



Missouri Public Service Commission Open Records Policy Sunshine Requests

It is the policy of the Missouri Public Service Commission (Commission) to comply with the Missouri Open Records or “Sunshine” law as set forth in Chapter 610, RSMo. The Commission recognizes that the public policy of the State of Missouri established in section 610.011, RSMo, provides that all meetings, records, votes, actions, and deliberations of public governmental bodies shall be open to the public unless otherwise provided by law, and that the Sunshine law shall be liberally construed to promote this public policy.

This policy is adopted by the Commission pursuant to section 610.028.2 RSMo. The Secretary of the Commission is the custodian of records as required by section 610.023, RSMo. The Commission hereby adopts and implements this Open Records Policy to respond to requests for access to public records. This policy and procedure repeals and replaces all earlier policies and procedures.

Open Records Procedure

Many of the documents retained by the Commission are public records accessible by the public. However, records that are protected from disclosure by law are closed as provided in section 610.021, RSMo. In addition, section 386.480, RSMo, provides that no information furnished to the Commission by a corporation, person, or public utility, except such matters as are specifically required to be open to public inspection by provisions of this chapter, or chapter 610, shall be open to public inspection or made public except on order of the Commission, or by the Commission or a Commissioner in the course of a hearing or proceeding. Commission rules also provide for the protection of confidential information provided to the Commission during the course of litigation before the Commission. Such records are designated as public, confidential or highly confidential as authorized by Commission rule 20 CSR 4240-2.135.

I. Requests for Public Records

A. Written Request

Requests for documents should be in writing and directed to the Secretary of the Commission, P.O. Box 360, Jefferson City, MO 65102, or delivered to the Secretary by email at recordsrequest@psc.mo.gov.

Written requests addressed to a Commission employee other than the Secretary must be forwarded to the Secretary. The written request may be in the form of a letter, e-mail, or a Records Request Form.

B. Response by the Secretary

The Secretary shall respond to the request by the end of the third business day following receipt of the request. The Secretary’s response shall (1) ask for clarification of the

request, (2) indicate the documents are public and are being provided, (3) indicate the documents are not public and state the reason for denial of access to the records, or (4) explain why more time is needed to respond to the request.

C. Review by the Commissioners

If disclosure of the requested documents is restricted under section 386.480, RSMo, the Secretary shall attempt to contact the corporation, person or public utility that provided the documents to the Commission to determine whether the entity objects to the disclosure of the records. The Secretary shall convey any response by the corporation, person or public utility to the Commissioners.

The Commission may consider a request for records whose disclosure is restricted under section 386.480, RSMo, at a regularly scheduled agenda meeting. Section 386.480, RSMo, provides that the Commission may, in its discretion, release closed records by a majority vote. Whether the corporation, person or public utility objects to the release of records closed under section 386.480, RSMo, may be considered by the Commission in its determination whether to release the closed records.

D. Documenting the Response

The Secretary shall retain a copy of the request, related correspondence, and the documents provided, for a period of two years as provided in the Commission's General Retention Schedule.

II. Processing Time

The Secretary shall respond to requests for documents within three business days. If the request cannot be processed within three business days, the Secretary shall give the requestor a detailed explanation of the cause for delay and the earliest date and time the documents will be available.

III. Fees

The Sunshine Law allows agencies to collect a fee equal to, or less than, the actual cost of locating and copying the records.

The hourly fee for duplicating records will not exceed the average hourly rate of pay for clerical staff.

The cost for research and retrieval of records will be determined based upon the amount of time required to fulfill the records request. The Secretary will produce the copies using employees that result in the lowest amount of charges for search, research, and duplication time.

Reproduction costs will be billed at \$.10 per page for a paper copy not larger than nine by fourteen inches. Other copies will be billed at the cost to reproduce the requested media.

The person requesting the records may request an estimate of the cost involved in fulfilling the request before the records are produced.

IV. Payment

Depending upon the costs incurred in research, retrieval, and duplication of records, the Secretary may require that payment be made before the records are released.

Payment must be made by check or money order (no cash) made payable to “Director of Revenue” and mailed directly to:

Missouri Public Service Commission
Budget and Fiscal Services
P.O. Box 360
Jefferson City, MO 65102

Upon receipt of payment, the cashier will send a copy of the paid receipt to the requestor. Documents may be furnished without charge or at a reduced charge if the Secretary determines that waiver or reduction of the fee is in the public interest.

Questions about this Sunshine Law Policy should be addressed to the Secretary of the Commission by phone at (573) 751-2849, or by e-mail at recordsrequest@psc.mo.gov.