



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE
REFER TO OUR FILE

PUC RTK 2020-0049

November 20, 2020

Louis F. Smith
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Final response sent via Email only:
rsmith@eastgoshen.org

Dear Mr. Smith:

By this letter, the Pennsylvania Public Utility Commission (Commission) responds to your Right-to-Know request filed pursuant to the provisions of Pennsylvania's Right-to-Know Law (RTKL), 65 P.S. § 67.101, *et seq.*, *as amended*. In your request received via email on Wednesday, October 14, 2020, you requested:

“Any and all documents including emails, letters, text messages, communication and pleadings regarding the August 22, 2020 letter from Tim Fitchett Esq. of Fair Shake, Environmental Legal Services to Seth Mendelsohn, et al regarding alleged subsidence reported by a whistleblower in connection with a drilling operation for the Mariner East II Pipeline.”

Your request is denied, as there is an active investigation of this matter being undertaken by the Commission's Bureau of Investigation and Enforcement. Therefore, the records you request are exempt from disclosure pursuant to the noncriminal investigation exemption of the Right-to-Know Law. 65 P.S. § 67.708(b)(17). In addition, some portion of the requested documents contain Confidential Security Information (CSI) pursuant to the Public Utility Confidential Security Information Disclosure Protection Act (35 P.S. §§ 2141.1-2141.6), and therefore are prohibited from disclosure pursuant to that Act.

This constitutes the final response of the Commission in accordance with the Pennsylvania RTKL.

NOTICE OF RIGHT TO APPEAL

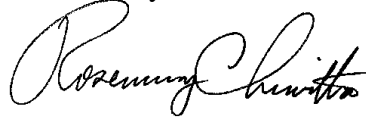
If you believe the Commission has wrongfully denied any part of your request, you may appeal within 15 business days from the date of this letter to:

Office of Open Records
16th Floor
333 Market Street
Harrisburg, PA 17126-0333

If you choose to file an appeal, you must do so within 15 business days of the mailing date of the agency's response. 65 P.S. § 67.1101. Please note that a copy of your original Right-to-Know request and this letter must be included when filing an appeal. The law also requires that you state the reasons why the record is a public record and address the reasons the agency denied your request. Visit the Office of Open Records website at <http://openrecords.pa.gov> for further information on filing an appeal.

Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta, Secretary
Right to Know Officer
Pa Public Utility Commission

cc: John Herzog, First Deputy Chief Counsel
Steven Bainbridge, PUC Assistant Counsel
Adam Young, PUC Assistant Counsel
PUC RTK Official File 2020-0049