



The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Public Records Division

August 8, 2012
SPR12/122

Mr. Eric Bibler
31 Old Hyde Road
Weston, CT, 06883

This office has received your appeal regarding the response of Ms. Margaret T. Downey, Administrator for Cape Light Compact (CLC), to your April 28, 2012 request for public records. See G. L. c. 66, § 10(b); see also 950 C.M.R. 32.08(2). Specifically, you requested copies of documents related to the decision to transfer the amount of \$520,000 from CLC to the Cape and Vineyard Electric Cooperative (CVEC). In particular, you sought copies of any records that indicate that the decision was made upon full consultation with the CLC Governing Board. Additionally, you requested a copy of the Member Services Agreement (Agreement) executed between CLC and CVEC.

In a July 18, 2012 email to Donald White, an attorney in this office, Ms. Erin M. O'Toole, Esq., CLC and CVEC Counsel, stated that the responsive Agreement has been made available on the CVEC website. In a July 26, 2012 telephone conversation with Attorney White, Attorney O'Toole stated that CLC will provide you with copies of two records responsive to the first part of your request. The responsive records include two letters sent from former CLC Chairman Robert Mahoney that were included with the transfer of funds to CVEC. Attorney O'Toole stated that CLC holds no additional records responsive to your request.

In your communications with this office, you have provided information related to complaints that are outside the jurisdiction of this office. See G.L. c. 30A, §§ 18-25. Please be advised that this office makes no determination with respect to the alleged violations, and will not retain copies of materials unrelated to a public records appeal.

Additionally, you have referenced various deficiencies on the part of both CLC and CVEC in response to requests for records made by the *Special Committee on Cape Light Compact and Cape and Vineyard Electric Cooperative* assembled by the Barnstable County Assembly of Delegates. Please be advised that the records requests made by this committee,

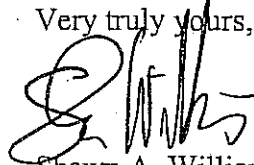
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and subsequent responses submitted by CLC or CVEC, were not part of your April 28th request to CLC and are not subject to review with respect to the matter currently on appeal before this office. Accordingly, this office does not render a determination as to the sufficiency of responses submitted by CLC or CVEC to subsequent requests. Finally, records requests made by other members of the general public to CLC or CVEC, and subsequent responses from those entities, are also not subject to review with respect to the matter currently on appeal.

Whereas CLC has provided copies of all records responsive to your request, I will consider this administrative appeal closed.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S. Williams', is written over the typed name.

Shawn A. Williams
Supervisor of Records

cc: Ms. Margaret T. Downey
Ms. Erin O'Toole, Esq.
Assistant Attorney General Jonathan Sclarsic