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Sequence Number: 03-01-19
Rule ID(s): 8765-8766
File Date: 3/4/19
Effective Date: 6/2/19

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Public Utility Commission
Division:	Legal
Contact Person:	Kelly Cashman-Grams, General Counsel
Address:	502 Deaderick Street, 4 th Floor, Nashville, Tennessee
Zip:	37243
Phone:	615-77-6856
Email:	Kelly.grams@tn.gov

Revision Type (check all that apply):

☐ Amendment
☒ New
☒ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row).

Chapter Number	Chapter Title
1220-01-01	Rules and Regulations of Practice and Procedure
Rule Number	Rule Title
1220-01-01-.07	Requests For Public Information And Copying Charges

Chapter Number	Chapter Title
1220-01-04	Access to Public Records Held by the Commission
Rule Number	Rule Title
1220-01-04-.01	Purpose and Scope
1220-01-04-.02	Definitions
1220-01-04-.03	Requests for Access to Public Records
1220-01-04-.04	Responses to Requests for Public Records
1220-01-04-.05	Redaction of Records

1220-01-04-.06	Inspection and Copies
1220-01-04-.07	Fees, Payment, and Waivers
1220-01-04-.08	Aggregation of Frequent and Multiple Requests
1220-01-04-.09	Failure to Inspect Records or Failure to Pay for Copies

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to

http://sos-tn-gov-files.s3.amazonaws.com/forms/Rulemaking%20Guidelines_September2016.pdf.

Rule 1220-01-01-.07 *Requests For Public Information And Copying Charges* is deleted in its entirety.

Chapter 1220-01-04 *Access to Public Records Held by the Commission* is created with the following language in its entirety:

1220-01-04-.01 PURPOSE AND SCOPE.

- (1) Pursuant to Tenn. Code Ann. § 10-7-503(g), the purpose of the following public records rules are to provide timely and efficient access to public records of the Commission while at the same time preserving the confidentiality and protection of records or information as provided under state and federal law.
- (2) The Tennessee Public Records Act provides that all state public records shall, at all times during regular business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.
- (3) Through the Public Records Request Coordinator identified in this Rule below, the Tennessee Public Utility Commission shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Rule shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the Commission, shall be protected as provided by current law. Questions about these Rules should be addressed to the Commission's Public Records Request Coordinator or to the Tennessee Office of Open Records Counsel ("OORC").

Authority: T.C.A. §§ 65-2-102 and 10-7-503.

1220-01-04-.02 DEFINITIONS.

- (1) "Commission" or "TPUC" means the Tennessee Public Utility Commission.
- (2) "Public Record" means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.
- (3) "Public Records Request Coordinator" or "PRRC" means the individual(s) whose responsibility it is to ensure public record requests are routed to the appropriate records custodian and fulfilled in accordance with the Tennessee Public Records Act. The PRRC is the Commission's Docket and Records Manager within the Legal Division.
- (4) "Records Custodian" means the office, official, or employee lawfully responsible for the direct custody and care of a public record. The records custodian is not necessarily the original preparer or receiver of the record.
- (5) "Requestor" means a citizen of the State of Tennessee seeking access to a public record, whether for inspection or duplication.

- (6) "Tennessee Public Records Act or "TPRA" means the State law codified in T.C.A § 10-7-503, *et seq.*

Authority: T.C.A. §§ 65-2-102 and 10-7-503.

1220-01-04-.03 REQUESTS FOR ACCESS TO PUBLIC RECORDS.

- (1) Public record requests, whether written or oral, shall be made to the PRRC or designee so as to ensure that such requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- (2) Public record requests shall include the following information clearly and concisely expressed:
 - (a) Name and Tennessee contact information, including telephone and email address (in order to provide any communication required under the TPRA);
 - (b) Detailed description of the records being requested, including type, time frame, subject matter or key words, and any other information identifying the records;
 - (c) Statement whether the request is for inspection or receipt of copies, or both; and
 - (d) Delivery preference if requesting copies.
- (3) Proof of Tennessee citizenship by the presentation of a valid, unexpired state government-issued photo identification is required in order to inspect or receive copies of public records. If a person does not possess photo identification or validity of the identification is in question, the PRRC may require other forms of identification. Upon a satisfactory showing, such proof of state citizenship will not be kept or retained by the PRRC. If copies of documentation are provided by mail or electronically to the PRRC, after verification, the information will be disposed of in such a way as to maintain the confidentiality of the information.
- (4) Requests for access to inspect public records maintained or received by the Commission may be made to the PRRC in-person, by mail, telephone, fax, or email.
- (5) Requests for copies, or requests for inspection and copies of public records, shall be made in writing. A requestor may use the TPUC Public Records Request form available on the TPUC website. If the TPUC Public Records Request form is not used, the written request must still contain all information required under (2) of this section.
- (6) Requests not made in an appropriate manner or requests that are not directed to the PRRC as provided herein, will not be accepted. Requests made via any method other than those prescribed herein will not be accepted.
- (7) The contact information for the PRRC is as follows:

