United States Department of State

Washington, D.C. 20520

June 28, 2022

Case No: FL-2020-00006

American Oversight
Daniel McGrath
1030 15th Street NW, B255
Washington, DC 20005

Dear Mr. McGrath:

We refer to our letter dated May 27, 2022, regarding the release of certain Department of State ("Department") material under the Freedom of Information Act (the "FOIA"), 5 U.S.C. § 552. The Department identified an additional two records responsive to your request. After reviewing these records, we have determined that both records may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made redactions, the applicable FOIA exemptions are marked on each record. All non-exempt material that is reasonably segregable from the exempt material has been released and is enclosed.

The processing of your request remains ongoing. If you have any questions, your attorney may contact Trial Attorney, Josh Abbuhl at (202) 616-8366 or at Joshua.Abbuhl@usdoj.gov. Please refer to civil action number 19-cv-3058, and FOIA case number FL-2020-00006 in all correspondence regarding this case.

Sincerely,

Diamonece Hickson
Acting Chief, Litigation and Appeals Branch
Office of Information Programs and Services

Enclosures: As stated.

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The Freedom of Information Act (5 USC 552)

FOIA Exemptions

(b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:

- 1.4(a) Military plans, systems, or operations
- 1.4(b) Foreign government information
- 1.4(c) Intelligence activities, sources or methods, or cryptology
- 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
- 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
- 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
- 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
- 1.4(h) Weapons of mass destruction

(b)(2) Related solely to the internal personnel rules and practices of an agency

(b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:

ARMSEXP	Arms Export Control Act, 50a USC 2411(c)
CIA PERS/ORG	Central Intelligence Agency Act of 1949, 50 USC 403(g)
EXPORT CONTROL	Export Administration Act of 1979, 50 USC App. Sec. 2411(c)
FS ACT	Foreign Service Act of 1980, 22 USC 4004
INA	Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f)
IRAN	Iran Claims Settlement Act, Public Law 99-99, Sec. 505

(b)(4) Trade secrets and confidential commercial or financial information

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product

(b)(6) Personal privacy information

(b)(7) Law enforcement information whose disclosure would:

- (A) interfere with enforcement proceedings
- (B) deprive a person of a fair trial
- (C) constitute an unwarranted invasion of personal privacy
- (D) disclose confidential sources
- (E) disclose investigation techniques
- (F) endanger life or physical safety of an individual

(b)(8) Prepared by or for a government agency regulating or supervising financial institutions

(b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

NR Material not responsive to a FOIA request excised with the agreement of the requester

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DeControlled

Released in Part

From:	"Kvien, Kristina A" (b)(6)
To:	(b)(6) Taylor, William B (Kyiv) (b)(6)
Subject:	Re: letter to President Zelenskyy re payments to renewables [OU]
Date:	Wed, 31 Jul 2019 16:28:26 +0000

Classified by A/GIS DAS on 05/12/2022;
Classification CONFIDENTIAL for reason 1.4(d);
Declassify on 05/12/2032

Thanks!

Get Outlook for iOS

From: (b)(6)
Sent: Wednesday, July 31, 2019 7:15:55 PM
To: Kvien, Kristina A (b)(6) Taylor, William B (Kyiv) (b)(6)
Subject: RE: letter to President Zelenskyy re payments to renewables [OU]

(b)(5)

Official - SBU
UNCLASSIFIED

From: Kvien, Kristina A < (b)(6)
Sent: Wednesday, July 31, 2019 7:13 PM
To: Taylor, William B (Kyiv) < (b)(6)
Subject: RE: letter to President Zelenskyy re payments to renewables [OU]

(b)(5)

Thanks, Kristina

From: Taylor, William B (Kyiv) (b)(6)
Sent: Wednesday, July 31, 2019 7:03 PM
To: (b)(6)
Cc: Kvien, Kristina A (b)(6)
Subject: FW: letter to President Zelenskyy re payments to renewables [OU]

Official
UNCLASSIFIED

From: Geoff Berlin < (b)(1)
Sent: Wednesday, July 31, 2019 6:14 PM
To: Taylor, William B (Kyiv) (b)(6)
Subject: FW: letter to President Zelenskyy re payments to renewables [OU]

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Dear Ambassador Taylor,

Following up on my email of Monday, please see the attached letter that EBRD sent to President Zelenskiy and which has been forwarded by them to (b)(6) at the Embassy.

The Appellate Court this afternoon postponed until August 21 its ruling on Nikopol's appeal of the dismissal of its law suit that challenges the distribution tariffs for electricity.

