

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 2000, as supplemented. The Commission recognizes that the public policy of the State of Missouri established in section 610.011 provides that all meetings, records, votes, actions, and deliberations of public governmental bodies shall be open to the public 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. 2000, as supplemented. The Secretary of the Commission is the custodian of records as required by section 610.023. 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. In addition, section 386.480 provides that any information provided to the Commission by a corporation, person, or public utility shall not be made public except on order of the Commission, or by the Commission 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 highly confidential (HC) or proprietary (P) as authorized by Commission rule 4 CSR 240-2.135.

I. Requests for Public Records

Requests for public records should be in writing and be addressed to:

Secretary of the Commission
Attn: Data Center
P.O. Box 360
Jefferson City, MO 65102

A written request may be sent by fax to the Secretary at (573) 522-6176 or by email to recordsrequest@psc.mo.gov.

A Records Request Form (attached below) may be used to request Commission records.

The Public Documents List (attached below) identifies public records that may be released to the public without utilizing the review process set forth under paragraph II. If the document requested is public, the Secretary of the Commission will:

1. Determine the fee to be charged.
2. Determine the terms of payment.
3. Send the records upon resolution of payment terms.

If a request for documents includes documents that are public as well as records that were provided to the Commission by a corporation, person or public utility the Secretary will (1) send the requester those documents that are public upon payment terms determined by the Secretary, and (2) process the request for documents that are not public as set forth in paragraph II.

II. Requests for Documents not on the Public Documents List

A. Written Request

Requests for documents that are not included on the Public Documents List 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 fax at (573) 522-6176 or email at recordsrequest@psc.mo.gov.

Written requests addressed to an individual other than the Secretary may be forwarded to the Secretary's office. The written request may be in the form of a letter or a Records Request Form included in this procedure.

B. Response by the Secretary

The Secretary will respond to the request by the end of the third business day following receipt of the request. The Secretary's response will (1) ask for clarification of the request, or (2) indicate that the documents are public and are being provided, or (3) indicate that the documents are not public and state the reason for denial of access to the records.

C. Review by the Commissioners

If the requested documents are closed records under section 386.480 because they were provided to the Commission by a corporation, person or public utility, the Secretary shall attempt to contact the corporation, person or public utility that provided the documents to the Commission to determine whether the entity consents to the disclosure of closed 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 closed under section 386.480 at a regularly scheduled agenda meeting. Section 386.480 provides that the Commission may, in its discretion, release closed records by a majority vote. The fact that the corporation, person or public utility consents to the release of records closed under section 386.480 may be considered by the commission in its determination to release the closed records.

In the event the Commission votes to make such closed records public, the Secretary shall prepare a memorandum stating the reasons the Commission is exercising its discretion to make the records public.

D. Documenting the Response

The Secretary shall retain a copy of the request, any related correspondence, and the documents provided, for further reference.

III. Processing Time

Requests for documents shall be acted upon within three business days. If the request cannot be processed within three business days, the Secretary shall provide a detailed explanation of the cause for delay and the earliest date and time the documents will be available.

IV. 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 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.

Prior to producing copies of the requested records, the person requesting the records may request an estimate of the cost involved in fulfilling the request.

V. 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 request is made and the Commission determines that waiver or reduction of the fee is in the public interest.

VI. Modification of Public Documents List

The Public Documents List may be revised periodically. The Secretary will work with the Division Directors to determine whether documents should be added to or deleted from the Public Documents List. The Secretary is responsible for maintaining the Public Documents List and will post revisions to the Commission's website.

Questions about this Sunshine Law Policy should be addressed to the Secretary to the Commission at (573) 751-3015.