



Department of Energy
Washington, DC 20585

December 8, 2021

Austin Evers
American Oversight
1030 15th St NW Suite B255
Washington, DC 20005

Via email: foia@americanoversight.org

Re: HQ-2019-01237-F

Dear Mr. Evers:

This is a final response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested:

All records reflecting communications (including email messages, email attachments, calendar entries or invitations, telephone logs, text messages, or any other records reflecting communications) between specified DOE officials and external custodians:

DOE Officials:

- i. Secretary Rick Perry, and anyone communicating on behalf of the Secretary, such as an executive or special assistant, or scheduler.
- ii. Chief of Staff to Secretary Rick Perry, and anyone communicating on behalf of the Chief of Staff, such as an executive or special assistant, or scheduler.

External custodians:

- i. Kelcy Warren, including but not limited to anyone with an email address ending in @energytransfer.com;
- ii. Russell "Russ" or "Rusty" Kelley, including but not limited to anyone with an email address ending in @blackridgetx.com;
- iii. Lynne Teinert or Cliff Teinert;
- iv. Barry Williamson including but not limited to anyone with an email address ending in @zeep.com or @southlouisianamethanol.com;
- v. Darwin Deason or Doug Deason, including but not limited to anyone with an email address ending in @deasoncap.com;
- vi. George Brinton "Brint" Ryan or G. Brint Ryan, including but not limited to anyone with an email address ending in @ryan.com;



- vii. Peter M. Holt and Julianna Hawn Holt, including but not limited to anyone with an email address ending in @holtcat.com;
- viii. James “Jim” Dannenbaum, including but not limited to anyone with an email address ending in @dannenbaum.com;
- ix. Harold D. Courson;
- x. James “Doug” D. Pitcock Jr., including but not limited to anyone with an email address ending in @wbctx.com;
- xi. Lee Roy Mitchell or Tandy Mitchell, including but not limited to anyone with an email address ending in @cinemark.com;
- xii. Kenny Troutt, Lisa Troutt, or David Mumert, including but not limited to anyone associated with Mt. Vernon Investments;
- xiii. Robert Behar, including but not limited to anyone with an email address ending in @hcahoustonhealthcare.com;
- xiv. Thomas “Dan” Daniel Friedkin;
- xv. Thomas V. McKernan;
- xvi. John Paulson, including but not limited to anyone with an email address ending in @paulsonco.com;
- xvii. Robert “Bob” Shapiro, including but not limited to anyone with an email address ending in @woodbridgegroup.com or @woodbridgegrp.com;
- xviii. Ralph J. Ellis Jr., including but not limited to anyone associated with Belmont Oil and Gas;
- xix. Stephen P. Mach, including but not limited to anyone with an email address ending in @machindustrialgroup.com; or
- xx. Joseph “Joe” V. Colonna, including but not limited to anyone with an email address ending in @hbcinvestments.com.

Please provide all responsive records from March 3, 2017 through the date the search is conducted.

In an August 28, 2019 email with Neichole Linhorst, formerly of this office, you agreed to amend your request to search the emails of the individuals listed in your request in the to/from/cc/bcc fields.

Your request was assigned to DOE’s Office of the Secretary (Secretary). The search started on November 9, 2019, which is the cutoff date for responsive records. DOE has completed its search and identified three (3) documents responsive to your request. The documents are being released to you as described in the accompanying index.

Upon review, DOE has determined that certain information should be withheld from the documents pursuant to Exemption 6 of the FOIA, 5 U.S.C. §§ 552(b)(6).

Exemption 6 is generally referred to as the “personal privacy” exemption; it provides that the disclosure requirements of FOIA do not apply to “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6). In applying Exemption 6, the DOE considered:

1) whether a significant privacy interest would be invaded; 2) whether the release of the information would further the public interest by shedding light on the operations or activities of the Government; and 3) whether in balancing the privacy interests against the public interest, disclosure would constitute a clearly unwarranted invasion of privacy.

The information withheld under Exemption 6 consists of a private email address. This information qualifies as “similar files” because it is information in which an individual has a privacy interest. Moreover, releasing the information could subject the individuals to unwarranted or unsolicited communications. Since no public interest would be served by disclosing this information, and since there is a viable privacy interest that would be threatened by such disclosure, Exemption 6 authorizes withholding the information. Therefore, we have determined that the public interest in the information’s release does not outweigh the overriding privacy interests in keeping it confidential.

This satisfies the standard set forth at 5 U.S.C. § 552(a)(8)(A) that agencies shall withhold information under FOIA “only if (I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption...; or (II) disclosure is prohibited by law...” 5 U.S.C. § 552(a)(8)(A) also provides that whenever full disclosure of a record is not possible, agencies shall “consider whether partial disclosure of information is possible...and (II) take reasonable steps necessary to segregate and release nonexempt information.” Therefore, we have determined that, in certain instances, a partial disclosure is proper.

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the determination to withhold the information described above. The FOIA requires that “any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt.” 5 U.S.C. § 552(b). As a result, a redacted version of the documents is being released to you in accordance with 10 C.F.R. § 1004.7(b)(3).

This determination, as well as the adequacy of the search, may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L’Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal to OHA.filings@hq.doe.gov, including the phrase “Freedom of Information Appeal” in the subject line (this is the preferred method by the Office of Hearings and Appeals). The appeal must contain all of the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either: 1) in the district where you reside; 2) where you have your principal place of business; 3) where DOE’s records are situated; or 4) in the District of Columbia.

