

## **CAPE LIGHT COMPACT JPE PUBLIC RECORDS ACCESS GUIDELINES**

(adopted by the Cape Light Compact JPE's Public Records Access Officer  
in November of 2023)

The Massachusetts Public Records Law, M.G.L. c. 66, provides that each person has a right of access to public records. This right of access includes the right to personally inspect, copy or have copies of records provided after payment of a reasonable fee. The Public Records Access Officer of the Cape Light Compact JPE (the "Compact") has prepared these Public Records Access Guidelines ("Guidelines") to enable persons seeking access to public records to better understand their rights of access and to assist them with making informed requests.

In accordance with a *Guide to the Massachusetts Public Records Law* (December 2022) published by the Secretary of the Commonwealth, the Compact is deemed a "municipality" for the purposes of the Public Records Law.

### **General Information**

1. ***Public Records.*** "Public records" means "all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee" of the Compact. M.G.L. c. 4, Section 7(26). The definition does not distinguish between paper records and electronically stored information.
2. ***Records Access Officer.*** The Records Access Officer ("RAO") has been designated by the Compact Governing Board as:

Margaret T. Downey  
Cape Light Compact JPE Administrator  
Cape Light Compact JPE  
261 Whites Path, Unit 4  
South Yarmouth, Massachusetts 02664  
mdowney@capelightcompact.org

The RAO coordinates the Compact's response to requests for access to public records and facilitates the resolution of such requests by timely and thorough production of public records. Contact information for the RAO is posted in the Compact's offices and on the Compact's website at [www.capelightcompact.org](http://www.capelightcompact.org).

3. ***Business Hours and Location of Compact's Office.*** The Compact's regular business hours are 8 AM to 4:30 PM Monday through Friday. The Compact's office is located at 261 Whites Path, Unit 4, South Yarmouth, Massachusetts 02664.

4. ***Public Records Law Information.*** General information about the Public Records Law and public records requests is available on the Public Records Law Division's website: <https://www.sec.state.ma.us/pre/preidx.htm>. Other useful information is found in the Public Records Law Guide published by the Secretary of the Commonwealth: <https://www.sec.state.ma.us/pre/prepdf/guide.pdf>.

In addition, these Guidelines cross-reference the Public Records Law which is available at this link: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66>; and the Public Records Access Regulations, 950 CMR 32.00 et. seq., which are available at the following link: <https://www.mass.gov/regulations/950-CMR-3200-public-records-access>.

### **Making a Public Records Request**

1. ***Manner of Making a Public Records Request.*** Any person may make a public records request in the following manner:

a. In person at the Compact's office at 261 Whites Path, Unit 4, South Yarmouth, Massachusetts 02664.

b. By first class mail addressed to the RAO at 261 Whites Path, Unit 4, South Yarmouth, Massachusetts 02664.

c. By facsimile addressed to the RAO at (774) 330-3018.

d. By email addressed to the RAO at [mdowney@capelightcompact.org](mailto:mdowney@capelightcompact.org).

Telephone requests may be accepted at the discretion of the RAO.

2. ***Form of Request.*** Although not required by law, it is strongly encouraged that public records requests be in writing to ensure the most efficient and accurate response. All written public records requests, including by email and facsimile, should be addressed/directed to the RAO, and contain the requester's name and contact information, so that the RAO is able to respond as required by law.

A voluntary public records request form is appended to these Guidelines. A requester is not required to use this form; it is provided for convenience.

3. ***Content and Specificity of Requests.*** To facilitate timely responses to public records requests, requests should be as specific as possible. If possible, requesters should provide relevant dates, authors of the records, recipients, subject matter, project names, programs and any other information that would help locate the requested records. The Compact can respond to specific requests more efficiently and expeditiously, as broad requests often require more extensive staff efforts to locate, review and copy all possibly responsive records.

4. ***Receipt of Requests.*** Written requests submitted in-person and received during normal business hours will be considered received on that date. Written requests sent by email, facsimile or in-person after normal business hours will not be considered received until the following business day. Business days will not include Saturdays, Sundays, and legal holidays.
5. ***Identity of Requester.*** Individuals making in-person requests will not be requested or required to give their names or contact information. For in-person requests that require additional time for a comprehensive response, a requester will be advised to check in periodically with the RAO, or a requester may voluntarily provide contact information.
6. ***Purpose of Request.*** The RAO will not ask a requester to identify the purpose of the request, but may ask for more information to assist the requester to make an appropriate request and/or to enable the RAO to respond more efficiently.

