



North Carolina General Assembly  
State Legislative Building  
Raleigh, North Carolina 27601

December 17, 2018

**Via Hand Delivery**

Governor Roy Cooper  
116 West Jones Street  
Raleigh, NC 27603-8001

Dear Governor Cooper,

We write in response to Ms. Kristi Jones' letter of December 12, 2018, which was delivered minutes before a 9:00 am meeting of the Joint Legislative Commission on Government Operations Subcommittee on the Atlantic Coast Pipeline.

Ms. Jones' letter stated that your office will make "information" available to us by Thursday, December 20, 2018, but did not specify what information will be provided and to which of many requests previously made by numerous parties you intend to respond. Please clarify whether you intend to provide comprehensive and truthful answers to the questions we submitted on February 16, 2018, September 7, 2018 and to the public records request we sent on November 16, 2018. Ms. Jones ignored our questions altogether in her correspondence, and only committed to providing us with copies of the responses you provide to *other* public records requests.

To be clear, your continued failure to respond to our February 16, 2018 and September 7, 2018 questions and to respond directly to *our* November 16, 2018 public records request would be an unacceptable continuation of your administration's failure to provide transparent government to the people of North Carolina.



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As you acknowledged in your letter, the General Assembly has a duty to oversee governmental operations, which is critical to our system of government and the protection of North Carolina taxpayers. There appears to be no constitutional or legal authority for the Governor to accept \$57.8 million from private industry and spend it at his or her sole discretion on projects of his or her own choosing. Moreover, the issuance of a water quality certification permit by the Department of Environmental Quality to Atlantic Coast Pipeline, LLC less than 24 hours after entering into an agreement with that same entity for the payment of \$57.8 million into an escrow account under your exclusive control raises substantial questions.

The General Assembly has a duty to the people of North Carolina to review these transactions, and we will continue that review until we receive full and accurate answers. This matter could have been concluded months ago; however, instead of cooperating and providing transparency into your actions you have repeatedly rejected inquiries into this process for nearly a year. Therefore, to fulfill our government oversight duties, we have been forced to take the additional step of retaining independent investigative assistance.

The quickest way to bring this matter to a conclusion is for you to respond to our repeated inquiries and to answer our questions, which we submitted to your office over three months ago. If you truly want to provide transparent government to the people of North Carolina and have nothing to hide with regard to your process for obtaining an agreement for a \$57.8 million payment from Atlantic Coast Pipeline, LLC, and granting Atlantic Coast Pipeline, LLC a critical water quality permit the next day, then why won't you simply answer our questions and provide the documents requested?

It is also ironic that Ms. Jones' December 12, 2018 letter included a public records request for documents related to the General Assembly's inquiry into the Governor's procedures related to the Atlantic Coast Pipeline. While the General Assembly has a duty to provide oversight over governmental operations including those housed in the executive branch, the Governor has no such oversight duties over the General Assembly, and particularly not over the General Assembly's ongoing investigations.

While you and Ms. Jones are entitled to make public records requests just like any other citizen, your attempt to do so in your official capacity using the time and resources of the Governor's office is entirely unrelated to any proper function of the Governor's office or the executive branch. Your office's public records request into an active investigation into the executive branch represents an obvious attempt to distract from your continued refusal to tell the people of North Carolina why DEQ provided Atlantic Coast Pipeline, LLC with a water quality permit the day after it agreed to provide you with \$57.8 million in funds under your exclusive control.

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Your public records request is a waste of time and resources for both your office and the General Assembly, as it has no possible purpose connected to your duties as Governor. That said, as an example of how to act transparently and honestly, we will respond to Ms. Jones' public records request in the next few days.

Please allow us to bring this matter to a conclusion by cooperating with our inquiries, and stop denying the people of North Carolina transparency into your office's dealings with Atlantic Coast Pipeline, LLC.

Sincerely,



Sen. Harry Brown



Rep. Dean Arp