Tennessee Public Utility Commission
ATTN: Docket & Records Manager/Public Records Request Coordinator
Andrew Jackson State Office Building,
502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243
Phone: 615-770-6850
Fax: 615-741-9934
Email: TPUCRecRequest@tn.gov
- (8) Any changes to the contact information for the PRRC shall be posted on the TPUC's website.

Authority: T.C.A. §§ 65-2-102 and 10-7-503.

1220-01-04-.04 RESPONSES TO REQUESTS FOR PUBLIC RECORDS.

(1) Public Records Request Coordinator.

(a) The PRRC shall review public records requests and make a determination of the following:

1. Whether the requester has provided evidence of Tennessee citizenship pursuant to Rule 1220-01-04-.03(3);
2. Whether the records requested are described with sufficient specificity to identify them;
3. Whether the TPUC is the custodian of the records; and
4. Whether the records requested, or any of their contents, are protected and, thus, not subject to disclosure based on applicable federal or state law or rules.

(b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate actions:

1. Inform the requester of this rule chapter and the determinations made regarding:
 - (i) Evidence of Tennessee citizenship;
 - (ii) Fees (and labor threshold and waivers, if applicable);
 - (iii) Aggregation of multiple or frequent requests; or
 - (iv) Need for clarification of the request(s).
2. As appropriate, deny the request in writing and provide the appropriate ground(s) for denial, which may include:
 - (i) The requester is not a Tennessee citizen or has not presented evidence of Tennessee citizenship;
 - (ii) The request lacks specificity. The Commission may work with a requestor to clarify the request;
 - (iii) An exemption makes the requested record protected from disclosure;
 - (iv) TPUC is not the custodian of the requested records;
 - (v) The records requested do not exist; or,
 - (vi) Any other legal grounds for denial.
3. As appropriate, contact the requestor to see if the request can be narrowed or otherwise clarified.
4. Forward the records request to the appropriate records custodian within TPUC.
5. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity, if known.

(2) Records Custodian.

- (a) Upon receiving a public records request, a TPUC records custodian in collaboration with the PRRC shall gather the requested public records in accordance with Tenn. Code Ann. § 10-7-503. Before making the records available, General Counsel or his/her designee shall conduct a

review to ensure the preservation of confidential or protected information as provided in state and federal law.

- (b) If it is not practicable to promptly provide the requested records, the records custodian in collaboration with the PRRC shall, within seven (7) business days from the records custodian's receipt of the request, direct the PRRC to send the requestor a written response indicating the reason for the delay and an estimate of the additional time necessary to produce the records or information. Reasons for delay may include:
 - 1. To determine whether the requested records exist;
 - 2. To search for, retrieve, or otherwise gain access to records;
 - 3. To determine whether all or part of the records are open or confidential;
 - 4. To redact records; or
 - 5. For other similar reasons.
- (c) If a records custodian in collaboration with the PRRC denies a public records request, the PRRC shall deny the request in writing.
- (d) If a records custodian in collaboration with the PRRC reasonably determines that production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the PRRC's response shall notify the requester that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. As appropriate, the records custodian or PRRC should contact the requester to see whether the request can be narrowed.
- (e) If a records custodian discovers that records responsive to a request were omitted, the records custodian shall promptly contact the PRRC concerning the omission and produce the records as quickly as practicable. The PRRC will contact the requestor and supplement the records response.

Authority: T.C.A. §§ 65-2-102, 10-7-503, and 10-7-504.

1220-01-04-.05 REDACTION OF RECORDS.

