State of Rhode Island and Providence Plantations
A. Ralph Mollis
Secretary of State

Rules and Regulations Filing Form

1. Agency Name and Address
Public Utilities Commission
89 Jefferson Blvd., Warwick, RI

2. Title of Rule
Access to Public Records Regulation

3. Statutory Source of Authority
RIGL Section 39–1–1 and Section 42–35–3

4. Concise Explanatory Statement – §42–35–2.3
Regulation sets forth specific rules and procedures applicable to access to public records maintained by the Commission.

5. Type of Filing

Emergency Rules

A1. Emergency 120–day initial – §42–35–3(b)
☐ Adoption
☐ Amendment of ERLID:
☐ Repeal of ERLID:

A2. Emergency 90–day renewal – §42–35–3(b)
☐ Adoption
☐ Amendment
Indicate ERLID of 120–day initial:

Brief Statement of Reason for Finding Imminent Peril §42–35–3(b)(2):

Final Rules

☐ B1. Amendment ☑ B2. Adoption ☐ B3. Repeal ☐ C. Technical Revision

Supersedes ERLID: Repeals ERLID: Expires ERLID:

If B1 or C, please indicate new, amended, deleted, or revised sections:

6. Notice and Hearing Information
Date of Public Notice – §42–35–3(a)(1):04/01/2010
Date of Public Hearing – §42–35–3(a)(2):05/03/2010
End of Comment Period:05/03/2010

7. Agency Additional Information – Web Page
http://www.ripuc.org/eventsactions/docket/4160page.html

8. Certification
I hereby certify that the attached rules and regulations were adopted in accordance with the Administrative Procedures Act (42–35) and that they are true copies of this Department, attest,

Judy E Massaro
Name

Commission Clerk
Title

Patricia A. Lucarelli
Notary Public My commission expires: 1/27/14

Subscribed and sworn before me
this 16th day of July, 2010

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ADMINISTRATIVE RECORDS

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

ACCESS TO PUBLIC RECORDS REGULATION

Date of Notice:	April 1, 2010
Date of Public Hearing:	May 3, 2010
Effective Date:	August 5, 2010

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Table of Contents

Section 1	Authority
Section 2	Purposes
Section 3	Policy
Section 4	Procedure for Requesting Public Records
Section 5	Hours of Inspection
Section 6	Fees
Section 7	Supervision of Inspections
Section 8	Severability
Exhibit A	Request Form (Use optional)
Exhibit B	Commission Response Form

Section 1 **Authority**

This Regulation is promulgated pursuant to R.I. Gen. Laws § 38-2-1, et seq.("Access to Public Records") and § 42-35-2(a).

Section 2 **Purposes**

The Purposes of this Regulation are:

(1) To establish a Regulation to implement R.I. Gen. Laws § 38-2-1, *et seq.* and § 42-35-2(a) relating to access to public records maintained by the Commission.

(2) To identify and delineate categories of records exempt from disclosure; and

(3) To provide the public and Commission personnel with a Regulation which sets forth the rules and procedures applicable to access to public records maintained by the Commission.

Section 3 **Policy**

The Commission recognizes both the public's right to access public records and the individual's right to dignity and privacy. It is the Commission's policy to facilitate public access to all public records that may be disclosed in accordance with R.I. Gen. Laws § 38-2-1, et seq. It is also the policy of the Commission to make all public records in the Commission's possession be available for public inspection and copying consistent with applicable state or federal law, unless otherwise prohibited by a court of competent jurisdiction.

Section 4 **Procedure for Requesting Public Records**

(1) Except as provided in subsection (5) below, a written request to inspect or copy public records should be sent to the Commission Clerk who maintains the records

requested or, in the alternative, to the Commission Counsel at 89 Jefferson Boulevard, Warwick, RI 02888. Written requests may be mailed, hand delivered, e-mailed or sent via facsimile. Hand delivered requests may be made during the Commission's regular business hours. It is suggested, but not required, that requests be submitted on the form provided by the Commission, a copy of which is attached hereto as Exhibit A and titled "Request to Inspect and/or Copy Public Records". In order to assure that the Commission is able to respond to the request as efficiently and as completely as possible, the request should identify and describe the records being requested with as much specificity as possible. A written record of all requests will be maintained by the Commission Clerk.

