REQUEST UNDER OREGON PUBLIC RECORDS LAW

August 2, 2021

University of Oregon
Office of Public Records
6207 University of Oregon
Eugene, OR 97403-6207

By Electronic Mail: Pubrec@uoregon.edu
Re: Certain correspondence and agreements

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, and pursuant to the Oregon Public Records Law, ORS 192.311, *et seq.*,

1. all electronic correspondence and accompanying information (see discussion of SEC Data Delivery Standards, *infra*), including also any attachments, that a) was sent to or from or which copies (including cc: and bcc:) i) aamos@uoregon.edu, ii) gdotson@uoregon.edu, and/or iii) mwood@uoregon.edu, that b) was also sent to or from or which copies, or includes anywhere in the email "thread" or in any attachment(s), c) i) envlawprofessors@lists.uoregon.edu, and/or ii) envlawprofessors-owner@lists.uoregon.edu and which d) is dated from January 1, 2021 through July 30, 2021, inclusive.

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

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 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 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 media, its website epadvocates.org, its partnership with the non-profit public interest law firm Government Accountability & Oversight, P.C., and its counsel GAO's ClimateLitigationWatch.org project dedicated to 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.[1]

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).

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[1] 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.

[2] https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf.

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, please contact me at the below email address. All records and any related correspondence should be sent to my attention at the address below.

Sincerely,
Rob Schilling
Executive Director
Energy Policy Advocates

Schilling@allhookedup.com