From: Beard, Susan
To: deForest, Alicia
Cc: Richards, Jocelyn
Subject: FW: Kelly Speakes-Bachman
Date: Friday, August 6, 2021 4:27:19 PM
Attachments: KELLY SPEAKES-BACHMAN_INCOMING.pdf
KELLY SPEAKES-BACKMAN_DRAFT RESPONSE 0806 sb.docx

Our thoughts

From: Richards, Jocelyn <jocelyn.richards@hq.doe.gov>
Sent: Friday, August 6, 2021 4:21 PM
To: Beard, Susan <susan.beard@hq.doe.gov>
Subject: FW: Kelly Speakes-Bachman

I just made one minor edit. (b) (5)

From: Beard, Susan <susan.beard@hq.doe.gov>
Sent: Friday, August 6, 2021 3:24 PM
To: Richards, Jocelyn <jocelyn.richards@hq.doe.gov>
Cc: deForest, Alicia <alicia.deforest@hq.doe.gov>
Subject: FW: Kelly Speakes-Bachman

Jocelyn – (b) (5) Can you take a look as well?
Thanks!

From: deForest, Alicia <alicia.deforest@hq.doe.gov>
Sent: Friday, August 6, 2021 1:00 PM
To: Beard, Susan <susan.beard@hq.doe.gov>
Subject: Kelly Speakes-Bachman

Hi Susan,

(b) (5)

Thanks,

Alicia

CAROLYN B. MALONEY, NEW YORK
CHAIRWOMAN

ONE HUNDRED SEVENTEENTH CONGRESS

JAMES COMER, KENTUCKY
RANKING MINORITY MEMBER

Congress of the United States
House of Representatives
COMMITTEE ON OVERSIGHT AND REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
MAJORITY (202) 225–5051
MINORITY (202) 225–5074
https://oversight.house.gov

July 13, 2021

The Honorable Jennifer Granholm
Secretary
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Dear Secretary Granholm,

We are continuing oversight of questionable ethical conduct at the Department of Energy (DOE). It appears that acting Assistant Secretary for Energy Efficiency and Renewable Energy, Kelly Speakes-Backman, may be using her position to advance the interests of an energy association where she was most recently the Chief Executive Office (CEO) – the Energy Storage Association (ESA).[1] On May 12, 2021, we first requested information about another conflict of interest regarding your relationship with Proterra, Inc. Your agency has failed to provide a substantive response. This lack of transparency and apparent pattern of ethical issues raises questions about the stewardship of the agency by the Biden Administration.

The ESA represents more than 200 businesses and is dedicated to advancing energy storage, including engaging with DOE to promote energy storage technologies.[2] According to media reports, Ms. Speakes-Backman has continuously mentioned the ESA while appearing in her official capacity at DOE.[3] Ms. Speakes-Backman has even suggested publicly that DOE will be implementing initiatives that would likely benefit the ESA and its members.[4] This appears to be a conflict of interest.

Ms. Speakes-Backman has also made several statements regarding new DOE initiatives that are similar to those proposed by ESA.[5] For example, she stated at a public event that, "[b]ack in December 2020, when I was still with the Energy Storage Association, DOE published the energy storage grand challenge road map, then further explained, "I'm stealing this a little bit from my days at Energy Storage Association."[6] Additionally, Ms. Speakes-Backman

[1] Adam Shaw, *Watchdog group says Energy Department official may have violated ethics obligations*, FOX NEWS, May 29, 2021, https://www.foxnews.com/politics/watchdog-energy-deputy-may-have-violated-ethics-obligations.
[2] U.S. Energy Storage Ass'n, *About ESA*, *available at* https://energystorage.org/about-esa/ (last visited June 29, 2021); see also U.S. Energy Storage Ass'n, *Policies & Issues: Federal*, *available at* https://energystorage.org/policies-issues/federal/administration/ (last visited June 30, 2021).
[3] Shaw, *supra* note 1.
[4] *Id.*
[5] *See id.*
[6] *Id*.

delivered a keynote address at an event where her sponsor was a "leadership circle member" of the ESA and raises questions about whether she has been in continuous communications with her former employer.[7] Between these instances and her public statements, Ms. Speakes-Backman has a pattern of working toward advancing the interests of the ESA.[8] In addition to being a potential conflict of interest, this conduct may also violate President Biden's Ethics Pledge because of her active participation in policy decisions that are substantially related to ESA policies.[9]

It is imperative that all officials at DOE, particularly senior political appointees are taking their ethical obligations seriously and not using positions of public trust to benefit former employers. In order for Committee Republicans to determine if Ms. Speakes-Backman acted inappropriately, please provide the following documents and information as soon as possible but no later than July 27, 2021.

(1) All documents and communications from January 20, 2021 to present by Ms. Speakes-Backman related to the Energy Storage Association.

(2) All documents and communications from January 20, 2021 to present between Ms. Speakes-Backman and any employee at the Energy Storage Association.

(3) All documents and communications from January 20, 2021 to present regarding the appearance by Ms. Speakes-Backman at the International Conservation Caucus Foundation panel.

(4) All documents and communications from January 20, 2021 to present between Ms. Speakes-Backman and the Department of Energy related to the analysis of any conflict of interest.

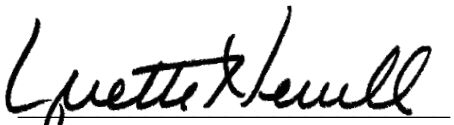
To ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,

Ralph Norman
Ranking Member
Subcommittee on Environment

Paul A. Gosar, D.D.S.
Member of Congress

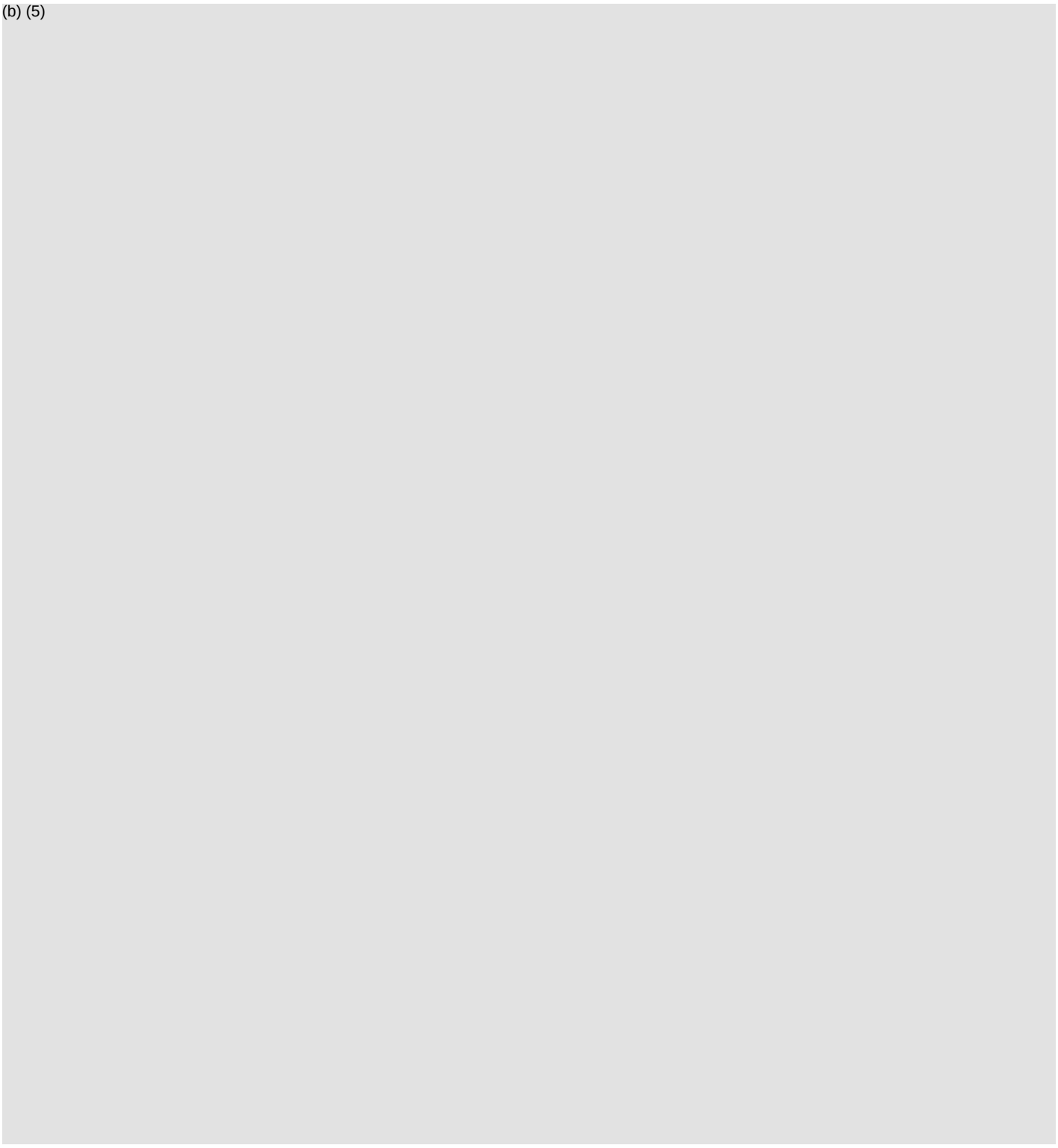
[7] *Id.*
[8] *Id.*
[9] Exec. Order No. 13989, 86 Fed. Reg. 7029 (Jan. 25, 2021).



Yvette Herrell
Member of Congress

cc: The Honorable Ro Khanna, Chairman
Subcommittee on Environment

(b) (5)



From: Richards, Jocelyn
Sent: Tuesday, May 18, 2021 2:06 PM
To: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>
Subject: RE: Outside inquiry

Attorney Confidential Communication

Hi Kelly –

(b) (5)

Jocelyn

From: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>
Sent: Tuesday, May 18, 2021 2:02 PM
To: Richards, Jocelyn <jocelyn.richards@hq.doe.gov>; Mayorga, David <david.mayorga@hq.doe.gov>
Subject: RE: Outside inquiry

Thank you. Let me know if there's anything specific you need of me throughout this process, or if you'd like to discuss anything contained within the attachment with me.

