

To Whom It May Concern:

Pursuant to the Massachusetts Public Records Law, I hereby request the following records:

Uber Driver Class Action Discovery vs. RMV Audit

For the Commonwealth of Massachusetts, Transportation Network Company Division located at : One Station, Fifth Floor, Boston, MA

Please produce the following records:

1. Number of TNC Background appeals entered for the dates October 28th 2019 to November 1, 2019

2. Number of times email correspondence was sent from the masspu.com email server using the mask: donotreply@massdpu.com

3. Number of appeals, received as well as resolved and or subject to adjudication during the time period specified.

4. Copies of all emails sent and received to the email account: dputncappeal@state.ma.us for the duration specified above in #1.

5. Copies of all emails sent and received to the email account: dputncquestions@state.ma.us For the time period specified in #1.

Due to flags being raised by multiple Uber Partners and Staff members in relation to allegations of misconduct including unprofessional and or unethical conduct which has resulted in lost wages and reimbursements based on this MuckRock.com reporters independent sources; I feel the production of said evidence requested is in the public interest.

I also request that, if appropriate, fees be waived as we believe this request is in the public interest, as suggested but not stipulated by the recommendations of the Massachusetts Supervisor of Public Records. The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

I expect the request to be filled in an accessible format, including for screen readers, which provide text-to-speech for persons unable to read print. Files that are not accessible to screen readers include, for example, .pdf image files as well as physical documents.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days, as the statute requires.

Sincerely,

William Fernandes

Dear Mr. Fernandes:

Please see the attached.

Best,

Carline L. Lemoine
Records Access Officer
Paralegal Specialist

Department of Public Utilities
Legal Division

One South Station, 5th Floor

Boston, MA 02110

Direct Dial: (617) 305-3532

E-Mail: Carline.Lemoine@mass.gov<mailto:Carline.Lemoine@mass.gov>

To Whom It May Concern:

I wanted to follow up on the following Massachusetts Public Records Law request, copied below, and originally submitted on Nov. 1, 2019. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Dear Mr. Fernandes:

Please contact me at the number below, as soon as possible, regarding your request.

Thank you.

Best,

Carline L. Lemoine
Records Access Officer
Paralegal Specialist

Department of Public Utilities
Legal Division
One South Station, 5th Floor
Boston, MA 02110
Direct Dial: (617) 305-3532

E-Mail: Carline.Lemoine@mass.gov<mailto:Carline.Lemoine@mass.gov>

Dear Mr. Fernandes:

Please see the attached.

Best,

Carline L. Lemoine
Records Access Officer
Paralegal Specialist

Department of Public Utilities
Legal Division
One South Station, 5th Floor
Boston, MA 02110
Direct Dial: (617) 305-3532

E-Mail: Carline.Lemoine@mass.gov<mailto:Carline.Lemoine@mass.gov>

Dear Mr. Fernandes:

Please see the attached.
Best regards,

Jeffrey M. Leupold
Counsel III
Department of Public Utilities
One South Station
Boston, MA 02110
(617) 305-3684

I wanted to reference you prior cooperation in fulfilling another request... in asking for reconsideration in the waiver of costs as the disclosure is in the public interest.

Reference:

<https://www.muckrock.com/foi/massachusetts-1/dpu-uber-lyft-28000/>

Dear Mr. Fernandes:

Please see the attached.
Best regards,

Jeffrey M. Leupold
Counsel III
Department of Public Utilities
One South Station
Boston, MA 02110
(617) 305-3684

Request for Supervisory review / Appeal.

As stated in the correspondence to and from the request is not for personal gain and a public interest does exist in the dissemination of the information.

Pursuant to sunshine laws related to Foia: Employees manpower is routinely used in the basis of providing transparency in government operations; which would be normal course of business operations expenses.

This also allows the State Entity to free itself from potential conflicts of interest in the subject matter by lawful disclosure.

Inter Alia

Best,
William

To Whom It May Concern:

I'm following up on the following Massachusetts Public Records Law request, copied below, and originally submitted on Nov. 1, 2019. You had previously indicated that it would be completed on Nov. 27, 2019. I wanted to check on the status of my request, and to see if there was a new estimated completion date.

Thanks for your help, and let me know if further clarification is needed.

Dear Mr. Fernandes:

Please see the attached.

