



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
ERIC T. SCHNEIDERMAN



STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
WILLIAM H. SORRELL

March 7, 2016

Hon. Ellen F. Rosenblum
Attorney General
Office of the Attorney General
1162 Court St. NE
Salem, OR 97301-4096

Dear Attorney General Rosenblum:

Over the last several years, we have worked through an informal coalition of Attorneys General in legal actions to help protect our citizens from the adverse consequences of climate change and to promote energy efficiency. From advocating for, and then defending, the Environmental Protection Agency's Clean Power Plan to convincing the U.S. Department of Energy to adopt energy efficiency standards for commercial equipment and lighting, our collaborative work has been an important part of the national effort to ensure the adoption of stronger federal climate and energy policies.

The commitments of the United States and other nations at last year's Paris climate change conference are very significant steps forward, but states must still play a critical role in ensuring that the promises made in Paris become reality. Put simply, while we have accomplished a lot, much more action to stem climate change and expand the availability and usage of renewable energy is needed, and is needed now.

That's why we believe that this is the moment for Attorneys General who share this mission to renew our commitment to a coalition to take concerted action to protect our citizens from the public safety, health, and environmental harms created by climate change.

To that end, we are hosting a one-day meeting at the Office of the New York Attorney General in Manhattan on March 29, 2016. We plan to have a press event with attending Attorneys General to highlight the importance of climate change to the citizens of our states, our work defending the Clean Power Plan (highlighting the brief our coalition states are filing that day) and the formation of an Attorneys General climate change and energy coalition committed to working together to take effective investigative and legal steps to address the risks that climate change poses to all of our citizens. A staff-level meeting with AG attorneys working on these issues will also be convened to discuss ongoing and potential legal actions and to consider mechanisms to support these actions.

CLIMATE CHANGE COALITION COMMON INTEREST AGREEMENT

This Common Interest Agreement (“Agreement”) is entered into by the undersigned Attorneys General of the States, Commonwealths, and Territories (the “Parties”) who are interested in advancing their common legal interests in limiting climate change and ensuring the dissemination of accurate information about climate change. The Parties mutually agree:

1. Common Legal Interests. The Parties share common legal interests with respect to the following topics: (i) potentially taking legal actions to compel or defend federal measures to limit greenhouse gas emissions, (ii) potentially conducting investigations of representations made by companies to investors, consumers and the public regarding fossil fuels, renewable energy and climate change, (iii) potentially conducting investigations of possible illegal conduct to limit or delay the implementation and deployment of renewable energy technology, (iv) potentially taking legal action to obtain compliance with federal and state laws governing the construction and operation of fossil fuel and renewable energy infrastructure, or (v) contemplating undertaking one or more of these legal actions, including litigation (“Matters of Common Interest”).

2. Shared Information. It is in the Parties’ individual and common interests to share documents, mental impressions, strategies, and other information regarding the Matters of Common Interest and any related investigations and litigation (“Shared Information”). Shared Information shall include (1) information shared in organizing a meeting of the Parties on March 29, 2016, (2) information shared at and after the March 29 meeting, pursuant to an oral common interest agreement into which the Parties entered at the meeting and renewed on April 12, 2016, and (3) information shared after the execution of this Agreement.

3. Legends on Documents. To avoid misunderstandings or inadvertent disclosure, all documents exchanged pursuant to this Agreement should bear the legend “Confidential – Protected by Common Interest Privilege” or words to that effect. However, the inadvertent failure to include such a legend shall not waive any privilege or protection available under this Agreement or otherwise. In addition, any Party may, where appropriate, also label documents exchanged pursuant to this Agreement with other appropriate legends, such as, for example, “Attorney-Client Privileged” or “Attorney Work Product.” Oral communications among the Parties shall be deemed confidential and protected under this Agreement when discussing Matters of Common Interest.

4. Non-Waiver of Privileges. The exchange of Shared Information among Parties—including among Parties’ staff and outside advisors—does not diminish in any way the privileged and confidential nature of such information. The Parties retain all applicable privileges and claims to confidentiality, including the attorney client privilege, work product privilege, common interest privilege, law enforcement privilege, deliberative process privilege and exemptions from disclosure under any public records laws that may be asserted to protect against disclosure of Shared Information to non-Parties (hereinafter collectively referred to as “Privileges”).

Dated: April 29, 2016



JOSEPH A. FOSTER, ATTORNEY GENERAL
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GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

May 17, 2018

Christopher C. Horner
Senior Fellow, CEI
Competitive Enterprise Institute
1310 L Street, NW, 7th Floor
Washington, D.C. 20005

Dear Mr. Horner:

Thank you for your letter dated May 26, 2018. We have no documents responsive to your request. In addition, please be aware that New Hampshire was never a participant in a "coalition" informal or otherwise. The nature of the State's interest is set forth in the "Common Interest Agreement" to which you make reference.

Thank you for your time and interest in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Allen Brooks".

K. Allen Brooks
Senior Assistant Attorney General
Chief, Environmental Protection Bureau
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allen.brooks@doj.nh.gov

KAB/cmc