Kelly

Kelly Speakes-Backman
U.S. Department of Energy
Office of EERE

From: Richards, Jocelyn <jocelyn.richards@hq.doe.gov>

Sent: Tuesday, May 18, 2021 1:52 PM
To: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>; Mayorga, David <david.mayorga@hq.doe.gov>
Subject: Outside inquiry

Kelly and David –

(b) (5)

Sincerely,

Jocelyn

Jocelyn Richards
Assistant General Counsel for Ethics
and Personnel Law
Office of the General Counsel
GC-21/6A-211
1000 Independence Ave., SW
Washington, DC 20585
Email: jocelyn.richards@hq.doe.gov
Telephone: (202) 586-5529
(she/her)

From: Richards, Jocelyn
Sent: Tuesday, May 18, 2021 1:52 PM
To: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>; Mayorga, David <david.mayorga@hq.doe.gov>
Subject: Outside inquiry

Kelly and David –

(b) (5)

Sincerely,

Jocelyn

Jocelyn Richards
Assistant General Counsel for Ethics
and Personnel Law
Office of the General Counsel
GC-21/6A-211
1000 Independence Ave., SW
Washington, DC 20585
Email: jocelyn.richards@hq.doe.gov
Telephone: (202) 586-5529
(she/her)

PROTECT the PUBLIC'S TRUST

May 12, 2021

Ms. Jocelyn Richards
Acting Assistant General Counsel
Office of the Assistant General Counsel
for Ethics and Personnel Law
US Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585
Jocelyn.Richards@hq.doe.gov

Re: Possible Ethics Violation by Acting Assistant Secretary Kelly Speakes-Backman

Dear Ms. Richards,

Protect the Public's Trust (PPT) is a non-profit organization dedicated to promoting ethics in government and restoring the public's trust in government officials. To that end, we respectfully ask your office to provide information that would assist the public in understanding whether Acting Assistant Secretary for Energy Efficiency and Renewable Energy Kelly Speakes-Backman has violated ethics laws, regulations, and/or the Biden Administration's Ethics Pledge during recent public speaking engagements.

Prior to joining the Biden Administration, Ms. Speakes-Backman was the CEO of the Energy Storage Association, the national trade association for energy storage entities. Upon joining the Department of Energy (DOE), Ms. Speakes-Backman became bound by ethics obligations including those concerning endorsement, involvement in particular matters involving her former employer and an obligation to avoid the appearance of bias when acting in her official capacity. Specifically, according to federal regulations at 5 CFR § 2635.702 (c)-(d), federal employees are prohibited from using their official title or official capacity to endorse specific "products, services, or enterprises" or "give rise to an appearance of use of public office or of giving preferential treatment."

Endorsement of the Energy Storage Association

On April 16, 2021, Ms. Speakes-Backman spoke in her official capacity as Acting Assistant Secretary for Energy Efficiency and Renewable Energy at a virtual International Conservation Caucus Foundation panel discussion entitled "U.S. Congressional

Briefing on Energy Storage Technology". During the event, Ms. Speakes-Backman unnecessarily made multiple mentions of her former employer and implied her involvement in a major program initiative that would likely financially benefit her former employer and its members.

The first instance occurred when Ms. Speakes-Backman was discussing the Energy Storage Grand Challenge – a major initiative at the Department of Energy and one she and her former employer were involved in supporting in 2020. At 32:03 of the video found here: https://www.youtube.com/watch?v=5Nv4-O7Ib4U, Ms. Speakes-Backman states, "Back in December 2020, when I was still with the Energy Storage Association, DOE published the energy storage grand challenge road map."

During her presentation, Ms. Speakes-Backman also outlines several programmatic aspects of DOE's energy storage goals that closely track initiatives articulated by the Energy Storage Association while she was CEO. In fact, many of these specific policies were even suggested as actions that her current office (EERE) should take during the Biden Administration as found in her former employer's "ESA Recommendations To Congress and the Administration for 2021 Energy Storage Policy." Viewed in total, these statements contribute to the public's perception that Ms. Speakes-Backman is giving preferential treatment to her former employer and its members while performing her official duties at DOE. A few examples of such statements are included below:

> "This roadmap incorporates five tracks starting with fundamental R&D for storage technologies and following **all the way through to storage and commercialization."**
>
> "The first track, the technology development track will be on DOE's **ongoing future storage R&D** with clear performance goals."
>
> "The manufacturing track or supply chain track, I should say, will develop **technologies approaches and strategies for US manufacturing** that supports and strengthens our leadership in innovation and continued scale manufacturing."
>
> "The technology transition track is going to ensure that DOE's R&D transitions to domestic markets through field validation, **public-private partnerships, bankable business model development and the dissemination of high-quality market data**. Especially for technologies beyond batteries."

> "Then there's the **policy and valuation track, one of my favorites** that is going to provide important data and tools and analysis to **appropriately value energy storage** for its flexibility in markets and for providing capacity resilience and ancillary services."
>
> "And finally, the workforce development track is going to advance technical education workforce development programs to train and educate a growing workforce to conduct further research and to **develop design manufacturers and operate energy storage systems**."

A neutral observer could likely hear such statements and believe Ms. Speakes-Backman is directly involved with and deliberating on issues that are likely to deliver a financial benefit and/or endorsement of the Energy Storage Association and its private sector members. Many of these member companies may also stand to receive federal dollars to help achieve these programmatic goals.

Later in her talk at marker 43:18, Ms. Speakes-Backman again references her former employer in what may be a Freudian slip given the previous statements: "I'm stealing this a little bit from my days at Energy Storage Association but [energy storage] really does provide a more resilient, efficient, sustainable and affordable grid…"

The multiple references to the Energy Storage Association and subsequent policy discussion on specific programmatic elements likely to deliver financial benefits to her previous employer raise several concerns:

1) Ms. Speakes-Backman's comments mentioning the Energy Storage Association by name while speaking in her official capacity at an event centered around the very products and services the entity and its members sell and/or advocate could be or perceived to be an endorsement of that entity by the Department of Energy. Has this been investigated and discussed with Ms. Speakes-Backman to avoid similar incidents from occurring in the future?

2) Ms. Speakes-Backman's comments throughout the event suggest that she may be working on or participating in deliberations concerning matters that directly financially benefit her former employer and its members. If so, this likely raises questions of whether she is acting consistently with her ethics obligations under 5 CFR § 2635.702 and the Biden Ethics Pledge. What procedures are in place to ensure Ms. Speakes-Backman is not violating her ethics obligations by participating in particular matters that could financially benefit or endorse her former employer or its members?

3) What is the process by which Ms. Speakes-Backman was approved or cleared to attend and speak at this event by DOE's Ethics Office? Did the Ethics Office clear her prepared remarks in advance to ensure the text did not include possible endorsements such as the aforementioned remarks?

Continued Communications with Former Employer?

Ms. Speakes-Backman's remarks at the April 16, 2021 event were further marred by the event's subsequent panelist, who implied continued communications with the Acting Assistant Secretary. Mark Reedy, a partner at Kilpatrick Townsend – which is a Full Member of the Energy Storage Association, according to their website – stated in his opening remarks at marker 53:27, "It's going to be tough to refer to her as the acting secretary or the assistant secretary because I know her as Kelly having worked with her closely on the Energy Storage Association for years."

Did Ms. Speakes-Backman disclose to the ethics office prior to the event that a former member would be one of the panelists? Did she receive guidance and approval based on this information? Mr. Reedy's remarks contribute to public perception that Ms. Speakes-Backman may continue to have a working relationship on issues important to her former employer. Have ethics officials at DOE provided guidance to Ms. Speakes-Backman that this would likely present a conflict of interest if pertaining to particular matters?

Endorsement and/or Financial Benefit to Former Member Company?

Review of Ms. Speakes-Backman's other public appearances suggest that PPT's concerns may not be limited to the April 16, 2021 event.

On April 21, 2021, Ms. Speakes-Backman gave a keynote presentation at the Association of Energy Engineers' Conference titled, "Energy Efficiency for Transformative Solutions." Specifically, she was the Keynote Speaker for the CWEEL Plenary Session. While the conference had many sponsors, Ms. Speakes-Backman's specific role as a CWEEL Keynote speaker had only one sponsor which happened to be ConEdison, a "Leadership Circle Member" of her former employer.

Again, these facts surrounding Ms. Speakes-Backman's public appearance raise questions about whether she violated her ethics obligation by attending and speaking in her official capacity at an event sponsored by a prominent member of her former employer.

1) Was Ms. Speakes-Backman aware that one of her employer's "Leadership Council Members" was the lone sponsor for the portion of the conference where Ms. Speakes-Backman was the keynote speaker?

2) Did she relay this information to ethics officials prior to accepting the invitation to speak? If so, what guidance, if any, did the Ethics Office provide to Ms. Speakes-Backman about possible conflicts and/or an appearance of a conflict of interest that could result from her acceptance of this invitation? Did she provide her prepared remarks for ethics approval prior to accepting the invitation and attending the event?
3) Has Ms. Speakes-Backman sought guidance or received counseling to avoid participating in events that present an inherent appearance of a conflict of interest or endorsement of a former employer's member?

Pattern of Preferential Treatment?

On March 11, 2021, Ms. Speakes-Backman participated in a panel discussion for the National Association of Energy Service Companies (NAESCO) titled, "What's on the Horizon for Energy Efficiency?" The only other panelist joining Ms. Speakes-Backman was Kelly Glover, the President of the Alliance to Save Energy. While not her immediate previous employer, Ms. Speakes-Backman's time at the organization was surrounded by ethics concerns. Notably, she started at the Exelon-funded Alliance to Save Energy shortly after approving the Exelon-Pepco merger in her role at the Maryland Public Service Commission.

Viewed in light of the previous events discussed in this letter, Ms. Speakes-Backman's public appearances suggest a pattern of advancing the interests of her former employers and potentially endorsing them. At the very least, her participation contributes to a perception that she may not be fully consulting with the Department's Ethics Office or providing sufficient information in order to receive appropriate guidance and counseling prior to accepting such invitations.

Ethics obligations exist to reduce the likelihood that senior government officials are making decisions in a biased or arbitrary manner or to benefit the interests of former employers, clients, or related parties. Ensuring the avoidance of conflicts of interest or the appearance of bias is crucial to ensuring honest, ethical government that preserves the trust of the American people.

Therefore, PPT asks you to respond and provide the relevant records demonstrating whether or not Ms. Speakes-Backman is acting consistently with her ethics obligation; whether or not she has endorsed, intentionally or otherwise, her former employer and its members while speaking in her official capacity; whether or not she is providing sufficient information and receiving appropriate guidance from ethics officials on whether it is appropriate to participate in similar events in the future. Fi-

nally, we seek to understand the process by which such speaking invitations are reviewed and approved by the DOE Ethics Office. The Freedom of Information Act request seeking these specific records is attached in Attachment A below. Thank you.

