



CALIFORNIA PUBLIC RECORDS ACT REQUEST FOR RECORDS

March 25, 2016

Attorney General's Office
Public Records Coordinator
P.O. Box 944255-2550
Sacramento, CA

Via Email: publicrecords@doj.ca.gov

Re: Certain records related to NextGen, NextGen Climate Action, AEE, other

Dear Public Records Coordinator:

On behalf of the Energy & Environment Legal Institute (E&E Legal) and the Free Market Environmental Law Clinic (FME Law) as co-requester and counsel to E&E Legal, please consider this request pursuant to California Public Records Act § 6250 *et seq.* Both entities are non-profit public policy and/or legal institutes organized under section 501(c)3 of the tax code with research, legal, investigative journalism and publication functions, as well as transparency initiatives seeking public records relating to environmental and energy policy and how policymakers use public resources, all of which include broad dissemination of public information obtained under open records and freedom of information laws.

Please provide us within 10 business days copies of all electronic correspondence sent to or from the Office of the Attorney General (not limited to the Attorney General herself)(this also includes as cc: or bcc:), in the form of emails and text messages, which:

1. ***mentions “Advanced Energy Economy”, AEE, and/or contains “@aee.net” anywhere in an email’s thread;***

2. *mentions “Next Generation”, NextGen or Next Gen (this includes standing alone, or in usages such as NextGen (or Next Gen) Climate Action, NextGen (or Next Gen) America, etc., or uses NextGen in @nextgenclimate.org or in any other way in an email address that appears anywhere in the email’s thread); or*
3. *which contain the terms “racketeer”, “racketeering” or RICO anywhere in the email or text message’s body.*

Responsive records will be dated from January 1, 2015 through the date you process this request. We request responsive records in electronic format.

Records in the public domain include an attorney named Ted White asserting that political activist Tom Steyer’s business, Fahr LLC, “founded and fund(s)” these above-cited groups, as “independent but coordinated entities” created “to enable advanced energy businesses to succeed”. Other records in the public domain show those same interests seeking to interest state government officials in pursuing “accountability for climate deniers” [sic]. With the Attorney General having joined the field of those investigating parties for opposition to a political agenda,¹ this effort has accelerated in particular in 2015-2016.

We **do not seek** any records that are legitimately withheld as attorney-client or attorney work product. Please treat as **unresponsive** correspondence between parties to litigation extant at the time of the correspondence which is about that litigation, e.g., copying each other with pleadings, noticing regular or ad hoc telephone calls about an ongoing case and the like. We also **do not seek** media service clippings or media items sent or received with no comment from the sender or no substantive comment (examples include those adding only “FYI”, or “interesting”).

¹ See e.g., Ivan Penn, “California to investigate whether Exxon Mobil lied about climate-change risks”, *Los Angeles Times*, January 20, 2016, <http://www.latimes.com/business/la-fi-exxon-global-warming-20160120-story.html>.

Similarly, you need not search the records of administrative assistants and/or secretaries to fulfill this request.

Please treat ##1-3, *supra*, as separate and distinct requests such that processing and production of one is not held up due to processing another.

We request a rolling production such that any processed records be provided even as others remain under review, in the event that the latter review would delay production of processed records.

We request all records in electronic format. Pursuant to California Public Records Act § 6253 we are willing to pay duplication costs up to \$200, however, given the largely electronic nature of the records sought, we expect photocopying to be unnecessary and such costs to be minimal.

Also, release of these records is in the public interest, as demonstrated in part by the issues which they address being of such high priority to the Governor, and the media. We further note that Requesters have been classified as media for FOIA purposes by federal agencies.

If you have any questions please do not hesitate to contact undersigned.

Respectfully submitted,



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