

Terrance D. McCracken, FOIL Officer
Erie County Water Authority
Ellicott Square building
295 Main Street # 350
Buffalo, NY 14203-2494

November 16, 2021

Via Email and U.S. Postal Service

Dear Records Access Officer, Terrence D. McCracken:

Pursuant to the New York Freedom of Information Law, Public Officers Law § 87 ["POL"], The Western New York Law Center requests the following records:

1. All records containing the total dollar amount billed to residential water accounts, for the years 2019, 2020, and 2021, broken down by month, quarter or annually, or by whatever time period records are kept;
2. All records containing the average dollar amount billed to residential water accounts, for the years 2019, 2020 and 2021, broken down by month, quarter or annually, or by whatever time period records are kept.
3. All records containing the total dollar amount collected from residential water accounts, for the years 2019, 2020, and 2021, broken down by month, quarterly, or annually or by whatever time periods records are kept;
4. All records containing the average dollar amount collected from residential water accounts, for the years 2019, 2020, and 2021, broken down by month or by whatever time period records are kept.
5. All records containing data showing the number of residential customers in arrears by (a) 1-90 days; (b) 91-180 days, and (c) greater than 181 days, for the years 2019, 2020, and 2021, broken down by month or by whatever time period records are kept;
6. All records containing data showing the total dollar amount owed in each category (a) 1-90 days; (b) 91-180 days, and (c) greater than

181 days, for the years 2019, 2020, and 2021, broken down by whatever time period records are kept;

7. All records containing data showing the average dollar amount owed in each category (a) 1-90 days; (b) 91-180 days; and (c) greater than 180 days, for the years 2019, 2020 and 2021, broken down by whatever time period records are kept;
8. All records containing data showing the number of residential disconnections conducted due to non-payment, for the years 2019, 2020, and 2021, broken down by month, or by whatever time period records are kept;
9. All records containing data showing the number of liens on real property (a) *placed*, (b) *sold*, and (c) *enforced* due to non-payment for the years 2019, 2020, and 2021, by whatever time periods records are kept;
10. All records containing data showing the number of customers whose water was disconnected due to non-payment for the years 2019, 2020, and 2021, broken down by whatever time period records are kept;
11. All records containing data showing the number of customers who declared a change in financial circumstances due to the COVID-19 state of emergency pursuant to sections 32, 89-b, 89-l and 91 of the Public Service Law, for the years 2020, and 2021, broken down by whatever time period records are kept.

The definition of a "record": Please note that the Freedom of Information Law defines a "record" broadly as "any information kept, held, filed, produced or reproduced by, with, or for this agency, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, or computer tapes or discs.

Search: I request that you conduct searches of all electronic and paper/manual indices, filing systems, and physical locations for all records relating to the subjects of this request.

Metadata: With respect to any records stored electronically, I request disclosure of all accompanying metadata. See *Irwin v. Onondaga*, 72 A.D. 314 (4th Dep't 2010) (metadata is subject to disclosure under FOIL.)

Form of production: I request that you provide records to me via email, although I would also accept a flash drive, CD-ROM, or a cloud storage link. I request that response to the electronic records be provided electronically in their native file formats wherever possible. See N.Y. Pub. Off. Law, Section 87(5)(a). If disclosure of some or all records in native file format is impossible, or if the native file formats cannot be open using commercial software available to the public, I request that the records be provided electronically in PDF format, and the best image quality in the agency's possession.

Response Time: Please note that your response to these requests is required within five days of receipt indicating whether the record will be made available, the request is denied, or additional time will be required to make a determination. POL § 89(3)(a). Additionally, as the records access officer, you have a responsibility to assist in identifying the responsive records in case any of our requests are not sufficiently descriptive or where it is not clear whether responsive records may exist. 21 NYCRR § 1401.2(b)(2).

If any report or other document is in a format that is not self-explanatory, please provide a copy of the instructions for formatting the report or other document that would help in interpreting any coding or abbreviations used.

Please provide the requested records as they become available. If the record requested does not exist in the media requested, please inform us of this. We may be able to adjust our request.

Explanation for withholdings: If any request is denied in whole or in part, please justify all the deletions by referring to specific FOIL exceptions and provide detailed, written explanations for why such exemptions apply. See N.Y. Pub. Off. Law, Section 87(2); *Gould v. NYC Police Dep't*, 89 N.Y.2d 276,275 (1996). (“[T]o invoke one of the exemptions under section 87 (2), the agency must articulate particularized and specific justification for not disclosing requested documents.”) (internal quotation omitted.)

For each record to which we may be denied access, provide the name address and email address of the person or body to whom an appeal should be directed. If this request is too broad and does not reasonably describe the records, please contact me so I may clarify the request.

Waiver of fees: Please note that the Western New York Law Center is a 501(c)(3) not-for-profit corporation, that works to provide free legal assistance in civil cases to low income individuals and, consequently, the records delivered will be used in the public interest. Therefore, we respectfully request the waiver of any fees associated with this request. If fees will not be waived, please inform me of any fees before filling the request.

Thank you for your help in this matter. You can reach me at (716) 867-7217 or schalpern46@gmail.com with any questions.

Sincerely,


Stephen C. Halpern, Ph.D.

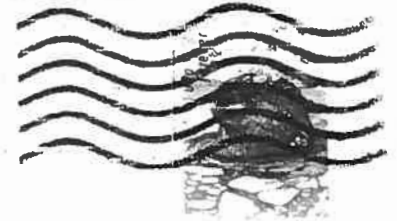
Attorney

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POSTAGE WILL BE PAID BY ADDRESSEE

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