

**EXHIBIT 2**

**Letter from Robert M. Silber, FOIA and Privacy Act Officer, Defense Logistics Agency, to  
Albert B. Krachman, Blank Rome LLP (April 3, 2014)**



**DEFENSE LOGISTICS AGENCY**  
ENERGY  
8725 JOHN J. KINGMAN ROAD  
FORT BELVOIR, VIRGINIA 22060-6222

April 3, 2014

Mr. Albert B. Krachman  
Blank Rome, LLP  
600 New Hampshire Avenue, N.W.  
Washington, DC 20037

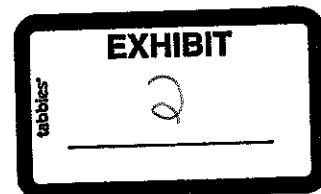
Via Email: [krachman@blankrome.com](mailto:krachman@blankrome.com)

Dear Mr. Krachman:

This acknowledges DLA Energy's receipt of your Freedom of Information Act ("FOIA") request dated March 25, 2014, that was addressed to the FOIA Officer for "HQDA." We received your request as a referral from the Department of the Army Legal Service Agency's Fiscal Action Branch at the Pentagon for our review and direct reply to you and we are processing it as FOIA request no. 14-EFOI-00028.

We understand from your request that you are seeking a copy of records created between January 1, 2009 and the date of your request that pertain to CLIN 0007 of contract No. SP0600-04-C-8253 ("Contract") with respect to the following items:

1. All records relating to or discussing of the costs to the government of the termination of CLIN 0007 of the Contract.
2. All records submitted to the Base Adjustment and Realignment Commission relating to or discussing the cost of terminating CLIN 0007 of the Contract.
3. All draft and final DCAA audit reports concerning the termination of CLIN 0007 of the Contract.
4. All records discussing or related to the BRAC of Fort Monroe as possibly ending the government's responsibility for the cost of upgrading the Fort Monroe electric utility system to meet commercial or residential standards.
5. All records comprising or discussing the government estimates for the cost of terminating CLIN 0007 of the Contract.
6. All records discussing or relating to any funding or appropriations requests for the costs of terminating CLIN 0007 of the Contract.
7. All records discussing or relating to the termination proposal for Contract CLIN 0007 submitted by Dominion Virginia Power dated June 29, 2012.
8. All records discussing or relating to the certified claim filed by Virginia Electric and Power Company on October 30, 2013.



9. All records provided to the Government Accountability Office related to the Contract in connection with GAO Report No. GAO-13-337, dated April 18, 2013.
10. All records provided to any Member or Committee of Congress related to the termination of CLIN 0007 of the Contract.

DLA Energy received your request on April 2, 2014, and is processing it as FOIA request number 14-EFOI-00028.

DLA Energy is unable to process your request at this time because it needs a clearer description of the records sought.

A proper FOIA request must include a description of the records sought that enable an agency personnel familiar with the subject area of the request to locate and identify responsive records with a reasonable amount of effort. In this case, your request for a copy of "all records" related to each of the request items is too broad for DLA Energy's personnel familiar with the contract to either locate or determine if any given record is responsive to a given request item. I think this clarification issue can be resolved if you could tell us what led to the filing of your FOIA request and what issues you are attempting to resolve.

---

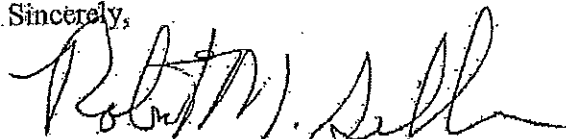
DLA Energy looks forward to receiving your clarification. If DLA Energy does not receive your conforming reply within five business days from the date of this letter, we will assume you have withdrawn your request and we will accordingly close it out. Closing out your request will not preclude you from filing a FOIA request for the same information at a later date.

Assuming we receive your timely reply, we will be treating your request as one for a redacted copy of the record. As such, you will receive the records considerably sooner. You will not have appeal rights, but you will not be precluded from filing a FOIA request for an unredacted copy of any portion of the records.

You may appeal DLA Energy's determination that your request is a commercial use request once we have received the clarifications. Your appeal must be made in writing to the General Counsel and reach the General Counsel's Office within 60 calendar days from the date of this letter, no later than 5:00 pm, Eastern Standard Time. The appeal should include your reasons for reconsideration and enclose a copy of this letter. An appeal may be mailed to [hq.foia@dla.mil](mailto:hq.foia@dla.mil), or faxed to 703-767-6091. Appeals are to be addressed to the General Counsel, Defense Logistics Agency, ATTN: DGA, (FOIA), Suite 1644, 8725 John J. Kingman Road, Fort Belvoir, Virginia 22060-6221.

If you have any questions about your request, please contact the DLA Energy FOIA and Privacy Act Office by email at [dlaenergy.foia@dla.mil](mailto:dlaenergy.foia@dla.mil) or facsimile at 703-767-5022.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. Silber". The signature is fluid and cursive, with the first name being the most prominent.

ROBERT M. SILBER  
FOIA and Privacy Act Officer