Sincerely,

Michael Chamberlain
Director
Protect the Public's Trust

ATTACHMENT A

VIA ELECTRONIC MAIL May 12, 2021

FOIA Requester Service Center
US Department of Energy
1000 Independence Avenue, SW

PROTECT the PUBLIC'S TRUST

Mail Stop MA-46
Washington, DC 20585

Re: Ethics Records and Communications of Kelly Speakes-Backman

Dear FOIA Officer,

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, *as amended* (FOIA), from the Protect the Public's Trust (PPT), a non-profit organization dedicated to promoting ethics in government and restoring the public's trust in government officials.

Records Requested

In light of the several instances of public appearances where Ms. Speakes-Backman appears to have endorsed or implied participation in matters where her former employer would receive a financial benefit, PPT requests the following records.

1. All communications to, from or pertaining to Kelly Speakes-Backman, including schedules, calendars, virtual meeting logs (e.g., Zoom, Teams, or other platform used by the Department), meeting invites, public appearances, guidance or counseling provided by the DOE Ethics Office pertaining to an ethics matter of Kelly Speakes-Backman. This should include all communications pertaining to Ms. Speakes-Backman produced by, received by or discussed among employees within the DOE's Office of the Assistant Counsel for Ethics and Personnel Law. It should also include all relevant records within the Office of Energy Efficiency and Renewable Energy (EERE), Office of Electricity or other relevant offices at DOE. If any requested records were produced prior to the official start date of any individual those should also be included.

For this request, the term "all records" refers to, but is not limited to, any and all documents, correspondence (including, but not limited to, inter and/or intra-agency correspondence as well as correspondence with entities or individuals outside the federal government), emails, text messages, letters, notes, telephone records, telephone notes, minutes, memoranda, comments, files, presentations, consultations, biological opinions, assessments, evaluations, schedules, telephone logs, digital logs such as those produced by Microsoft Teams (including Teams file folders or collaborative work documents housed in Teams), papers published, and/or unpublished, reports, studies, photographs and other images, data (including raw data, GPS or GIS data, UTM, LiDAR, etc.), maps, and/or all other responsive records, in draft or final form.

This request is not meant to exclude any other request that, although not specifically requested, are reasonably related to the subject matter of this request. If you or your office have destroyed or determine to withhold any records that could be reasonably construed to be responsive to this request, I ask that you indicate this fact and the reasons therefore in your response.

Under the FOIA Improvement Act of 2016, agencies are prohibited from denying requests for information under the FOIA unless the agency reasonably believes release of the information will harm an interest that is protected by the exemption. FOIA Improvement Act of 2016 (Public Law No. 114-185), codified at 5 U.S.C. § 552(a)(8)(A).

Should you decide to invoke a FOIA exemption, please include sufficient information for us to assess the basis for the exemption, including any interest(s) that would be harmed by release. Please include a detailed ledger which includes:

1. Basic factual material about each withheld record, including the originator, date, length, general subject matter, and location of each item; and

2. Complete explanations and justifications for the withholding, including the specific exemption(s) under which the record (or portion thereof) was withheld and a full explanation of how each exemption applies to the withheld material. Such statements will be helpful in deciding whether to appeal an adverse determination. Your written justification may help to avoid litigation.

If you determine that portions of the records requested are exempt from disclosure, we request that you segregate the exempt portions and mail the non-exempt portions of such records to my attention at the address below within the statutory time limit. 5 U.S.C. § 552(b).

PPT is willing to receive records on a rolling basis.

Given the urgency of the public's need to know whether Ms. Speakes-Backman is performing her duties consistent with her ethical obligations, we request that the FOIA office use the Department's Records Enterprise Management System to search and process this request. Given the likelihood of potential ethics violations outlined in the letter above and to advance the public interest in ensuring a clean government, we request expedited processing.

Finally, FOIA's "frequently requested record" provision was enacted as part of the 1996 Electronic Freedom of Information Act Amendments, and requires all federal

agencies to give "reading room" treatment to any FOIA-processed records that, "because of the nature of their subject matter, the agency determines have become the subject of subsequent requests for substantially the same records." 5 U.S.C. § 552(a)(2)(D)(ii)(I). Also, enacted as part of the 2016 FOIA Improvement Act, FOIA's Rule of 3 requires all federal agencies to proactively "make available for public inspection in an electronic format" "copies of records, regardless of form or format … that have been released to any person … and … that have been requested 3 or more times." 5 U.S.C. § 552(a)(2)(D)(ii)(I). Therefore, we respectfully request that you make available online any records that the agency determines will become the subject of subsequent requests for substantially the same records, and records that have been requested three or more times.

Format of Requested Records

Under FOIA, you are obligated to provide records in a readily accessible electronic format and in the format requested. See, e.g., 5 U.S.C. § 552(a)(3)(B) ("In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format."). "Readily accessible" means text-searchable and OCR-formatted. See 5 U.S.C. § 552(a)(3)(B). We ask that you please provide all records in an electronic format. Additionally, please provide the records either in (1) load-ready format with a CSV file index or Excel spreadsheet, or; (2) for files that are in .PDF format, without any "portfolios" or "embedded files." Portfolios and embedded files within files are not readily accessible. Please do not provide the records in a single, or "batched," .PDF file. We appreciate the inclusion of an index.

If you should seek to withhold or redact any responsive records, we request that you: (1) identify each such record with specificity (including date, author, recipient, and parties copied); (2) explain in full the basis for withholding responsive material; and (3) provide all segregable portions of the records for which you claim a specific exemption. 5 U.S.C. § 552(b). Please correlate any redactions with specific exemptions under FOIA.

Fee Waiver Request

FOIA was designed to provide citizens a broad right to access government records. FOIA's basic purpose is to "open agency action to the light of public scrutiny," with a focus on the public's "right to be informed about what their government is up to." *U.S. Dep't of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 773-74 (1989) (internal quotation and citations omitted). In order to provide public access to this information, FOIA's fee waiver provision requires that "[d]ocuments shall be furnished without any charge or at a [reduced] charge," if the request satisfies the standard. 5 U.S.C. § 552(a)(4)(A)(iii). FOIA's fee waiver requirement is "liberally construed." *Judicial*

Watch, Inc. v. Rossotti, 326 F.3d 1309, 1310 (D.C. Cir. 2003); *Forest Guardians v. U.S. Dept. of Interior*, 416 F.3d 1173, 1178 (10th Cir. 2005).

The 1986 fee waiver amendments were designed specifically to provide non-profit organizations such as PPT access to government records without the payment of fees. Indeed, FOIA's fee waiver provision was intended "to prevent government agencies from using high fees to discourage certain types of requesters and requests," which are "consistently associated with requests from journalists, scholars, and non-profit public interest groups." *Ettlinger v. FBI*, 596 F.Supp. 867, 872 (D. Mass. 1984) (emphasis added). As one Senator stated, "[a]gencies should not be allowed to use fees as an offensive weapon against requesters seeking access to Government information ...." 132 Cong. Rec. S. 14298 (statement of Senator Leahy).

I. PPT Qualifies for a Fee Waiver.

Under FOIA, a party is entitled to a fee waiver when "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the [Federal] government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). The DOE FOIA regulations at 10 C.F.R. § 1004.9(a)(8) establish the same standard.

Thus, DOE must consider four factors to determine whether a request is in the public interest: (1) whether the subject of the requested records concerns "the operations or activities of the Federal government," (2) whether the disclosure is "likely to contribute" to an understanding of government operations or activities, (3) whether the disclosure "will contribute to public understanding" of a reasonably broad audience of persons interested in the subject, and (4) whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities. 10 C.F.R. § 1004.9(a)(8). As shown below, PPT meets each of these factors.

A. The Subject of This Request Concerns "The Operations and Activities of the Government."

The subject matter of this request concerns the operations and activities of DOE. This request asks for: All communications to, from or pertaining to Kelly Speakes-Backman, including schedules, calendars, virtual meeting logs (e.g., Zoom, Teams, or other platform used by the Department), meeting invites, public appearances, guidance or counseling provided by the DOE Ethics Office pertaining to an ethics matter of Kelly Speakes-Backman. This should include all communications pertaining to Ms. Speakes-Backman produced by, received by or discussed among employees within the DOE's Office of the Assistant Counsel for Ethics and Personnel Law. It should also include all relevant records within the Office of Energy Efficiency and Renewable Energy (EERE), Office of Electricity or other relevant offices at DOE. If any requested records were produced prior to the official start date of any individual those should also be included.

B. Disclosure is "Likely to Contribute" to an Understanding of Government Operations or Activities.

The requested records are meaningfully informative about government operations or activities and will contribute to an increased understanding of those operations and activities by the public.

Disclosure of the requested records will allow PPT to convey to the public information about whether a senior official is acting consistently with her ethics obligations. After disclosing records relating to Ms. Speakes-Backman, PPT will inform the public about whether a senior official at the Department of Energy responsible for overseeing billions in taxpayer funds is endorsing or participating in matters that financially benefit her former employer or its members. Once the information is made available, PPT will analyze it and present it to its followers and the general public in a manner that will meaningfully enhance the public's understanding of this topic.

Thus, the requested records are likely to contribute to an understanding of DOE's operations and activities.

C. Disclosure of the Requested Records Will Contribute to a Reasonably Broad Audience of Interested Persons' Understanding of the Ethics Compliance of a Senior Political Appointee at the Department of Energy.

The requested records will contribute to public understanding of whether the ethics advice provided by career officials is being followed and whether a senior political appointee is appropriately participating in particular matters at DOE. Review of these records will assist the public in knowing whether future actions, decisions, and deliberations of non-career appointees are being conducted in a compliant manner. As explained above, the records will contribute to public understanding of this topic.

Ethics obligations exist to reduce the likelihood that senior government officials are making decisions in a biased or arbitrary manner or to benefit the interests of former employers, clients or related parties. Ensuring the avoidance of conflicts of interest or the appearance of bias is of interest to a reasonably broad segment of the public. PPT will use the information it obtains from the disclosed records to educate the public at large about what obligations have been identified for Ms. Speakes-Backman. *See W. Watersheds Proj. v. Brown*, 318 F.Supp.2d 1036, 1040 (D. Idaho 2004) ("... find[ing] that WWP adequately specified the public interest to be served, that is, educating the public about the ecological conditions of the land managed by the BLM and also how ... management strategies employed by the BLM may adversely affect the environment.").

Through PPT's synthesis and dissemination (by means discussed in Section II, below), disclosure of information contained and gleaned from the requested records will contribute to a broad audience of persons who are interested in the subject matter. *Ettlinger v. FBI*, 596 F.Supp. at 876 (benefit to a population group of some size distinct from the requester alone is sufficient); *Carney v. Dep't of Justice*, 19 F.3d 807, 815 (2d Cir. 1994), cert. denied, 513 U.S. 823 (1994) (applying "public" to require a sufficient "breadth of

benefit" beyond the requester's own interests); *Cmty. Legal Servs. v. Dep't of Hous. & Urban Dev.*, 405 F.Supp.2d 553, 557 (E.D. Pa. 2005) (in granting fee waiver to community legal group, court noted that while the requester's "work by its nature is unlikely to reach a very general audience," "there is a segment of the public that is interested in its work").

