

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Southern Environmental Law Center v. Tennessee Valley Authority;
Tennessee Gas Pipeline Company, LLC

No. 3:24-CV-00110-JRG-DCP (E.D. Tenn. Jan. 12, 2026) · No. No. 3:24-CV-00110-JRG-DCP · Decided
January 12, 2026

SUMMARY

In this Freedom of Information Act action, the Southern Environmental Law Center challenged the adequacy of the Tennessee Valley Authority’s search and its withholding of records concerning a proposed gas pipeline project. The court held that TVA’s search was adequate and that its use of FOIA Exemption 6 was not opposed, but found the agency’s categorical justification for Exemption 4 insufficient. The court therefore granted and denied the parties’ summary-judgment motions in part and ordered Defendants to provide a Vaughn Index.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	J. Ronnie Greer
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	January 12, 2026
DOCKET	No. 3:24-CV-00110-JRG-DCP
DISPOSITION	other
PROCEDURAL POSTURE	Cross-motions for summary judgment in an action under the Freedom of Information Act seeking production of agency records. The court previously denied TVA's motion to dismiss for lack of subject matter jurisdiction and permitted Tennessee Gas Pipeline Company, LLC, to intervene.
STANDARD OF REVIEW	FOIA withholding decisions are reviewed de novo under 5 U.S.C. § 552(a)(4)(B). On cross-motions for summary judgment, summary judgment is proper when no genuine dispute of material fact exists and the movant is entitled to judgment as a matter of law. The adequacy of a FOIA search is evaluated under a reasonableness standard, and the agency must show a good-faith search reasonably calculated to locate responsive records.

PRECEDENTIAL VALUE	unpublished district court memorandum opinion; limited persuasive value
PARTIES	Southern Environmental Law Center v. Tennessee Valley Authority

TOPICS

administrative law judicial review of agency action summary judgment civil procedure
environmental law

PRACTICE AREAS

Freedom of Information Act administrative law civil procedure environmental law

QUESTIONS PRESENTED

1. Whether TVA's search for records responsive to SELC's FOIA request was adequate.
2. Whether TVA's use of March 13, 2024, as the cutoff date for its supplemental search was reasonable.
3. Whether TVA adequately justified its withholding and redaction of records under FOIA Exemption 4 without a Vaughn Index or comparable document-by-document accounting.
4. Whether TVA's redaction of personal cell phone numbers and email addresses under FOIA Exemption 6 was proper when SELC did not oppose that relief.
5. Whether SELC's claim based on TVA's failure to make a timely FOIA determination remained justiciable after TVA issued a response.

HOLDINGS

1. TVA conducted an adequate FOIA search because its declarations established a good-faith effort using methods reasonably expected to produce responsive records.
2. Using the date of the initial search, March 13, 2024, as the cutoff date for the supplemental search was reasonable.
3. TVA was not entitled to summary judgment on its use of FOIA Exemption 4 because its categorical approach did not sufficiently identify each withheld document or clearly define the categories, particularly the category for preliminary project information.
4. Defendants were entitled to summary judgment on TVA's use of Exemption 6 because SELC did not oppose the withholding of personal cell phone numbers and email addresses and thereby conceded the issue.
5. Any claim based solely on TVA's failure to make a timely FOIA determination became moot when TVA issued its response.

KEY QUOTATIONS

“An agency's search for documents in response to a FOIA request is held to a reasonableness standard.”
(Discussion, II.A)

“In sum, the Court finds that TVA made a “good faith effort to conduct a search for the requested records using methods reasonably expected to produce the requested information.”” (Discussion, II.A)

“The ultimate goals remain to (1) assure that a party's right to information is not submerged beneath government obfuscation and mischaracterization, and (2) permit the court system effectively and efficiently to evaluate the factual nature of disputed information.” (Discussion, II.B.1)

FACTUAL BACKGROUND

SELC requested TVA records concerning communications with energy and gas infrastructure companies about a proposed Cheatham County, Tennessee, gas pipeline project. TVA initially produced or withheld records under FOIA Exemptions 4 and 6, then conducted a supplemental search using additional custodians and search terms after litigation began. The supplemental response produced 73 responsive records, with some released in full, some redacted, and others withheld in full. SELC challenged the adequacy of the search and TVA's categorical justification for Exemption 4.

