



Vermonters for a Clean Environment

October 16, 2017

Senator Mark MacDonald
404 MacDonald Rd.
Williamstown, VT 05679

via email and first class mail

Dear Senator MacDonald,

Pursuant to Vermont's Access to Public Records Act, 1 V.S.A. §§315-320, I hereby request all communications, letters, reports, studies and other writings, including electronic mail, cellular phone text messages, notes, jottings, written messages, voicemail messages, telephone logs, and other documentation, issued, produced, recorded, or received by you from or to staff, employees, board members or lobbyists of VPIRG (Vermont Public Interest Research Group), VNRC (Vermont Natural Resources Counsel), CLF (Conservation Law Foundation), VCV (Vermont Conservation Voters), REV (Renewable Energy Vermont), RSG (Resource Systems Group), AllEarth, David Blittersdorf, Avangrid/Iberdrola in regards to the Legislative Committee on Administrative Rule's review of 17-P10 - Public Service Board/Rule on Sound Levels from Wind Generation Facilities (a/k/a PUC's Rule 5.700) that you have sent or received from May 15, 2017 through the date this public records request is filled.

For the purpose of this request, "communications" includes but is not limited to, letters, emails, email attachments, text messages, voicemail messages, social media direct messages or documents.

If no responsive records exist, then state this fact in your response. If any part of these requests is denied, please list the specific criteria you are relying on for this denial, as well as the names and title of the person responsible for the denial.

The Vermont Public Records Act is to be "liberally construed...and the burden of proof" is on the respondent to justify any refusal to produce records. 1 V.S.A § 315. Absent a valid legal exemption, this law compels the production of documents and correspondence relating to official state business, regardless of what email or text messaging system is used. If such records exist and you do not intend to comply with this request, please inform me immediately so that I may pursue an appropriate legal remedy. Meantime, you should ensure these public records are preserved. 1 V.S.A § 320 (Destruction of public records is prohibited by law.)

Pursuant to the Public Records Act please also do the following:

- Produce these documents promptly or certify within two business days why you are denying me access to them or any particular documents (this time limit may be extended only under certain conditions as outlined in 1 VSA §318;
- If you believe an otherwise public record is exempt from disclosure, produce a log with the page numbers of the documents, the date of the document, the people or entities who received copies, the authors of the document and a specific explanation (citing to the applicable statutory exemption) for why a document has not been produced;
- If an otherwise public record has a portion that is exempt from disclosure, redact any exempt portion and release the redacted document together with a log (as described in the previous bullet);
- Inform me of the appeal procedures available to me if you withhold any documents;
- If you are unable to copy any material, identify the material and notify me when it will be available for my inspection; and
- Provide a written reply to this request.

If you refuse to produce any responsive records to me, it would be helpful to Bates Number any such documents for easy reference and to avoid confusion in future proceedings regarding the failure to produce records.

I am willing to pay reasonable production fees, if necessary, but please call or email me first with an estimate as to the costs to produce these documents.

Thank you for your assistance with this matter. I look forward to your response. If you have any questions I can be reached at (802) 446-2094 or vce@vce.org.

Sincerely,



Annette Smith
Executive Director
Vermonters for a Clean Environment

cc: Sen. Tim Ashe, Senate President Pro Tem and Chair of Committee on Committees
Rep. Mitzi Johnson, Speaker of the House
Luke Martland, Director, Legislature Council