

From: Persampieri, Nick

Sent: Tuesday, April 28, 2020 4:31 PM

To: 'MatthewDHardin@protonmail.com' <MatthewDHardin@protonmail.com>

Subject: Vermont Public Records Act Request

Mr. Hardin,

Please see the attached letter and documents. Thank you.

Nick

Nicholas F. Persampieri
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-6902

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109 STATE STREET
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05609-1001

April 28, 2020

Matthew D. Hardin
Executive Director
Energy Policy Advocates

By e-mail to: MatthewDHardin@protonmail.com

Re: Vermont Public Records Act Request

Dear Mr. Hardin:

I write in response to your Vermont Access to Public Records Act request dated March April 14, 2020. In that request you sought:

1. all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, *infra*), including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) Nick Persampieri, that b) includes, *anywhere*, whether in an email address, in the sent, to, from, cc, bcc fields, or the Subject fields or body of an email or email "thread", including also in any attachments, i) Bachmann, and/or ii) Goffman, and c) is dated from November 1, 2019 through the date you process this request, inclusive;
2. all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, *infra*), including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) Nick Persampieri, that b) was sent from michael.myers@ag.ny.gov, and c) is dated from November 4, 2019 through November 8, 2019, inclusive *and* November 17, 2019.

3. any invitation sent to Nick Persampieri from Michael.myers@ag.ny.gov to participate in a November 18, 2019 telephone call.

By letter dated April 17, 2020, this office extended the time limit for its response, and advised that it would further respond on or before April 28.

Please be advised that we do not interpret this request to include internal Vermont Attorney General's Office documents created in the course of responding to this request or your March 27, 2020 request, which also sought records including "Bachmann" and/or "Goffman."

In response to Request No. 1, please be advised that, in addition to records described in the preceding paragraph, we have withheld 7 records because they are exempt from disclosure pursuant to 1 V.S.A. § 371(c)(4) (attorney-client communications, attorney work product) and/or 1 V.S.A. § 317(c)(14) (relevant to litigation). These records consist of communications among the Attorney General's offices of multiple states, including Vermont, regarding issues of common interest, made in connection with ongoing or anticipated litigation. We do not have any records responsive to this request that are not exempt from disclosure.

In response to Request No. 2, we attach two records, consisting of an email dated November 6, 2019, including attachments, and an email dated November 7, 2019. We have withheld 3 records responsive to this request because they are exempt from disclosure pursuant to 1 V.S.A. § 371(c)(4) (attorney-client communications, attorney work product) and/or 1 V.S.A. § 317(c)(14) (relevant to litigation). Two of the records are internal Vermont Attorney General's Office communications regarding ongoing litigation. The third is a communication among the Attorney General's offices of multiple states, including Vermont, regarding issues of common interest, made in connection with ongoing litigation. We do not have any other records responsive to this request.

In response to Request No. 3, please be advised that we do not have any records responsive to the request.

If you feel any information or records have been withheld in error, you may appeal to Deputy Attorney General Joshua Diamond at the following email address: Joshua.Diamond@vermont.gov.