- (1) If a record contains confidential information, or information that is not open for public inspection, the PRRC or the records custodian shall prepare a redacted copy of the record and consult with General Counsel or his/her designee before providing access to the records.
- (2) Whenever a redacted record is provided, the PRRC will provide the requestor with the general basis for redaction without revealing confidential or protected information.

Authority: T.C.A. §§ 65-2-102, 10-7-503, 10-7-504, and 10-7-515.

1220-01-06-.06 INSPECTION AND COPIES.

- (1) For inspection of public records:
 - (a) There shall be no charge for the inspection of public records.
 - (b) The location for inspection of public records will be in the office location of the PRRC in Nashville and such inspection will occur during the Commission's normal business hours.
 - (c) Under reasonable circumstances, the PRRC may require an appointment for inspection or may require inspection of records at an alternate location.

- (2) If after viewing the records, a requestor wishes to obtain copies, the Commission will make copies and assess charges in accordance with Rule 1220-01-04-.07, or copies may be made as follows:
 - (a) A requestor may use a personal camera or cell phone to take a photograph of a public record so long as the organization and integrity of the record is maintained. If a record contains confidential or protected information, the record may not be photographed until all appropriate redactions are completed.
 - (b) The requestor will not be allowed to connect any personal equipment to a TPUC computer or electronic device, including but not limited to utilizing a flash drive, in order to make copies of public records.
- (3) Upon receipt of a request for copies of open public records, the Commission shall calculate the cost based on copy and labor charges for the entire request, or pro-rate the charges on a per page basis and promptly make the copies available to the requestor in the following manner:
 - (a) For pickup at a location specified by the PRRC;
 - (b) By regular mail delivery through the United States Postal Service to the requestor's home or other acceptable address within Tennessee; or
 - (c) Electronic records that can be sent in a single transmission will be sent by email, except when such records include personally identifiable information.

Authority: T.C.A. §§ 65-2-102 and 10-7-503.

1220-01-04-.07 FEES, PAYMENT, AND WAIVERS.

- (1) The Commission shall assess charges for copying and labor required to produce copies of the requested public records based on the most current version of the Schedule of Reasonable Charges issued by the OORC. The Schedule of Reasonable Charges is available on the Tennessee Comptroller of the Treasury's website on the OORC page.
- (2) The PRRC will provide requestors with an itemized written estimate of the charges prior to producing copies of records. Requestors must pay the estimate before the records will be released.
- (3) When fees for copies and labor do not exceed ten dollars (\$10.00), the fees may be waived by the PRRC.
- (4) Fees associated with aggregated record requests will not be waived.
- (5) Payment of charges shall be payable to the Commission by cashier's check, money order, or other reliable means determined by the TPUC, and delivered as specified by the PRRC.

Authority: T.C.A. §§ 65-2-102 and 10-7-503.

1220-01-04-.08 AGGREGATION OF FREQUENT AND MULTIPLE REQUESTS.

- (1) TPUC will aggregate record requests for records of TPUC when four (4) or more requests are received within a calendar month either from a single individual or a group of individuals deemed working in concert by the PRRC.
- (2) The PRRC is responsible for making the determination that a group of individuals are working in concert, and upon such determination, shall inform the individuals that they have been deemed to be working in concert and that requests will be aggregated.
- (3) Routinely released and readily accessible records shall be excluded from aggregation. Such records include, but are not limited to, any public docket filings, notices, orders, agendas, meeting minutes, and other materials that are accessible on the Tennessee Public Utility Commission's website.

Authority: T.C.A. §§ 65-2-102 and 10-7-503.

1220-01-04-.09 FAILURE TO INSPECT OR FAILURE TO PAY FOR COPIES.

- (1) If a requestor makes two (2) or more requests to view a public record within a six-month period and, for each request, the requestor fails to view the public record within fifteen (15) business days of receiving notification that the record is available to view, or misses two (2) or more scheduled appointments to view, TPUC will not comply with any public records request from the requestor for a period of six (6) months from the date of the second request to view the public record unless the TPUC determines failure to view the public record was for good cause.
- (2) If, after agreeing to pay an estimated cost prior to the production of copies, a requestor fails to pay the cost to produce the requested copies, TPUC will not comply with any public record requests from the requestor until payment is received.