Best,

Carline L. Lemoine
Records Access Officer

Department of Public Utilities
Legal Division

One South Station, 5th Floor
Boston, MA 02110

Direct Dial: (617) 305-3532

E-Mail: Carline.Lemoine@mass.gov<mailto:Carline.Lemoine@mass.gov>



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

KATHLEEN A. THEOHARIDES
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AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION
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(617) 305-3500

MATTHEW H. NELSON
CHAIR

ROBERT E. HAYDEN
COMMISSIONER

CECILE M. FRASER
COMMISSIONER

November 20, 2019

Via Electronic Mail

William Fernandes
MuckRock News
DEPT MR 82808
411A Highland Avenue
Somerville, MA 02144
82808-00049602@requests.muckrock.com

RE: Public Records Request

Dear Mr. Fernandes:

On November 4, 2019, the Massachusetts Department of Public Utilities (“Department”) has received your public records request dated November 1, 2019, seeking records relating to Transportation Network Companies (“TNC”) as follows: (1) number of TNC Background appeals entered for the dates October 28, 2019 to November 1, 2019 (“Item 1”); (2) number of times e-mail correspondence was sent from the masspu.com e-mail server using the mask: donotreply@massdpu.com (“Item 2”); (3) number of appeals received as well as resolved or subject to adjudication during the time period specified (“Item 3”); (4) copies of all e-mails sent and received to the e-mail account: dputncappeal@state.ma.us for the duration specified in Item 1 (“Item 4”); and (5) copies of all e-mails sent and received to the e-mail account: dputncquestions@state.ma.us for the time period specified in Item 1 (“Item 5”). See G.L. c. 66, § 10(b)(v)-(vi) (2017).

After a reasonable search, the Department has located the records responsive to your request and is compiling such documents. Due to the magnitude and complexity of your request, the Department will need additional time to process this production. We currently

expect to produce responsive records by November 27, 2019. The Department will provide an update regarding your request on or before November 27, 2019.

Sincerely,

/s/

Carline L. Lemoine
Legal Division



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

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(617) 305-3500

MATTHEW H. NELSON
CHAIR

ROBERT E. HAYDEN
COMMISSIONER

CECILE M. FRASER
COMMISSIONER

November 21, 2019

Via Electronic Mail

William Fernandes
MuckRock News
DEPT MR 82808
411A Highland Avenue
Somerville, MA 02144
82808-00049602@requests.muckrock.com

RE: Public Records Request

Dear Mr. Fernandes:

On November 4, 2019, the Massachusetts Department of Public Utilities ("Department") has received your public records request dated November 1, 2019, seeking records relating to Transportation Network Companies ("TNC") as follows: (1) number of TNC Background appeals entered for the dates October 28, 2019 to November 1, 2019 ("Item 1"); (2) number of times e-mail correspondence was sent from the masspu.com e-mail server using the mask: donotreply@massdpu.com ("Item 2"); (3) number of appeals received as well as resolved or subject to adjudication during the time period specified ("Item 3"); (4) copies of all e-mails sent and received to the e-mail account: dputncappeal@state.ma.us for the duration specified in Item 1 ("Item 4"); and (5) copies of all e-mails sent and received to the e-mail account: dputncquestions@state.ma.us for the time period specified in Item 1 ("Item 5"). See G.L. c. 66, § 10(b)(v)-(vi) (2017).

After a reasonable search, the Department has located the records responsive to your request. Please be aware that the Department may charge for any time expended as consistent with the Public Records Improvement Act. See G.L. c. 66, § 10(d);

950 CMR 32.07(2) (record custodian permitted to charge \$0.05 per double-sided page for black and white photocopies, and up to \$25.00 per hour for every hour of actual work preparing documents in excess of four hours). The Department has determined that a charge of \$1,400 is necessary to process your request, representing the Department's reasonable production costs associated with your request. There are approximately 1,200 pages of information and the Department estimates, conservatively and in good faith based on past experience, that we will expend an average of three minutes to review each page for a total of 3,600 minutes, or 60 hours. Accordingly, the good-faith estimate of \$1,400 is derived as follows: 60 hours minus the first four hours equals 56 hours, at a rate of \$25/hour, which represents the lowest hourly rate of a person capable of compiling, segregating and redacting these records. To proceed with production please remit a payment of \$1,400 payable to the Commonwealth of Massachusetts. Once payment is received, we will complete the steps necessary to process production.