(2) If the description of records being requested is not sufficient to allow the Commission to identify and locate the requested records, the Commission will notify the person requesting such records that additional information is needed in order to properly respond to the request.

(3) Upon receipt of a request for records, the Commission Clerk or Commission Counsel will mark on the face of a written request the date the request was received. The Commission will make every reasonable effort to honor the request within ten (10) business days of receipt of the written request.

(4) If it appears that the request can not be honored within ten (10) business days of receipt, the Commission will provide the requester of the status of the request within ten (10) business days. However, in the event a requestor does not provide identifying or contact information, the Commission will use its best efforts to notify the requestor of the status of the request within ten (10) days. For good cause, the time to respond to the request may be extended for a period not to exceed thirty (30) business days, inclusive of the original ten (10) business days.

(5) A written request is not required to be submitted when the request is for any of the following: (i) documents prepared for or readily available to the public; (ii) rules and written statements of policy or interpretations formulated, adopted, or used by the agency; or (iii) final orders, decisions, and opinions.

Section 5 **<u>Hours of Inspections</u>**

When a request is made to inspect public records (as opposed to obtain copies), the requester will be advised when the records are available and he/she can then make an appointment to inspect those documents at the Commission between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday. The time frame for the Commission to respond to requests to inspect public records is the same as the time frame applicable to responding to requests for copies of public records as set forth above in Section (4) above.

Section 6 **<u>Fees</u>**

(1) Official publications which the Commission prepares in the discharge of its duties to inform the public on matters of public interest will be furnished free of charge when available.

(2) The Commission will supply one (1) copy of any of its Rules and Regulations to an individual requesting them free of charge. Rules and Regulations of the Commission are on file at the Office of the Secretary of State and certified copies thereof may be obtained from that office. Rules and Regulations of the Commission are also available online from the Secretary of State's website as well as the Commission's website.

(3) The Commission charges a fee for copying and/or search and retrieval of requested documents consistent with applicable state law. The Commission charges $0.15 per copied page; provided however, if the response to the request consists of twenty (20) or fewer copied pages, no fee will be charged. If the response to the request consists of more than twenty (20) copied pages, there will be a charge of $0.15 for each page. The Commission will charge $15.00 per hour for the search and retrieval time required to respond to a request, whether the request seeks copies of records or the right to inspect records; provided however, there will be no charge for the first hour of search and retrieval time. The Commission will provide the requester with an estimate of the copying costs and search and retrieval costs prior to responding to the request. The Commission however, will charge the actual fees for the number of copies and the actual cost for search and retrieval time if those are more or less than estimated. The Commission reserves the right to require a deposit of the estimated costs if the estimated costs are $50.00 or more.

(4) The cost of copying and search and retrieval as provided in subsection (3) above must be paid in advance of or at the time of delivery or inspection of the requested documents.

(5) Commission personnel or, where applicable an outside copy service, will make copies of requested records. The Commission does not have a copy machine available for use by the public to make copies.

(6) The Commission may utilize the form attached hereto as Exhibit B ("Response to Request to Inspect and/or Copy Public Records") to respond to a request; provided however, in some instances it may be appropriate for the Commission to write a letter addressed to the requester setting forth such additional information as deemed appropriate under the circumstances.

Section 7 **<u>Supervision of Inspections</u>**

(1) The inspection of public records must be accomplished in a manner which will provide for general supervision by authorized Commission staff. This is necessary

to prevent the misplacement or unauthorized removal of records or any other action which may impair the integrity of the public record.

(2) The Commission Clerk, or Staff Member having possession of the public record requested shall have overall responsibility for the security of the public record. However, the individual in charge may designate a staff member(s) to coordinate the functions and responsibilities related to the copying and inspection of public records.

(3) All personnel responsible for responding to requests for access to public records shall be made aware by their supervisors, of the provisions of this regulation and the procedures to be followed when an access to public records request is made. Commission personnel having any questions regarding the procedures to be followed should direct inquiries to:

(a) The Commission Clerk who is responsible for the activity/function to which the public record being requested relates; or

(b) In the event that the public record cannot be readily categorized as falling under the responsibility of Commission, the request should be directed to the Commission Counsel which will serve as a resource in matters relating to the public's access to public records.

