REQUEST UNDER WASHINGTON PUBLIC RECORDS ACT

July 22, 2019

Public Records Unit
Office of the Attorney General
P.O. Box 40100
Olympia, WA 98504-0100

By Electronic Mail: publicrecords@atg.wa.gov
Re: Certain Correspondence

Dear Sir or Madam:

On behalf of the public policy group Energy Policy Advocates (EPA), recognized by the Internal Revenue Service as a non-profit public policy institute under § 501(c)(3) the Internal Revenue Code, and pursuant to the Public Record Act, RCW Chapter 42.56, please provide copies of the following records: all correspondence, and any accompanying information[1], including also any attachments, that a) was sent to or from or copies (whether as cc: or bcc:), i) Aurora Janke, ii) Kay Shirley, iii) Bill Sherman, and/or iv) Laura Watson, that b) includes anywhere, whether as sent to or from or copying (again whether as cc: or bcc:), or otherwise, any of the following i) djh466@nyu.edu, ii) davidjhayes01@gmail.com, iii) david.hayes@nyu.edu, iv) ek3041@nyu.edu, and/or v) elizabeth.klein@nyu.edu, and is c) dated from March 1, 2019 through March 30, 2019, inclusive. We request entire threads of which any responsive correspondence is a part, regardless whether any portion falls outside of the above time parameter.

We make this request confident that your Office maintains such correspondence together in a discrete location and the search should not require appreciable time or other resources. We

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

understand that 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, however, please provide an estimate of anticipated costs. Given EPA's non-profit and public interest nature and intention to broadly disseminate relevant findings, EPA requests a waiver or reduction of any applicable fees.

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

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

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 timely response. If you have any questions, do not hesitate to contact me by email at MatthewDHardin@protonmail.com.

Sincerely,

Matthew D. Hardin
Executive Director
Energy Policy Advocates