



BRIAN SANDOVAL  
Governor

STATE OF NEVADA  
PUBLIC UTILITIES COMMISSION

ALAINA BURTENSHAW  
Chairman

REBECCA WAGNER  
Commissioner

DAVID NOBLE  
Commissioner

CRYSTAL JACKSON  
Executive Director

May 7, 2014

VIA EMAIL

Attn: Mr. Fred Voltz  
zebedee\_177@yahoo.com

Re: Records Request

Mr. Voltz:

Chapter 239 of the Nevada Revised Statutes ("NRS"), specifically NRS 239.0107(1), requires a governmental entity to respond to public records requests within five business days. Accordingly, the Public Utilities Commission of Nevada ("Commission") is responding to your May 2, 2014, request for documents related to Grant No. DE-OE0000132 awarded pursuant to the federal American Recovery and Reinvestment Act ("ARRA").

Please find the attached documents that relate to the Commission's expenditures associated with ARRA Grant No. DE-OE0000132. The attached "ARRA Travel and Training Log" is responsive to most of your enumerated requests.

Pursuant to NRS 239.0107(1)(d), if a governmental entity denies a person's request to inspect a public record, or a part thereof, based on the confidential nature of the record, the governmental entity must provide written notice of the existence of the confidential record and a citation to the specific statute or other legal authority supporting the record's confidentiality. Therefore, the Commission now provides you with notice that employee names and division assignments have been redacted from the ARRA Travel and Training Log. Balancing the interest for nondisclosure (promoting employee safety and privacy and not discouraging employees from seeking necessary and/or useful training) against the general policy in favor of an open and accessible government, the Commission is not disclosing information that identifies individual Commission employees.<sup>1</sup>

---

<sup>1</sup> There is a presumption that "all public records are open to public disclosure unless either (1) the Legislature has expressly and unequivocally created an exemption or exception by statute... or (2) balancing the private or law enforcement interests for nondisclosure against the general policy in favor of an open and accessible government requires restricting public access to government records." *Reno Newspapers v. Sherriff*, 234 P.3d 922, 925 (2010).

NRS 239.0107(1)(c) requires that if the Commission has custody of a requested record but is unable to make the public record available by the end of the fifth business day after the date on which the request was received, the Commission may provide notice in writing of the date and time after which the record will be available. Therefore, the Commission now notifies you that it possesses additional documents responsive to your request, including employee travel and training request forms, internal documentation regarding the processing of those requests, invoices received, and records of payments having been remitted. This documentation is voluminous and will take significant time to locate within the Commission's travel and training files and fiscal records, some of which are in storage. Once located, many documents will need to be redacted to remove employee names and other personal information protected by NAC 284.718(1) prior to being disclosed. Given the aforementioned circumstances, disclosing these records will require the Commission to dedicate personnel and expend extraordinary resources. In this situation, NRS 239.055 allows the Commission to charge a reasonable fee based on the cost that the Commission actually incurs for the extraordinary use of its personnel and resources. The following is a breakdown of the estimated costs associated with providing the additional records:

Costs to the Agency:

Use of Personnel:

- 160 hours to locate, copy, and redact documents related to travel and training: \$3,556.80 (160 x \$22.23)
- 160 hours to locate and copy invoices and checks retained by the Commission: \$2,651.20 (160 x \$16.57)
- 20 hours to conduct legal review: \$998.20 (20 x \$49.91)

**Total costs: \$7,206.20**

If you remain interested in obtaining the additional records, please send a check, payable to the Public Utilities Commission of Nevada, to:

ATTN: Office of General Counsel  
Public Utilities Commission  
1150 E. William Street  
Carson City, NV 89701-3109

The additional records will be compiled when your payment has been received by our office. The Commission anticipates that it will take up to four months to compile the relevant documents and make them available due to current workload and understaffing. The Commission may charge an additional fee for copies pursuant to NRS 239.052. The fee for copies will not be known until the Commission has located all of the documents that are responsive to your request.

Finally, in addition to containing a public records request, your May 2, 2014, letter to Ms. Tanner includes multiple requests for answers to questions and the creation of new documents/lists. Nevada's public records laws do not require the Commission to provide responses to interrogatories, nor do they require the Commission to create materials to facilitate your inspection of public records. Accordingly, the Commission declines to fulfill such requests contained within your letter.

If you have any questions or wish to clarify your request for public records, please feel free to contact me.

Sincerely,



Garrett Weir  
Assistant General Counsel  
Public Utilities Commission of Nevada  
(775) 684-6185  
gweir@puc.nv.gov

cc: Carolyn E. Tanner, General Counsel  
Crystal Jackson, Executive Director