

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NORMA CHASE,	:	
	:	
Plaintiff	:	
	:	No. 1:05-CV-2375
v.	:	
	:	Judge Kane
PUBLIC UTILITY COMMISSION	:	
OF PENNSYLVANIA,	:	Document Electronically Filed
COMMONWEALTH REPORTING	:	
COMPANY, SARGENT'S COURT	:	
REPORTING SERVICE, INC., and	:	
PRECISION REPORTING, INC.,	:	
Defendants	:	

**DEFENDANTS' PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

Findings of Fact

1. In September 2005, via email, plaintiff contacted the Pennsylvania Public Utility Commission to inquire as to the cost of acquiring a copy of a public meeting transcript.

2. PUC personnel informed plaintiff that she would have to contact the appropriate reporting service to obtain a copies of transcripts, but that she would be able to inspect the transcript and make notes at the PUC offices in Harrisburg, Pa.

3. In October 2005, plaintiff formally requested that the PUC furnish her with an at-cost copy of the public meeting transcript.

4. In November 2005, PUC personnel contacted plaintiff via telephone reiterating the PUC's policy concerning transcript availability.

5. Plaintiff has opted not to obtain transcript copies from the appropriate reporting service.

Conclusions of Law

1. Plaintiff's First Amendment right of access to public records is preserved by the PUC's policy of allowing ample access to the records for inspection and notation as well as the availability of copies of said records to be obtained through the appropriate reporter services which produce such records.

2. The PUC has not purported to confer a copyright of any kind as to public meeting transcripts produced by reporting services.

3. The Federal Copyright Act, Title 17 U.S.C. § 301, does not furnish a private cause of action concerning invalidation of state laws or policies.

4. The transcripts plaintiff seeks do not come within the subject matter of the Copyright Act as specified by §§ 102 and 103 of the Act.

5. Public hearing transcripts are neither original works created independently by the stenographer or reporter service, nor are they possessed of even the required slight amount of creativity.

6. Plaintiff's First Amendment rights of access to and dissemination of information are not denied under the PUC policy at issue, as she may inspect transcripts and take notes as well as obtain a copy from the appropriate reporting service.

7. Regardless of the outcome of the substantive issues in this case, as a pro se litigant, plaintiff is not able to receive attorney's fees.

Respectfully submitted,

THOMAS W. CORBETT, JR.
Attorney General

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