

REQUEST UNDER WISCONSIN PUBLIC RECORDS LAW

June 14, 2019

Mr. Paul J. Ferguson
Office of Open Government
Department of Justice
P.O. Box 7857
Madison, WI 53707

RE: Certain Correspondence; Scheduling Requests

Dear Mr. Ferguson:

On behalf of Energy Policy Advocates, recognized by the Internal Revenue Service as a non-profit public policy institute under § 501(c)(3) the Internal Revenue Code, pursuant to the Public Records Notice required by Wis. Stat. § 19.34, I request your Office provide copies of the following records:

- 1) all correspondence that a) was sent to or from or copies (whether as cc: or bcc:) Donna Sarow, at any other email address, that b) is also sent to or from or copies (again whether as cc: or bcc:), 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 between April 25, 2019 and the date you process this request, inclusive.
- 2) all scheduling requests a) sent to your office, whether provided by email, regular mail, courier, hand delivery, facsimile, or otherwise including, e.g. UPS, Fedex, Dropbox, etc., which also b) are from and/or mention anywhere i) David Hayes, ii) Elizabeth (Liz) Klein, iii) New York University, and/or iv) the State Energy and

Environment Impact Center, that are dated from April 25, 2019 through the date you process this request, inclusive.

Regarding email correspondence and scheduling requests, 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 the OAG maintains such correspondence and requests together in a discrete location and the search should not require appreciable time or other resources. Given the nature of the records responsive to this request, most are likely to be held in electronic format, and there should be no photocopying costs. Regardless, if the documents were received by your Office in hard copy, we request you produce them electronically.

We 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, 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.

Regarding electronic records, 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.¹ 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

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

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 and should you have any questions, feel free to reach me at MatthewDHardin@gmail.com.

Sincerely,

Matthew D. Hardin
Executive Director
Energy Policy Advocates