Indeed, the public does not currently have an ability to easily evaluate the requested records, which concern the integrity of one of the most high-profile and well-funded Offices within DOE. We are also unaware of any previous release to the public of these or similar records. See *Cmty. Legal Servs. v. HUD*, 405 F.Supp.2d 553, 560 (D. Pa. 2005) (because requested records "clarify important facts" about agency policy, "the CLS request would likely shed light on information that is new to the interested public."). As the Ninth Circuit observed in *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1286 (9th Cir. 1987), "[FOIA] legislative history suggests that information [has more potential to contribute to public understanding] to the degree that the information is new and supports public oversight of agency operations...."

Disclosure of these records is not only "likely to contribute," but is certain to contribute, to public understanding of whether Ms. Speakes-Backman is acting consistently with her ethics obligations. The public is always well served when it knows how the government conducts its activities, particularly matters touching on ethics questions. Hence, there can be no dispute that disclosure of the requested records to the public will educate the public about the potential conflicts of interest, recusal obligations, and ethics guidance provided to Ms. Speakes-Backman.

D. Disclosure is Likely to Contribute Significantly to Public Understanding of Government Operations or Activities.

PPT is not requesting these records merely for their intrinsic informational value. Disclosure of the requested records will significantly enhance the public's understanding of the potential conflicts of interest and likelihood of an appearance of bias in decision-making as compared to the level of public understanding that exists prior to the disclosure. Indeed, public understanding will be significantly increased as a result of disclosure.

The records are also certain to shed light on DOE's compliance with its own mission and responsibility to protect our nation's nuclear arsenal and expend taxpayer funds wisely. Such public oversight of agency action is vital to our democratic system and clearly envisioned by the drafters of the FOIA. Thus, PPT meets this factor as well.

II. PPT has the Ability to Disseminate the Requested Information Broadly.

PPT is a non-profit organization that informs, educates, and counsels the public about the importance of government officials acting consistently with their ethics obligations. A key component of being able to fulfill this mission and educate the public about these duties is access to information that articulates what obligations exist for senior government officials. PPT intends to publish information from requested records on its website, dis-

tribute the records and expert analysis to its followers through social media channels including Twitter, Facebook, and other similar platforms. PPT also has a robust network of reporters, bloggers, and media publications interested in its content and that have durable relationships with the organization. PPT intends to use any or all of these far-reaching media outlets to share with the public information obtained as a result of this request.

Through these means, PPT will ensure: (1) that the information requested contributes significantly to the public's understanding of the government's operations or activities; (2) that the information enhances the public's understanding to a greater degree than currently exists; (3) that PPT possesses the expertise to explain the requested information to the public; (4) that PPT possesses the ability to disseminate the requested information to the general public; (5) and that the news media recognizes PPT as a reliable source in the field of government ethics and conduct.

Public oversight and enhanced understanding of DOE's duties is absolutely necessary. In determining whether disclosure of requested information will contribute significantly to public understanding, a guiding test is whether the requester will disseminate the information to a reasonably broad audience of persons interested in the subject. *Carney v U.S. Dept. of Justice*, 19 F.3d 807 (2nd Cir. 1994). PPT need not show how it intends to distribute the information, because "[n]othing in FOIA, the [agency] regulation, or our case law require[s] such pointless specificity." *Judicial Watch*, 326 F.3d at 1314. It is sufficient for PPT to show how it distributes information to the public generally. *Id*.

III. Obtaining the Requested Records is of No Commercial Interest to PPT.

Access to government records, disclosure forms, and similar materials through FOIA requests is essential to PPT's role of educating the general public. PPT is a 501(c)(3) nonprofit organization with supporters and members of the public who seek a transparent, ethical and impartial government that makes decisions in the best interests of all Americans, not former employers and special interests. PPT has no commercial interest and will realize no commercial benefit from the release of the requested records.

IV. Conclusion

For all of the foregoing reasons, PPT qualifies for a full fee waiver. We hope that the Department will immediately grant this fee waiver request and begin to search and disclose the requested records without any unnecessary delays.

If you have any questions, please contact me at foia@protectpublicstrust.org. All records and any related correspondence should be sent to my attention at the address below.

Sincerely,

Morgan Yardis

PROTECT the PUBLIC'S TRUST

Research and Publication Associate
foia@protectpublicstrust.org

From: Richards, Jocelyn
To: Beard, Susan
Subject: FW: [EXTERNAL] PPT Complaint
Date: Wednesday, August 4, 2021 7:41:00 AM
Attachments: 1 PPT IG Complaint Ethics Violations (1).pdf

FYI

From: Morgan Yardis <morgan@protectpublicstrust.org>
Sent: Wednesday, July 28, 2021 1:53 PM
To: Richards, Jocelyn <jocelyn.richards@hq.doe.gov>
Subject: [EXTERNAL] PPT Complaint

Good afternoon,

Please see the attached complaint regarding "Request for Investigation into Potential Ethics Violations by Acting Assistant Secretary Kelly Speakes-Backman."

Please let me know if you have any questions.

Thank you,

Morgan Yardis

Protect Public's Trust

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PROTECT the PUBLIC'S TRUST

VIA ELECTRONIC MAIL July 28, 2021

Teri L. Donaldson
Inspector General
US Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Ms. Jocelyn Richards
Acting Assistant General Counsel
Office of the Assistant General Counsel
for Ethics and Personnel Law
US Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Re: Request for Investigation into Potential Ethics Violations by Acting Assistant Secretary Kelly Speakes-Backman

Dear Ms. Donaldson and Ms. Richards,

Protect the Public's Trust (PPT) is a non-profit organization dedicated to promoting ethics in government and restoring the public's trust in government officials. In pursuit of that mission, we respectfully request the Office of the Inspector General conduct an investigation regarding potential misconduct by a senior Department official for a series of potential ethics violations.

Overview

Acting Assistant Secretary for Energy Efficiency and Renewable Energy Kelly Speakes-Backman has been a senior political appointee at the Department of Energy since the beginning of the Biden Administration in January 2021. Prior to joining the Biden Administration, Ms. Speakes-Backman was the CEO of the Energy Storage Association (ESA), the national trade association for energy storage entities. Ms. Speakes-Backman is currently bound by ethics obligations that include a prohibition on her participation in particular matters involving her former employer as well as others whom she may have a covered relationship, prohibition of any endorsements of those with whom she has a covered relationship, and a requirement to avoid

participation in matters that may contribute to an appearance of bias among the public.

Through investigate research and information provided by members of the public and the federal workforce, PPT believes that Ms. Speakes-Backman may have violated her ethics obligations. Further, her pattern of behavior together with the records available to the public raise the question of whether Ms. Speakes-Backman is operating in a transparent, legally compliant manner. Based on the facts laid out in this complaint, we respectfully request an investigation into the issues identified herein.

Background

This is a follow up to a previous letter submitted to the Department of Energy's Ethics Office on May 13, 2021. In that letter, Protect the Public's Trust presented some concerning facts regarding Ms. Speakes-Backman's public appearances and conduct, provided the Department an opportunity to respond with an explanation, and requested records pertaining to the events in question. Since confirming receipt of PPT's letter, the Department has failed to provide any written response and withheld the requested public records. Subsequent media inquiries by multiple outlets including the Washington Free Beacon, Fox News, and E&E News, have also been met with the Department's refusal to comment or provide any defense of Ms. Speakes-Backman's potential misconduct.

As is stated in our May 13, 2021, letter, Ms. Speakes-Backman's participation and verbal statements made during several public appearances as a senior Administration official appear to have violated her ethics obligation to avoid endorsing a former employer. Specifically, according to federal regulations at 5 CFR § 2635.702 (c)-(d), federal employees are prohibited from using their official title or official capacity to endorse specific "products, services, or enterprises" or "give rise to an appearance of use of public office or of giving preferential treatment." For your convenience, we have attached our previous letter as Addendum A.

Also raised in that letter is an alarming pattern of participation in events involving and sponsored by her former employer's high-profile members (i.e., donors). Whether Ms. Speakes-Backman had consulted with and received approval from agency ethics officials prior to acceptance and participation remains an open question. What is clear is that these events all contribute to the appearance of impropriety and bias toward those with whom she either has a covered relationship or related entities that appear to be receiving preferential treatment given their former donor relationship with Ms. Speakes-Backman.

Recent events involving continued potential misconduct by Ms. Speakes-Backman have been brought to the attention of PPT, which have in turn formed the basis of today's request for a formal investigation.

Additional Potential Ethics Violations by Ms. Speakes-Backman

On June 22, 2021, Ms. Speakes-Backman delivered yet another keynote address sponsored by one of her former board members while at ESA (specifically, NextEra Energy Resources). The paid-only industry event was part of the New York Battery and Energy Storage Technology Consortium's (NY BEST) "Capture the Energy 2021 Conference." The objective of the conference was stated as such (emphasis added): "Capture the Energy 2021 features industry leaders who are advancing energy storage globally and in New York State, where the State's nation-leading climate protection and clean energy goals have made it one of the fastest-growing markets for energy storage in the world."

As the list of presenters and conference website makes clear, the goals were to provide a forum for corporations and market participants in the energy storage industry to share information and better understand how they can financially benefit from federal financial assistance in what has become a very friendly federal and state regulatory landscape. To this effect, the conference offered two high-ranking officials from DOE to share information about the agency's priorities, outline their regulatory plans, and draw a roadmap for those companies interested in receiving federal taxpayer dollars. The speakers were Ms. Speakes-Backman, who provided "Updates from Washington," and Robert Marcum, the Chief Operating Officer for DOE's Loan Programs Office, who provided information for those interested in obtaining federal financial support.

On its face, the potential for Ms. Speakes-Backman's acceptance and participation to create a conflict of interest, opportunity for endorsement, or the appearance of bias is clear and undeniable.

