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# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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LAWRENCE J. BRADY  
STAFF DIRECTOR

March 14, 2012

Mr. Robert Gardiner  
President  
Independence Wind, LLC  
PO Box 457  
Brunswick, ME 04011

Dear Mr. Gardiner:

In light of Solyndra's bankruptcy and the Department of Energy's (DOE) apparent rush to approve billions of dollar in loan guarantees before the expiration of the 1705 loan guarantee program, the Committee on Oversight and Government Reform (the Committee) began an investigation of the entire DOE 1705 loan guarantee program. The Committee's investigation reveals a troubling pattern where DOE officials appear to have violated agency rules and regulations to approve otherwise ineligible loan commitments. Based on these revelations, the Committee intends to expand its investigation.

To enable the Committee to understand DOE's loan process, the Committee requests that all beneficiaries of DOE-based loan guarantees produce documents, including communications, between their company and DOE surrounding the issuance of loan guarantee commitments. The Committee also seeks to understand how DOE loan recipient companies used taxpayer funds. Therefore, please provide the following, **in electronic format**, as soon as possible but no later than 5:00 p.m. on March 28, 2012:

1. All communications between officers, directors, and employees of Independence Wind, LLC and DOE personnel and officers in the one month time period leading up to and including the date DOE issued any conditional 1705 loan guarantee;
2. All communications between officers, directors, and employees of Independence Wind, LLC and DOE personnel and officers in the one month time period leading up to and including the date DOE finalized any 1705 loan guarantee;
3. A list of all line-item expenditures since the initial disbursement of funds from a DOE loan guarantee or Federal Financing Bank loan. Listed expenditures should reflect the date of payment, the recipient, the purpose of the payment, and the accounting treatment. The Committee prefers that the electronic format for responses to this request be compatible with Microsoft Excel.

Mr. Robert Gardiner

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Additionally, the Committee requests that all beneficiaries of DOE-based 1705 loan program companies take immediate steps to preserve documents relating to the Committee's investigation. Accordingly, the Committee requests that Independence Wind, LLC and all of its subsidiaries engage in the following preservation efforts, effective immediately:

1. Preserve all documents and records, including e-mail, electronic documents, and other electronic data (electronic records), created since January 1, 2009, that refer or related to DOE loan guarantees under Section 1705. For the purposes of this request, "preserve" means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incinerations, wiping, relocation, migration, theft, or mutation of electronic records, as well as negligent or intentional handling that would make such records incomplete or inaccessible.
2. Exercise reasonable efforts to identify and notify former employees and contractors, subcontractors, and consultants who may have access to such electronic records that they are also to be preserved.
3. If it is the routine practice of any company division, component, employee, or contractor to destroy or otherwise alter such electronic records, either halt such practices immediately, or arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production if requested.

Please notify my office of such compliance no later than March 28, 2012. I appreciate your prompt attention to and cooperation with this request. If you have any questions regarding this request, please contact Mike Whatley or Tyler Grimm of Committee Staff at (202)-225-5074.

Sincerely,



Darrell Issa  
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member