

From: Erin Mansfield [<mailto:emansfield@vtdigger.org>]
Sent: Thursday, December 17, 2015 10:09 AM
To: Springer, Darren <Darren.Springer@vermont.gov>
Cc: London, Sarah <Sarah.London@vermont.gov>; Anne Galloway <agalloway@vtdigger.org>; Mike Polhamus <mpolhamus@vtdigger.org>
Subject: Appeal -- Public Records Request

December 17, 2015

Dear Darren Springer (Chief of Staff for Gov. Peter Shumlin):

Pursuant to Vermont's Public Records Act, on Dec. 1 I requested copies of communication between and among Gov. Peter Shumlin's senior staff regarding the Addison-Rutland Natural Gas Project, also known as the Vermont Gas pipeline, in the months of September and October.

On Dec. 4, Sarah London, general counsel to Gov. Peter Shumlin, produced two pieces of communication: an email with Gov. Peter Shumlin's widely reported statement on a memorandum of understanding between Vermont Gas Systems and the Public Service Department, and a copy of a filing by AARP Vermont, which has also been widely reported.

According to Sarah London's response, other communication "including weekly reports to the Governor, draft Governor statements, and communications about weekly reports to the governor" was withheld because it is considered "executive privileged communication under 1 V.S.A. 317(c)(1) and (c)(4). I am appealing this decision.

However, the office of Gov. Peter Shumlin has not given a reasonable account of what has been withheld from this public records request. Additionally, according to the language in Sarah London's response, the office has also inappropriately cited certain records as confidential. The records in question do not threaten the state of Vermont's security and therefore should be turned over to VTDigger.org. I hereby request the previously requested records to be turned over now.

Pursuant to hearings at the Public Service Board that were reported and recorded by VTDigger.org as well as stenographed as part of official regulatory record, Gov. Peter Shumlin's Deputy Chief of Staff, Scott Coriell, corresponded via email on Oct. 5 with Jon Copans, the Deputy Commissioner of Public Service; Eileen Simollardes, a vice president of Vermont Gas; and Elizabeth "Beth" Parent, a spokesperson for Vermont Gas.

VTDigger.org documented the above email the public domain [[1](#), [2](#), [3](#)]. An activist group, which has no affiliation whatsoever with VTDigger.org, also acknowledged that there were emails read at the hearing between Gov. Peter Shumlin's staff and Vermont Gas [[4](#)]. Because of the public nature of social media, anyone in a free country with a broadband connection can now find out that the Governor's office corresponded with or about Vermont Gas. The record from Oct. 5 therefore cannot reasonably be considered "confidential" under 1 V.S.A. 317(c)(1).

The Governor's office made other arguments to withhold these documents, and I reject those arguments, too. Under 1 V.S.A. 317(c)(4), which Sarah London cited in her response, records may only be withheld if making them public "would cause the custodian to violate any statutory or common law privilege" with a few exceptions. The governor's office has cited no law or relevant court case decision that it would violate by releasing these records.

Other records were withheld pursuant to 1 V.S.A. 317(c)(25), according to Sarah London's response. That provision of the Vermont Public Records Act relates to "passwords, access codes, user identifications, security procedures, and similar information the disclosure of which would threaten the safety of persons or the security of property."

First, VTDigger.org has requested nothing that has to do with passwords, access codes, user identifications, or security procedures. Email technology has been around for more than a decade, and printing emails does not share anybody's password or access code. There is also nothing unusual about requesting copies of emails. The Governor's staff and the state of Vermont have proven in responses to previous public records requests from VTDigger.org and other news outlets [[5](#), [6](#)] that it could release emails without releasing any codes, user identifications, or security procedures.

Second, the release of documents that are already publicly known does not threaten anyone's safety or well-being in the state of Vermont or around the world. Indeed, the Legislature enacted the Vermont Public Records Act in order to improve the well-being of Vermonters, and releasing the requested information would follow the purpose of the law.

Respectfully,

Erin Mansfield

Cc: Mike Polhamus, reporter for VTDigger.org

Anne Galloway, editor of VTDigger.org

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