One need not look far for these concerns to be further validated. For instance, the bios on the NY BEST's conference website for both Ms. Speakes-Backman and Mr. Marcum hyperlink their titles to a previous NY BEST event featuring Julian Boggs, the State Director for the US Energy Storage Association, Ms. Speakes-Backman's former employer.[1] It is unclear why the organization decided to hyperlink the titles of Ms. Speakes-Backman (and Mr. Marcum) to Ms. Speakes-Backman's former employer. Whether this is

[1] The hyperlink from Ms. Speakes-Backman's title to the ESA State Director's biography and April event can be found here: https://embed.emamo.com/event/the-energy-storage-annual-conference-expo/r/speaker/julian-boggs-1.

intentional or an error by NY BEST is unclear. Nonetheless, it is an implicit endorsement of Ms. Speakes-Backman's former employer and not permitted under the law. It is also the precise type of situation that can be anticipated by ethics officials when providing guidance to senior officials such as Ms. Speakes-Backman who seek to participate in events so closely linked to her former employer and the financial interests of her former board members. In the wake of an outstanding complaint on related issues one would expect Ms. Speakes-Backman to exercise even greater diligence in avoiding situations that could create a perception of conflict or endorsement regarding her former employer. However, this incident reveals this is not the case and that Ms. Speakes-Backman has continued her previous pattern of bad judgment with respect to her former employer and its major donors.

Adding to the list of concerns pertaining to Ms. Speakes-Backman's participation in the NY BEST conference is the list of other sponsors and speakers present at the conference. For instance:

1. President of ConEdison of NY, a Leadership Circle member of ESA and previous keynote sponsor of Ms. Speakes-Backman on April 21, 2021 (detailed in our May 13, 2021 letter), spoke in the timeslot directly before Ms. Speakes-Backman on June 22;
2. Electric Power Research Institute, an ESA Sponsorship partner, was a listed sponsor of the conference;
3. Savion, an ESA Policy Partner, was a listed sponsor of the conference.

As we stated in our previous letter to the Department, before even hearing the substance of her speech, a neutral observer is left to wonder whether Ms. Speakes-Backman is adhering to her ethics obligations and acting impartially. Of course, this is before listening to any prepared remarks on how Ms. Speakes-Backman's office (and agency) is advancing the policy and financial interests of the energy storage industry she used to work for.

To make matters even worse, the public is left in the dark to even monitor the event as it is protected behind a financially hefty paywall for the implicit benefit of industry participants to receive information not available to the general public.[2] This contributes further to the public perception that Ms. Speakes-Backman does not take her ethics commitment seriously, is regularly communicating with those with whom she may have a covered relationship, and may be personally and substantially participating in matters in which she should be recused.

[2] The conference website lists non-member general registration rates as: Corporate ($495); Non-profit, Academic, and Government ($400), Non-Member Student ($100), Start-Up ($400).

Conclusion

While the energy storage industry is positioned to benefit from millions (and potentially billions) of taxpayer dollars originating at Ms. Speakes-Backman's agency, it is of the utmost public interest to understand whether she is acting in a lawful and ethical manner. Given the agency's silence and refusal to provide records demonstrating ethics compliance or consultation, Protect the Public's Trust requests the DOE's Office of Inspector General initiate a formal investigation into the potential endorsements and pattern of related misconduct of Ms. Speakes-Backman. Specifically, we request you investigate and provide the public answers on the following questions:

1) Whether or not Ms. Speakes-Backman has endorsed, intentionally or otherwise, her former employer and its members while speaking in her official capacity at any of the events identified in Attachment A of this complaint and as such violated 5 CFR § 2635.702.
2) Whether Ms. Speakes-Backman was aware that one of her former employer's "Leadership Council Members" was the lone sponsor for the portion of the conference where Ms. Speakes-Backman was the keynote speaker on April 21, 2021. Whether she was aware that her former employer's board member NextEra Energy Resources was the lone sponsor of her keynote presentation on June 22, 2021.
3) Whether she relayed any of this information to ethics officials prior to accepting the invitations to speak. If so, what guidance, if any, did the Ethics Office provide to Ms. Speakes-Backman about possible conflicts and/or an appearance of a conflict of interest that could result from her acceptance of these invitations? Did she provide her prepared remarks for ethics approval prior to accepting these invitations and attending the events?
4) Whether Ms. Speakes-Backman sought guidance or received counseling to avoid participating in events that present an inherent appearance of a conflict of interest or endorsement of a former employer's member.
5) Whether Ms. Speakes-Backman is participating in particular matters involving her former employer or board members that may violate federal law, regulations or the Biden Ethics Pledge. In exploring this question, all records of meetings and particular matters that Ms. Speakes-Backman is or has been involved in should be reviewed and, at the appropriate time, provided to the public for review.
6) Whether the current process for political appointees at DOE such as Ms. Speakes-Backman includes appropriately communicating with ethics officials for all public speaking engagements and whether they are appropriately informed of the particular matters they should recuse themselves from prior to deliberating, deciding, or acting upon.

7) Whether Ms. Speakes-Backman plans to continue participating in events sponsored by her former employer's board members and donors. Is this a practice condoned by DOE ethics officials and consistent with past practice for senior government officials?

Ethics obligations exist to reduce the likelihood that senior government officials are making decisions in a biased or arbitrary manner or to benefit the interests of former employers, clients, or related parties. Ensuring the avoidance of conflicts of interest or the appearance of bias is crucial to ensuring honest, ethical government that preserves the trust of the American people.

Sincerely,

Michael Chamberlain
Director
Protect the Public's Trust

PROTECT the PUBLIC'S TRUST

ATTACHMENT A

May 13, 2021

Ms. Jocelyn Richards
Acting Assistant General Counsel
Office of the Assistant General Counsel
for Ethics and Personnel Law
US Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585
Jocelyn.Richards@hq.doe.gov

Re: Possible Ethics Violation by Acting Assistant Secretary Kelly Speakes-Backman

Dear Ms. Richards,

Protect the Public's Trust (PPT) is a non-profit organization dedicated to promoting ethics in government and restoring the public's trust in government officials. To that end, we respectfully ask your office to provide information that would assist the public in understanding whether Acting Assistant Secretary for Energy Efficiency and Renewable Energy Kelly Speakes-Backman has violated ethics laws, regulations, and/or the Biden Administration's Ethics Pledge during recent public speaking engagements.

Prior to joining the Biden Administration, Ms. Speakes-Backman was the CEO of the Energy Storage Association, the national trade association for energy storage entities. Upon joining the Department of Energy (DOE), Ms. Speakes-Backman became bound by ethics obligations including those concerning endorsement, involvement in particular matters involving her former employer and an obligation to avoid the appearance of bias when acting in her official capacity. Specifically, according to federal regulations at 5 CFR § 2635.702 (c)-(d), federal employees are prohibited from using their official title or official capacity to endorse specific "products, services, or enterprises" or "give rise to an appearance of use of public office or of giving preferential treatment."

Endorsement of the Energy Storage Association

On April 16, 2021, Ms. Speakes-Backman spoke in her official capacity as Acting Assistant Secretary for Energy Efficiency and Renewable Energy at a virtual International Conservation Caucus Foundation panel discussion entitled "U.S. Congressional Briefing on Energy Storage Technology". During the event, Ms. Speakes-Backman unnecessarily made multiple mentions of her former employer and implied her involvement in a major program initiative that would likely financially benefit her former employer and its members.

The first instance occurred when Ms. Speakes-Backman was discussing the Energy Storage Grand Challenge – a major initiative at the Department of Energy and one she and her former employer were involved in supporting in 2020. At 32:03 of the video found here: https://www.youtube.com/watch?v=5Nv4-O7Ib4U, Ms. Speakes-Backman states, "Back in December 2020, when I was still with the Energy Storage Association, DOE published the energy storage grand challenge road map."

During her presentation, Ms. Speakes-Backman also outlines several programmatic aspects of DOE's energy storage goals that closely track initiatives articulated by the Energy Storage Association while she was CEO. In fact, many of these specific policies were even suggested as actions that her current office (EERE) should take during the Biden Administration as found in her former employer's "ESA Recommendations To Congress and the Administration for 2021 Energy Storage Policy." Viewed in total, these statements contribute to the public's perception that Ms. Speakes-Backman is giving preferential treatment to her former employer and its members while performing her official duties at DOE. A few examples of such statements are included below:

> "This roadmap incorporates five tracks starting with fundamental R&D for storage technologies and following **all the way through to storage and commercialization."**
>
> "The first track, the technology development track will be on DOE's **ongoing future storage R&D** with clear performance goals."
>
> "The manufacturing track or supply chain track, I should say, will develop **technologies approaches and strategies for US manufacturing** that supports and strengthens our leadership in innovation and continued scale manufacturing."
>
> "The technology transition track is going to ensure that DOE's R&D transitions to domestic markets through field validation, **public-private partnerships, bankable business model development and the dissemination of high-quality market data**. Especially for technologies beyond batteries."
>
> "Then there's the **policy and valuation track, one of my favorites** that is going to provide important data and tools and analysis to **appropriately value energy storage** for its flexibility in markets and for providing capacity resilience and ancillary services."
>
> "And finally, the workforce development track is going to advance technical education workforce development programs to train and educate a growing workforce to conduct further research and to **develop design manufacturers and operate energy storage systems**."

A neutral observer could likely hear such statements and believe Ms. Speakes-Backman is directly involved with and deliberating on issues that are likely to deliver a financial benefit and/or endorsement of the Energy Storage Association and its private sector members. Many of these member companies may also stand to receive federal dollars to help achieve these programmatic goals.

Later in her talk at marker 43:18, Ms. Speakes-Backman again references her former employer in what may be a Freudian slip given the previous statements: "I'm stealing this a little bit from my days at Energy Storage Association but [energy storage] really does provide a more resilient, efficient, sustainable and affordable grid…"

The multiple references to the Energy Storage Association and subsequent policy discussion on specific programmatic elements likely to deliver financial benefits to her previous employer raise several concerns:

1) Ms. Speakes-Backman's comments mentioning the Energy Storage Association by name while speaking in her official capacity at an event centered around the very products and services the entity and its members sell and/or advocate could be or perceived to be an endorsement of that entity by the Department of Energy. Has this been investigated and discussed with Ms. Speakes-Backman to avoid similar incidents from occurring in the future?

2) Ms. Speakes-Backman's comments throughout the event suggest that she may be working on or participating in deliberations concerning matters that directly financially benefit her former employer and its members. If so, this likely raises questions of whether she is acting consistently with her ethics obligations under 5 CFR § 2635.702 and the Biden Ethics Pledge. What procedures are in place to ensure Ms. Speakes-Backman is not violating her ethics obligations by participating in particular matters that could financially benefit or endorse her former employer or its members?

3) What is the process by which Ms. Speakes-Backman was approved or cleared to attend and speak at this event by DOE's Ethics Office? Did the Ethics Office clear her prepared remarks in advance to ensure the text did not include possible endorsements such as the aforementioned remarks?

Continued Communications with Former Employer?

