

REQUEST UNDER THE PENNSYLVANIA RIGHT-TO-KNOW LAW

March 21 2018

Sharon K. Rogers
Pennsylvania Office of Attorney General
Right to Know Officer
15th Floor, Strawberry Square
Harrisburg, PA 17120

BY FACSIMILE: (717) 705-7244

To Whom It May Concern:

On behalf of Energy Policy Advocates (“EPA”), a non-profit public policy institute, and pursuant to the Pennsylvania Right to Know Law, as codified at 65 P.S. §67.101 *et seq*), please provide us within the statutorily prescribed time copies of all correspondence and other records, and its accompanying information¹, including also any attachments:

1. *all records* sent to or from (including also copying) a) Joe Grace b) Steven Santarsiero, and/or c) Mike Fisher, whether sent by electronic or regular mail, or otherwise including, e.g., UPS, FedEx, DropBox, Box, etc., that reflect the *extension of any offer of employment, engagement, assignment and/or secondment, of any individual, in any capacity, for any position whether with your Office or otherwise, that in any way mentions or relates to New York University Law School’s State Energy & Environmental Impact Center, dated from **December 1, 2018** through the date you process this request, inclusive;*

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

2. we also seek **all emails, hard-copy cover letters, and/or invitations to join a shared folder, including any attachments, transmitting the above-described records to your Office.**

By way of illustration, please note that this request covers *any* such offer that is in any way associated with the aforementioned ‘NYU Center’, whether relating to your Office, some regulatory or other agency, any other AG office, or other office, that may have been sent to or from these three named individuals, over this approximately three-and-a-half month period of time. This Center is an organization that your Office applied to on September 15, 2017 for a “Fellow”, and which numerous AG offices have accepted such a “Fellow”. We seek any offer or appointment letter sent or received by the named parties that relates to your or any other office.

For example, if the Department of Environmental Protection, or some other OAG, sent or received such a letter and any of the three named staff in your Office were sent or received copies, this request covers those, as well as all emails and/or cover letters, etc., transmitting it.

Please consider as responsive entire email “threads” containing any information responsive to this request and/or the entirety of any hard copy package containing such information, regardless whether any part of that thread falls outside the cited search parameters.

As this matter involves a significant issue of public interest, please produce responsive information as it becomes available on a rolling basis but consistent with the Act’s prescribed timelines.

Given the nature of the records responsive to this request, most should be in electronic format, and all should be readily converted into electronic format, and therefore there should be little or 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 immediately. Please provide an estimate of anticipated costs in the event that there are fees for processing 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 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 metadata associated with the duplicate files, for example, custodian name, and, 2) make that unique metadata part of your production.

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

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 within five days, as required by 65 P.S. §67.901. 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,

Matthew D. Hardin
Executive Director
Energy Policy Advocates