Authority: *T.C.A. §§ 65-2-102 and 10-7-503.*

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chair Robin L. Morrison	X				n/a
Vice Chair Kenneth C. Hill	X				n/a
Commissioner Herbert H. Hilliard	X				n/a
Commissioner David F. Jones	X				n/a
Commissioner John A. Hie	X				n/a

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Public Utility Commission (board/commission/ other authority) on DECEMBER 19, 2018, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 8/23/2018

Rulemaking Hearing(s) Conducted on: (add more dates). 10/15/2018

Date: 12/20/18

Signature: Kelly Cashman Grams

Name of Officer: Kelly Cashman Grams

Title of Officer: General Counsel

Subscribed and sworn to before me on: 12/20/2018

Notary Public Signature: [Signature]

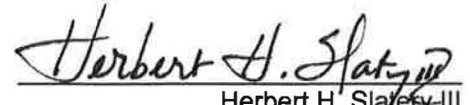
My commission expires on: 3/8/2022



Agency/Board/Commission: Tennessee Public Utility Commission

Rule Chapter Number(s): 1220-01-04-.01 through .09

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

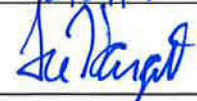

Herbert H. Slatery III
Attorney General and Reporter

1/17/2019
Date

Department of State Use Only

Filed with the Department of State on: 3/4/19

Effective on: 6/2/19


Tre Hargett
Secretary of State

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SECRETARY OF STATE
JESSIE L. HARGETT

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

No person filed written comments in the docket file nor came forward to be heard during the rulemaking hearing.

See attached Memorandum.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule does not impact small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule does not impact local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

On April 10, 2017, the Commission established a written public records policy, which these rules will replace. Public Chapter 712 of the Public Acts of 2018 amended the Tennessee Public Records Act at Tenn. Code Ann. § 10-7-503(g) to require state governmental entities to promulgate rules concerning access to public records.

First, this rulemaking deletes Rule 1220-01-01-.07, *Requests for Public Information and Copying Charges*, because it is outdated and does not comply with Tenn. Code Ann. § 10-7-503(g).

Next, the new rules, 1220-01-04-.01 through .09, *Access to Public Records*, comply with the requirements of Tenn. Code Ann. § 10-7-503(g). A summary, in pertinent part, is as follows:

- The purpose of the rules is to provide timely and efficient access to public records of the Commission while at the same time preserving the confidentiality of confidential records or information as provided in state and federal law.
- Public records requests shall be made to the public records request coordinator (PRRC) and the rule provides the contact information for doing so.
- Requests for copies shall be made in writing to the PRRC, and that requests for inspection only may be made verbally or in writing.
- When responding to public records requests, the rules require that requested records be made available promptly or that the PRRC respond within seven business days that more time is needed to respond, production of records shall be segmented in installments, or that the request is being denied in whole or in part because of an applicable exemption.
- Records that contain confidential or privileged information will be redacted and the requestor will be informed of basis for the redaction.
- There is no charge for inspection of records and, so long as it does not compromise the integrity or organization of the records, a requestor will be permitted to make copies or video using a camera or cell phone during the inspection.
- Inspection of records shall take place during office hours at the Commission's offices in Nashville, and the PRRC may require an appointment for inspection.
- A requestor may use a personal camera or cell phone to take a photograph of a public record so long as the organization and integrity of the record is maintained.
- An itemized estimate of the fees for producing copies and labor charges, as applicable, will be provided to the requestor before the records will be produced. Pre-payment is required. Fees and charges are based on the "Schedule of Reasonable Charges" established by the Tennessee Office of Open Records Counsel.
- Aggregation of frequent or multiple requests when 4 or more requests are received within a calendar month. Fees associated with aggregated requests will not be waived.
- After a failure to inspect/view records within 15 days of receiving notice that the records are available, or 2 missed appointments to view the records, the Commission will not comply with any requests from the requestor for a period of 6-months.
- If after agreeing to pay an estimated cost for production of copies, a requestor fails to pay for requested copies, the Commission will not comply with any requests from the requestor until payment is received.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Public Chapter 712 of the Public Acts of 2018 amended the Tennessee Public Records Act at Tenn. Code Ann. § 10-7-503(g) to require state governmental entities to promulgate rules concerning access to public records.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Tennessee citizens

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

No change to state or local revenues or expenditures anticipated as a result of the changes to these rules.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Kelly Cashman-Grams, General Counsel

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Kelly Cashman-Grams, General Counsel

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Kelly Cashman-Grams, General Counsel
502 Deaderick Street, 4th Floor, Nashville, Tennessee 37243
(615) 770-6856
Kelly.Grams@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.


