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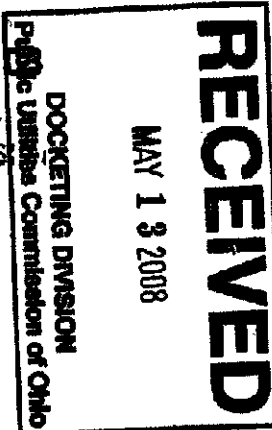
ORIGINAL

April 22, 2008

FILED  
OFFICE OF THE  
SECRETARY

Cynthia A. Marlette  
General Counsel  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

2008 APR 29 P 4

FEDERAL ENERGY  
COMMISSION

"Freedom of Information Act Appeal"

CP07-208-000

Re: Reconsideration of FOIA No. FY08-33; Fee Waiver Request

Ms. Marlette,

My National Registry of Historic Places listed property (farm/district) is in the direct path of a Kinder Morgan pipeline project called REX East Project. This project must have FERC and NHPA approval before moving forward.

On March 13, 2008, I filed for information pursuant to the Freedom of Information Act and the FERC FOIA regulations. My application also requested a total fee waiver.

On April 9, 2008, I received a letter from FERC, Andrew J. Black, which granted me information, but denied me a total fee waiver.

My research of regulation 18 CFR 388.109(C) states that fee waivers are granted when the information is not for commercial gain, but instead associated with a public interest.

The appropriate regulation 18 CFE 388.109(C) states as follows:

(c) Fee reduction or waiver. Any fee described in this section may be reduced or waived if the requester demonstrates that disclosure of the information sought is:

- (i) In the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and
  - (ii) Not primarily in the commercial interest of the requester.
- (2) The Commission will consider the following criteria to determine the public interest standard:
- (i) Whether the subject of the requested records concerns the operations or activities of the government;
  - (ii) Whether the disclosure is likely to contribute to an understanding of government operations or activities;
  - (iii) Whether disclosure of the requested information will contribute to public understanding; and
  - (iv) Whether the disclosure is likely to contribute significantly to public understanding of government operations or facilities.

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Technician Tm Date Processed 5/14/2008

(3) The Commission will consider the following criteria to determine the commercial interest of the requester:

- (i) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so
- (ii) Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

The release of information is not in my commercial interest, but rather in the public's interest.

The release of the information will help the public to understand the Section 106 process and how and when the public may participate. The requested records and information will help the public (township, county, and state elected officials) and me to better understand how the FERC and Section 106 process functions. The requested information will help to provide a better understanding of FERC, Ohio Historic Preservation Office protocols, and the internal procedures that are a necessary component of the Section 106 process. I intend to use the requested records to better understand how Section 106 review process is intended to work within FERC. I intend to share requested records and information with those federal and state agencies that oversee the NHPA, such as the Advisory Council and the Ohio Historic Preservation Office. Releasing the requested information will help explain, and educate the public about FERC's role in the Section 106 process.

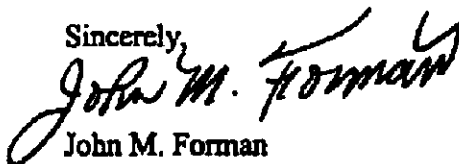
I look forward to resolving the fee waiver issue and moving forward with the FOIA request.

Also, I wish to reduce my records request to:

Docket No. CP07-208-00 as it pertains to:

- 1. NRHP Property, Hunt-Forman Farm, Warren County-#04000607
- 2. Original proposed route -- Sheet 111 of 161 (Page Appendix B-115 of Draft EIS) November, 2007
- 3. Proposed REX Reroute RR-2028 (Supplemental Filing 2-12-08)
- 4. Forman's Variation
- 5. Revised Forman Variation A
- 6. Revised Forman Variation B

Sincerely,



John M. Forman

Cc: See listing

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission

**George V. Voinovich of Ohio**  
**U.S. Senate**

**Sherrod Brown of Ohio**  
**U.S. Senate**

**Michael Turner, 3<sup>rd</sup> District of Ohio**  
**U.S. House of Representatives**

**Ms. Shannon Jones, District #67**  
**Ohio State House of Representatives**

**Robert L. Schuler, 7<sup>th</sup> District**  
**Ohio State Senate**

**Carl T. John, Administrator**  
**PHMSA (DOT)**

**Rachel Hutzell**  
**Warren County Prosecutor**

**Larry Easterly Warren County Parks**

**James Van DeGrift**  
**Turtlecreek Township Chair**

**Ms. Pat South**  
**Warren County Commission**

**Robert J. Boggs, Executive Director**  
**Ohio Department of Agriculture**

**Mike Johanns, Secretary**  
**U.S. Department of Agriculture**

**Ellen K. Schall**  
**Associate General Counsel**

**Raymond Storm, Facilities Siting & Environmental Analysis Division**  
**Public Utilities Commission of Ohio**

**David Hanselmann, Chief Division of Soil and Water Conservation**  
**Ohio Department of Natural Resources**

**Ed Steele**  
**Ohio Pipeline Safety**

**Carl Weiner  
Pipeline Safety Trust**

**David L. Cox  
Kleingers & Associates**

**Douglas Terpstra  
ASC Group, Inc.**

**Kari Karause  
NRG**

**Dave M. Snyder, Archeology Reviews Manager  
Ohio Historic Preservation Office**

**Nancy H. Campbell, History/Architecture Transportation Reviews Manager  
Ohio Historic Preservation Office**

**Barbara A. Powers, Department Head of Inventory and Registration  
Ohio Historic Preservation Office**

**Alisa M. Lykens, Environmental Biologist  
FERC**

**Ellen Saint Onge, Cultural Resources  
FERC**

**James Martin, Alternatives  
FERC**

**Laura Turner, Land Use  
FERC**

**Janine Cefalu, Land Use and Visual Recourses  
FERC**

**Michael Smith, Assistant General Counsel  
National Trust for Historic Preservation**

**Tom Mayes, Deputy General Counsel  
National Trust for Historic Preservation**

**Laura Henley Dean  
Advisory Council on Historic Preservation**

**Reid Nelson, Assistant Director  
Advisory Council on Historic Preservation**

**Tom McCulloch, Program Analyst  
Advisory Council on Historic Preservation**