Sincerely,

/s/Nicholas F. Persampieri

Nicholas F. Persampieri
Assistant Attorney General

From: [Myers, Michael](#)
To: [Aaron Kleinbaum \(NJ\)](#); [Aaron Love \(NJ\)](#); [Adam Duh \(PADEP\)](#); [Aimee Thomson \(PA AG\)](#); [Alison Hoffman \(RI\)](#); [Amy Beatie \(CO\)](#); [Amy Bircher \(NC\)](#); [Andrea Baker](#); [Andy Goldberg](#); [Ann Johnston \(PA\)](#); [Anne Minard \(NM\)](#); [Arsenio Mataka \(CA\)](#); [Asher Spiller](#); [Aurora Janke](#); [Beth Mullin \(DC\)](#)"; ["Bill F. Cooper \(Hi\)"](#); [Bill Sherman -- WA AG's office](#); [Blake Thomas \(NC\)](#); [Bo Reiley](#); [Bobby Schena \(PA DEP\)](#); [Brad Motl \(WI\)](#); [Brian Caldwell \(DC\)](#); [Burianek, Lisa](#); [Carrie Noteboom \(CO\)](#); [Cheerful Catuano \(WA AG\)](#); [Chris Ryder \(PA DEP\)](#); [Christie Vosburg \(CA\)](#); [Christopher Courchesne](#); [Cindy Chang \(WA\)](#); [Costello, Morgan](#); [Dan Nubel \(NV\)](#); [Daniel Rottenberg \(IL\)](#); [David Apy \(NJ\)](#); [David Hoffman \(DC\)](#); ["David Steward \(Ia\)"](#); [David Zaft \(CA\)](#); ["David Zonana \(Ca\)"](#); [Dennis Beck \(CA\)](#); [Dennis Ragen](#); [Dianna Shinn \(NJ\)](#); [Dirth, Eric](#); ["Elaine Meckenstock \(Ca\)"](#); [Elizabeth Davis \(PA DEP\)](#); [Elizabeth Morrisseau](#); [Emily Nelson \(WA\)](#); [Emily Vainieri](#); [Eric Katz \(CA\)](#); [Fidler, Danielle](#); [Francisco Benzoni \(NC AG\)](#); [Greg Schultz](#); [Heather Leslie](#); ["Jacob Larson \(Ia\)"](#); [Jameson Tweedie \(DE\)](#); [Jason James \(IL\)](#); [JB Howard \(MD\)](#); [Jennie Demianick \(PA DEP\)](#); [Jennifer Fradel \(NJ\)](#); [Jesse Walker](#); [Jill Lacedonia \(CT\)](#); [Jillian Riley](#); ["Jonathan Wiener \(Ca\)"](#); [Josh Auerbach](#); [Josh Segal \(MD\)](#); [Kavita Lesser \(CA\)](#); ["Kristen Furlan"](#); [Kristen Mitchell \(WA\)](#); [Laura Watson](#); ["Lauren Maxwell \(DC\)"](#); [Leah Tulin \(MD AG\)](#); [Leigh Currie \(MN\)](#); [Leslie Frederickson \(MN PCA\)](#); [Leslie Seffern](#); [Liz Kramer \(MN\)](#); ["Liz Rumsey \(Ca\)"](#); [Lynn Angotti](#); [Magliaro, Jeremy](#); [Marc Bernstein \(NC\)](#); [Margaret Murphy \(PA\)](#); [Martin Goyette \(CA\)](#); [Mary Sauer \(ME\)](#); ["Matthew Dunn \(IL\)"](#); [Matthew Levine](#); [McCabe, Gavin](#); [Megan Herzog](#); [Megan Hey \(CA\)](#); [Megan Ulrich \(MDE\)](#); [Melissa Hoffer](#); [Menard, Brenda \(NC\)](#); [Michelle Moses \(PA\)](#); [Mike Fischer \(PA AG\)](#); [Myers, Michael](#); [Nate Zolick \(WI\)](#); [Neil Gordon \(MI\)](#); [Persampieri, Nick](#); [Oliver Larson \(MN\)](#); [Patrick Flanagan](#); [Paul Garrahan](#); [Paul Kugelman \(VA\)](#); [Pete Surdo \(MN\)](#); ["Ralph Durstein \(De\)"](#); [Robert Snook](#); ["Roberta James \(Md\)"](#); [Robyn Bender \(DC AG\)](#); [Sally Magnani](#); [Sarah Kogel-Smucker \(DC\)](#); [Sarah Morrison \(CA AG\)](#); [Scott Boak \(ME\)](#); ["Scott Koschwitz \(Ct\)"](#); [Seth Schofield \(MA\)](#); [Skip Pruss \(MI\)](#); [Srolovic, Lemuel](#); [Stephen St. Vincent \(PA\)](#); [Steve Novick \(OR\)](#); [Steven Goldstein \(MD\)](#); [Susan Shinkman \(DC\)](#); [Tania Maestas](#); [Taylor Crabtree \(NC\)](#); [Tim Nord](#); ["Timothy Sullivan \(Ca\)"](#); [Tom Y \(WA\)](#); ["Tracy Triplett \(Ma\)"](#); [Tricia Jedelee](#); [Turner Smith \(MA\)](#); ["Valerie Edge \(De\)"](#); [Wagner, Monica](#); [Washburn, Peter](#); [William Grantham](#)
Cc: [Burianek, Lisa](#)
Subject: FW: Energy and Environmental Contacts - Amicus Sign on re Facility Decommissioning in Massachusetts v. NRC, No. 19-1198 (DC Cir.)
Date: Wednesday, November 6, 2019 11:46:42 AM
Attachments: [image001.gif](#)
[19-09.25 \[3\] - Mass. Pet. for Rev. - NRC \[fml\].pdf](#)
[19-10.28 1 - Mass. Stay Mot - NRC DC Cir fml \(002\).pdf](#)

State contacts—Please see the email below from my colleague Lisa Burianek re. an upcoming amicus opportunity (**11/25/19 deadline**). Please reach out to Lisa with questions or expressions of interest. Thanks.--Mike

Michael J. Myers
Senior Counsel for Air Pollution and Climate Change Litigation
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New York State Attorney General
The Capitol
Albany, NY 12224
(518) 776-2382
michael.myers@ag.ny.gov

From: Burianek, Lisa
Sent: Wednesday, November 6, 2019 11:38 AM
To: Myers, Michael <Michael.Myers@ag.ny.gov>
Cc: Burianek, Lisa <Lisa.Burianek@ag.ny.gov>; Tallent, Joshua <Joshua.Tallent@ag.ny.gov>
Subject: Energy and Environmental Contacts - Amicus Sign on re Facility Decommissioning in Massachusetts v. NRC, No. 19-1198 (DC Cir.)

