



February 7, 2020

Public Records Coordinator
University of California, Berkeley
Office of Legal Affairs
200 California Hall #1500
Berkeley, CA 94720-1500

Via Electronic Mail: pra@berkeley.edu
Re: Certain Correspondence

Dear Sir or Madam:

On behalf of Energy Policy Advocates (EPA), recognized by the Internal Revenue Service as a non-profit public policy institute under § 501(c)(3) of the Internal Revenue Code, pursuant to the California Government Code §§ 6250 *et. seq.*, I hereby request that that the Office of the Chancellor produce, within 10 business days, copies of the following public records:

all electronic correspondence, including also any attachments, that a) was sent to or from, including whether as cc: or bcc:, **Emmanuel Saez and/or Gabriel Zucman**, which also b) includes, *anywhere*, **i) @mikebloomberg.com, ii) @sheekey.com, iii) @bloomberg.org, iv) @350.org, v) bill.mckibben@gmail.com, and/or vi) @ucsusa.org**, and c) was sent at any time from **November 24, 2019 through the date this request is processed, inclusive.**

We request entire threads of which any responsive correspondence is a part, regardless whether any portion falls outside of the above time parameter.

To narrow this request, please consider as non-responsive electronic correspondence that merely receives or forwards newsletters or press summaries or ‘clippings’, such as news services or stories or opinion pieces, if that correspondence has no comment or no substantive comment added by a party other than the original sender in the thread (an electronic mail message that includes any expression of opinion or viewpoint would be considered as including substantive comment; examples of non-responsive emails would be those forwarding a news report or opinion piece with no comment or only “fyi”, or “interesting”).

Additionally, please consider all published or docketed materials, including pleadings, regulatory comments, ECF notices, news articles, and/or newsletters, as non-responsive, unless forwarded to or from the named persons with substantive commentary added by the sender.

We request records on the University’s system, e.g., its backend logs, not those which survive on a faculty member’s specific device or account. As such, asking the two faculty members to conduct their own search and/or screen potentially responsive records would be further inappropriate.

We reserve the right to inspect or assign a representative to inspect any records if for any reason the Office cannot or will not provide copies.

If the records are not currently in your possession, please notify me in writing, and provide any and all information about where and with whom the records may be found, requested, viewed or copied, and/or when they will become available to your office. Given the nature of the records responsive to this request, all should be in electronic format, and therefore there should be no photocopying costs. If there is any cost associated with the searching, copying or production of these records, however, please also notify me in writing immediately.

We understand we owe the office the cost of material, required to satisfy this request. We agree to pay legitimate expenses up to \$100.00. If you estimate costs will exceed that please notify us immediately and break down the expected costs. This information is not, however, being sought for commercial purposes. If for any reason, our request for information cannot be satisfied without cost, then prior to any copying, please notify us immediately with the reasons for the denial and the cost that will be involved. Please produce these records electronically if possible to avoid unnecessary fees and otherwise conserve resources.

In accordance with generally accepted policy, if there are any costs associated with this request, we request a waiver or reduction of any fees connected with this request as disclosure of these requested records are for the public purpose. EPA has no commercial interest possible in these records and the Office is permitted to and does exercise discretion in waiving or reducing fees on that basis.

This request is being made in the public interest, and furnishing this information will benefit the public's understanding of recent events regarding proposed energy and environmental policies favored by many candidates for public office, which policies have substantial impact on individuals and the larger economy. This information is being requested for the purpose of understanding how state institutions are involved in advocacy campaigns to advance these policies .

The requested information is of critical importance to the nonprofit policy advocacy groups engaged on the issue of how public institutions are used toward private ends and/or in conjunction with private interests, news media covering the issues, and any others concerned with government activities on this critical subject, or as the United States Supreme Court once

noted in the context of the federal FOIA, what their government, which under open records laws includes publicly funded academic institutions, is up to.

As you know, the law requires that you respond to and fulfill this request within 10 business days. If these records will not be produced within this time, please notify me in writing immediately and explain the reasons why.

If you deny this request or withhold the document responsive to this request, please describe the material withheld and specify in detail the statutory or administrative basis for withholding it. Please cite each specific exemption to the California Government Code that you have determined justifies the refusal to produce the record. All segregable, non-exempt parts of the documents should be provided.

We request you make a timely determination on this request consistent with the statute.

We request all records be produced in electronic format to the below email address.

If you have any questions, or require clarification of this request, please feel free contact me at any time using the contact information listed with this request. Thank you for your prompt attention, time and consideration to this matter.

Respectfully submitted,

Rob Schilling
Executive Director
Energy Policy Advocates