

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

Daniel Tait
1305 Hearthwood Circle SE
Huntsville, AL 35803

Dear Mr. Tait:

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, which lists you as Research and Communication Manager, 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.

I also followed with some interest Docket 32953 before the Alabama Public Service Commission, in which Energy Alabama, a 501c3 organization you represent, argued against a proposal related to new certificates of necessity for power generation. While it is not unusual for individuals to speak on behalf of two organizations, official records submitted to the IRS by Energy Alabama (under the name Alabama Center for Sustainable Energy) show you having received no compensation from the group since 2016.

In recent weeks, you personally have taken an active role in attempting to shape the policies of both state regulatory bodies such as the Public Service Commission and of utilities during the COVID-19 crisis. Assuming you will continue such advocacy, I hope that you will clarify three critical matters so that elected officials and the Alabama public can understand the source and nature of your work.

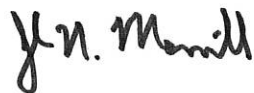
- 1) What is the legal status of the Energy and Policy Institute?
- 2) Who funds the Energy and Policy Institute's activities, including compensating the numerous individuals listed on the organization's reports? If the group's work is funded, as spokesperson David Pomerantz has said publicly, "by environmental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

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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.

I hope you will provide answers to these questions as quickly as possible so that we all understand the origins and motivations of your work.

Sincerely,

A handwritten signature in black ink that reads "John H. Merrill". The signature is written in a cursive, slightly slanted style.

John H. Merrill
Alabama Secretary of State