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**REQUEST UNDER THE MASSACHUSETTS PUBLIC RECORDS ACT**

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February 5, 2019

Lorraine A.G. Tarrow  
Records Access Officer  
Office of the Attorney General  
One Ashburton Place, 18th Floor  
Boston, MA 02108

**By Electronic Mail:** [agorecordsaccessofficer@state.ma.us](mailto:agorecordsaccessofficer@state.ma.us)

**RE: Certain records pertaining to OAG and NYU**

To Whom it May Concern:

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 to the Massachusetts Public Records Act (M. G. L. § 66-10 *et seq.*), please provide us within the statutorily permitted period of time copies of the following records, and their *accompanying information*,<sup>1</sup> including also any attachments. Records responsive to this request will have been dated from August 25, 2017 through December 31, 2017, inclusive:

- I. your Office's Application to the State Energy & Environmental Impact Center, or any application otherwise sent to [David.Hayes@nyu.edu](mailto:David.Hayes@nyu.edu), or [stateimpactcenter@nyu.edu](mailto:stateimpactcenter@nyu.edu);
- II. all opinions, analyses and/or or determinations concluding that your Office has the legal authority to hire or otherwise bring into the Office, under any title whether Special Assistant Attorney General or otherwise, an NYU Fellow or otherwise a privately funded attorney;

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<sup>1</sup> See discussion of SEC Data Delivery Standards, *infra*.

III. all opinions, analyses and/or or determinations concluding that a Special Assistant Attorney General, or anything else offered or provided by NYU, does or does not constitute an impermissible gift under applicable law, code or regulation;

IV. all opinions, analyses and/or or determinations concluding that a Special Assistant Attorney General, or anything else provided by NYU, does or does not comply with or violate applicable ethics, professional conduct or anti-corruption law, code or regulation;

V. all correspondence sent to, from, or copying (whether as cc: or bcc:)

Mike.Firestone@state.ma.us that includes anywhere “NYU”, be it in an email address (e.g., @nyu.edu), or otherwise.

These terms are not case sensitive.

Background to this request includes that your Office was solicited to apply for a “Special Assistant Attorney General” and related legal and public relations services, by an August 25, 2017 email to, *inter alia*, Mike Firestone from David.Hayes@hyu.edu. Public reports indicate that your Office did indeed apply and now houses at least two attorneys employed by NYU and serving in that capacity (Megan Herzog, Nora Chorover).

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 (see discussion, *infra*). 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.

In the interests of expediting the search and processing of this Request, EPA is willing to pay fees up to \$100. Please provide an estimate of anticipated costs in the event that fees for processing this Request will exceed \$100. To keep costs and copying to a minimum please provide copies of all productions to the email used to send this request.

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 V in their native form, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standards.**<sup>2</sup> 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.

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<sup>2</sup> <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf>.

We look forward to your timely response within a reasonable time, as required by law. If you have any questions, or would like to discuss this matter further, do not hesitate to contact me by email. I look forward to your timely response.

Sincerely,

A handwritten signature in black ink that reads "Matthew D. Hardin". The signature is written in a cursive style with some loops and flourishes.

Matthew D. Hardin  
Executive Director, Energy Policy Advocates