

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Civil Action No. 19-3448 (KBJ)

**DEFENDANT FEDERAL ENERGY REGULATORY COMMISSION’S
JULY 2021 STATUS REPORT¹**

Pursuant to the Court’s January 28, 2020 Minute Order, Defendant Federal Energy Regulatory Commission (“FERC”), by and through its undersigned counsel, respectfully submits the following Status Report.

Statement Regarding Relevant Background and Status

1. The above-captioned case concerns three (3) Freedom of Information Act (“FOIA”) requests filed by Plaintiff Michael Mabee (“Plaintiff”) seeking the identities of Unidentified Registered Entities (“URE”) associated with numerous FERC Notice of Penalty and related dockets.
2. On January 28, 2020, the Court issued a Minute Order (“Jan. 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.”

¹ Counsel apologizes that this status report was not filed on July 7, 2021, as required by the Court’s January 28, 2020, Minute Order. Undersigned counsel had a family emergency that she was dealing with for several days and, unfortunately, counsel did not realize that she had forgotten to file the status report until July 10, 2021. Counsel will be more careful in the future.

3. The Jan. 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 and the parties to file a joint status report every third month.

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

NP12-12; RC12-11; NP11-266; and NP11-270

4. On Thursday, June 24, 2021, FERC issued a Notice of Intent to Release the public version of the Notices of Penalty associated with NP12-12; RC12-11; NP11-266; and NP11-270, along with the names of certain UREs associated with these dockets inserted on the first page of each.²

5. On Wednesday, June 30, 2021, FERC issued Release Letters, disclosing the identities of certain UREs associated with RC12-11; NP11-266; and NP11-270 on the first page of the public version of the Notices of Penalty of each.

6. On Wednesday, June 30, 2021, FERC provided Plaintiff with a response as to the remaining UREs contained in NP12-12; RC12-11; NP11-266; and NP11-270. Based on its internal assessments, *see* Joint Status Report, Doc. 9 at ¶¶ 10-14, FERC denied the release of the remaining URE identities associated with NP12-12; RC12-11; NP11-266; and NP11-270.

NP12-22; NP12-26; NP12-27; NP12-36; NP12-37; and NP13-12

7. On Wednesday, June 30, 2021, FERC provided Plaintiff with a response to his FOIA requests as to the following six (6) dockets: NP12-22; NP12-26; NP12-27; NP12-36; NP12-37; and NP13-12. Based on its internal assessments, *see* Joint Status Report, Doc. 9 at ¶¶ 10-14, FERC denied the release of the URE identities associated with the foregoing six (6) dockets.

² These and other Notices of Penalty discussed herein address numerous entities, thus requiring FERC staff to engage in an analysis as to each URE contained in each docket.

NP12-40

8. On Wednesday, June 30, 2021, FERC provided Plaintiff with a response to his FOIA requests as to docket NP12-40. Based on its internal assessments, *see* Joint Status Report, Doc. 9 at ¶¶ 10-14, FERC denied the release of the URE identities associated with NP12-40.

9. FERC anticipates that it will process ten (10) or more additional dockets during the month of July 2021 and will file a Status Report on Monday, August 9, 2021.

Dated: July 10, 2021

Respectfully submitted,

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