

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
Connecticut Citizen Action Group, Inc.;) Report of Hearing Officer
Consumer Counsel; and the Middletown)
Press, Complainants) Docket #FIC 76-30
) Docket #FIC 76-31
) Docket #FIC 76-37
against)
State of Connecticut; the Public)
Utilities Control Authority;)
Commissioners Albert Kleban,)
Meriam Butterworth, Gerald McCann)
Richard Jones, Thomas Standish;)
and Henry Mierzwa, Executive)
Secretary,)
Respondents) March 17, 1976

The above captioned matters were consolidated for hearing as a contested case on March 15, 1976. By letter dated March 12, 1976, the complainant Middletown Press withdrew its complaint. The complainants Connecticut Citizen Action Group, Inc. and Consumer Counsel and the respondents appeared and presented argument on a motion to dismiss the complaints brought by the respondents.

After consideration of the entire record, the following facts are found:

1. Subsequent to the filing of the complaints herein the respondents made a tender of compliance by providing access to the documents requested.
2. That document was made available to the complainants for inspection or copying prior to the date of the hearing.
3. Until the time of compliance the respondents proposed to assert a defense based on section 2(b) of Public Act 75-342. It is found that the tender of compliance was completely voluntary.
4. The complainants contend that the initial denial of access constituted a wilful denial of a right conferred upon them by P.A. 75-342 and demanded the relief described in section 14(d) of that Act.
5. It is specifically found that the voluntary compliance by the respondents negated the claim of wilful conduct on their part.


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6. Compliance having been furnished by the respondents there no longer exists any bona fide case in controversy requiring enforcement of Public Act 75-342, since this Commission must act on the basis of the facts existing at the time of this hearing.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

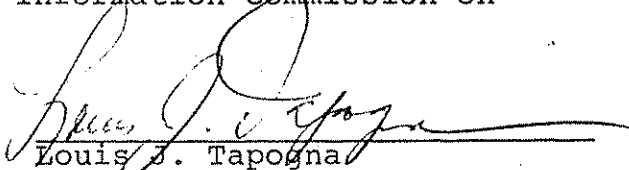
The complaints not heretofore withdrawn are hereby dismissed on the ground that the respondents have complied with Public Act 75-342 by providing access to the public record specified in the complaint.



Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of Freedom of Information Commission on
April 14, 1976.



Louis J. Tapogna
Clerk of the Commission