive Departments and Agencies, Jan. 21, 2009, available at [http://www.whitehouse.gov/the\\_press\\_office/FreedomofInformationAct/](http://www.whitehouse.gov/the_press_office/FreedomofInformationAct/) (“[T]he Freedom of Information Act, which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open Government”).

<sup>2</sup> Pub. L. No. 110-175.

Denise Smith  
January 24, 2011  
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is not still outstanding; (f) whether any records were provided in response to the request; and (g) any additional identification number or code assigned to the request by your agency for internal use.

2. On each log provided in response to Request No. 1, identify each FOIA request to your agency that was submitted more than 45 days prior to the date of this letter and to which your agency 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 requestor.

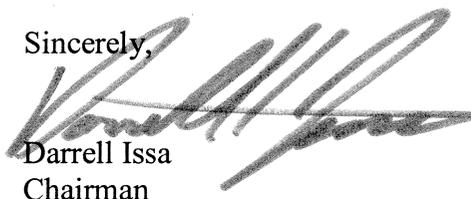
4. Identify any federal judicial action in which your agency, within the five years preceding the date of this letter, has been ordered by the court to pay any attorneys' fees or other litigation costs incurred by a FOIA requestor under 5 U.S.C. § 552(a)(4)(E) or under any similar law or regulation.

5. For each federal action identified in response to Request No. 4, provide a copy of the court order requiring your agency to pay attorney fees or other litigation costs.

Please note that for purposes of responding to this request, the terms "records," "communications," and "referring or relating" should be interpreted consistently with the attached Definitions of Terms.

Thank you for your prompt attention to this matter. If you have any questions regarding this request, please contact Hudson Hollister or Tegan Millspaw with the Committee staff at (202) 225-5074.

Sincerely,



Darrell Issa  
Chairman

cc: Hon. Elijah Cummings, Ranking Member, Committee on Oversight and Government Reform

David Ferriero, Archivist of the United States

Miriam Nisbet, Director, National Archives, Office of Government Information Services

Attachment

## **Definition of Terms**

1. The term "record" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise.
3. The terms "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.