Ms. Speakes-Backman's remarks at the April 16, 2021 event were further marred by the event's subsequent panelist, who implied continued communications with the Acting Assistant Secretary. Mark Reedy, a partner at Kilpatrick Townsend – which is a Full Member of the Energy Storage Association, according to their website – stated in his opening remarks at marker 53:27, "It's going to be tough to refer to her as the acting

secretary or the assistant secretary because I know her as Kelly having worked with her closely on the Energy Storage Association for years."

Did Ms. Speakes-Backman disclose to the ethics office prior to the event that a former member would be one of the panelists? Did she receive guidance and approval based on this information? Mr. Reedy's remarks contribute to public perception that Ms. Speakes-Backman may continue to have a working relationship on issues important to her former employer. Have ethics officials at DOE provided guidance to Ms. Speakes-Backman that this would likely present a conflict of interest if pertaining to particular matters?

Endorsement and/or Financial Benefit to Former Member Company?

Review of Ms. Speakes-Backman's other public appearances suggest that PPT's concerns may not be limited to the April 16, 2021 event.

On April 21, 2021, Ms. Speakes-Backman gave a keynote presentation at the Association of Energy Engineers' Conference titled, "Energy Efficiency for Transformative Solutions." Specifically, she was the Keynote Speaker for the CWEEL Plenary Session. While the conference had many sponsors, Ms. Speakes-Backman's specific role as a CWEEL Keynote speaker had only one sponsor which happened to be ConEdison, a "Leadership Circle Member" of her former employer.

Again, these facts surrounding Ms. Speakes-Backman's public appearance raise questions about whether she violated her ethics obligation by attending and speaking in her official capacity at an event sponsored by a prominent member of her former employer.

8) Was Ms. Speakes-Backman aware that one of her employer's "Leadership Council Members" was the lone sponsor for the portion of the conference where Ms. Speakes-Backman was the keynote speaker?
9) Did she relay this information to ethics officials prior to accepting the invitation to speak? If so, what guidance, if any, did the Ethics Office provide to Ms. Speakes-Backman about possible conflicts and/or an appearance of a conflict of interest that could result from her acceptance of this invitation? Did she provide her prepared remarks for ethics approval prior to accepting the invitation and attending the event?
10) Has Ms. Speakes-Backman sought guidance or received counseling to avoid participating in events that present an inherent appearance of a conflict of interest or endorsement of a former employer's member?

Pattern of Preferential Treatment?

On March 11, 2021, Ms. Speakes-Backman participated in a panel discussion for the National Association of Energy Service Companies (NAESCO) titled, "What's on the

Horizon for Energy Efficiency?" The only other panelist joining Ms. Speakes-Backman was Kelly Glover, the President of the Alliance to Save Energy. While not her immediate previous employer, Ms. Speakes-Backman's time at the organization was surrounded by ethics concerns. Notably, she started at the Exelon-funded Alliance to Save Energy shortly after approving the Exelon-Pepco merger in her role at the Maryland Public Service Commission.

Viewed in light of the previous events discussed in this letter, Ms. Speakes-Backman's public appearances suggest a pattern of advancing the interests of her former employers and potentially endorsing them. At the very least, her participation contributes to a perception that she may not be fully consulting with the Department's Ethics Office or providing sufficient information in order to receive appropriate guidance and counseling prior to accepting such invitations.

Ethics obligations exist to reduce the likelihood that senior government officials are making decisions in a biased or arbitrary manner or to benefit the interests of former employers, clients, or related parties. Ensuring the avoidance of conflicts of interest or the appearance of bias is crucial to ensuring honest, ethical government that preserves the trust of the American people.

Therefore, PPT asks you to respond and provide the relevant records demonstrating whether or not Ms. Speakes-Backman is acting consistently with her ethics obligation; whether or not she has endorsed, intentionally or otherwise, her former employer and its members while speaking in her official capacity; whether or not she is providing sufficient information and receiving appropriate guidance from ethics officials on whether it is appropriate to participate in similar events in the future. Finally, we seek to understand the process by which such speaking invitations are reviewed and approved by the DOE Ethics Office. The Freedom of Information Act request seeking these specific records is attached in Attachment A below. Thank you.

Sincerely,

Michael Chamberlain
Director
Protect the Public's Trust

From: Richards, Jocelyn
To: Kestenbaum, Rachel
Subject: (b) (5)
Date: Wednesday, January 27, 2021 2:17:00 PM

Hi Rachel –
(b) (5)
Thanks,
Jocelyn

From: Beard, Susan
Sent: Wednesday, January 27, 2021 10:10 AM
To: Richards, Jocelyn <jocelyn.richards@hq.doe.gov>
Subject: (b) (5)

From: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>
Sent: Wednesday, January 27, 2021 9:59 AM
To: Beard, Susan <susan.beard@hq.doe.gov>
Cc: Shah, Tarak <tarak.shah@hq.doe.gov>
Subject: (b) (5)
Hi Susan,

(b) (5)

Kelly Speakes-Backman
U.S. Department of Energy
Office of EERE

From: (b) (5)
Sent: Thursday, January 21, 2021 10:44 AM
To: Speakes-Backman, Kelly <kelly.speakes-backman@hq.doe.gov>
Cc: (b) (5)
Subject: (b) (5)

(b) (5)

(b) (5)

****
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****

From: Comfort, Melinda
To: Speakes-Backman, Kelly
Subject: RE: Review of Your Financial Disclosure Form and Conflict of Interest Advice
Date: Friday, March 26, 2021 9:51:00 AM

Kelly –
(b) (5)

Let me know if you have any questions.
Melinda

From: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>
Sent: Thursday, March 25, 2021 8:58 AM
To: Comfort, Melinda <melinda.comfort@hq.doe.gov>
Subject: RE: Review of Your Financial Disclosure Form and Conflict of Interest Advice
Melinda,
(b) (5)

Thank you,
Kelly

Kelly Speakes-Backman
U.S. Department of Energy
Office of EERE

From: Comfort, Melinda <melinda.comfort@hq.doe.gov>
Sent: Thursday, March 4, 2021 2:35 PM
To: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>
Subject: Review of Your Financial Disclosure Form and Conflict of Interest Advice
Kelly Speakes- Backman, I have reviewed the Public Financial Disclosure Report (OGE Form 278e) that you recently submitted in connection with your new position at the Department of Energy. This email is intended to provide you with information and call to your attention certain conflict-of-interest provisions applicable to you in your new position. Please read it in its entirety and contact me if you have any questions.

Participation Restrictions

Section 208, title 18, United States Code, prohibits you from participating personally and substantially, as a Government employee, in any particular matter in which, to your knowledge, a financial interest is held by you, or your spouse, minor child, general partner, or organization in which you are serving as officer, director, trustee, general partner, or employee, or any person or organization with whom you are negotiating or have any arrangement concerning prospective employment. This participation prohibition not only covers such items as contracts, grants, cooperative agreements, and claims, but also includes legislation and policy-making that is focused upon the interests of specific persons, or a discrete and identifiable class of persons. This prohibition

is not on having a specific financial interest, but rather on the work that you may perform. **Accordingly, you should be careful to avoid participation, as a Government employee, in any particular matter that would have a direct and predictable effect upon Energy Select Sector SPDR and its underlying assets, Emerson Electric, General Dynamics, Honeywell, Raytheon, Texas Instruments, Amazon, ExxonMobil, Oneok Inc., VISA, Chevron, Cisco, Conoco Phillips, IBM, NRG Energy, Valero Energy, or any other entity in which you have a financial interest within the meaning of section 208, for as long as you hold such interest.**

(There are regulatory exemptions that allow you to participate in specific party matters where you have a disqualifying financial interest, such as listed above, provided your interest in the affected asset/security does not exceed $15,000. You may also participate in matters of general applicability, e.g., legislation and policy matters, provided your interests in all affected entities does not exceed $50,000. Please contact me, as needed, for additional guidance or action.)

Further, section 2635.502 of the Standards of Ethical Conduct for Employees of the Executive Branch at title 5 provides that where you know that a person with whom you have a "covered relationship" is or represents a party to a particular matter involving specific parties, and where you determine that the circumstances would cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter, you should not participate in the matter unless you have informed your immediate supervisor of the appearance problem and received authorization to participate in the matter. For purposes of this restriction, a "covered relationship" includes:

(i) A person, other than a prospective employer, with whom you have or seek a business, contractual or other financial relationship that involves other than a routine consumer transaction;

(ii) A person who is a member of your household, or who is a relative with whom you have a close personal relationship;

(iii) A person for whom your spouse, parent or dependent child is, to your knowledge, serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee;

(iv) Any person for whom you have, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee; or

(v) An organization, other than a political party in which you are an active participant.

Accordingly, you should seek the advice of this office prior to participating in any particular matter in which the Energy Storage Association is a party or represents a party, and should seek the advice of this office prior to participating in any such matter.

In addition, President Biden issued an Executive Order on January 20, 2021 (the Biden Ethics Pledge) that expands this "covered relationship" restriction to include all former employers and former clients for whom you personally provided services within a two year period prior to your appointment for a period of two years after your appointment. **Therefore, for two years after your appointment you cannot participate in any particular matter involving specific parties, including regulations and contracts, related to a former employer, i.e., the Energy Storage Association, or any clients, if applicable.**

Further, although not required to be listed on your new entrant OGE Form 278e, you have advised that your spouse has recently become employed with Borrego Solar. Accordingly, you should seek the advice of this office prior to participating in any particular matter in which Borrego Solar is a party or represents a party, and should seek the advice of this office prior to participating in any such matter.

Senior Employee Post Employment Restrictions

As a “senior” employee (an individual compensated at a rate of pay in excess of $172,395 in 2021) you are subject to the following post-employment restrictions: For one year after termination from service in a “senior” position, you may not:
(1) knowingly make, with the intent to influence, any communication to or appearance before an employee of DOE, if that communication or appearance is made on behalf of any other person (except the United States), in connection with any matter concerning which you seek official action by the DOE employee; and
(2) knowingly aid, advise, or make representations on behalf of a foreign entity, with the intent to influence a decision of an employee of a department or agency, including Members of Congress and their staffs, in carrying out your official duties.
The Attorney General is authorized to enjoin any violation of this criminal statute. The penalties for violating these restrictions include criminal penalties not to exceed five years in prison and/or fines not to exceed $50,000 for each violation or the amount of compensation which you received for the prohibited conduct, whichever is greater. Please review and sign the attached Non-Career Senior Employee Acknowledgement Form and return it to me.

