



May 7, 2023

Elizabeth Locke
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VIA ELECTRONIC MAIL

Re: May 4, 2023 Correspondence to Mariel Nanasi

Dear Ms. Locke,

I write in response to your May 4, 2023 correspondence to my client Mariel Nanasi, in which you accuse her of defamatory statements about Avangrid and Iberdrola. Ms. Nanasi denies defaming your clients.

First, you are entirely incorrect that Ms. Nanasi's statements were broadcast on KSFR or "throughout Northern New Mexico." The recordings on which you base your allegations are a Zoom video recording of a 48-minute interview available on YouTube¹ and an audio recording of the same interview posted on KSFR's website.² Retake Our Democracy is a 30-minute weekly radio show that airs on KSFR and is hosted by Paul Gibson. At approximately 29 minutes into the recordings, the on-air time ran out, and the host made clear that the radio broadcast was ending. After that point, the discussion is not broadcast on KSFR, rather it is simply recorded and posted to YouTube and the KSFR website. The statement of which you complain in your letter was made at approximately 43 minutes into the recording, by which time, the interview was no longer being broadcast on KSFR.

The statement that you describe as defamatory is a de minimis, brief statement made by Ms. Nanasi in a matter of moments during a 48 minute interview. When she made the statement, Ms. Nanasi believed that news reports had indicated that Iberdrola had been accused of bribing judges. However, after receiving your correspondence, Ms. Nanasi has reviewed her statement and her research, and she believes she may have misspoken. While news reports indicated that

¹ Available at www.youtube.com/watch?v=X1zCAZ7PyzY.

² Available at www.ksfr.org/show/retake-our-democracy/2023-04-15/04-15-2023-with-mariel-nanasi-gary-coffin.

Christopher A. Dodd

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Iberdrola had spied on judges,³ it had only been reported that Iberdrola had engaged in bribery of public officials generally, which might or might not include judges.⁴

It is hard to fathom that a multinational corporation has suffered damages from Ms. Nanasi having conflated news reports referring to allegations of bribing public officials and spying on judges, especially when in the three weeks since the interview, the YouTube recording of the interview has only garnered 63 views as of the writing of this letter (which includes each time Avangrid/Iberdrola employees, investigators, lawyers, and legal assistants, including you and your staff, have viewed the video). Given that the Retake Our Democracy channel on YouTube has only 35 subscribers, it seems likely that Avangrid/Iberdrola-affiliated persons account for a significant number of the views. Furthermore, your forwarding of the May 4, 2023 letter to news outlets in New Mexico⁵ has likely brought much more attention to Ms. Nanasi's statement than the recording on YouTube. It should also be noted that Iberdrola, had been characterized, prior to Ms. Nanasi's statement, of being in a "reputational crisis" and having suffered "significant reputational damage" as a result of all of the allegations of wrongdoing against it.⁶ As a consequence, even if Ms. Nanasi's statement could be considered defamatory, I don't understand the basis for claiming that it harmed your clients in light of all the other information about your clients' behavior that is available online and in the press and how it can add up to harm with the very few people it reached before you broadcast it to a much wider audience.

Ms. Nanasi completely denies that she has defamed your clients. However, we will reach out to Retake Our Democracy to ask that they clarify on their webpage and the YouTube posting that she believes she may have misspoken in the interview and that while Iberdrola has been

³ See <https://progressivespain.com/2019/10/08/iberdrola-paid-bent-cop-to-spy-on-judge-opponents/>.

⁴ See, e.g., <https://www.wind-watch.org/news/2015/11/23/iberdrola-fraud-and-corruption-cases-emerge/>; <https://www.reuters.com/business/energy/spanish-court-puts-iberdrola-ceo-under-investigation-alleged-spying-case-2021-06-23/>; *Certification of Stipulation*, No. 20-00222-UT (N.M. Pub. Reg. Comm., filed Nov. 1, 2021); *New Energy Economy's Objection to Joint Applicants' Notice, Motion to Compel Discovery and Request for Remedy Regarding Spain's Official Investigation into Avangrid/Iberdrola's Board Chairman Ignacio Galan & Other Executive Committee Members for Spying, Bribery and Fraud* and Exhibits, No. 20-00222-UT (N.M. Pub. Reg. Comm., filed July 9, 2021).

⁵ See <https://abq.news/stories/dominion-lawyers-next-case-avangrid-vs-new-energy-economy,26267>.

⁶ See https://www.elconfidencial.com/mercados/el-valor-anadido/2021-12-09/veto-iberdrola-pnm-eeuu-caso-villarejo_3338206/; <https://www.reuters.com/business/energy/spanish-court-puts-iberdrola-ceo-under-investigation-alleged-spying-case-2021-06-23/>; <https://www.reuters.com/business/energy/iberdrola-ceo-appears-before-spains-high-court-alleged-spying-case-2022-01-18/>.

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reported to have spied on judges and to have engaged in bribery of public officials generally, she is unaware of an allegation in public reports that Iberdrola has been explicitly accused of bribing judges.

Respectfully,

A handwritten signature in black ink, appearing to read "Christopher A. Dodd", is written over the printed name.

Christopher A. Dodd

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