Sincerely,

/s/

Jeffrey M. Leupold
Legal Division



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MATTHEW A. BEATON
SECRETARY OF ENERGY
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ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

ANGELA M. O'CONNOR
CHAIRMAN

JOLETTE A. WESTBROOK
COMMISSIONER

ROBERT E. HAYDEN
COMMISSIONER

October 27, 2016

Via First Class Mail

Adam Vaccaro
MuckRock News
DEPT MR 28000
411A Highland Avenue
Somerville, Massachusetts 02144

RE: Public Records Request

Dear Mr. Vaccaro:

The Massachusetts Department of Public Utilities ("Department") has received your public records request dated August 31, 2016, seeking records relating to any email correspondence with an address ending in @lyft.com or @uber.com. On September 6, 2016 and October 6, 2016, I sent you letters stating that the Department was compiling responsive email correspondence and would provide you an update on or before November 6, 2016. After a reasonable search, the Department has located email correspondence responsive to your request that is in the Department's possession and is enclosing this correspondence on a CD-ROM.

Please note that G.L. c. 4, § 7(26)(c) exempts from the definition of public records "personnel and medical files or information or any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy." Accordingly, the Department has redacted certain personal information such as cell phone numbers of Transportation Network Company staff and conference call numbers and codes prior to producing the records in response to your request.

Department staff has spent more than 10 hours compiling and reviewing documents related to this request. In the particular circumstances of this matter, pursuant to your request for a fee waiver and along with your supporting indication that your request will not result in commercial gain and would benefit the public interest, the Department is waiving its right to recover the costs of compiling this information. However, in the future the Department may charge for any subsequent, time intensive requests based in accordance with governing law and policy. See 950 C.M.R. § 32.06 and Governor Charles D. Baker's public records best practices policy (record custodian permitted to charge up to \$25.00 per hour for every hour of actual work preparing documents in excess of four hours). Therefore, compiling records in response to a similar request in the future may result in costs under the Governor's policy in excess of \$150.00.

Any person denied access to public records may appeal to the Supervisor of Public Records within ninety (90) days. Such appeal shall be in writing, and shall include a copy of the letter by which the request was made and, if available, a copy of the letter by which the custodian responded. The Supervisor shall accept an appeal only from a person who had made his or her record request in writing. G.L. c. 66, § 10(b); 950 C.M.R. § 32.00.

If you have any questions or require further information, please contact Peter Lorenz, Director of Communications & Public Affairs at the Executive Office of Energy and Environmental Affairs at 617-626-1106.

Sincerely,

/s/

Ryan M. Hawkins, Esq.
Legal Division

Enc.



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MATTHEW A. BEATON
SECRETARY OF ENERGY
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

ANGELA M. O'CONNOR
CHAIRMAN

JOLETTE A. WESTBROOK
COMMISSIONER

ROBERT E. HAYDEN
COMMISSIONER

September 6, 2016

Via Electronic Mail

Adam Vaccaro
MuckRuck
DEPT MR 28000
411A Highland Avenue
Somerville, Massachusetts 02144
28000-47362782@requests.muckrock.com

RE: Public Records Request

Dear Mr. Vaccaro:

The Massachusetts Department of Public Utilities ("Department") has received your public records request dated August 31, 2016, seeking records relating to any email correspondence with an address ending in @lyft.com or @uber.com. After a reasonable search, the Department has located the records responsive to your request and is compiling such documents. The Department will provide an update regarding your request on or before October 6, 2016.

Please be aware that the Department may charge for any time expended as consistent with the Governor's policy. See 950 C.M.R. § 32.06 and Governor Charles D. Baker's public records best practices policy (record custodian permitted to charge \$0.05 per page for black and white photocopies, and up to \$25.00 per hour for every hour of actual work preparing documents in excess of four hours).

MuckRuck, Adam Vaccaro
September 6, 2016

Page 2

If you have any questions or require further information, please contact Peter Lorenz, Director of Communications & Public Affairs at the Executive Office of Energy and Environmental Affairs at 617-626-1106.

Sincerely,

/s/

Ryan M. Hawkins, Esq.
Legal Division



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

KATHLEEN A. THEOHARIDES
SECRETARY OF ENERGY
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

MATTHEW H. NELSON
CHAIR

ROBERT E. HAYDEN
COMMISSIONER

CECILE M. FRASER
COMMISSIONER

November 4, 2019

Via Electronic Mail

William Fernandes
MuckRock News
DEPT MR 82808
411A Highland Avenue
Somerville, MA 02144
82808-00049602@requests.muckrock.com

RE: Public Records Request

Dear Mr. Fernandes:

On November 4, 2019, the Massachusetts Department of Public Utilities received your public records request dated November 1, 2019. We are currently looking into your request, and will respond promptly.

