



PUBLIC UTILITY DISTRICT NO. 1 BOARD OF COMMISSIONERS
OF MASON COUNTY

N. 21971 Hwy. 101
Shelton, Washington 98584

MIKE SHEETZ, Commissioner
JACK JANDA, Commissioner
RON GOLD, Commissioner

November 4, 2025

Hon. Nick Brown
Attorney General
Office of the Attorney General
1125 Washington Street SE
P.O. Box 40100
Olympia, WA 98504-0100

RE: Comments on Proposed Updates to the Public Records Act Model Rules (WAC 44-14)

Dear Attorney General Brown,

On behalf of Mason County PUD No. 1, which serves 9,000 utility customers in Mason County, we appreciate the opportunity to provide comments on the proposed updates to the Public Records Act (PRA) Model Rules. As a public water, wastewater, electric and telecom provider, we fully support the goals of transparency, accountability, and public trust that underpin the PRA.

However, several elements of the proposed rule revisions could unintentionally create a significant administrative and financial burden for our PUD, which only has 25 employees. These added requirements as proposed could divert scarce manpower away from essential utility operations and customer service functions that directly benefit ratepayers. Additionally, we believe these costs place a disproportionate burden on low-income customers and conflict with the State's ongoing efforts to reduce affordability challenges for essential utility services.

Maintain Practicality and Proportionality

Many small utilities manage multiple responsibilities such as billing, budgeting, customer service, and board support. As the General Manager, I also am the designated Public Records Officer as well as communications manager, grant writer, project manager and several other hats that small utility managers wear every day. We do not even have an executive assistant or support staff that can be tasked with handling public records requests.

The model rules must reflect this diversity and ensure that compliance expectations remain scalable to agency capacity. Encouraging "best practices" is appropriate, but rigid expectations such as "one-day fulfillment" or "sufficient staffing" risk becoming de facto mandates that small agencies cannot meet. Similarly, any implication that agencies should maintain centralized, enterprise-wide electronic records systems is concerning. These systems can be expensive to acquire, operate, and maintain, and many small districts like Mason PUD 1 lack both the staff and the technical capacity to implement such systems. A one-size-fits-all approach would place small agencies at a serious disadvantage, diverting ratepayer funds from essential infrastructure and operations.



PUBLIC UTILITY DISTRICT NO. 1 BOARD OF COMMISSIONERS OF MASON COUNTY

N. 21971 Hwy. 101
Shelton, Washington 98584

MIKE SHEETZ, Commissioner
JACK JANDA, Commissioner
RON GOLD, Commissioner

Avoid Unrealistic or Ambiguous Timelines

We recommend replacing language implying a one-day response or “time-is-of-the-essence” standards with clear, achievable expectations consistent with RCW 42.56.520. Districts already acknowledge requests within five business days and strive for prompt fulfillment. Indeed, most of our public records requests that we receive are easy to produce within a day. However, some are not and leaving subjective language for personal interpretation will lead to expensive and time-consuming litigation. A prescriptive timeline would reduce efficiency and increase legal exposure without measurably improving transparency. Moreover, proposed language regarding “urgent” or “time-sensitive” requests appears inconsistent with RCW 42.56.080(2), which prohibits agencies from requiring requesters to disclose the purpose of a request. Again, the proposed language puts our PUD at odds with the statute and puts us in a precarious position to be unsuccessful, despite our stellar record of responsiveness.

Preserve Privacy and Third-Party Notification Protections

The ability to provide notice when a disclosure may affect private or proprietary information remains a critical due-process safeguard. Under RCW 42.56.270, certain financial, commercial, and proprietary information is exempt from disclosure, as is specific employee information protected under ESHB 1533 (amending RCW 42.56.250). While we support discouraging unnecessary notices, the rule should not narrow this discretion or undermine statutory privacy protections. Those protections, especially for critical infrastructure and public employees’ safety and privacy, were implemented for good reason and should be protected.

Support Compliance Through Training, Not Enforcement

The updates should remain advisory, consistent with RCW 42.56.570. Rather than establishing new grounds for litigation, the Attorney General’s Office can most effectively improve transparency by offering model forms, checklists, and training resources for small agencies like ours to implement. These tools help agencies achieve uniform compliance without new unfunded mandates. We encourage collaboration with the Municipal Research and Services Center (MRSC), the State Auditor’s Office, and local government associations to develop accessible guidance and implementation materials.

Recognize Fiscal and Operational Realities

Public records compliance competes with essential utility functions that protect public health, safety, and environmental quality. New administrative expectations, especially those implying additional staffing or technology investments, should include fiscal-impact analysis and realistic phase-in schedules to avoid diverting limited ratepayer funds from infrastructure needs. Agencies must also retain the flexibility to close inactive or abandoned requests after a reasonable period, such as 30 days, to manage workloads efficiently.

Our governing board passed a resolution in 2015 and a policy in 2019 outlining the undue burdens where exemptions are allowed under RCW 42.56.070(3) and RCW 42.56.100, limiting staff time to respond to public records to 20 hours per month, due to our small size and multiple job duties assigned to our staff. To hire a full-time public records manager would amount to a significant rate increase to our water and electric customers to support the new employee salary and benefits to the tune of 5% for our water customers and 2% for our power customers, on top of existing rate increases for operational needs.



PUBLIC UTILITY DISTRICT NO. 1 BOARD OF COMMISSIONERS
OF MASON COUNTY

N. 21971 Hwy. 101
Shelton, Washington 98584

MIKE SHEETZ, Commissioner
JACK JANDA, Commissioner
RON GOLD, Commissioner

Clarify that the Model Rules Are Guidance, Not Mandates

Many districts, like Mason PUD 1, already follow the 2018 Model Rules and MRSC best practices. The AGO should affirm that agencies acting in good faith continue to be protected under RCW 42.56.060, and that the revised model rules are interpretive guidance intended to promote consistent, not compulsory, practices. This clarity will prevent confusion and avoid unnecessary litigation over nonbinding guidance.

Conclusion

Mason County PUD No. 1 strongly supports the principles of open government and the responsible administration of the Public Records Act. We respectfully urge the AGO to finalize rules that are flexible, scalable, and supportive of small-agency realities, balancing transparency with operational practicality. We welcome the opportunity to collaborate with AGO staff and partner organizations to develop training and implementation materials that advance these shared goals.

Sincerely,

A handwritten signature in blue ink that reads 'Kristin Masteller'.

Kristin Masteller
General Manager