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PUBLIC UTILITIES COMMISSION

128 DORRANCE STREET, SUITE 220  
PROVIDENCE, RI 02903  
401.831.7171 (t)  
401.831.7175 (f)  
www.riaclu.org

April 28, 2010

Luly Massaro  
Commission Clerk  
Public Utilities Commission  
89 Jefferson Blvd.  
Warwick, RI 02888

Dear Ms. Massaro:

Enclosed please find written comments our organization has prepared on your Department's proposed rules governing access to public records.

Thank you in advance for your attention to our views, and I trust that you will give them your careful consideration. If the suggestions we have made are not adopted, we request that, pursuant to R.I.G.L. §42-35-3(a)(2), you provide us with a statement of the principal reasons for and against adoption of these rules, incorporating therein your reasons for overruling the suggestions urged by us.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Brown".

Steven Brown  
Executive Director

Enclosure



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**COMMENTS ON PROPOSED PUBLIC UTILITIES COMMISSION  
REGULATIONS CONCERNING ACCESS TO PUBLIC RECORDS  
April 28, 2010**

The ACLU wishes to raise a few concerns about the Department's proposed regulations governing access to public records. They are briefly noted below, and we ask that changes be made in accordance with our suggestions.

1. Section 4(1) refers to the sample request form contained in an appendix to the regulations, and appropriately notes that requests can, but do not have to, be submitted on that form. Because the form asks for the name of, and various contact information for, the requester, we would urge the addition of a clarifying sentence in this section: "A requester shall not be required to provide identifying information in order to request or obtain public records."

2. Section 4(4) states that the Department will "use its best efforts to notify" an inquirer of the status of his or her request if it appears it can't be honored within the statutorily-prescribed ten days. We urge deletion of this first sentence. The Department should be routinely notifying individuals within 10 days if that deadline will not be met. The open records statute sets a 10-day time-frame for complying with requests, and if the Department wishes to make use of the law's "good cause" 30-day extension, then it should so notify the requester in a timely manner. There is no need for the Department to wait longer than ten days to advise the requester that "good cause" requires an extension.