Sincerely,

/s/

Carline L. Lemoine
Legal Division



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
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(617) 305-3500

MATTHEW H. NELSON
CHAIR

ROBERT E. HAYDEN
COMMISSIONER

CECILE M. FRASER
COMMISSIONER

November 26, 2019

Via Electronic Mail

William Fernandes
MuckRock News
DEPT MR 82808
411A Highland Avenue
Somerville, MA 02144
82808-00049602@requests.muckrock.com

RE: Public Records Request

Dear Mr. Fernandes:

On November 4, 2019, the Massachusetts Department of Public Utilities ("Department") received your public records request dated November 1, 2019, seeking records relating to Transportation Network Companies ("TNC") as follows: (1) number of TNC background appeals entered for the dates October 28, 2019 to November 1, 2019 ("Item 1"); (2) number of times e-mail correspondence was sent from the massdpu.com e-mail server using the mask: donotreply@massdpu.com ("Item 2"); (3) number of appeals received as well as resolved or subject to adjudication during the time period specified ("Item 3"); (4) copies of all e-mails sent and received to the e-mail account: dputncappeal@state.ma.us for the time period specified in Item 1 ("Item 4"); and (5) copies of all e-mails sent and received to the e-mail account: dputncquestions@state.ma.us for the time period specified in Item 1 ("Item 5").

On November 21, 2019, the Department sent you a fee estimate letter, noted that a charge of \$1,400 is necessary to process your request, and stated:

There are approximately 1,200 pages of information and the Department estimates, conservatively and in good faith based on past experience, that we will expend an average of three minutes to review each page for a total of 3,600 minutes, or 60 hours. Accordingly, the good-faith estimate of \$1,400 is derived as follows: 60 hours minus the first four hours equals 56 hours, at a rate of \$25/hour, which represents the lowest hourly rate of a person capable of compiling, segregating and redacting these records.¹

To proceed with production, the Department (1) asked you to remit a payment of \$1,400 payable to the Commonwealth of Massachusetts, and (2) stated that once payment is received, we will complete the steps necessary to process production.

By email dated November 22, 2019, you (1) stated that your November 4, 2019 request “is a follow up to a previous request,” (2) noted that in the previous request the Department waived its record production fee, and (3) asked the Department to reconsider and waive the \$1,400 fee estimate. In support of your request, you included a copy of the Department’s September 6, 2016 letter to Adam Vaccaro (attached) acknowledging his public records request, and stating that the Department would provide an update on its compilation of responsive records. By letter dated October 27, 2016 to Mr. Vaccaro (attached), the Department provided its response to the public records request, and stated:

Department staff has spent more than 10 hours compiling and reviewing documents related to this request. In the particular circumstances of this matter, pursuant to your request for a fee waiver and along with your supporting indication that your request will not result in commercial gain and would benefit the public interest, the Department is waiving its right to recover the costs of compiling this information. However, in the future the Department may charge for any subsequent, time intensive requests based in accordance with governing law and policy.

As noted in the Department’s November 21, 2019 correspondence, the scope of your public records request consists of approximately 1,200 pages of information, which will take the Department approximately 60 hours to process. This is substantially more than the ten-hour estimate noted in the Department’s October 27, 2016 letter to Mr. Vaccaro. The Department considers your request to be time intensive and declines to waive its estimated fee. If you want the Department to proceed with production of your request, please remit

¹ Record custodian may charge up to \$25 per hour for every hour of actual work preparing documents in excess of four hours. G.L. c. 66, § 10(d); 950 CMR 32.07(2).

payment of \$1,400 payable to the Commonwealth of Massachusetts. Once payment is received, the Department will complete the steps necessary to process your request.

Any person denied access to public records may appeal to the Supervisor of Public Records (“Supervisor”) within ninety (90) days and has the right to seek judicial review of an unfavorable decision by commencing a civil action in superior court pursuant to G.L. c. 66, §§ 10A(a), 10A(c). An appeal to the Supervisor shall be in writing, shall include a copy of the letter by which the request was made and, if available, a copy of the letter by which the custodian responded. The Supervisor shall accept an appeal only from a person who had made his or her record request in writing. G.L. c. 66, § 10A(a); 950 CMR 32.08.