Outside Activity Restrictions

There are many statutory and regulatory restrictions applicable to outside activities. Before engaging in any outside employment (including volunteer work where you are providing professional services or serving on a board of directors) you must obtain written approval of your immediate supervisor, and this office. 5 C.F.R. § 3301.103. Further, with limited exceptions, you are prohibited from receiving compensation from any source other than the Government for teaching, speaking, or writing that relates to your official duties.
Ethics laws prohibit you from engaging in outside employment or any other outside activity that conflicts with your official duties. An activity conflicts with your official duties if it is prohibited by statute or it would require your disqualification from matters so central or critical to the performance of your official duties that your ability to perform the duties of your position would be materially impaired. These rules also prohibit you from using public office for your own personal gain or the private gain of friends, relatives, persons, or other entities with whom you are affiliated in a non-governmental capacity, and from using official time other than in an honest effort to perform official duties.
Further, there are criminal statutes that restrict Federal government employees from engaging in certain activities with regard to the Government. In general, 18 U.S.C. §§ 203 and 205, prohibit Federal employees from representing, with or without compensation, any party other than the United States with respect to a certain matter involving specific parties before the Executive or Judicial branches of Government in which the United States is a party or has an interest. Representational services include written or oral communications and appearances made on behalf of someone else with the intent to influence or persuade the Government.

Misuse of Position

Regulations exist providing for the proper use of official time and authority, and of information and resources to which you have access resulting from your role as a Federal employee. 5 C.F.R. §§ 2635.701 - 2635.705. These regulations bar the use of public office for private gain. This broad ban prohibits the following: use of your title, position, or authority for your own private gain, or the private gain of friends, relatives, clients, or anyone with whom you are affiliated in a non-Governmental capacity (including nonprofit organizations in which you serve as an officer, member, employee, or persons with whom you have or seek an employment or business relationship); use of

your title, position, or authority to coerce or induce another person to provide any benefit to yourself or any person identified above; use of any non-public information to further your private interests or those of another, or disclosing confidential or non-public information without authorization; and use of Government property and time for unauthorized purposes.

Gifts

As a Federal employee, you may not accept gifts from a prohibited source or gifts offered because of your official position as a DOE employee. A prohibited source is considered an entity who does business with the Department, is affected by the work of the Department, or has an interest in the work of the Department. There are certain exceptions to this rule. For example, small food items, that are less than a meal, such as coffee, are not considered a gift. In addition, the Biden Ethics Pledge prohibits you from accepting gifts from registered lobbyists or lobbying organizations during your service as an appointee. There are very few exceptions to this additional restriction. You should contact this office before accepting a gift from a prohibited source or one that is offered because of your official position.

Political Activity Restrictions

The Hatch Act on Political Activity (Hatch Act) limits the political activities of Federal employees. 5 U.S.C. §§ 7321-7326. Generally, Department employees are permitted to participate in partisan political activities. However, as a Federal employee, you are prohibited from engaging in political activity while on duty; on government-paid travel; in any room or building occupied in the conduct of government business; wearing a uniform or official insignia identifying the office or position of the employee; or using any vehicle owned or leased by the government. Further, you may not solicit, accept, or receive political campaign contributions on behalf of a political candidate or political party. You also cannot use Government computers, phones, and similar equipment for partisan political activity. Please contact this office for more detailed advice before engaging in partisan political activity.

Periodic Transaction Report (OGE Form 278T)

A periodic transaction report is only required to be submitted to report the purchase, sale, or exchange of stocks, bonds, options or futures (if the amount of the transaction is greater than $1,000) by you, your spouse or dependent children. There reports must be filed: (A) within 45 days of the transaction, or (B) within 30 days of the date you learn of the transaction, whichever occurs earlier. There is a $200 late filing fee on these reports. The periodic transaction report is not required to be submitted to report the purchase, sale, or exchange of mutual funds, real property, or deposit accounts. Periodic Transaction Reports must be filed using Integrity. Employees who have previously used OMB MAX should use their MAX user ID and password. On the Integrity landing page, https://integrity.gov, click “Login to Integrity.” Click “Submit” and you should see a filer “My Tasks” dashboard. To start a 278-T, scroll down to the “My Tools” area and click on “278-T.” That will display the report tool with brief instructions in a new window where you can enter your information and submit your report.

This email provided a general overview of the conflict of interest statutes and regulations that apply to you as an employee at the Department of Energy. Please remain alert for any potential conflicts that may arise and do not hesitate to contact this office at standardsofconduct@hq.doe.gov with any questions related to these restrictions.

Melinda Comfort
Attorney-Advisor
Office of Assistant General Counsel,

Ethics and Personnel Law, GC-21
U.S. Department of Energy
(202) 586-3056

From: Comfort, Melinda
To: Speakes-Backman, Kelly
Subject: Review of Your Financial Disclosure Form and Conflict of Interest Advice
Date: Thursday, March 4, 2021 2:35:00 PM
Attachments: SeniorEmployeeNewEntrantNCareerRestrictionsForm.doc

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Kelly Speakes- Backman, I have reviewed the Public Financial Disclosure Report (OGE Form 278e) that you recently submitted in connection with your new position at the Department of Energy. This email is intended to provide you with information and call to your attention certain conflict-of-interest provisions applicable to you in your new position. Please read it in its entirety and contact me if you have any questions.

Participation Restrictions

Section 208, title 18, United States Code, prohibits you from participating personally and substantially, as a Government employee, in any particular matter in which, to your knowledge, a financial interest is held by you, or your spouse, minor child, general partner, or organization in which you are serving as officer, director, trustee, general partner, or employee, or any person or organization with whom you are negotiating or have any arrangement concerning prospective employment. This participation prohibition not only covers such items as contracts, grants, cooperative agreements, and claims, but also includes legislation and policy-making that is focused upon the interests of specific persons, or a discrete and identifiable class of persons. This prohibition is not on having a specific financial interest, but rather on the work that you may perform. **Accordingly, you should be careful to avoid participation, as a Government employee, in any particular matter that would have a direct and predictable effect upon Energy Select Sector SPDR and its underlying assets, Emerson Electric, General Dynamics, Honeywell, Raytheon, Texas Instruments, Amazon, ExxonMobil, Oneok Inc., VISA, Chevron, Cisco, Conoco Phillips, IBM, NRG Energy, Valero Energy, or any other entity in which you have a financial interest within the meaning of section 208, for as long as you hold such interest.**

(There are regulatory exemptions that allow you to participate in specific party matters where you have a disqualifying financial interest, such as listed above, provided your interest in the affected asset/security does not exceed $15,000. You may also participate in matters of general applicability, e.g., legislation and policy matters, provided your interests in all affected entities does not exceed $50,000. Please contact me, as needed, for additional guidance or action.)

Further, section 2635.502 of the Standards of Ethical Conduct for Employees of the Executive Branch at title 5 provides that where you know that a person with whom you have a "covered relationship" is or represents a party to a particular matter involving specific parties, and where you determine that the circumstances would cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter, you should not participate in the matter unless you have informed your immediate supervisor of the appearance problem and received authorization to participate in the matter. For purposes of this restriction, a "covered relationship" includes:

(i) A person, other than a prospective employer, with whom you have or seek a business, contractual or other financial relationship that involves other than a routine consumer transaction;

(ii) A person who is a member of your household, or who is a relative with whom you have a close personal relationship;

(iii) A person for whom your spouse, parent or dependent child is, to your knowledge, serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee;

(iv) Any person for whom you have, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee; or
(v) An organization, other than a political party in which you are an active participant.
Accordingly, you should seek the advice of this office prior to participating in any particular matter in which the Energy Storage Association is a party or represents a party, and should seek the advice of this office prior to participating in any such matter.
In addition, President Biden issued an Executive Order on January 20, 2021 (the Biden Ethics Pledge) that expands this "covered relationship" restriction to include all former employers and former clients for whom you personally provided services within a two year period prior to your appointment for a period of two years after your appointment. **Therefore, for two years after your appointment you cannot participate in any particular matter involving specific parties, including regulations and contracts, related to a former employer, i.e., the Energy Storage Association, or any clients, if applicable.**
Further, although not required to be listed on your new entrant OGE Form 278e, you have advised that your spouse has recently become employed with Borrego Solar. Accordingly, you should seek the advice of this office prior to participating in any particular matter in which Borrego Solar is a party or represents a party, and should seek the advice of this office prior to participating in any such matter.
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(2) knowingly aid, advise, or make representations on behalf of a foreign entity, with the intent to influence a decision of an employee of a department or agency, including Members of Congress and their staffs, in carrying out your official duties.
The Attorney General is authorized to enjoin any violation of this criminal statute. The penalties for violating these restrictions include criminal penalties not to exceed five years in prison and/or fines not to exceed $50,000 for each violation or the amount of compensation which you received for the prohibited conduct, whichever is greater. Please review and sign the attached Non-Career Senior Employee Acknowledgement Form and return it to me.
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There are many statutory and regulatory restrictions applicable to outside activities. Before engaging in any outside employment (including volunteer work where you are providing professional services or serving on a board of directors) you must obtain written approval of your immediate supervisor, and this office. 5 C.F.R. § 3301.103. Further, with limited exceptions, you are prohibited from receiving compensation from any source other than the Government for teaching, speaking, or writing that relates to your official duties.
Ethics laws prohibit you from engaging in outside employment or any other outside activity that conflicts with your official duties. An activity conflicts with your official duties if it is prohibited by statute or it would require your disqualification from matters so central or critical to the performance of your official duties that your ability to perform the duties of your position would be

materially impaired. These rules also prohibit you from using public office for your own personal gain or the private gain of friends, relatives, persons, or other entities with whom you are affiliated in a non-governmental capacity, and from using official time other than in an honest effort to perform official duties.

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Gifts

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Melinda Comfort
Attorney-Advisor
Office of Assistant General Counsel,
Ethics and Personnel Law, GC-21
U.S. Department of Energy
(202) 586-3056

Non-Career "Senior" Employee Acknowledgment

Effective January 2004, a new performance-based pay system for the Senior Executive Service (SES) was established and, consequently amended 18 U.S.C. 207(c) to establish a new standard for "senior" employees. For 2015, a "senior" employee is an individual compensated at a rate equal to or greater than $158,554.50 or 86.5% of the rate for level II of the Executive Schedule. As an employee entering a non-career "senior" position, I understand that the following restrictions apply to my current and future activities:

Post Employment Restrictions: For one year after termination from service in a "senior" position, I may not (1) knowingly make, with the intent to influence, any communication to or appearance before an employee of DOE, if that communication or appearance is made on behalf of any other person (except the United States), in connection with any matter concerning which I seek official action by the DOE employee; and (2) knowingly aid, advise, or make representations on behalf of a foreign entity, with the intent to influence a decision of an employee of a department or agency, including Members of Congress and their staffs, in carrying out his or her official duties. I also understand the Attorney General is authorized to enjoin any violation of this criminal statute. Furthermore, I understand violation of these restrictions include criminal penalties not to exceed five years in prison and/or fines not to exceed $50,000 for each violation or the amount of compensation which is received for the prohibited conduct, whichever is greater.

