



SENT VIA EPA'S FOIA ONLINE REQUEST FORM

April 28, 2010

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Dear Sir or Madam:

Re: Freedom of Information Act Request

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I hereby request a copy of any and all energy legislation from Senator Kerry, or Senator Graham, or Senator Lieberman, or all three collectively, sent to EPA to be analyzed or modeled within the past month. This includes requests from staffers working for Senators Kerry, Graham, or Lieberman. Colloquially, this draft legislation is known as the Kerry-Graham-Lieberman climate bill and various media sources (including the *Washington Post*,¹ *L.A. Times*² and *Politico*³) have reported draft legislation has been sent to EPA to be modeled.

We are requesting these records on behalf of the American Energy Alliance, a not-for-profit organization that engages in grassroots public policy research and advocacy.

As President Obama has emphasized, “a democracy requires accountability, and accountability requires transparency,” and “the Freedom of Information Act . . . is the most prominent expression of a profound national commitment to ensuring open Government.” Accordingly, the President has directed that FOIA “be administered with a clear presumption: In the face of doubt, openness prevails” and that a “presumption of disclosure should be applied to all decisions involving FOIA.”

This Presidential directive is especially applicable in this case. There are no FOIA exemptions which would prohibit the disclosure of the legislation sent to EPA. This is public information and should be made available to the public.

We request a waiver of fees associated with this request on the basis that the American Energy Alliance is a nonprofit, tax-exempt public interest organization, with formal research, educational and publication functions as part of its mission. The release of this information will serve the public interest by contributing significantly to the public's understanding of the controversial topics of environmental and energy policy and specifically the ongoing debate over greenhouse gas policies or regulations. This

legislation will affect the use of energy and the price of energy for every single American citizen and the disclosure of this legislation will allow citizens to examine the proposed legislation, as EPA examines the legislation. Also this release is not primarily in our organization's commercial interest.

If our fee waiver request is denied we are willing to pay up to \$150.00, and in the event of any appeal as appropriate and regardless of that outcome or your response to this fee waiver request we request the search and document production proceed in the interim.

I will expect a response within 20 working days as provided by law. If my request is denied in whole or in part, I expect a detailed justification for withholding the records. I also request any segregable portions that are not exempt to be disclosed.

Thank you for your prompt attention to this matter.

Very truly yours,

Daniel Simmons
American Energy Alliance
202-621-2954
dsimmons@energydc.org

¹ http://views.washingtonpost.com/climate-change/post-carbon/2010/04/senate_climate_bill_undergoes_epa_analysis.html.

² <http://latimesblogs.latimes.com/greenspace/2010/04/john-kerry-lindsey-graham-joseph-lieberman-climate-epa-senate.html>

³ <http://www.politico.com/news/stories/0410/36431.html>