

PUBLIC RECORDS REQUEST

May 17, 2022

Keith Ellison, Esq.
Or Responsible Authority
Office of the Attorney General 445
Minnesota St.
Suite 1400
St. Paul, MN 55101-2131

By Electronic Mail: datapracitices@ag.state.mn.us

Dear Records Officer:

On behalf of Energy Policy Advocates, a non-profit public policy institute, and pursuant to the Minnesota Government Data Practices Act, Minn. Stat. §13.01, *et seq.*, I hereby request copies of the following records:

- I. all *disclosures* made to your Office in 2020 by the law firm Sher Edling, LLP, other than those contained in your “Special Attorney Appointment” agreement approved by the Legislative Advisory Commission in September 2020 or the Consulting Agreement Regarding Climate Change Litigation with Sher Edling, LLP dated June 23, 2020; and
- II. all *electronic or hard copy correspondence* sent to or from or copying John Keller, Donna Cassutt, Keith Ellison, Peter Surdo and/or Leigh Currie at any time in 2020 that uses the term “Resources Legacy Fund.”

These terms are not case sensitive.

Most records responsive to this request should be in electronic format or easily produced in electronic format, and therefore there should be no photocopying costs. If your office intends to seek any cost associated with the searching or processing of these records, however, please also notify me in writing immediately. Please provide an estimate of anticipated costs if there are fees for processing this Request. In the interests of expediting the search and processing of this Request, EPA is willing to pay fees up \$200. Please provide an estimate of anticipated costs in the event that fees for processing this Request will exceed \$200.

EPA 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 responsive to request number I in their native form, with specific reference to the U.S.**

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

To quote the SEC Data Delivery Standards¹, “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 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.

Sincerely,

A handwritten signature in black ink, appearing to be 'RS', with a long horizontal flourish extending to the right.

Rob Schilling
Executive Director Energy Policy Advocates

¹ <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf>.