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Jeter, Sheila

From: Robert E O'Harrow [oharrowr@washpost.com]
Sent: Tuesday, September 08, 2009 1:21 PM
To: Jeter, Sheila
Subject: washington post

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August 31, 2009

Freedom of Information Act/Privacy Act Office Department of Energy 1000 Independence Avenue, S.W.
Washington, D.C. 20585
(202) 586-5955
fax number: (202) 586-0575

RE: Freedom of Information Act Request and Request for Expedited Processing

Dear Sir or Madam:

This letter constitutes an expedited request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted to Department of Energy on behalf of the Washington Post. We make this request as part of the newspaper's ongoing public service efforts to track implementation of the American Recovery and Reinvestment Act of 2009.

In announcing ARRA, President Obama said that spending initiatives would be conducted with unprecedented "transparency." President Obama has also pledged that the government would provide as much information as possible through the federal FOIA.

We are seeking all communication -- including correspondence, e-mail, telephone logs -- from and to lawmakers and members of their staff concerning real or potential spending on existing or potential projects funded through ARRA stimulus funding.

Request for Expedited Processing

This request warrants expedited processing because it pertains to information about which there is "[a]n urgency to inform the public about an actual or alleged Federal Government activity," and it is "made by a person primarily engaged in disseminating information." 32 C.F.R. § 1700.14(b)(2). The information we request easily satisfies this standard.

The federal government activity at issue here — real or contemplated use of stimulus funding under ARRA -- raises serious questions about the administration of federal tax dollar and the management of federal agencies.

The information we are requesting will help the public and Congress fully participate in the ongoing, current debate over the direction of ARRA and the merits of stimulus initiatives.

Further, as I explain below in support of our request for "news media" treatment, the Washington Post is a leading newspaper that is "primarily engaged in disseminating information."

Request for News Media Fee Status
The Post asks that it not be charged search or review fees for this request because the paper qualifies as a "representative of the news media" pursuant to the FOIA and 32 C.F.R. § 1700.2(j)(3).

Request for a Public Interest Fee Waiver

The Post is entitled to a waiver of duplication fees because disclosure of the requested

information is in the public interest within the meaning of 5 U.S.C. § 552(a)(4)(a)(iii) and 32 C.F.R. § 1700.7(b). To determine whether a request meets this standard, your agency considers whether "[i]t is in the public interest to provide responsive records because the disclosure is likely to contribute significantly to the public understanding of the operations or activities of the United States Government and is not primarily in the commercial interest of the requester." 32 C.F.R. § 1700.7 (b)(2). This request clearly satisfies these criteria.

First, your agency's communications with members of Congress concern "the operations or activities of the government," and your agency's participation, directly or indirectly, in the ARRA also unquestionably constitutes government operations or activities.

Second, the requested material will "contribute . . . to public understanding" of ARRA and the use of federal tax dollars.

Under penalty of perjury, I hereby affirm that the foregoing is true and correct to the best of my knowledge.

Thank you for your consideration of this request. As the FOIA provides, we will anticipate your determination within ten (10) calendar days. 5 U.S.C. § 552(a)(6)(E)(ii)(I).

Sincerely,

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