

From: Diamond, Joshua <Joshua.Diamond@vermont.gov>
Sent: Thursday, December 24, 2020 6:30 PM
To: Neal Cornett <ncornettlaw@gmail.com>
Cc: Mishaan, Jessica <Jessica.Mishaan@vermont.gov>
Subject: RE: Public Records Act Appeal, 2020-11446

Dear Neal,

Please find attached the Vermont Attorney General's Office response to your public records appeal.

Regards, Josh

Joshua R. Diamond, Deputy Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, Vermont 05609
802-595-8317
joshua.diamond@vermont.gov

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OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

December 24, 2020

Neal Cornett
Attorney at Law

By e-mail to: ncornettlaw@gmail.com

Re: Appeal of Vermont Public Records Act Request

Dear Attorney Cornett:

This is a determination, pursuant to 1 V.S.A. § 318(c), of the appeal set forth in your December 17, 2020 letter of this office's December 16, 2020 response to your Vermont Access to Public Records Act request dated December 11, 2020.

In your request, on behalf of Energy Policy Advocates, you sought:

all electronic correspondence, and any accompanying information . . . including also any attachments, a) sent to or from or which copies (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) "The Secondary GHG NAAQS Pathway", and/or ii) "Secondary NAAQS for GHGs", and c) is dated from February 1, 2020 through the date you process this request, inclusive.

In our December 16 response our Office advised you that certain records that we provided to you with our November 23, 2020 response to your request for public records dated November 5, 2020 are responsive to this request, and we provided you with one additional document. We withheld

two email chains which forwarded this document because they are exempt from disclosure pursuant to 1 V.S.A. § 317(c)(4).

You have appealed the withholding of one of these email chains, the one we described as being between the Vermont Attorney General's Office and the Attorney General's Office of another state, pertaining to an issue of common interest, and generated in connection with anticipated litigation and for the purpose of facilitating the rendition of legal services to the respective states. Your appeal asks us to either provide you with this email chain or provide additional reasons and supporting facts for the denial.

I have considered your appeal, and the Vermont Attorney General's Office is providing the requested records, which are attached to the e-mail transmitting this letter.

Sincerely,

/s/ Joshua R. Diamond
Joshua R. Diamond
Deputy Attorney General

Attachments

From: [Novick Steve](#)
To: [Persampieri, Nick](#)
Subject: RE: an interesting webcast
Date: Wednesday, October 7, 2020 5:46:04 PM

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Thanks! Someone had pointed that out, just the other day. I will try to be on.

Steve Novick
Special Assistant Attorney General | Natural Resources Section | General Counsel Division
Oregon Department of Justice
100 SW Market, Portland OR 97201
971-719-1377 (Mobile)

From: Persampieri, Nick <nick.persampieri@vermont.gov>
Sent: Wednesday, October 7, 2020 2:44 PM
To: Novick Steve <Steve.Novick@doj.state.or.us>
Subject: FW: an interesting webcast

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

Steve,

I thought this might be of interest to you.

Nick

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

From: climate_change@lists.4cleanair.org <climate_change@lists.4cleanair.org> **On Behalf Of** Miles Keogh
Sent: Tuesday, October 6, 2020 12:48 PM
To: climate_change@lists.4cleanair.org
Subject: an interesting webcast

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

NACAA Climate Change Committee friends,

I wanted to make you aware of an upcoming webcast being hosted by Michael Quirke, a attorney from Texas who has recently been shopping around the idea of establishing a secondary NAAQS for GHGs as a pathway forward that should survive litigation before a conservative SCOTUS, either in the event that legislation proves impossible, or as an insurance policy in case that effort gets turned back. He recently wrote about it in the Villanova Law Review (<https://digitalcommons.law.villanova.edu/elj/vol31/iss1/1/>) and he's running a webcast to run through the concept next Tuesday, October 13 (the day before our Committee Call). It'll happen on Zoom from 4pm-4:40pm Eastern (so starting 3 pm Central, 2 pm Mountain, 1 pm Pacific, noon Alaska and 11 am Hawaii time). I'm going to RSVP to participate and see what I think of the idea, and he said it was okay to forward this info to the Committee.

To RSVP and get the zoom link, email mquirke@quirkelawfirm.com. Anyway, FYI, I hope this is of interest.

Wishing you well, Miles

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