

FLORIDA PUBLIC RECORDS REQUEST

December 9, 2021

Nkenga A. Payne
South Miami City Clerk
6130 Sunset Drive
South Miami, FL 33143

By Electronic Mail: npayne@southmiamifl.gov

Re: Certain Correspondence

Dear City Clerk Payne or Records Officer:

On behalf of Energy Policy Advocates, a public policy institute, and pursuant to Article I, section 24 of the Florida Constitution, and chapter 119, F.S., as the custodian of records of the City of South Miami, I hereby request copies of the following records, and their *accompanying information*,¹ including also any attachments:

- I. all correspondence, electronic or otherwise, that was a) sent to, from, cc: or bcc: i) Sally Philips, which b) also include, *anywhere*, i) Mursuli, ii) @earthrights.org, iii) @ucsusa.org, iv) @sheredling.com, v) “Climate Alliance” (quotation marks merely delineate the search term) and/or vi) @climateintegrity.org, that are c) dated January 1, 2021 through the date you process this request, inclusive²; and
- II. all Common Interest Agreements, engagement agreements, non-disclosure, confidentiality and/or fee agreements, that were entered into by South Miami or any of its offices in 2021, that have as a party any entity that includes in its name: a) Edling, b) Integrity, c) Governance, and/or d) EarthRights (or Earth Rights).

These terms are not case sensitive.

Given the nature of the records responsive to this request, most 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 in the event that 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 to \$200. Please provide an estimate of anticipated costs in the event that fees for processing this Request will exceed \$200.

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

² We request the entire thread in which any email responsive to the description in I appears regardless if portions of the thread(s) pre-date January 1, 2021.

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.**³ 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 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,

³ <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf>.

A handwritten signature in black ink, consisting of a stylized 'R' followed by a long horizontal stroke that loops back under the 'R'.

Rob Schilling
Executive Director
Energy Policy Advocates