

REQUEST UNDER NEVADA PUBLIC RECORDS LAW

March 8, 2019

Public Records Coordinator
Office of the Attorney General
100 N. Carson St.
Carson City, NV 89701

BY ELECTRONIC MAIL: agrecordsreq@ag.nv.gov

RE: Records related to fee, retainer, engagement, and/or common interest agreements

Dear Sir or Madam:

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 N.R.S § 239.010, I request your Office provide: copies of any Common Interest Agreement, contingency fee or other fee agreement, and/or and any retainer agreement and/or engagement agreements, entered into by your Office at any time in 2018 and/or 2019 with, or otherwise including as a party, a) New York University or any School, component or Center thereof (e.g., New York University School of Law, NYU State Energy & Environmental Impact Center, or the like), and/ or b) any law firm that includes in its name: i) Edling, and/or ii) Justice. These terms are not case sensitive.

Please provide records in electronic format and to the email used to transmit this request.

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 according to the fee schedule established pursuant to N.R.S. §239.052 and N.R.S.

§239.055. Given the nature of the records responsive to this request, all should be in electronic format, and there should be no photocopying 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 in the event that there are fees for processing this Request. 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.

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 in their native form, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standards¹**. 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

¹ <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, or would like to discuss this matter further, do not hesitate to contact me by email at ncornettlaw@gmail.com. I look forward to your timely response.

Sincerely,



Neal Cornett
Staff Attorney
Government Oversight and Accountability