GAO
GOVERNMENT OVERSIGHT & ACCOUNTABILITY

Government Accountability & Oversight
724 Bielenberg Drive
Woodbury, MN 55125

Contact info@govoversight.org

EMBARGOED For Release
Until March 11, 2020 8 AM

Transparency Group Provides Federal Court of Appeals with Records Proving State "Climate" Lawsuit is to Obtain "Sustainable Funding Stream", After Failing to Convince Legislature to Fund its Priorities

BOSTON, MA, March 10, 2020 – The Transparency group Energy Policy Advocates ("EPA") yesterday filed a motion with the United States Court of Appeals for the First Circuit to appear as a friend of the court, to provide information showing the July 2018 "climate nuisance" lawsuit filed by the State of Rhode Island belongs in federal court — and should be dismissed therefrom. Matthew Hardin, who represents GAO in numerous lawsuits, filed on EPA's behalf.

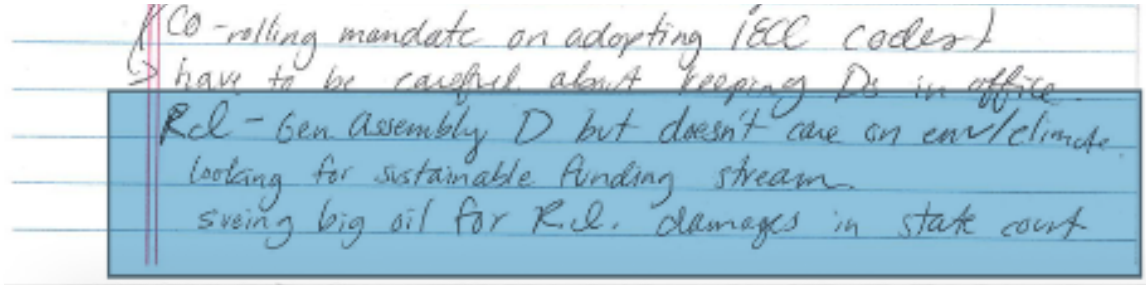
In the memo accompanying its motion, EPA revealed to the Court notes, obtained under a state open records law, recording a damning confession by a senior State of Rhode Island official that the objective of this litigation is in fact a "sustainable funding stream" for the State's spending ambitions, because the voters' elected representatives don't share the administration's priorities.

As EPA noted, "[t]his information is thematically consistent with the brief of *Amici*, Sens. Markey, Reed and Whitehouse alleging that a certain party is using this Court, in this action, in service of its economic interests. Refreshingly, these records move beyond aspersions and instead provide documentation, contemporaneously recorded by two different parties hearing the same assertions and recording them the same way. Contrary to the suggestion of the *Amici* Senators, however, these notes show the State confiding to peers that it is Plaintiff who seeks to use the judiciary, in this suit, in that way."

EPA provided the Court handwritten and typewritten notes both of which, independently, "document the State's concession that Rhode Island's elected representatives are insufficiently moved by the State's claims of loss and looming disaster to enact laws raising the revenues the State's executive desires; and that Plaintiff is thus "**looking for [a] sustainable funding stream**", having been reduced to "**suing big oil**" for its "**Priority - sustainable funding stream**". Notably both sets of notes capture the Plaintiff as having emphasized the "state court" aspect of its plan."

These notes were taken during a two-day meeting in July 2019, hosted by the Rockefeller Brothers Fund at the Rockefeller mansion at Pocantico, NY, as a forum for policy activists and a major funder to coordinate with senior public officials from 15 states. It is to these officials the Plaintiff Rhode Island, through its Department of Environmental Management Director Janet Coit, confessed to this motive, captured unambiguously by not one but two participants.

Records provided to the Court include:



(Co-rolling mandate on adopting IECC codes)
have to be careful about keeping Ds in office.
Rcl - Gen Assembly D but doesn't care on env/climate
looking for sustainable funding stream
suing big oil for R.I. damages in state court

Janet

- Assembly very conservative leadership – don't care about env't
- If care, put it in the budget
- Priority – sustainable funding stream
- State court against oil/gas
- Solar siting bill failed – losing forests to solar

From: Propst, Sarah, EMNRD
Sent: Monday, August 05, 2019 11:58 AM EDT
To: Michael Northrop Cummins,Patrick <
Subject: Public records requests

Just a heads up that we received a public records requests for all correspondence to/from me that includes wri.org, including as a cc, which pulled in some of the Pocantico documents.

Sarah Cottrell Propst
Cabinet Secretary | Energy, Minerals & Natural Resource Department

-----Original Message-----
From: Michael Northrop
Sent: Tuesday, August 6, 2019 8:00 AM
To: Cummins,Patrick
Subject: Re: Pocantico Notes

Oh man. I know it's tough to do this. Ughh. Really sorry to weigh you down with it. I don't think it needs to be perfect. I bet you could pick one set of notes that you think is the best and basically use that one. Give it a read and a very light edit. Maybe a few things get added to it, but that way your not weaving them together which would be a nightmare.
Given the records request NM got I'm thinking maybe it shouldn't be emailed out. I can get my office to snail mail it.

Sent from my iPhone

From: Cummins,Patrick on behalf of Cummins,Patrick
Sent: Tuesday, August 20, 2019 9:03 AM EDT
To: Michael Northrop
Subject: meeting highlights
Attachment(s): "Pocantico notes and highlights.docx","Xerox Scan_07222019155622.pdf","RBF CNEE climate policy notes Jul 17 18.docx"

Michael –

Slightly edited versions of the highlighted items you captured (which is a really good list) and Jacob's white board capture are combined in the attached doc. Not really practical to translate the notes that Carla (hand written) and Katie provided, though I have attached them here FYI.

I'm off to our Leg Academy this week in Breckenridge and we have a new initiative to help Tri State G&T develop a clean energy plan. Those things along with assisting the govs teams in NM and MT have me hopping these days.

Enjoy the rest of your summer and let's touch base soon. All the best, PC

p.s. – Snail mail is probably subject to open records too, no?