All – As explained in the attached, Massachusetts was denied due process by the NRC when it sought to intervene and obtain an adjudicatory hearing in the Pilgrim Nuclear Power Station license transfer/amendment/exemption proceeding under AEA Section 189(a) and agency regulations. Mischaracterizing the Entergy/Holtec application as essentially ministerial, and thereby misapplying the agency regulations, NRC staff approved the Entergy to Holtec transfer before the Commission ruled on Massachusetts' intervention and hearing request. In fact, the Commission has yet to act.

Massachusetts filed a petition for review in the DC Circuit and is seeking a stay of the NRC orders. For a number of reasons (including that Entergy's Indian Point nuclear power facility with three reactors is next in the decommissioning queue), NY seeks to support Massachusetts in its challenge to the NRC here. If your state is the host of a nuclear plant that is being or will be decommissioned we are inviting your state's sign-on to the amicus brief. Recognizing the unusual procedural posture of the case, and that the NRC/US (and intervenors Entergy and Holtec) intend to move to dismiss, we think it's important to fly the States' flags on fundamental due process and the NRC's gaming of its regulations to the detriment of Massachusetts and its citizens.

In terms of timing, the Court has not ruled on the parties competing scheduling submissions, but we are using an **estimated filing date of 11/25/19. To facilitate sign-ons, we hope to circulate the proposed amicus brief on November 20, 2019.**

If you're interested, or have questions, please give me a call.

Lisa M. Burianek
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She/Her/Hers

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Subject: Upcoming Multistate AG Coordination Calls
Date: Thursday, November 7, 2019 3:08:33 PM
Attachments: [image001.jpg](#)

All—A couple of programming notes re. next week's call and subsequent multistate AG coordination calls.

First, we'll be joined on next week's call by Adrian Deveny of Sen. Schumer's office. Adrien is Sen. Schumer's legislative assistant on climate and energy issues and will share with us his thoughts on energy and climate issues in the Senate that may be of interest to us. Below is an E&E article from earlier this year on his background. Hope you can join us for that. After Adrien's remarks and a short Q&A, we'll proceed with our normal agenda items.

Second, I'm going to postpone our call scheduled for the Tuesday of Thanksgiving week (11/26) to the following Tuesday, 12/3. We'll then resume our every other week schedule. I'll send out a revised calendar invite to reflect the change.

Let me know if you have any questions. Thanks.--Mike

Schumer taps new climate, energy assistant

[Hannah Northey](#), E&E News reporter

Published: Friday, February 1, 2019

As debate on climate action and the "Green New Deal" heats up on Capitol Hill, Senate Minority Leader Chuck Schumer (D-N.Y.) has tapped Democratic staffer Adrian Deveny to handle climate and energy issues.

The appointment may signal the senator's desire to focus more intently on hot and potentially divisive topics.



Adrian Deveny. Deveny/LinkedIn

The appointment also is significant given Schumer's insistence that no infrastructure package, one of the rare areas of collaboration for President Trump and Democrats, will move forward without addressing climate change.

Deveny will join Sean Byrne, who is Schumer's public lands and natural resources legislative assistant.

Deveny is currently the legislative director for Sen. Jeff Merkley, a progressive junior senator from Oregon whom some consider a dark horse in the race for the 2020 Democratic presidential nomination.

Deveny has worked for eight years in Merkley's office, first as the director of energy and environmental policy before serving as legislative director in March of last year.

Merkley has also taken a strong approach to tackling the climate challenge. He introduced legislation in recent years to transition the nation to 100 percent renewables, extend tax credits for clean cars and keep fossil fuels in the ground ([E&E Daily](#), Sept. 23, 2016).

In 2010, he served as a presidential management fellow in the State Department's Office of Climate Change. Before that, he was a fellow focusing on energy efficiency on the Senate Energy and Natural Resources Committee for eight months in 2010.

Deveny has also worked at the Department of Energy, serving as a presidential management fellow in the Office of Energy Efficiency and Renewable Energy from September 2009 to March 2010.

He earned master's degrees in environmental management and in international and development economics from Yale University in 2009, according to his LinkedIn biography.

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