

REQUEST UNDER COLORADO OPEN RECORDS ACT

March 21, 2019

Colorado State University
Office of General Counsel
475 Seventeenth Street, Suite 1550
Denver, CO 80202

Via Facsimile: 303-534-6298

Re: Certain Records of Edward Barbier

Dear Sir or Madam:

On behalf of Energy Policy Advocates (EPA), a non-profit public policy organization, please consider this request pursuant to the Colorado Open Records Act, C.R.S. § 24-72-201 *et seq.* Please provide copies of the following records, and their *accompanying information*,¹ — subject to the below exclusion — including also any attachments: all electronic correspondence a) sent to or from (including also copying, whether as cc: or bcc:) **Edward B. Barbier**, Professor in the Department of Economics, b) which use one or more of the following, *anywhere*: i) “Green New Deal”, ii) GND, iii) “Rethinking the Economic Recovery”, iv) “Agenda 21”, and v) UNEP.

Quotations indicate a search term, not a request for records using the term in quotations. Also, these terms are not case sensitive. Records responsive to this request will have been dated from January 3, 2019 through the date you process this request, inclusive. Please consider as responsive all email “threads” containing any information responsive to this request, regardless of whether any part of that thread falls outside the cited search parameters.

¹ See discussion of SEC Data Delivery Standards, *infra*.

To substantially narrow this request, EPA excludes from its request electronic correspondence that merely receives or forwards press 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”). As such, e.g., if Mr. Barbier receives E&E News and/or Politico’s Morning Energy, those are not responsive records unless sent or received by someone adding substantive comment.

Please provide records in electronic format and to the following email, matthewdhardin@gmail.com.

We understand that a university may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs according to C.R.S. § 24-72-205. Given the nature of the records responsive to this request, all should be in electronic format, and there should be no photocopying costs.

If your office expects to seek a charge associated with the searching, copying, or production of these records however, please provide an estimate of anticipated costs in the event there are fees for processing this request.

Energy Policy Advocates requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee’s own machine or account. We do not demand your office produce requested information in any particular form, instead we request records in their native form, with specific reference to the U.S. Securities and Exchange

Commission Data Delivery Standards.² The covered information we seek is electronic information, this includes electronic *records*, and other public *information*.

To quote the SEC Data Delivery Standards, “Electronic files must be produced in their native format, i.e. the format in which they are ordinarily used and maintained during the normal course of business. For example, an MS Excel file must be produced as an MS Excel file rather than an image of a spreadsheet. ***(Note: An Adobe PDF file is not considered a native file unless the document was initially created as a PDF.)***” (emphases in original).

In many native-format productions, certain public information remains contained in the record (e.g., metadata). Under the same standards, to ensure production of all information requested, if your production will be de-duplicated it is vital that you 1) preserve any unique metadata associated with the duplicate files, for example, custodian name, and, 2) make that unique metadata part of your production.

Native file productions may be produced without load files. However, native file productions must maintain the integrity of the original meta data, and must be produced as they are maintained in the normal course of business and organized by custodian-named file folders. A separate folder should be provided for each custodian.

In the event that necessity requires your office to produce a PDF file, due to your normal program for redacting certain information and such that native files cannot be produced as they are maintained in the normal course of business, in order to provide all requested information each PDF file should be produced in separate folders named by the custodian, *and* accompanied by a load file to ensure the requested information appropriate for that discrete record is

² <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf>.

associated with that record. The required fields and format of the data to be provided within the load file can be found in Addendum A of the above-cited SEC Data Standards. All produced PDFs must be text searchable.

We look forward to your timely response within a reasonable time, as required by law. If you have any questions, or would like to discuss this matter further, do not hesitate to contact me by email at MatthewDHardin@gmail.com or by phone at 804-240-6773. I look forward to your timely response.

Sincerely,

Matthew Hardin
Executive Director
Energy Policy Advocates