Section 8 **Severability**

If any provision of this Regulation or the application thereof to any individual or circumstances is held invalid, such invalidity shall not affect the provisions or application of the remaining portions of the regulation which can be given effect. The provisions of these rules and regulations are declared to be severable.

EXHIBIT A

REQUEST TO INSPECT AND/OR COPY PUBLIC RECORDS OF THE PUBLIC UTILITIES COMMISSION PURSUANT TO R.I. Gen. Laws § 38-2-1 *et seq.*

Complete this form, sign and return to:
Rhode Island Public Utilities Commission
89 Jefferson Boulevard, Warwick, R.I. 02888
telephone number: 941-4500
facsimile number: 941-1691

NAME OF REQUESTER (OPTIONAL): _____

ADDRESS OF REQUESTER (OPTIONAL): _____

_____

TELEPHONE NO. OF REQUESTER (OPTIONAL):_____

EMAIL: _____ FAX. NO.: _____
(OPTIONAL) (OPTIONAL)

(While not required, please provide one method of written contact for response/delivery/disclosure of fees)

TITLE AND/OR DESCRIPTION OF DOCUMENT(S) REQUESTED TO BE INSPECTED_____ OR COPIED _____:
Please be as specific and descriptive as possible to assure that the Commission will be able to respond to your request as efficiently and as completely as possible.

_____
_____
_____
_____

FORMAT REQUESTED:
PAPER: _____ FAX: _____ EMAIL (if available)_____

NAME AND TITLE OF PERSON WITHIN THE COMMISSION HAVING POSSESSION OF DOCUMENT(S), IF KNOWN:

_____

Copies of any document(s) are fifteen ($.15) cents per page (or the actual reproduction cost of paper larger than 8 ½" x 14"), plus an hourly charge of fifteen ($15.00) dollars per hour for search retrieval. There is no charge if the total number of pages is twenty (20) pages or fewer. There is no charge for the first hour of search and retrieval.

_____ _____
Date Signature of Person Making Request (optional)

EXHIBIT B

RESPONSE TO REQUEST TO INSPECT AND/OR COPY PUBLIC RECORDS OF THE PUBLIC UTILITIES COMMISSION PURSUANT TO R.I. Gen. Laws § 38-2-1 et seq.

Dear _____:

On _____ the Commission received your Request to Inspect and/or Copy Public Records Pursuant to R.I. Gen. Laws § 38-2-1 et seq. A copy of your request is attached.

A. RESPONSE TO REQUEST:

☐ GRANTED

☐ DENIED/DENIED IN PART because the following record(s) which were requested are exempt from disclosure pursuant to the following provisions of law: _____

☐ NO SUCH DOCUMENT(S) EXIST IN THE COMMISSION'S RECORDS

B. PROCEDURE TO INSPECT/OBTAIN COPIES OF PUBLIC RECORDS BEING RELEASED PURSUANT TO SECTION A ABOVE:

☐ A copy of the requested records will be mailed to you (or you may call to make an appointment to pick up the records during the Commission's normal business hours) upon the Commission's receipt of payment of $ _____ representing the copying costs i.e. $_____ and/or search and retrieval fees i.e. $ _____ pursuant to R.I. Gen. Laws § 38-2-4. Please forward payment to the address listed below.

☐ A copy of the requested records is enclosed. (Because the number of copied pages was twenty (20) or fewer pages and there were no search and/or retrieval fees there was no fees associated with the Commission's response to your request.)

☐ The requested records are available for inspection at the _____ Commission between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday, at the address specified below. Please call to arrange an appointment. The search and retrieval costs associated with the request to inspect is $_____. That amount is payable at the time of the appointment to inspect the records.

☐ Not Applicable.

C. If your request, or any part thereof, is denied, you have the right to appeal to the Commission Counsel. If your appeal is denied, you have the right to appeal to the Attorney General or the Superior Court.

DATED: _____ SIGNATURE: _____

Checks should be made out to "General Treasurer, State of Rhode Island"
Mail or Hand deliver Checks to:

Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

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JUL 16 2010
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