



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Jim Dobson,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2015-243

Chairman, State of Connecticut, Department of Energy
and Environmental Protection, Public Utilities Regulatory
Authority; and State of Connecticut, Department of
Energy and Environmental Protection, Public Utilities
Regulatory Authority,
Respondent(s)

November 23, 2015

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, December 16, 2015**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE December 4, 2015**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE December 4, 2015**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed **ON OR BEFORE December 4, 2015**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: Jim Dobson
Assistant Attorney General Robert L. Marconi

2015-11-23/FIC# 2015-243/Trans/wrbp/KKR/VB

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FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Jim Dobson,

Complainant

against

Docket #FIC 2015-243

Chairman, State of Connecticut,
Department of Energy and Environmental
Protection, Public Utilities Regulatory
Authority; and State of Connecticut,
Department of Energy and Environmental
Protection, Public Utilities Regulatory
Authority,

Respondents

October 8, 2015

The above-captioned matter was heard as a contested case on October 5, 2015, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies, within the meaning of §1-200(1), G.S.
2. It is found that, by email dated January 18, 2015, the complainant requested copies from the respondents of:
 - (a) the results of the investigation into his whistleblower complaint against Northeast Utilities;
 - (b) all documents related to such investigation;
 - (c) copies of all files and emails from his Northeast Utilities owned laptop; and
 - (d) a list of the names of all Northeast Utilities employees who were required to perform storm duty during the period from March 12, 2010 and March 23, 2010, as well as a list of the names of those who actually performed storm duty and a list of those who did not.
3. It is found that, by email dated February 24, 2015, the respondent also requested all documents pertaining to the investigation into Mark Ferrante's whistleblower case against CL&P.

4. It is found that, by email dated January 22, 2015, the respondents acknowledged receipt of the request, described in paragraph 2, above, and informed the complainant that such request was being reviewed and that a response would be forthcoming.

5. It is found that, by email dated February 9, 2015, the respondents provided, in response to the request, described in paragraph 2(a), above, a copy of the Final Decision of the respondent Authority concerning the complainant's whistleblower complaint. In response to the request, described in paragraph 2(b), above, the respondents informed the complainant that all records pertaining to his whistleblower complaint were compiled and available for him to view or be copied, and that he should contact the respondents to arrange a date to view such records, or inform them that he wished to have copies sent to him. The respondents further informed the complainant that they did not maintain any records responsive to the requests, described in paragraphs 2(c) and 2(d), above.

6. It is found that, by email dated March 18, 2015, the complainant emailed the respondents claiming that he had not received any records pertaining to his whistleblower complaint.

7. By email, dated March 23 and filed March 24, 2015, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with copies of the records described in paragraphs 2 and 3, above.

8. Section 1-200(5), G.S., provides:

"Public records or files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

9. Section 1-210(a), G.S., provides in relevant part that:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours or . . . (3) receive a copy of such records in accordance with section 1-212.

10. Section 1-212(a), G.S., provides in relevant part that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

11. It is found that the records, described in paragraphs 2 and 3, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

12. It is found that, by email dated April 1, 2015, the respondents reminded the complainant that they had responded to his request, described in paragraph 2, above, on February 9, 2015 (see paragraph 5, above), and further reminded the complainant that, as of April 1, 2015, he had not yet contacted the respondents to arrange to view the requested records or informed the respondents that he wished to receive copies of such records.

13. It is further found that, in their April 1, 2015 email, the respondents reminded the complainant that, previously, they had provided to him, in April 2011, January 2012, and June 2014, all records responsive to the request, described in paragraph 3, above. It is found that the respondents reiterated that they did not maintain any other records responsive to such request.

14. It is found that during May, June and July of 2015, the respondents and the complainant exchanged emails regarding the complainant’s contention that additional responsive records existed that had not been provided to the complainant, and setting up a time to review the records described in paragraph 2(b), above. It is found that the complainant viewed the records, described in paragraph 2(b), above, several times prior to the filing of the complaint in this matter, and in the spring of 2015.

15. At the hearing in this matter, the complainant argued that respondents did not conduct a thorough or adequate investigation into his whistleblower complaint, and that the respondent should maintain additional records pertaining to his complaint.

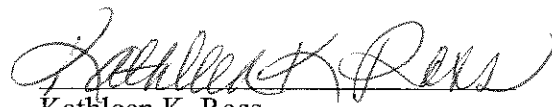
16. It is found that the allegations contained in paragraph 15 above, are outside the jurisdiction of this Commission.

17. Based upon the foregoing, it is found that the respondents provided to the complainant copies of, or access to, all records they maintain that are responsive to the requests, described in paragraphs 2 and 3, above.

17. Accordingly, it is concluded that the respondents did not violate the disclosure requirements in §§1-210(a) and 1-212(a), G.S., as alleged in the complaint.

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

1. The complaint is dismissed.

A handwritten signature in cursive script, appearing to read "Kathleen K. Ross".

Kathleen K. Ross
as Hearing Officer

FIC 2015-243/hor/kkr/10082015