None

TENNESSEE PUBLIC UTILITY COMMISSION



502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243

MEMORANDUM

From: Kelly Cashman Grams, General Counsel 
RE: Public Hearing Comments
Rulemaking 1220-01-04 Access to Public Records
TPUC Docket No. 17-00126
Date: December 7, 2018

The Tennessee Public Utility Commission filed its Notice of Rulemaking Hearing with the Secretary of State on August 23, 2018, and held a rulemaking hearing on the proposed new rule on October 15, 2018. No person filed written comments in the docket file nor came forward to be heard during the rulemaking hearing.

Rule 1220-01-01-.07 *Requests For Public Information And Copying Charges* is deleted in its entirety.

~~1220-01-01-.07 REQUESTS FOR PUBLIC INFORMATION AND COPYING CHARGES.~~

- ~~(1) The Chair of the Commission, as the custodian of the public records of the Commission, shall accept requests for public information and copies of public documents and retain such requests in the files of the Commission.~~
- ~~(2) The Chair of the Commission shall charge the same fees that are charged by the Secretary of State for producing copies.~~

Chapter 1220-01-04 *Access to Public Records Held by the Commission* is created with the following language in its entirety:

1220-01-04-.01 PURPOSE AND SCOPE.

- (1) Pursuant to Tenn. Code Ann. § 10-7-503(g), the purpose of the following public records rules are to provide timely and efficient access to public records of the Commission while at the same time preserving the confidentiality and protection of records or information as provided under state and federal law.
- (2) The Tennessee Public Records Act provides that all state public records shall, at all times during regular business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.
- (3) Through the Public Records Request Coordinator identified in this Rule below, the Tennessee Public Utility Commission shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Rule shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the Commission, shall be protected as provided by current law. Questions about these Rules should be addressed to the Commission's Public Records Request Coordinator or to the Tennessee Office of Open Records Counsel ("OORC").

Authority: T.C.A. §§ 65-2-102 and 10-7-503.

1220-01-04-.02 DEFINITIONS.

- (1) "Commission" or "TPUC" means the Tennessee Public Utility Commission.
- (2) "Public Record" means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.
- (3) "Public Records Request Coordinator" or "PRRC" means the individual(s) whose responsibility it is to ensure public record requests are routed to the appropriate records custodian and fulfilled in accordance with the Tennessee Public Records Act. The PRRC is the Commission's Docket and Records Manager within the Legal Division.

- (4) "Records Custodian" means the office, official, or employee lawfully responsible for the direct custody and care of a public record. The records custodian is not necessarily the original preparer or receiver of the record.
- (5) "Requestor" means a citizen of the State of Tennessee seeking access to a public record, whether for inspection or duplication.
- (6) "Tennessee Public Records Act or "TPRA" means the State law codified in T.C.A § 10-7-503, *et seq.*

Authority: T.C.A. §§ 65-2-102 and 10-7-503.

1220-01-04-.03 REQUESTS FOR ACCESS TO PUBLIC RECORDS.

- (1) Public record requests, whether written or oral, shall be made to the PRRC or designee so as to ensure that such requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- (2) Public record requests shall include the following information clearly and concisely expressed:
 - (a) Name and Tennessee contact information, including telephone and email address (in order to provide any communication required under the TPRA);
 - (b) Detailed description of the records being requested, including type, time frame, subject matter or key words, and any other information identifying the records;
 - (c) Statement whether the request is for inspection or receipt of copies, or both; and
 - (d) Delivery preference if requesting copies.
- (3) Proof of Tennessee citizenship by the presentation of a valid, unexpired state government-issued photo identification is required in order to inspect or receive copies of public records. If a person does not possess photo identification or validity of the identification is in question, the PRRC may require other forms of identification. Upon a satisfactory showing, such proof of state citizenship will not be kept or retained by the PRRC. If copies of documentation are provided by mail or electronically to the PRRC, after verification, the information will be disposed of in such a way as to maintain the confidentiality of the information.
- (4) Requests for access to inspect public records maintained or received by the Commission may be made to the PRRC in-person, by mail, telephone, fax, or email.
- (5) Requests for copies, or requests for inspection and copies of public records, shall be made in writing. A requestor may use the TPUC Public Records Request form available on the TPUC website. If the TPUC Public Records Request form is not used, the written request must still contain all information required under (2) of this section.
- (6) Requests not made in an appropriate manner or requests that are not directed to the PRRC as provided herein, will not be accepted. Requests made via any method other than those prescribed herein will not be accepted.
- (7) The contact information for the PRRC is as follows:

Tennessee Public Utility Commission
ATTN: Docket & Records Manager/Public Records Request Coordinator

Andrew Jackson State Office Building,
502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243
Phone: 615-770-6850
Fax: 615-741-9934
Email: TPUCRecRequest@tn.gov

- (8) Any changes to the contact information for the PRRC shall be posted on the TPUC's website.

Authority: T.C.A. §§ 65-2-102 and 10-7-503.

1220-01-04-.04 RESPONSES TO REQUESTS FOR PUBLIC RECORDS.

- (1) Public Records Request Coordinator.

- (a) The PRRC shall review public records requests and make a determination of the following:

1. Whether the requester has provided evidence of Tennessee citizenship pursuant to Rule 1220-01-04-.03(3);
2. Whether the records requested are described with sufficient specificity to identify them;
3. Whether the TPUC is the custodian of the records; and
4. Whether the records requested, or any of their contents, are protected and, thus, not subject to disclosure based on applicable federal or state law or rules.

- (b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate actions:

1. Inform the requester of this rule chapter and the determinations made regarding:
 - (i) Evidence of Tennessee citizenship;
 - (ii) Fees (and labor threshold and waivers, if applicable);
 - (iii) Aggregation of multiple or frequent requests; or
 - (iv) Need for clarification of the request(s).
2. As appropriate, deny the request in writing and provide the appropriate ground(s) for denial, which may include:
 - (i) The requester is not a Tennessee citizen or has not presented evidence of Tennessee citizenship;
 - (ii) The request lacks specificity. The Commission may work with a requestor to clarify the request;
 - (iii) An exemption makes the requested record protected from disclosure;

- (iv) TPUC is not the custodian of the requested records;
 - (v) The records requested do not exist; or,
 - (vi) Any other legal grounds for denial.
3. As appropriate, contact the requestor to see if the request can be narrowed or otherwise clarified.
 4. Forward the records request to the appropriate records custodian within TPUC.
 5. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity, if known.

(2) Records Custodian.

- (a) Upon receiving a public records request, a TPUC records custodian in collaboration with the PRRC shall gather the requested public records in accordance with Tenn. Code Ann. § 10-7-503. Before making the records available, General Counsel or his/her designee shall conduct a review to ensure the preservation of confidential or protected information as provided in state and federal law.
- (b) If it is not practicable to promptly provide the requested records, the records custodian in collaboration with the PRRC shall, within seven (7) business days from the records custodian's receipt of the request, direct the PRRC to send the requestor a written response indicating the reason for the delay and an estimate of the additional time necessary to produce the records or information. Reasons for delay may include:
 1. To determine whether the requested records exist;
 2. To search for, retrieve, or otherwise gain access to records;
 3. To determine whether all or part of the records are open or confidential;
 4. To redact records; or
 5. For other similar reasons.
- (c) If a records custodian in collaboration with the PRRC denies a public records request, the PRRC shall deny the request in writing.
- (d) If a records custodian in collaboration with the PRRC reasonably determines that production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the PRRC's response shall notify the requester that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. As appropriate, the records custodian or PRRC should contact the requester to see whether the request can be narrowed.
- (e) If a records custodian discovers that records responsive to a request were omitted, the records custodian shall promptly contact the PRRC concerning the omission and produce the records as quickly as practicable. The PRRC will contact the requestor and supplement the records response.

Authority: T.C.A. §§ 65-2-102, 10-7-503, and 10-7-504.

1220-01-04-.05 REDACTION OF RECORDS.

