

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
OFFICE OF THE GENERAL COUNSEL TO THE MAYOR**

Freedom of Information Act Appeal: 2012-20

January 17, 2012

Rosemary Hainey, Esq.

Dear Ms. Hainey:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537(a)(2001) (“DC FOIA”), dated December 15, 2011 (the “Appeal”). You (“Appellant”) assert that the District of Columbia Water and Sewer Authority (“WASA”) improperly withheld records in response to your request for information under DC FOIA dated September 22, 2011 (the “FOIA Request”) by failing to respond to the FOIA Request.

Appellant’s FOIA Request sought records regarding any water stoppage by WASA between August 1, 2011 and September 22, 2011 in the Southwest quadrant of the District of Columbia, but not including any water stoppage for any planned projects published on its website as of September 21, 2011. Although Appellant and WASA exchanged emails clarifying the FOIA Request, when a final response was not received, Appellant initiated the Appeal. In response to the Appeal, by email dated January 17, 2012, WASA stated that by email dated October 25, 2011, WASA notified Appellant that responsive records were ready to be picked up or delivered by mail. (A copy of the notification provided by WASA indicates that it was in the form of a letter, presumably sent by U.S. mail.) Apparently, the notification never reached Appellant, occasioning the Appeal. In any event, as WASA will provide the responsive records to Appellant, the Appeal is moot and it is dismissed, without prejudice to challenge the response of WASA. However, in light of the misunderstanding and the resulting delay, WASA should contact Appellant to make further arrangements for the furnishing of the records.

A copy of the WASA response will be forwarded to Appellant separately.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you are free under DC FOIA to commence a civil action against the District of Columbia government

in the Superior Court of the District of Columbia.

Sincerely,

Donald S. Kaufman
Deputy General Counsel

cc: Victoria Fleming
Katherine Cahill, Esq.