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**VIA REGULAR MAIL**

Charles Town Utility Board  
108 W. Congress St.  
Charles Town, WV 25414

RE: FOIA 2018-0021

Dear CTUB Manager:

Under the West Virginia Freedom of Information Act, §29-B-1-3, I am requesting, on behalf of Jefferson County Vision, Inc., to inspect and/or obtain copies of any and all documents related to the following:

- Any documents and communications between any CTUB staff or Board and anyone from the City of Ranson; and/or anyone from or representing Rockwool; and/or anyone from the WV Development Office (DO), including the Infrastructure and Jobs Development Council (IJDC); the Jefferson County Development Authority (JCDA); the Jefferson Utilities Inc (JUI); and/ or the WV Department of Commerce (DOC) regarding:
  - 1) the merger and consolidation of utilities, the responsibility for any costs and liabilities associated with the Rockwool-related infrastructure projects, and any form of communication regarding such projects;
  - 2) the construction of the Rockwool sewer line extension;
  - 3) the rate of waste flow from any contemplated Rockwool facilities.
- The documents that formed the basis of the representations made by Joni Kunkle at the March 19, 2018 Charles Town City Council meeting in response to a question from Councilman Trainor that “there is no consideration for the transfer of Ranson assets to Charles Town...”. (Minute 22.56 of the meeting transcript.)
- The financial documents submitted to the Charles Town Council outlining the costs and liabilities to be assumed by the City of Charles Town with the merger; including the financial spreadsheet and supporting “Schedule B” apparently prepared or dated April 19,

2018. Specifically, this FOIA requests a copy of the document that shows the double entry for the \$930,000.00 construction contingency referred to in the May 17, 2018 12:34:40 PM email from John Stump to Melany Alliston-Brick, with various recipients copied. (City of Ranson FOIA document Pi006723.)

- Any documents showing any discussions between CTUB staff or Board and John Stump about where to capture or how to categorize the Rockwool related construction amounts in the financial reports and records as prepared for and shown to CTC.
- Any of the document(s) repeatedly referred to by Kirsten Stoliper in the Charles Town City Council meeting on December 4, 2018, as designating the Rockwool-related engineering costs in the financial documents submitted to the City Council for review and approval in connection with the merger.
- The invoices from Hatcher-Chester and Toole Design that reflect costs and expenses incurred after the merger of City of Ranson and Charles Town utilities.
- Any letters or communications CTUB has received from Rockwool, including but not limited to emails and letters between legal counsel John Stump, and anyone at Rockwool and/or its counsel.
- Any contracts or retainer agreements between Steptoe & Johnson and the City of Ranson for legal and/or consulting services, and any waivers of conflicts of interests given to Steptoe & Johnson regarding such services. (The hourly rates of pay can be redacted for the purposes of this request.)
- A copy of the detailed bills for services provided by John Stump showing services provided, time expended, meetings attended, etc. (The exact amounts can be redacted for the purposes of this request.)

It is our understanding that the CTUB officials do not always use “official” email addresses and routinely have been using their personal email and text platforms for official public business. If this is the case, then any such platforms, i.e., text, email, or other social media platform are public records including any writings that contain information relating to the conduct of the public’s business are subject to FOIA. *Associated Press v. Canterbury*, 224 W.Va. 708, 688 S.E.2d 317 (2009). This request has an expectation that personal emails and other platforms being used by either the sender or the recipient will be included in the search for responsive materials.

If there is a dispute about the disclosure of the document, the document must be identified on an exemption “privilege” log with specificity so as to determine if the claim of privilege will be challenged through the legal FOIA process.

If there are any fees for copying these records, please inform me of any such cost and the basis for that cost. However, I also request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public’s

understanding of the decision-making processes surrounding the future of the Rockwool (a/k/a Roxul) facility being constructed in Ranson, West Virginia; that actions of elected and appointed officials in facilitating the Rockwool project; and issues of government accountability. This information is not being sought for commercial purposes.

The West Virginia Freedom of Information Act requires a response to this request be made within five business days. Given the importance of this information to the public process underway about Rockwool, we respectfully request access to these documents immediately. As stated in the statute creating the Freedom of Information Act, and relevant to this request:

*“The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments of government they have created.”*

I can receive information regarding this request by email at [bpgarde@cliffordgarde.com](mailto:bpgarde@cliffordgarde.com) or can be contacted by telephone at (202) 255-9670.

Respectfully,

*Billie Garde/s*

Billie Pirner Garde

cc: Charles Town City Council