

ALABAMA STATE CAPITOL
600 DEXTER AVENUE
SUITE S-105
MONTGOMERY, AL 36130



(334) 242-7200
FAX (334) 242-4993
WWW.SOS.ALABAMA.GOV
JOHN.MERRILL@SOS.ALABAMA.GOV

JOHN H. MERRILL
SECRETARY OF STATE

April 30, 2020

Energy Policy Institute
Attn: David Pomerantz
P.O. Box 170399
San Francisco, CA 94117

Dear Mr. Pomerantz:

In recent months, my office has followed a number of developments related to energy issues in Alabama. Especially during the current crisis, I believe it is critical that our state make wise decisions about energy supplies.

In December of last year, the Energy and Policy Institute filed a lawsuit against TVA for what it alleges is the utility's failure to respond to a request under the Freedom of Information Act (FOIA). Being unfamiliar with the Energy and Policy Institute, I was puzzled that I could find no record of the group's incorporation with any secretary of state's office, including Alabama's, or with the federal government.

Also of note is that the person listed as your group's Research and Communication Manager, Daniel Tait, also represented another organization, Energy Alabama, a 501c3 organization, in Docket 32953 before the Alabama Public Service Commission. The docket involved a request by a state utility to acquire new power generation assets, a proposal that Energy Alabama and Mr. Tait opposed. Official records submitted to the IRS by Energy Alabama (under the name Alabama Center for Sustainable Energy) show Mr. Tait having received no compensation from Energy Alabama since 2016.

Due to the lack of transparency about the work Mr. Tait is doing in Alabama and especially about the financial backing required to support his tireless work, I hope that you will clarify three critical matters so that elected officials and the Alabama public can understand how the Energy and Policy Institute works and how Mr. Tait, in particular, fits into your organization.

- 1) What is the legal status of the Energy and Policy Institute?
- 2) Who funds your organization's work? If you are funded, as spokesperson David Pomerantz has said publicly, "by environmental foundations interested in addressing the threat posed by climate change," who are those foundations and to whom are they giving their contributions?
- 3) Who compensates the numerous individuals like Mr. Tait who work for the Energy and Policy Institute and who are listed on your group's reports?

Mr. David Pomerantz
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During my tenure as Secretary of State, I have labored to create as much transparency as possible in state government. When we engage in debate about the future of our state, especially about the energy that today powers economic development and that tomorrow will fuel economic recovery from this current crisis, we should do so in good faith and with the greatest possible transparency about what is driving our advocacy. That is especially true of a group that refers to itself as a watchdog organization.

I hope you will provide answers to these questions as quickly as possible so that I and others can understand the origins and motivations of your group's work.

Sincerely,

A handwritten signature in black ink that reads "J.H. Merrill". The signature is written in a cursive style with a large, looped initial "J".

John H. Merrill
Alabama Secretary of State