(b)(5)

(b)(1); (b)(5)

(b)(5)

I remain available to meet with you and your colleagues at the Embassy to give you a thorough briefing of this matter.

Many thanks for your attention to this.

Best regards,

Geoff Berlin

(b)(6)

From: "Yeriomina, Olga" (b)(6)
Date: Wednesday, July 31, 2019 at 5:32 PM
To: Geoff Berlin (b)(6)
Subject: FW: letter to President Zelenskyy re payments to renewables [OU]

OFFICIAL USE

OFFICIAL USE

This message may contain privileged information. If you have received this message by mistake, please keep it confidential and return it to the sender.
Although we have taken steps to minimise the risk of transmitting software viruses, the EBRD accepts no liability for any loss or damage caused by computer viruses and would advise you to carry out your own virus checks.
The contents of this e-mail do not necessarily represent the views of the EBRD.

Sender:	"Kvien, Kristina A" (b)(6)
Recipient:	(b)(6)

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	Taylor, William B (Kyiv)	(b)(6)	

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Released in Part

From:	"Taylor, William B (Kyiv)" (b)(6)
To:	(b)(6)
CC:	Kvien, Kristina A (b)(6)
Subject:	RE: Disruption of Renewable Energy Sector Due to Nikopol Ferroalloy Plant Law Suit
Date:	Tue, 30 Jul 2019 06:11:28 +0000

Thanks, (b)(6)

Official - SBU
UNCLASSIFIED

From: (b)(6)
Sent: Tuesday, July 30, 2019 8:56 AM
To: Taylor, William B (Kyiv) (b)(6)
Cc: Kvien, Kristina A (b)(6)
Subject: RE: Disruption of Renewable Energy Sector Due to Nikopol Ferroalloy Plant Law Suit

DeControlled

Sir,

Classified by A/GIS DAS on 05/12/2022;
Classification CONFIDENTIAL for reason 1.4(d);
Declassify on 05/12/2032

Attached is a briefer prepared by ECON for the meeting a few weeks ago with UKrEnergo. Cable with updates from last week's events should be coming to FO today.

Best regards,

(b)(6)

Official - SBU
UNCLASSIFIED

From: (b)(6)
Sent: Monday, July 29, 2019 10:56 PM
To: Taylor, William B (Kyiv) (b)(6)
Cc: Kvien, Kristina A (b)(6)
Subject: Re: Disruption of Renewable Energy Sector Due to Nikopol Ferroalloy Plant Law Suit

(b)(5)

Get Outlook for iOS

From: Taylor, William B (Kyiv) (b)(6)
Sent: Monday, July 29, 2019 9:26:36 PM
To: (b)(6)
Cc: Kvien, Kristina A (b)(6)
Subject: RE: Disruption of Renewable Energy Sector Due to Nikopol Ferroalloy Plant Law Suit

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(b)(5)

From: (b)(6)
Sent: Monday, July 29, 2019 9:23 PM
To: Taylor, William B (Kyiv) < (b)(6)
Cc: Kvien, Kristina A (b)(6)
Subject: Re: Disruption of Renewable Energy Sector Due to Nikopol Ferroalloy Plant Law Suit

(b)(5)

Get Outlook for iOS

From: Taylor, William B (Kyiv) (b)(6)
Sent: Monday, July 29, 2019 8:40 PM
To: (b)(6)
Cc: Kvien, Kristina A
Subject: Fwd: Disruption of Renewable Energy Sector Due to Nikopol Ferroalloy Plant Law Suit

(b)(5)

Get Outlook for Android

From: Taylor, William
Sent: Monday, July 29, 8:36 PM
Subject: Re: Disruption of Renewable Energy Sector Due to Nikopol Ferroalloy Plant Law Suit
To: Geoff Berlin
Cc: Taylor, William B (Kyiv)

Thanks, Geoff. Looking into it.
Bill

Sent from my Verizon, Samsung Galaxy smartphone

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------- Original message -------

From: Geoff Berlin (b)(6)

Date: 7/29/19 4:59 PM (GMT+02:00)

To: "Taylor, William" (b)(6)

Cc: Gish Peter (b)(6) "Kvien, Kristina A" (b)(6)

Subject: Disruption of Renewable Energy Sector Due to Nikopol Ferroalloy Plant Law Suit

Dear Ambassador Taylor,

(b)(1)

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(b)(1)

Best regards,

Geoff Berlin

(b)(6)

Sender:	"Taylor, William B (Kyiv) (b)(6)
Recipient:	(b)(6) Kvien, Kristina A (b)(6)

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