



Evlondo Cooper
Checks and Balances Project
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VIA EMAIL AND HAND-DELIVERY

January 4, 2016

Peter Kostas
Public Information Officer
State of Nevada Public Utilities Commission
1150 E. William Street
Carson City, NV 89701
Email: pkostas@puc.nv.gov

Dear Mr. Kostas:

My name is Evlondo Cooper, and I am a Senior Fellow with Checks and Balances Project, a government and industry watchdog blog.

Pursuant to Nevada's Public Records Act (Nevada Revised Statutes § 239.010 et. seq., "NPRA"), I am writing to request records of all communications between Commissioner Paul Thomsen and any representatives of NV Energy, including but not limited to communications regarding solar energy or net metering in Nevada.

Time Period

This request seeks records created and/or received during the following time period:

- October 1, 2015, through today.

Records Sought

As indicated above, I am requesting all records evidencing or regarding communications or meetings between Commissioner Paul Thomsen and any representatives of NV Energy. This request should be interpreted broadly and includes but is not limited to:

- Text messages in which Commissioner Thomsen might have conducted public business with or otherwise communicated with any NV Energy representative. Please produce messages that pertain to public business, regardless of what device the message was sent or received on.
- Emails between Mr. Thomsen and any NV Energy representative that discuss or mention solar energy or net metering, irrespective of the device or email address Mr. Thomsen or the NV Energy representative were using.

- Phone logs for the above-referenced dates.
- All meetings calendars for the above-referenced dates, electronic or paper, irrespective of device.
- Any communications made by other electronic means (such as, without limitation, electronic chat and instant messaging), or other means of contemporaneous interactive communication, that Commissioner Thomsen might have used to conduct public business with a NV Energy representative.

For the purposes of this request, please interpret “representative” broadly to include NV Energy employees, agents, consultants, lobbyists (paid or unpaid), attorneys, or anybody else acting on behalf of NV Energy.

Please also provide copies of all responsive records, regardless of how created or stored or what device, phone number, or email address they were created, sent or received from, if they pertain to the topics above.

As the Nevada Supreme Court has explained, “public record” must be interpreted broadly to further the important purposes of the NPRA:

The NPRA provides that all public books and public records of governmental entities must remain open to the public, unless “otherwise declared by law to be confidential.” NRS 239.010(1). The Legislature has declared that the purpose of the NPRA is to further the democratic ideal of an accountable government by ensuring that public records are broadly accessible. NRS 239.001(1). Thus, the provisions of the NPRA are designed to promote government transparency and accountability.

Reno Newspapers, Inc. v. Gibbons, 127 Nev. Adv. Op. 79, 266 P.3d 623, 626 (2011).

Production Instructions

For electronic records, please provide the records in their original electronic form attached to an email or downloaded to an electronic medium. I can provide the electronic medium and arrange to pick up the records. For hard copy records, please attach copies to an email as a .PDF or I can arrange to pick up the hard copies. I am seeking information as it becomes available; please do not wait to fill the entire request, but send each part or contact me as it becomes available.

If you intend to charge any fees for obtaining copies of these records, please contact me immediately (no later than five (5) days from today) if the cost will exceed \$50. I can also arrange to have the records inspected in person. As you know, no fees can be charged for a request to inspect records (Nev. Rev. Stat. § 239.010 mandates that “all public books and public records of a government entity must be open at all times during office hours to inspection by any person...”).

In any case, I am requesting a waiver of all fees because the disclosure of the requested information is in the public interest. This will contribute significantly to the public’s understanding of the Nevada Public Utilities Commission. The records may be written about and published to the Internet.

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If access to the records I am requesting will take longer than a reasonable amount of time, please contact me with information about when I might expect copies or be able to inspect the requested records.

If you deny access to any of the records requested, please explain your basis for doing so in writing within five (5) days, citing the specific statutory provision or other legal authority you rely upon to deny access. NRS § 239.011(1)(d).

Please err on the side of fully providing records. Nevada's Public Records Act requires that its terms be construed liberally and mandates that any exception be construed narrowly. NRS § 239.001(2), (3).

Please also redact or separate out the information you contend is confidential rather than withholding records in their entirety, as required by Nev. Rev. Stat. § 239.010(3). Again, please cite the statutory provision you rely upon to redact or withhold part of a record and keep in mind that you have the burden of showing that the record is confidential. NRS § 239.0113.

Please provide the records or a response within five (5) business days pursuant to Nev. Rev. Stat. §239.0107. Again, please email your response to evlondo@checksandbalancesproject.org rather than U.S. Mail so I can review as quickly as possible.

Thank you in advance for your cooperation with my request. Please contact me with any questions whatsoever.

Regards,

Evlondo Cooper

Senior Fellow
Checks and Balances Project