

**MINNESOTA GOVERNMENT DATA PRACTICES ACT REQUEST**

January 26, 2022

Keith Ellison, Esq.  
Or Responsible Authority  
Office of the Attorney General445  
Minnesota St.  
Suite 1400  
St. Paul, MN 55101-2131

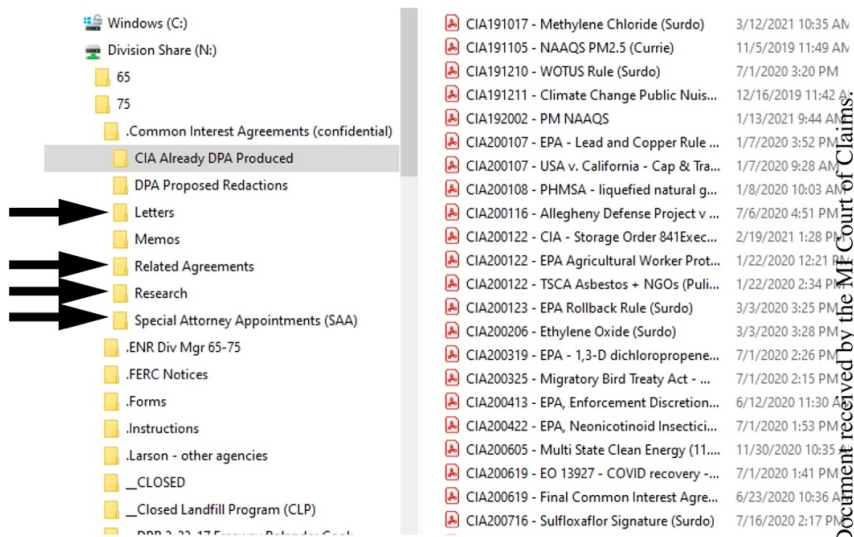
**By Electronic Mail:** datapractices@ag.state.mn.us

**Re:** Certain Correspondence — “Related Agreements”,

“Special Attorney Appointments” folder contents

Dear Sir or Madam:

On behalf of Energy Policy Advocates, a non-profit public policy institute, pursuant to the Minnesota Government Data Practices Act, Minn. Stat. §13.01, *et seq.*, I hereby request copies of all records that reside in the following folders on the Office’s computer system under (see image, below, to assist) Division Share (N:) -> 75 -> .Common Interest Agreements (confidential): i) Letters, ii) Related Agreements, iii) Related Agreements, iv) Research, and v) Special Attorney Appointments.



We recognize certain information in some of the records in those folders, or even the occasional record in its entirety. With that said, we also note that the Office has previously released to us numerous records residing in at least one of the folders within “.Common Interest Agreements (confidential)”. As such, we urge the Office to eschew past categorical claims of exemption.

**To narrow this request**, please consider all published or docketed materials, including pleadings, regulatory comments, ECF notices, news articles, and/or newsletters, as non-responsive, unless forwarded with substantive commentary added by the sender.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs. If your Office expects to seek a charge associated with the searching, copying or production of these records, please provide an estimate of anticipated costs.

As noted earlier in this request, EPA is a non-profit public policy organization incorporated under the laws of Washington State and dedicated to informing the public of developments in the area of energy and environmental issues and relationships between governmental and non-governmental entities as they relate to those issues. EPA’s ability to obtain fee waivers is essential to this work. EPA intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. EPA ensures the public is made aware of its work and findings via broadly disseminating energy and environmental policy news and developments. The public information obtained by EPA

have been relied upon by established media outlets, including the Washington Times and Wall Street Journal editorial page.<sup>1</sup>

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.<sup>2</sup>

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

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<sup>1</sup> See, e.g., EPA In the News at <http://epadvocates.org/news/>; see also, e.g., Stuart Parker, “Conservative Group Says States’ Ozone Suit ‘Trojan Horse’ for GHG Limits,” Inside EPA, February 24, 2021, and [https://www.wsj.com/articles/bidens-backdoor-climate-plan-11616020338?mod=opinion\\_lead\\_pos1](https://www.wsj.com/articles/bidens-backdoor-climate-plan-11616020338?mod=opinion_lead_pos1); See, e.g., The Editorial Board, “State AGs’ Climate Cover-Up” Wall Street Journal, June 7, 2019, <https://www.wsj.com/articles/state-ags-climate-cover-up-11559945410>. Valerie Richardson, “Motivated or manipulated? Rise of youth climate activism fuels alarms over exploitation” Washington Times, March 15, 2019, <https://www.washingtontimes.com/news/2019/mar/13/youth-climate-strike-sparks-debate-use-students-pr/>, see also “Climate Strike Sparks Debate on Use of Students as Props”, [https://www.realeclearpolicy.com/2019/03/15/climate\\_strike\\_sparks\\_debate\\_on\\_use\\_of\\_students\\_as\\_props\\_41180.html](https://www.realeclearpolicy.com/2019/03/15/climate_strike_sparks_debate_on_use_of_students_as_props_41180.html). Valerie Richardson, “Democratic AGs team up with George Soros-funded group on anti-Trump lawsuit” Washington Times, August 1, 2019, <https://www.washingtontimes.com/news/2019/aug/1/george-soros-funded-group-democratic-ags-partner-a/>. Anthony Watts, “Emails reveals how children become pawns of climate alarmism”, Watts Up With That (two-time Science Website of the Year), March 13, 2019, <https://wattsupwiththat.com/2019/03/13/emails-reveal-how-children-become-pawns-of-climate-alarmism/>.

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

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 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 response. If you have any questions, do not hesitate to contact me by email at [schilling@allhookedup.com](mailto:schilling@allhookedup.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Schilling', with a long horizontal flourish extending to the right.

Rob Schilling  
Executive Director  
Energy Policy Advocates