PROCEDURAL HISTORY

SELC submitted a FOIA request to TVA in July 2023. After TVA issued an initial response in April 2024 and a supplemental response in March 2025, the parties disputed the adequacy of TVA's search and its reliance on FOIA Exemptions 4 and 6. The court denied TVA's mootness-based motion to dismiss, granted Tennessee Gas's intervention, and resolved the parties' cross-motions for summary judgment by upholding the search and Exemption 6 redactions, but requiring a Vaughn Index or comparable document-by-document review for Exemption 4 withholdings.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. TVA must produce a Vaughn Index, or comparable document-by-document review, for records withheld or redacted under Exemption 4 within 45 days of entry of the order.

CASES CITED

- Citizens for Responsibility & Ethics in Wash. (CREW) v. United States DOJ, 602 F. Supp. 2d 121, 123 (D.D.C. 2009)
- NLRB v. Robbins Tire & Rubber Co., 437 U.S. 214, 242 (1978)
- Vaughn v. United States, 936 F.2d 862, 865, 867-68 (6th Cir. 1991)
- ACLU of Mich. v. FBI, 734 F.3d 460, 465 (6th Cir. 2013)
- Competitive Enter. Inst. v. EPA, 232 F. Supp. 3d 172, 181 (D.D.C. 2017)

- *Roseberry-Andrews v. U.S. Dep't of Homeland Sec.*, 299 F. Supp. 3d 9, 20 (D.D.C. 2018)
- *Weisberg v. Dep't of Justice*, 745 F.2d 1476, 1485 (D.C. Cir. 1984)
- *CareToLive v. FDA*, 631 F.3d 336, 338, 340 (6th Cir. 2011)
- *McGehee v. CIA*, 697 F.2d 1095, 1105 (D.C. Cir. 1983)
- *McClanahan v. United States DOJ*, 204 F. Supp. 3d 30, 47 (D.D.C. 2016)
- *Bonner v. U.S. Dep't of State*, 928 F.2d 1148, 1152 (D.C. Cir. 1991)
- *Sarras v. United States DOJ*, No. 19-cv-0861 (CRC), 2023 U.S. Dist. LEXIS 173166, at *13-14 (D.D.C. Sep. 27, 2023)
- *Watkins Law & Advocacy, PLLC v. United States*, 78 F.4th 436, 450 (2023)
- *Dayton Newspaper, Inc. v. VA*, 510 F. Supp. 2d 441, 449 (S.D. Ohio 2007)
- *Judicial Watch, Inc. v. United States DOE*, 310 F. Supp. 2d 271, 305 (D.D.C. 2004)
- *Schrecker v. United States DOJ*, 217 F. Supp. 2d 29, 33 (D.D.C. 2002)
- *Wilbur v. C.I.A.*, 355 F.3d 675, 678 (D.C. Cir. 2004)
- *Trentadue v. Integrity Comm.*, 501 F.3d 1215, 1225-26 (10th Cir. 2007)
- *Dickerson v. Dep't of Justice*, 992 F.2d 1426, 1429 n.2, 1431 (6th Cir. 1993)
- *Campbell v. Dep't of Justice*, 164 F.3d 20, 30 (D.C. Cir. 1998)
- *Osborn v. Internal Revenue Service*, 754 F.2d 195, 197 (6th Cir. 1985)
- *Citizens for Responsibility & Ethics in Wash. v. Dep't of Justice*, Civil Action No. 23-262 (JEB), 2024 U.S. Dist. LEXIS 147111, at *33 (D.D.C. Aug. 19, 2024)
- *Bevis v. Dep't of State*, 801 F.2d 1386, 1389-90 (1986)
- *Greenberg v. Hill*, No. 2:07-CV-1076, 2009 U.S. Dist. LEXIS 28027, at *12 (S.D. Ohio Mar. 31, 2009)
- *Degolia v. Kenton Cnty.*, 381 F. Supp. 3d 740, 759-60 (E.D. Ky. 2019)