



September 10, 2018

**VIA Electronic Delivery**

Ingrid A. Kolb  
Chief FOIA Officer  
Department of Energy  
FOIA Requester Service Center  
1000 Independence Avenue, SE  
Washington, DC 20585  
Phone: 202-586-5955  
FOIA-Central@hq.doe.gov

**Re: Freedom of Information Act Records Request**

Dear Ms. Kolb,

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, and the Department of Energy (“DOE”) FOIA Regulations at 10 C.F.R. Part 1004, Democracy Forward Foundation makes the following request for records.

**Background**

In April 2018, Secretary Rick Perry released a funding opportunity announcement (FOA) of \$105.5 million to support solar technology innovation.<sup>1</sup> The FOA was divided into four topics, including Topic 1, aimed at supporting Advanced Solar Systems Integration Technologies with over \$40 million.<sup>2</sup> Finalists were expected to be announced on Friday, August 31, 2018.

Instead, Cathy Tripodi, Acting Assistant Secretary for the Office of Energy Efficiency and Renewable Energy (EERE) ordered that all applicants to the initial Topic 1 be denied funding, and supervised the posting of a new Advanced Solar Systems Integration Technologies Notice of Intent (NOI).<sup>3</sup> Despite subjecting applicants under Topic 1 of the original FOA to extensive peer review and expending a great deal of government resources, applicants have been told that they may reapply through this new grant announcement. Though no information into this decision has been made public, there have been suggestions that the denial of these original applications was politically motivated--in addition to wasting a tremendous amount of DOE’s time and money.

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<sup>1</sup> <https://www.energy.gov/articles/us-secretary-energy-rick-perry-announces-105-million-new-funding-advance-solar-technologies>

<sup>2</sup> *Id.*

<sup>3</sup> <https://www.grants.gov/web/grants/view-opportunity.html?oppId=308651>

## **Records Requested**

In an effort to better understand and explain to the public the Department's actions regarding the funding of solar technology research and development, Democracy Forward Foundation requests that DOE produce the following within twenty (20) days:

- (1) All correspondence, including any attachments, regarding the approval process for issuance and cancellation of DOE's Solar Energy Technology Office FOA FY 2018 (eventually titled DOE-FOA-0001840) and issuance of DOE's Advanced Solar Systems Integration Notice of Intent (eventually titled DOE-FOA-0001986), sent to or from the following individuals [hereinafter "Covered Individuals"]:
  - (a) Cathy Tripodi, Acting Assistant Secretary (EERE)
  - (b) Brian McCormack, Chief of Staff
  - (c) Mark Menezes, Under Secretary for Energy
  - (d) Sophia Varnasidis, Chief of Staff, Under Secretary for Energy
  - (e) Daniel Simmons, Acting Assistant Secretary (EERE)
  - (f) Alex Fitzsimmons, Chief of Staff (EERE)
  - (g) Kevin Jayne, Special Advisor to the PDAS (EERE)
  - (h) Tim Unruh, Deputy Assistant Secretary, Renewable Energy
  - (i) Ian Hamos, Chief of Staff, Renewable Energy
  - (j) Jennifer Garson, Chief of Staff, Renewable Energy
  - (k) Charlie Gay, Director, Solar Energy Technologies Office
  - (l) Becca Jones-Albertus, Deputy Director, Solar Energy Technologies Office
  - (m) Bindu Jacobs, Deputy Assistant Secretary, Operations (EERE)
  - (n) Leslie Pezzulo, Chief of Staff, Operations (EERE)
  - (o) John Barth, Budget Director (EERE)
  - (p) Derek Passarelli, Director, Golden Field Office
  - (q) Diana Bobo, Grants Manager, Golden Field Office
  - (r) Clay Pfrangle, Grant Management Specialist, Golden Field Office
  - (s) Bruce Walker, Assistant Secretary, Office of Electricity
  - (t) Karen Evans, Assistant Secretary, Cybersecurity, Energy Security, and Emergency Response
  - (u) Catherine Jereza, Deputy Assistant Secretary, Transmission Permitting and Technical Assistance
  - (v) John Vonglis, Chief Financial Officer
  - (w) Christopher Johns, Director of Budget (CFO)
- (2) All correspondence, including any attachments, regarding Acting Assistant Secretary Tripodi's use of the terms "political", "midterms", or "geographic diversity", sent to or from the Covered Individuals.
- (3) All correspondence, including any attachments, regarding the cost of the merit review process for part or all of DOE's Solar Energy Technology Office FOA FY 2018 (eventually titled DOE-FOA-0001840) or DOE's Advanced Solar Systems Integration

Notice of Intent (eventually titled DOE-FOA-0001986), sent to or from the Covered Individuals.

- (4) All correspondence, including any attachments, regarding the use of dollars appropriated for the Solar Energy Technologies Office to other applied energy offices, including, but not limited to, the Office of Electricity Delivery and Energy Reliability (OE) and the Office of Cybersecurity and Emergency Response (CESR), sent to or from the Covered Individuals.

The time period for this request is March 23, 2018, to the date the search is conducted.

### **Scope of Search**

This request specifically seeks communications regarding the approval process relating to these funding opportunity announcements / notices of intent and any subsequent cancellation and re-issuance of all or part of these announcements. This request does not seek any business-sensitive information about the content or merit review scores of applications to these announcements. Please search for records regardless of format, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical materials. This request includes, without limitation, all correspondence, letters, emails, attachments text messages, instant messages, slack messages, calendar entries, facsimiles, telephone messages, voice mail messages, and transcripts, notes, minutes, or audio or video recordings of any meetings, telephone conversations, or discussions.

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. *See id.* § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep't of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

Please respond to this request in writing within 20 working days as required under 5 U.S.C. § 552(a)(6)(A)(i). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period. If all relevant records are not produced within that time period, we are entitled to a waiver of fees for searching and duplicating records under 5 U.S.C. § 552(a)(4)(A)(viii)(I).

## **Request for Fee Waiver**

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), and 10 C.F.R § 1004.9, Democracy Forward Foundation requests a waiver of all fees associated with processing records for this request. The subject of this request concerns the operations of the federal government, *see* 10 C.F.R. § 1004.9(a)(8)(i)(A), and in particular, the process by which DOE announces funding opportunities to the general public and provides incentives for renewable energy research. Because the requested records will illuminate the priorities and conduct of officials at the DOE that have not already been made public, their disclosure is “likely to contribute ‘significantly’ to public understanding of government operations or activities.” *Id.* § 1004.9(a)(8)(i)(B), (D).

Moreover, the request is for non-commercial purposes. Democracy Forward Foundation is a nonprofit organization organized under Internal Revenue Code § 501(c)(3). A core mission of Democracy Forward Foundation is to educate the public about improper government activity. Democracy Forward Foundation intends to use the materials gathered to educate the public through its website, press releases, and social media outlets. *See id.* § 1004.9(a)(8)(i)(C), (ii).

## **Conclusion**

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles in meeting the request within 20 working days, please contact John Lewis at foia@democracyforward.org.

We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ John Lewis  
Democracy Forward Foundation