

<b>DOCKETED</b>	
<b>Docket Number:</b>	23-OPT-01
<b>Project Title:</b>	Fountain Wind Project
<b>TN #:</b>	254201
<b>Document Title:</b>	Public Records Act Request re County of Shasta, Pit River Tribe v California Energy Commission (Shasta County Superior Court Ca
<b>Description:</b>	N/A
<b>Filer:</b>	Kelly Lotz
<b>Organization:</b>	County of Shasta
<b>Submitter Role:</b>	Public Agency
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File No. 55398.00043

January 26, 2024

***VIA ELECTRONIC SUBMISSION  
AND FIRST CLASS MAIL***

Public Records Act Requests  
Chief Counsel's Office  
California Energy Commission  
715 P Street  
Sacramento, CA 95814

Re: Public Records Act Request re *County of Shasta, Pit River Tribe v. California Energy Commission* (Shasta County Superior Court Case No. 203373)

To Whom It May Concern:

On behalf of our client, the County of Shasta ("County"), and pursuant to the California Public Records Act, California Government Code section 7920 *et seq.*, the County hereby requests copies of all public records received, kept, and/or maintained by the California Energy Commission, ("Commission"), and/or in the constructive possession of the Commission through its past and present consultants or outside counsel, *Community Youth Athletic Center v. City of National City*, 220 Cal. App.4th 1385, 1428 (2013), regarding:

1. The transfer of venue in *County of Shasta, Pit River Tribe v. California Energy Commission* (Shasta County Superior Court, Case No. 203737) ("Lawsuit") from Shasta County to another county venue for the subject Lawsuit, including, but not limited to, communications, writings, or other records
  - a. by or between Fountain Wind LLC, ConnectGen LLC or affiliated companies ("Applicant") and the Commission;
  - b. by or between Applicant's legal counsel and the Commission's legal counsel or outside counsel;
  - c. by and between all actual or interested parties to the lawsuit; and
  - d. by and between the Commission and any other government agency.
2. Any joint defense agreement, common interest privilege agreement, letter agreement, memorandum of understanding, or other agreement regarding the

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lawsuit by or between the Commission, Applicant and/or California Department of Justice.

3. All records related to the Lawsuit.
4. Copies of all Commission policies, procedures, guidelines, or other similar records related to venue in the context of litigation initiated against or by the Commission.
5. Records related to any civil litigation brought against the Commission by a city or county, including any requests from the Commission for a change of venue in those cases and any records regarding a change of venue in those cases.
6. Records related to change of venue in the following cases, to which the Commission was a party:
  - a. *Communities for a Better Env't v. Energy Res. Conservation & Dev. Comm'n*, 57 Cal. App. 5th 786, 791, 271 Cal. Rptr. 3d 750, 753 (2020), *as modified* (Nov. 23, 2020), *as modified on denial of reh'g* (Dec. 8, 2020)
  - b. *Bldg. Code Action v. Energy Res. Conservation & Dev. Com.*, 102 Cal. App. 3d 577, 580, 162 Cal. Rptr. 734, 735 (Ct. App. 1980)
  - c. *Figueroa v. California Energy Res. Conservation & Dev. Com.*, 110 Cal. App. 4th 1115, 1119, 2 Cal. Rptr. 3d 376, 378 (2003), *as modified on denial of reh'g* (Aug. 25, 2003)
  - d. *Santa Teresa Citizen Action Grp. v. California Energy Com.*, 105 Cal. App. 4th 1441, 1445, 130 Cal. Rptr. 2d 392, 395 (2003), *as modified* (Feb. 24, 2003)

In identifying public records, the County requests that the search include, but not be limited to, emails, meeting agendas, meeting minutes, reports, notes, correspondence, text messages, voice mails, calendar entries (hardcopy and soft copy, such as Microsoft Outlook calendar files), meeting requests (hardcopy and softcopy, such as Microsoft Outlook calendar files), presentations, spreadsheets, charts, logs, and any other public record as defined under the Public Records Act and applicable case law, and any document or writing, as writing is defined in Evidence Code section 250.

If you deny all or a portion of this request, please provide the name, address, and telephone number of the agency official responsible for the denial and the official responsible for the appeals of denied requests. In addition, if portions of the requested records are determined to be exempt from release, I request that all reasonable, segregable, nonexempt portions of those records be released. The County reserves the right to appeal the withholding or deletion of any information.

In addition, if you withhold records, please identify those records by providing a list of records being withheld and an explanation of why you have withheld those records including, but not limited to, any statutory exemptions to disclosure on which you are relying to withhold the requested records. This list should include the name or title and a brief description of each of the records withheld, any date or dates associated with each of the withheld records, and a list of attachments, appendices, amendments, or other materials included with each of the withheld records.

If your search fails to identify the requested records, I ask you to (1) describe in detail the search procedure, including the search parameters and methods you employed, and a description of the files searched; (2) identify the person who conducted the search; and (3) explain why a more comprehensive search of your offices would be unreasonable.

If any of the records are available in electronic format, or on the internet, I request that you provide electronic copies or citations to the internet address where I can locate the documents.

Thank you for your prompt attention to this request. I look forward to your response within 10 days.

Sincerely,



Tim Lyons  
for BEST BEST & KRIEGER LLP

TL

cc: Gretchen Stuhr, Assistant County Counsel, Shasta County Counsel  
Paul Hellman, Director of Resources Management, County of Shasta