- (1) If a record contains confidential information, or information that is not open for public inspection, the PRRC or the records custodian shall prepare a redacted copy of the record and consult with General Counsel or his/her designee before providing access to the records.
- (2) Whenever a redacted record is provided, the PRRC will provide the requestor with the general basis for redaction without revealing confidential or protected information.

Authority: T.C.A. §§ 65-2-102, 10-7-503, 10-7-504, and 10-7-515.

1220-01-06-.06 INSPECTION AND COPIES.

- (1) For inspection of public records:
 - (a) There shall be no charge for the inspection of public records.
 - (b) The location for inspection of public records will be in the office location of the PRRC in Nashville and such inspection will occur during the Commission's normal business hours.
 - (c) Under reasonable circumstances, the PRRC may require an appointment for inspection or may require inspection of records at an alternate location.
- (2) If after viewing the records, a requestor wishes to obtain copies, the Commission will make copies and assess charges in accordance with Rule 1220-01-04-.07 or copies may be made as follows:
 - (a) A requestor may use a personal camera or cell phone to take a photograph of a public record so long as the organization and integrity of the record is maintained. If a record contains confidential or protected information, the record may not be photographed until all appropriate redactions are completed.
 - (b) The requestor will not be allowed to connect any personal equipment to a TPUC computer or electronic device, including but not limited to utilizing a flash drive, in order to make copies of public records.
- (3) Upon receipt of a request for copies of open public records, the Commission shall calculate the cost based on copy and labor charges for the entire request, or pro-rate the charges on a per page basis and promptly make the copies available to the requestor in the following manner:
 - (a) For pickup at a location specified by the PRRC;
 - (b) By regular mail delivery through the United States Postal Service to the requestor's home or other acceptable address within Tennessee; or
 - (c) Electronic records that can be sent in a single transmission will be sent by email, except when such records include personally identifiable information.

Authority: T.C.A. §§ 65-2-102 and 10-7-503.

1220-01-04-.07 FEES, PAYMENT, AND WAIVERS.

- (1) The Commission shall assess charges for copying and labor required to produce copies of the requested public records based on the most current version of the Schedule of Reasonable Charges issued by the OORC. The Schedule of Reasonable Charges is available on the Tennessee Comptroller of the Treasury's website on the OORC page.
- (2) The PRRC will provide requestors with an itemized written estimate of the charges prior to producing copies of records. Requestors must pay the estimate before the records will be released.
- (3) When fees for copies and labor do not exceed ten dollars (\$10.00), the fees may be waived by the PRRC.
- (4) Fees associated with aggregated record requests will not be waived.
- (5) Payment of charges shall be payable to the Commission by cashier's check, money order, or other reliable means determined by the TPUC, and delivered as specified by the PRRC.

Authority: T.C.A. §§ 65-2-102 and 10-7-503.

1220-01-04-.08 AGGREGATION OF FREQUENT AND MULTIPLE REQUESTS.

- (1) TPUC will aggregate record requests for records of TPUC when four (4) or more requests are received within a calendar month either from a single individual or a group of individuals deemed working in concert by the PRRC.
- (2) The PRRC is responsible for making the determination that a group of individuals are working in concert, and upon such determination, shall inform the individuals that they have been deemed to be working in concert and that requests will be aggregated.
- (3) Routinely released and readily accessible records shall be excluded from aggregation. Such records include, but are not limited to, any public docket filings, notices, orders, agendas, meeting minutes, and other materials that are accessible on the Tennessee Public Utility Commission's website.

Authority: T.C.A. §§ 65-2-102 and 10-7-503.

1220-01-04-.09 FAILURE TO INSPECT OR FAILURE TO PAY FOR COPIES.

- (1) If a requestor makes two (2) or more requests to view a public record within a six-month period and, for each request, the requestor fails to view the public record within fifteen (15) business days of receiving notification that the record is available to view, or misses two (2) or more scheduled appointments to view, TPUC will not comply with any public records request from the requestor for a period of six (6) months from the date of the second request to view the public record unless the TPUC determines failure to view the public record was for good cause.
- (2) If, after agreeing to pay an estimated cost prior to the production of copies, a requestor fails to pay the cost to produce the requested copies, TPUC will not comply with any public record requests from the requestor until payment is received.

Authority: T.C.A. §§ 65-2-102 and 10-7-503.