Outside Income and Outside Activities Restrictions: Title V of the Ethics in Government Act of 1978, as amended, contains restrictions on my outside activities. Specifically, I may not in any calendar year have outside earned income in excess of 15 percent of the annual rate of basic pay for Level II of the Executive Schedule (EX-II), currently the cap for 2013 is $26,550 (will be prorated for partial year service). In addition, I may not:

- receive compensation for affiliating with or being employed by an entity that provides professional services involving a fiduciary relationship;
- permit my name to be used by any entity that provides professional services involving a fiduciary relationship;
- receive compensation for practicing a profession that involves a fiduciary relationship;
- serve for compensation as an officer or member of the board of any entity; or
- receive compensation for teaching, speaking or writing without the prior approval of the Department.

Further, Department regulations require that, before engaging in any outside employment, whether or not for compensation, I must obtain the written approval of my immediate supervisor and ethics counsel (5 C.F.R. 3301.103). If I am currently engaged in an outside activity or plan to engage in any outside activities, I understand I must consult ethics counsel for further guidance and acknowledge that guidance is available in the Office of the Assistant General Counsel for General Law, at 202-586-1522.

_____ _____

Signature of Employee Date

_____

Printed Name of Employee

cc: Susan F. Beard, Designated Agency Ethics Official
Assistant General Counsel for General Law

From: Comfort, Melinda
To: Speakes-Backman, Kelly
Subject: (b) (5)
Date: Tuesday, February 23, 2021 6:45:00 AM

(b) (5)

Thank you.

FYI—here is the link to Integrity you mentioned: www.integrity.gov
Melinda

From: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>
Sent: Monday, February 22, 2021 11:38 PM
To: Comfort, Melinda <melinda.comfort@hq.doe.gov>
Subject: (b) (5)

Hi Melinda,

(b) (5)

If you would please resend that link, I'll save it to my bookmarks.

Thanks,

Kelly

Kelly Speakes-Backman
Principal Deputy Assistant Secretary
Acting Assistant Secretary
U.S. Department of Energy
Office of EERE

From: Comfort, Melinda
To: Speakes-Backman, Kelly
Subject: RE: IMPORTANT DOE Financial Disclosure Report Follow-Up
Date: Monday, February 8, 2021 7:28:00 AM
Attachments: image001.jpg

(b) (5)
Melinda

Thank you.

From: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>
Sent: Sunday, February 07, 2021 3:06 PM
To: Comfort, Melinda <melinda.comfort@hq.doe.gov>
Subject: RE: IMPORTANT DOE Financial Disclosure Report Follow-Up

Hi Melinda, thanks.
(b) (5)

Kelly Speakes-Backman
U.S. Department of Energy
Office of EERE

From: Comfort, Melinda <melinda.comfort@hq.doe.gov>
Sent: Friday, February 5, 2021 3:46 PM
To: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>
Subject: RE: IMPORTANT DOE Financial Disclosure Report Follow-Up
Importance: High

Greetings (b) (5)

Thank you and let me know if you have any questions or need assistance.

Melinda Comfort
Attorney-Advisor
Office of Assistant General Counsel
Ethics and Personnel Law (GC-21)
U.S. Department of Energy
(202) 586-3056

From: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>
Sent: Tuesday, January 26, 2021 9:12 PM
To: Comfort, Melinda <melinda.comfort@hq.doe.gov>
Subject: RE: DOE Financial Disclosure Report Follow-Up

In follow-up to earlier today:

1
2
3 (b) (5)

Kelly Speakes-Backman
U.S. Department of Energy
Office of EERE

From: Speakes-Backman, Kelly
Sent: Tuesday, January 26, 2021 10:48 AM
To: Comfort, Melinda <Melinda.Comfort@Hq.Doe.Gov>
Subject: RE: DOE Financial Disclosure Report Follow-Up

Melinda
(b) (5)

From: Comfort, Melinda <melinda.comfort@hq.doe.gov>
Sent: Monday, January 25, 2021 8:17 AM
To: Speakes-Backman, Kelly <kelly.speakes-backman@hq.doe.gov>
Subject: DOE Financial Disclosure Report Follow-Up

Kelly Speakes Backman
(b) (5)

(b) (5)

[redacted]

Thank you.
Melinda Comfort
Attorney-Advisor
Office of Assistant General Counsel
Ethics and Personnel Law GC-21
U.S. Department of Energy
(202) 586-3056

(b) (6)

From: Comfort, Melinda
To: Speakes-Backman, Kelly
Subject: FW: Potential Meetings
Date: Friday, February 5, 2021 8:31:00 AM
Attachments: image004.png
image005.png
image006.jpg
image010.png
image011.png
image012.jpg

Kelly-
--(b) (5)

(b) (5)

Please let me know if you have any questions.
Melinda Comfort
Attorney-Advisor
Office of Assistant General Counsel
Ethics and Personnel Law, GC-21
U.S. Department of Energy
(202) 586-3056

From: Comfort, Melinda
Sent: Wednesday, January 27, 2021 3:55 PM
To: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>
Subject: RE: Potential Meetings
I will review and respond soon. Thank you.

From: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>
Sent: Wednesday, January 27, 2021 3:46 PM
To: Comfort, Melinda <melinda.comfort@hq.doe.gov>
Subject: FW: Potential Meetings
Please see below. (b) (5)

Kelly Speakes-Backman
U.S. Department of Energy
Office of EERE

From: Speakes-Backman, Kelly
Sent: Wednesday, January 27, 2021 3:08 PM

To: Beard, Susan <Susan.Beard@hq.doe.gov>; Shah, Tarak <tarak.shah@hq.doe.gov>
Cc: Mohtadi, Shara <shara.mohtadi@ee.doe.gov>
Subject: FW: Potential Meetings

Hi Susan,

(b) (5)

Tarak,

(b) (5)

Thanks for any guidance as I navigate this new world of federal employment!

Kelly

Kelly Speakes-Backman
U.S. Department of Energy
Office of EERE

From: (b) (5)
Sent: Wednesday, January 27, 2021 2:14 PM
To: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>
Cc: Mohtadi, Shara <shara.mohtadi@ee.doe.gov>
Subject: [EXTERNAL] RE: Potential Meetings

Kelly,

(b) (5)

Sincerely yours,

(b) (5)

From: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>
Sent: Wednesday, January 27, 2021 2:11 PM
To: (b) (5)
Cc: Mohtadi, Shara <shara.mohtadi@ee.doe.gov>
Subject: RE: Potential Meetings

(b) (5)

(b) (5)

Regards,

Kelly

_____

Kelly Speakes-Backman
U.S. Department of Energy
Office of EERE

From: (b) (5)
Sent: Wednesday, January 27, 2021 1:06 PM
To: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>
Subject: [EXTERNAL] Potential Meetings

Kelly,

(b) (5)

Sincerely yours,

(b) (5)

CONFIDENTIALITY NOTICE If you received this email in error, please contact the sender and delete it immediately. The information in this email may contain proprietary or confidential information and if you are not the intended recipient, any type of use, review, distribution or reproduction of it is strictly prohibited.
****
This message does not originate from a known Department of Energy email system.
Use caution if this message contains attachments, links or requests for information.

****
CONFIDENTIALITY NOTICE If you received this email in error, please contact the sender and delete it immediately. The information in this email may contain proprietary or confidential information and if you are not the intended recipient, any type of use, review, distribution or reproduction of it is strictly prohibited.
****
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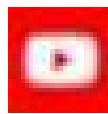
****

(b) (5)



(b) (5)

From: Comfort, Melinda
To: Speakes-Backman, Kelly
Subject: RE: TIME SENSITIVE AND CONFIDENTIAL: your guidance requested
Date: Wednesday, February 3, 2021 2:30:00 PM

Kelly
(b) (5)

Please let me know if you have any questions.
Melinda Comfort
Attorney-Advisor
Office of Assistant General Counsel
Ethics and Personnel Law, GC-21
U.S. Department of Energy
(202) 586-3056

From: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>
Sent: Wednesday, February 03, 2021 2:00 PM
To: Comfort, Melinda <melinda.comfort@hq.doe.gov>
Subject: TIME SENSITIVE AND CONFIDENTIAL: your guidance requested
Importance: High

Hi Melinda, (b) (5)

(b) (5)

Your guidance much appreciated. I'm open until 2p if you'd like to discuss.

Kelly Speakes-Backman
Deputy Principal Assistant Secretary
Acting Assistant Secretary
U.S. Department of Energy
Office of EERE

From: Comfort, Melinda
To: Speakes-Backman, Kelly
Subject: (b) (5)
Date: Wednesday, January 27, 2021 3:33:00 PM

Hello Kelly, I was asked to assist in this matter.
(b) (5)

Thank you.

Melinda Comfort
Attorney-Advisor
Office of Assistant General Counsel
Ethics and Personnel Law, GC-21
U.S. Department of Energy
(202) 586-3056

From: Speakes-Backman, Kelly <kelly.speakes-backman@ee.doe.gov>
Sent: Wednesday, January 27, 2021 9:59 AM
To: Beard, Susan <susan.beard@hq.doe.gov>
Cc: Shah, Tarak <tarak.shah@hq.doe.gov>
Subject: (b) (5)

Hi Susan,

(b) (5)

Kelly Speakes-Backman
U.S. Department of Energy
Office of EERE

From: (b) (5)
Sent: Thursday, January 21, 2021 10:44 AM
To: Speakes-Backman, Kelly <kelly.speakes-backman@hq.doe.gov>
Cc: (b) (5)
Subject: (b) (5)

(b) (5)

(b) (5)

****
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From: Comfort, Melinda
To: Speakes-Backman, Kelly
Subject: FW: ethics and former employer
Date: Friday, January 22, 2021 8:20:00 AM

Greetings Kelly Speakes Backman and welcome to DOE.

(b) (5)

Please feel free to contact me to discuss how to apply the above to any specific policy matter considerations, or if you have any other questions or want to discuss further. Thank you.

Melinda Comfort
Attorney-Advisor
Office of Assistant General Counsel,
Ethics and Personnel Law, GC-21
U.S. Department of Energy
(202) 586-3056

From: Speakes-Backman, Kelly <kelly.speakes-backman@hq.doe.gov>
Sent: Thursday, January 21, 2021 1:38 PM
To: Beard, Susan <susan.beard@hq.doe.gov>
Subject: ethics and former employer

(b) (5)