
REQUEST FOR PUBLIC RECORDS

January 4, 2019

Records Custodian
New Mexico Attorney General's Office
PO Drawer 1508
Santa Fe, NM 87504-1508

By Electronic Mail: IPRArequestrecords@nmag.gov, Facsimile: (505) 490-4883

Dear Public Records Officer,

Pursuant to the Inspection of Public Records Act, NMSA 1978, Chapter 14, Article 2, on behalf of the public policy group Energy Policy Advocates (EPA), I request your Office provide us copies of:

- a) *all* correspondence dated any time from July 1, 2018 through the date you process this request¹, whether sent/received by electronic, regular mail or other delivery, that i) is to or from or copies (including whether as cc: or bcc:) A) Anne Minard², and/or B) Matt Baca; ii) which correspondence includes anywhere — i.e., is to or from or mentions, be it an address, Subject field, body of correspondence and/or any attachment(s), A) **Savitt**, B) **@sheredling.com**, C) **@nyu.edu**, and/or D) **“earthrights”**;
- b) *any* retainer or representation agreement or other contract between the State of New Mexico or any of its agencies, including but not limited to the Attorney General's Office, and Sher Edling LLP, which agreement or contract is dated at any time in 2018;

Please consider as responsive entire email “threads” containing any information responsive to this request, regardless whether any part of that thread falls outside the cited search parameters.

¹ Regarding electronic correspondence, we request the entire thread in which any email responsive to the above description appears regardless if portions of the thread(s) pre-date July 1, 2018.

² We understand that Ms. Minard did not join NM OAG until September 2018.

For electronic records, there should be no photocopying costs. If there is any cost associated with the searching, copying or production of these records, however, please also notify me in writing promptly. Please provide an estimate of anticipated costs in the event that there are fees for processing this Request.

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.**³ 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

³ <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf>.

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 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 at MatthewDHardin@gmail.com. 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