You may contact DOE’s FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, at 202-586-5955, or by mail at MA-46/Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, for any further assistance and to

discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

The FOIA provides for the assessment of fees for the processing of requests. *See* 5 U.S.C. § 552(a)(4)(A)(i); *see also* 10 C.F.R. § 1004.9(a). In our August 14, 2019 letter, you were advised that your request was placed in the “other” category for fee purposes. Requesters in this category are charged fees for searches beyond two (2) free hours of search time and are provided 100 pages at no cost. In that same letter, you were informed your request for a fee waiver was granted. Thus, no fees will be charged for processing your request.

If you have any questions about the processing of the request or this letter, you may contact Ms. Chidinma Nwosu in this office at MA-46/Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, or at (202) 586-5955.

I appreciate the opportunity to assist you with this matter.

Sincerely,

Alexander C.
Morris

Digitally signed by
Alexander C. Morris
Date: 2021.12.08
12:30:17 -05'00'

Alexander C. Morris
FOIA Officer
Office of Public Information

Enclosures

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Request #: HQ-2019-01237-F

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DOE’s Office of the Secretary (Secretary) has completed its search and identified three (3) documents responsive to your request.

- One (1) document is *released in part, pursuant to Exemption 6.*
- Two (2) documents are *released in their entirety.*

From: [McCormack, Brian](#)
To: [Jones, Susanne](#)
Cc: josh.cohen@ryan.com
Subject: May 18
Date: Wednesday, May 10, 2017 3:41:00 PM

Susanne,

Let's discuss a time for a meeting with Josh on May 18.

Brian

From: [Doug Deason](#)
To: [McCormack, Brian](#)
Cc: [Wilmot, Dan](#); [James "Rick" Perry](#)
Subject: Re: Energy Conference
Date: Thursday, April 12, 2018 4:23:56 PM

Thanks Brian,
Safe travels!
Doug

Sent from my iPhone

On Apr 12, 2018, at 3:17 PM, McCormack, Brian <Brian.Mccormack@hq.doe.gov> wrote:

Hey Doug. Yes, looking at it and next few months. Will give you a call.

From: Doug Deason <doug@deasoncap.com>
Date: Thursday, Apr 12, 2018, 4:12 PM
To: McCormack, Brian <Brian.Mccormack@hq.doe.gov>
Cc: Wilmot, Dan <Dan.Wilmot@hq.doe.gov>, James 'Rick' Perry (b) (6)
Subject: Re: Energy Conference

Hi Brian
Did you get a chance to look at this email?
Thanks
Doug

Sent from my iPhone

On Apr 5, 2018, at 2:06 PM, Doug Deason <doug@deasoncap.com> wrote:

Hi Brian
I hope you are doing well. Could you please take a look at the email below and let me know if this is something the Secretary would want to do?
Thanks so much!
Doug Deason
Dallas, Texas

Dear Mr. Secretary,

I hope you are doing well. I have been approached by Frank Gaffney, the founder and CEO of the Center for Security Policy in DC, to see if you might participate in a conference

on Energy Resiliency sponsored by Hart Energy in Houston (<https://www.hartenergy.com/corporate/about/senior-leadership/richard-eichler>) They are willing to hold it at any point convenient for your schedule, ideally in the next three months. Knowing of the priority you have properly assigned to making the grid more resilient and the need to do so with respect to other aspects of our energy infrastructure, as well, this would seem to be a terrific opportunity to speak directly to *and engage* the industry, as well as the American people. Hart would pull in an all-star team to join you in making presentations, panel discussions, etc.

While Hart would welcome a formal keynote address from you, another possibility might be to have a conversation between you and Jacki Pick. As you may know, she has developed quite a following with her syndicated Jacki Daily Radio Show on energy broadcast from Glenn Beck's The Blaze Network. She would love to have a chance to discuss in this setting your thoughts about what must be done to assure that our electric grid, and energy infrastructure more generally, are as *secure* and reliable as we can make them against all hazards.

Please let me know if, in principle, you would be willing to star in such a program and we'll work the date and other logistics with Hart and your staff.
Thanks!
Doug Deason

Jacki Pick (Daily) interviewing Tom Brokaw at the NAPE Conference in Houston in February:
<image1.jpeg>

Sent from my iPhone

From: [Doug Dawson, Hart Energy](#)
 To: [Mr. Scott, DOE](#)
 Subject: [Energy Resiliency](#)
 Date: Thu, Sep 13, 2018, 3:07 PM

Hi Brian
 I hope you are doing well. Could you please take a look at the email below and let me know if this is something the Secretary would want to do?
 Thanks so much!
 Doug Dawson
 Dallas, Texas

Dear Mr. Secretary,

I hope you are doing well. I have been approached by Frank Gaffney, the founder and CEO of the Center for Security Policy in DC, to see if you might participate in a conference on Energy Resiliency sponsored by Hart Energy in Houston (<https://www.hartenergy.com/corporate/about/energy-resiliency-conference-2018>). They are willing to hold it at any point convenient for your schedule, ideally in the next three months. Knowing of the priority you have properly assigned to making the grid more resilient and the need to do so with respect to other aspects of our energy infrastructure, as well, this would seem to be a terrific opportunity to speak directly to and engage the industry, as well as the American people. Hart would pull in an all-star team to join you in making presentations, panel discussions, etc.

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 Doug Dawson

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Sent from my iPhone