### **Responses to Public Records Requests**

1. ***Fees.*** If fees will be assessed, a written estimate will be provided to the requester.
2. ***Response.*** The RAO will respond to the requester in writing within ten (10) business days of receiving a request and in accordance with legal requirements set forth in the Public Access Regulations, 950 CMR 32.06(2) and (3).
3. ***Clarification of Request.*** Depending upon the scope of the request, the requester may be asked to clarify the request, provide more specific information, and/or agree to a voluntary extension of time for the Compact to respond fully to the request.
4. ***Time for Response.*** Access to public records and responses to Public Records Law requests will be provided in accordance with the Public Records Law. In general, copies of documents will be produced within twenty-five (25) business days of receipt of the request. The RAO, when appropriate, may suggest a reasonable modification of the scope of the request or offer to assist the requester to modify the scope of the request if doing so would enable the Compact to produce records sought more efficiently and affordably. If the RAO determines that it will not be able to provide a complete response within the statutory time frame, the Compact may ask the requester for an extension of time to comply, or it may petition the Supervisor of Public Records for additional time.
5. ***Publicly Available Records.*** The Compact maintains a searchable website at [www.capelightcompact.org](http://www.capelightcompact.org) where certain public records are available for inspection, downloading or printing. These records include the Compact's Joint Powers Agreement, Governing Board agendas, meeting minutes, board packets, annual reports, audited financial statements, budgets, other financial documents, the Compact's aggregation plan, the Compact's power supply agreements, the Compact's energy efficiency plan, and other reports and documents of interest to the general public.

If a requester seeks documents publicly available on the Compact's website, the requester will be directed to the website in satisfaction of the request, unless the requester does not have the ability to receive or access the records in a usable electronic form.

6. ***Electronic Records.*** To the extent feasible, the RAO or designee will provide public records in response to a request by electronic means unless the record is not available electronically or the requester does not have the ability to receive or access the records electronically. To the extent available and feasible, the RAO will provide an electronic record in the requester's preferred format.

7. ***Request for Records to be Mailed.*** Should a requester seek to have responsive records provided by mail, the requester will be charged the actual cost of postage, using the least expensive form of mailing possible, unless the requester requests, and agrees to pay for, an expedited form of mailing and such fees are paid in advance.

8. ***No Creation of Records.*** The Compact is only required to provide records that are in existence at the time of a public records request and is not required to create a new record to accommodate a specific request.

9. ***Answering Questions.*** The Compact is not required to answer questions in response to a public records request.

10. ***Supplementing Responses.*** The Compact is not required to supplement its response to a previous public records request in the event that responsive records are created in the future.

11. ***Exemptions.*** Some public records, or portions of records, may not be provided in response to a public records request because the Compact has determined such records to be exempt from disclosure pursuant to the Public Records Law, the attorney-client privilege, or other applicable statutory exemptions or common law privileges. The exemption to the Public Records Law that most frequently applies to the Compact's records is exemption (s) to the Public Records Law which provides that the following records are exempt from the definition of public records:

*(s) trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely*

*affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy; provided, however, that this subclause shall not exempt a public entity from disclosure required of a private entity so licensed.*

M.G.L. c. 4, Section 7(26)(s).

12. **Appeals.** If a requester wishes to the appeal the response or lack of response to a public records request, the process for doing so is set forth in 950 CMR 32.08.

### **Fees**

1. **Reasonable Fees.** In some circumstances, the Compact may assess a reasonable fee for the production of public records.

2. **Permissible Charges.** Permissible charges include, but are not limited to:

- a. five cents (\$0.05) per page of black and white printouts or copies;
- b. actual cost for storage devices or materials such as CDs or thumb/flash drives;
- c. actual cost for duplication of records not susceptible to ordinary means of reproduction, such as color copies and large format plans;
- d. postage fees, if applicable; and
- e. fees for employee time required to satisfy a public records request (see paragraph 3 below) as permitted by the Public Records Law.

No copying fee will be charged for records provided in electronic form.

3. **Charges for Employee Time.** If the Compact is required to devote more than 2 hours of employee time to search for, compile, segregate, redact or reproduce a record requested, a fee may be charged for employee time in excess of two hours. A fee may also be charged for employee time necessary to review, and, as applicable, segregate and/or redact information exempt from public disclosure as permitted by the Public Records Law. The hourly rate for such fees will be the hourly rate of the lowest paid employee capable of performing the task. The hourly rate will not exceed twenty-five dollars (\$25.00) per hour (or such other rate as permitted under the Public Records Law and the Public Records Law Access Regulations), unless the Compact has obtained the approval of the Supervisor of Public Records to charge a higher hourly rate.

4. ***Requests for Commercial Purposes.*** The fee limitations in paragraph 3 above may not apply when a request for records is for a commercial purpose as determined by the Supervisor of Public Records.

**CAPE LIGHT COMPACT JPE  
VOLUNTARY PUBLIC RECORDS REQUEST FORM**

The Cape Light Compact JPE provides this form to assist members of the public in making requests for public documents or records. It is offered as a convenience to the public. Any request for public records, whether made orally or submitted in writing in a different format, will be acknowledged and responded to in accordance with the Massachusetts Public Records Law.

Date of the request: \_\_\_\_\_

Contact information of requester:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

How would you like to receive the response to your request?

Personal inspection

Pick up

Mail

Email

Hard copies

Electronic copies

The Public Records Law requires that a requester provide a reasonable description of requested records. Please be as specific as possible. Include relevant dates, subjects, authors of the records, subject matter, project names, programs and any other information that would help locate the requested records. Description of the records requested is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OFFICE USE ONLY:**

Date received: \_\_\_\_\_

RAO review: \_\_\_\_\_

Date of response: \_\_\_\_\_

Description of response: \_\_\_\_\_