Sincerely,

/s/

Jeffrey M. Leupold
Legal Division

Attachments



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

KATHLEEN A THEOHARIDES
SECRETARY OF ENERGY
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

MATTHEW H. NELSON
CHAIR

ROBERT E. HAYDEN
COMMISSIONER

CECILE M. FRASER
COMMISSIONER

January 27, 2020

Via Electronic Mail

William Fernandes
MuckRock News
DEPT MR 82808
411A Highland Avenue
Somerville, MA 02144
82808-00049602@requests.muckrock.com

RE: Public Records Request

Dear Mr. Fernandes:

On January 23, 2020, the Massachusetts Department of Public Utilities (“Department”) received your inquiry regarding the status of your November 1, 2019 public records request.¹ By letter dated November 26, 2019 (attached hereto), the Department

¹ You requested records relating to Transportation Network Companies (“TNC”) as follows: (1) number of TNC Background appeals entered for the dates October 28, 2019 to November 1, 2019 (“Item 1”); (2) number of times e-mail correspondence was sent from the masspu.com e-mail server using the mask: donotreply@massdpu.com (“Item 2”); (3) number of appeals received as well as resolved or subject to adjudication during the time period specified (“Item 3”); (4) copies of all e-mails sent and received to the e-mail account: dputncappeal@state.ma.us for the duration specified in Item 1 (“Item 4”); and (5) copies of all e-mails sent and received to the e-mail account: dputncquestions@state.ma.us for the time period specified in Item 1 (“Item 5”).

Privileged, confidential, protected communication, intended for the recipient only

FAX: (617) 345-9101
www.mass.gov/dpu

detailed the various correspondence between you and the Department regarding your public records request, including the Department's fee estimate required to process your request and your request to waive the fee. Specifically, the Department declined your requested for a fee waiver and stated: if you want the Department to proceed with your request, please remit payment of \$1,400 payable to the Commonwealth of Massachusetts. Once payment is received, the Department will complete the steps necessary to process your request." November 26, 2019 Letter at 2-3.

Please be advised that there are two options for resolving this matter. First, as stated before, please remit \$1,400 payable to the Commonwealth of Massachusetts and we will complete the steps necessary to process your request. Second, you may contact the undersigned to discuss narrowing the scope of your request, which may result in fewer documents and time to process your request.

If you wish to challenge any aspect of this response, you may appeal to the Supervisor of Public Records ("Supervisor") within ninety (90) days and you have the right to seek judicial review of an unfavorable decision by commencing a civil action in superior court pursuant to G.L. c. 66, §§ 10A(a), 10A(c). An appeal to the Supervisor shall be in writing, and shall include a copy of the letter by which the request was made and, if available, a copy of the letter by which the custodian responded. The Supervisor shall accept an appeal only from a person who had made his or her record request in writing. G.L. c. 66, § 10A(a); 950 CMR 32.08.

If you have any questions or require further information, please contact me at 617-305-3532.

Sincerely,

/s/

Carline L. Lemoine
Legal Division



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
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COMMISSIONER

ROBERT E. HAYDEN
COMMISSIONER

October 6, 2016

Via Electronic Mail

Adam Vaccaro
MuckRock
DEPT MR 28000
411A Highland Avenue
Somerville, Massachusetts 02144
28000-47362782@requests.muckrock.com

RE: Public Records Request

Dear Mr. Vaccaro:

The Massachusetts Department of Public Utilities ("Department") has received your public records request dated August 31, 2016, seeking records relating to any email correspondence with an address ending in @lyft.com or @uber.com. After a reasonable search, the Department has located the records responsive to your request and is compiling such documents. On September 6, 2016, I sent you a letter via electronic mail to notify that you that the Department will provide an update regarding your request on or before October 6, 2016. The Department needs additional time to review its files and will provide an update regarding your request on or before November 6, 2016.

Please be aware that the Department may charge for any time expended as consistent with the Governor's policy. See 950 C.M.R. § 32.06 and Governor Charles D. Baker's public records best practices policy (record custodian permitted to charge \$0.05 per page for black and white photocopies, and up to \$25.00 per hour for every hour of actual work preparing documents in excess of four hours).

MuckRock, Adam Vaccaro
October 6, 2016

Page 2

If you have any questions or require further information, please contact Peter Lorenz, Director of Communications & Public Affairs at the Executive Office of Energy and Environmental Affairs at 617-626-1106.

Sincerely,

/s/

Ryan M. Hawkins, Esq.
Legal Division

