

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MICHAEL MABEE,)
)
Plaintiff,)
)
v.)
)
FEDERAL ENERGY REGULATORY)
COMMISSION,)
)
Defendant.)
_____)

Civil Action No. 19-3448 (KBJ)

JOINT STATUS REPORT

Pursuant to the Court’s January 28, 2020 Minute Order, Defendant the Federal Energy Regulatory Commission (“FERC”) and Michael Mabee (“Plaintiff”), by and through their respective undersigned counsel, submit the following Joint Status Report in the above-referenced matter.

Joint Statement Regarding Relevant Background and Status

1. The above-captioned case concerns three (3) Freedom of Information Act (“FOIA”) requests filed by Plaintiff seeking the identities of Unidentified Registered Entities (“URE”) associated with numerous FERC Notice of Penalty (“NOP”) dockets.
2. On January 28, 2020, the Court issued a Minute Order (“January 28th Order”) directing FERC to “process a minimum of 10-15 dockets per month and...issue a response to Plaintiff’s FOIA requests on the 30th day of each month...until production is complete.”
3. The January 28th Order also requires FERC to file a monthly status report regarding the processing of Plaintiff’s FOIA requests on the 7th day of each month.
4. Finally, beginning March 7, 2020, the January 28th Order requires the parties to meet, confer, and file a Joint Status Report, and thereafter every third month.

5. The parties have been in compliance with the Minute Order since its issuance.

**Defendant's Status Report Regarding Processing of Dockets
During February 2021**

6. On February 26, 2021, FERC provided Plaintiff with a determination as to the following ten (10) additional dockets:

NP11-247	NP17-25
NP11-262	NP18-2
NP11-263	NP18-7
NP11-264	NP18-14
NP17-21	NP18-15

7. Based on its internal assessments, FERC denied the release of the URE identities associated with the foregoing ten (10) dockets. *See* Joint Status Report, Doc. 9 at ¶¶ 10-14 (describing assessment process).
8. On February 10, 2021, FERC issued a Notice of Intent to Release Letter to NERC and the relevant UREs in NP11-155 and NP11-178.
9. On February 12, 2021, FERC issued a Notice of Freedom of Information Act Request to NERC and the relevant UREs in NP11-149 and NP11-47.
10. FERC anticipates that it will process ten (10) or more additional dockets during the month of March, and will file its next status report on Wednesday, April 7, 2021.
11. On March 4, 2021, FERC advised Plaintiff's counsel that it would provide him with updated bates labeled documents no later than March 16, 2021..

Other Issues Defendant FERC Wishes to Bring to the Court's Attention

12. With respect to other issues in the above-referenced matter, FERC wishes to advise the Court of its intent to file a motion to amend/modify the existing production schedule to

address certain “spreadsheet” Notices of Penalty that are among the NP dockets that are the subject of this litigation.

Plaintiff’s Status Report And Other Issues

13. Plaintiff is opposed to any delay in Defendant’s production schedule and intends to oppose FERC’s motion described in Paragraph 12, should Defendant pursue a motion as described.

Dated: March 8, 2021

Respectfully submitted,

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