



Texas Public Policy Foundation

February 7, 2022

Submitted via e-mail

FOIA Request Service Center
U.S. Department of Energy
1000 Independence Avenue SW
Mail Stop MA-46
Washington, DC 20585
FOIA-Central@hq.doe.gov

**RE: Request for Certain Agency Records – U.S. Energy Information
Administration (“EIA”) Analysis Supporting 2030 NDC Target**

Dear Freedom of Information Act Officer:

Life:Powered, a national initiative of the Texas Public Policy Foundation, submits this request pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.* Life:Powered seeks to inform the national discussion about energy and the environment and advocate for policies that promote economic freedom and advance the human condition.

In a document submitted to the United Nations under the Paris Agreement titled “United States of America, Nationally Determined Contribution: Reducing Greenhouse Gases in the United States: A 2030 Emissions Target,” available at <https://bit.ly/3GXqP11>, the Administration pledged to reduce national greenhouse gas emissions by 50 to 52 percent below 2005 levels by 2030 (“the 2030 emissions target”). The document states that the Administration had engaged in a “careful process involving analysis and consultation across the United States federal government and with leaders in state, local, and tribal governments” to support this target. The document further states that the National Climate Task Force, responsible for developing the NDC, “conducted a whole-of-government approach,” which “included a bottom-up analysis of existing and potential policies and measures at the federal level, accounting for capital stock turnover, technology trends, infrastructure needs, and continued subnational policies and measures.”

Life:Powered requests records related to the the EIA’s efforts to support the Nationally Determined Contribution Number developed for the 2030 emissions target. Specifically:

1. Please provide all final recommendations provided by Acting Administrator Nalley, EIA employees, or contractors communicating on behalf of EIA to any member or employee of the National Climate Task Force or contractor acting on behalf of the National Climate Task Force regarding the 2030 emissions target.

2. Please provide all final determinations provided by Acting Administrator Nalley, EIA employees, or contractors communicating on behalf of EIA to any member or employee of the National Climate Task Force or any contractor acting on behalf of the National Climate Task Force regarding the 2030 emissions target.
3. Please provide any final qualitative analysis prepared by any EIA employee or contractor acting on behalf of EIA regarding the Nationally Determined Contribution Number that was developed for the 2030 emissions target.
 - a. Please provide the inputs or outputs to any model used in preparing a final qualitative analysis responsive to Request Number 3 above.
4. Please provide any final quantitative analysis prepared by any EIA employee or any contractor acting on behalf of EIA regarding the Nationally Determined Contribution Number that was developed for the 2030 emissions target.
5. Please provide any final analysis of regulatory and/or technology costs conducted by any EIA employee or contractor acting on behalf of EIA in relation to the 2030 emissions target.
6. Please provide all documents, communications, analyses and or results from running a model relating to the “whole-of-government approach,” which included “a bottom-up analysis of existing and potential policies and measures the federal level” that NDC document referenced.

For the purposes of this request, “**records**” means documents, information, memoranda, letters, reports, drafts, communications, records of communications, telephone message records, calendars, agendas, meeting sign-in sheets, presentations, handwritten or typed notes, facsimile transmissions, electronic mail, transcripts or recordings (audio or visual) of meetings, tapes, and all other types of records in the possession, control or custody of the Agency or contractors working for the Agency. “**Communications**” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise). “**EIA employees**” means career staff and political appointees. “**Model**” means a computer program designed to simulate what might or happen in a situation. “**Input**” means data that is transmitted or electronically or manually to a model. “**Output**” means any data or information obtained through running or performing experiments or simulations with a model.

For all records responsive to these requests that are not produced based on an asserted exemption from disclosure, please prepare a privilege and/or exemption log describing at a minimum: (i) the type of record withheld, (ii) the date(s) of the creation of the record; (iii) the subject of the record, (iv) the identity of the author and all recipients of the records; and (v) a detailed description of the basis upon which the Agency is withholding the record (*e.g.*, the claim of privilege, FOIA exemption, etc.). To the extent any responsive documents are withheld based upon a claim of privilege or other exemption from disclosure, please produce redacted copies of all non-privileged or non-exempt factual material contained within such documents. 5 U.S.C. § 552(b).

Pursuant to FOIA and Department of Energy regulations, the Agency has 20 days to fulfill this request. 5 U.S.C. § 552(a)(6)(A), 10 C.F.R. § 1004.5(d). If it is not possible to provide all the records within 20 days, please provide the responsive records that are available as of the deadline.

As a non-profit, public interest research institute, TPPF requests a fee waiver under 5 U.S.C. § 552(a)(4)(A)(iii). TPPF is a non-profit, non-partisan research institute dedicated to promoting and defending liberty, personal responsibility, and free enterprise throughout Texas and the nation. For decades, TPPF has worked to advance these goals through research, policy advocacy, and impact litigation.

Since its inception in 1989, the Foundation has emphasized the importance of limited government, free market competition, private property rights, and freedom from regulation. In accordance with its central mission, the Foundation has hosted policy discussions, authored research, presented legislative testimony, and drafted model ordinances to reduce the burden of government on Texans. Historically, the Foundation has worked through its Life:Powered project to advocate for energy policies that promote economic freedom and advance the human condition.

The requested information is “likely to contribute significantly to public understanding of the operations or activities of the government.” 10 C.F.R. § 1004.9(a)(8). The requested information is not “primarily in [TPPF’s] commercial interest,” because as a non-profit, public interest research institute we are not engaged in a commercial pursuit. *Id.* at § 1004.9(a)(8)(ii). This request covers EIA’s involvement in developing the 2030 emissions target and therefore “concerns ‘the operation or activities of the government.’” *Id.* at § 2.107(l)(2)(i). Information regarding development of the 2030 emissions target is “‘likely to contribute’ to an increased public understanding of those operations or activities.” *Id.* at § 2.107(l)(2)(ii). Part of Life:Powered’s core mission is to inform the national discussion about energy and the environment, so the disclosure will surely contribute to “the understanding of a . . . broad audience of persons interested in the subject.” *Id.* at § 2.107(l)(2)(iii). Finally, this is an area where the disclosure is “likely to contribute ‘significantly’ to public understanding” by shedding light on the analyses that underpinned the 2030 emissions target. *Id.* at § 2.107(l)(2)(iv). Should this request for a fee waiver be denied, we authorize \$250 to be expended for the reasonable costs associated with searching for and copying these records. However, should these costs exceed \$250, please contact me prior to proceeding.

It is worth noting that Life:Powered has submitted separate FOIA requests seeking records on different subject matters and focused on different offices within the Department of Energy. We submit this request separately because of its unique focus, and not for the purpose of avoiding fees. *See id.* at § 2.107(i).

We look forward to your response to this matter. Should you have any questions, please contact me at jisaac@texaspolicy.com.

Sincerely,

Jason Isaac
February 7, 2022
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Hon. Jason Isaac
Director, Life:Powered
Texas Public Policy Foundation