

# CAPLAN | COBB

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October 12, 2016

**BY EMAIL AND U.S. MAIL**

Lillian M. Govus  
Director of Communications & Community  
Relations  
City of Atlanta, Department of Watershed  
Management  
72 Marietta Street NW  
Atlanta, Georgia 30303  
lgovus@atlantaga.gov

Cathy Hampton, Esq.  
Roger Bhandari, Esq.  
City of Atlanta, Department of Law  
55 Trinity Avenue  
Suite 5000  
Atlanta, Georgia 30303  
lawdepartment@atlantaga.gov  
rbhandari@atlantaga.gov

Re: WSB-TV / Richard Belcher's ORA Request of July 26, 2016

Dear Messrs. Govus, Hampton, and Bhandari:

This firm represents Mr. Richard Belcher and WSB-TV in connection with their Open Records Act requests to the City of Atlanta Department of Watershed Management (the "Department") relating to meter readings of vacant and/or shut-off accounts. On July 26, 2016, Mr. Belcher sent an Open Records Act request, seeking the following information:

A list of all meter readings on accounts with the status 'Vacant - Shut Off' from March 1 - June 30, 2016 including for each account Read Dates, Dwelling Code, Route Number, Customer Number, Street Name and Street Number.

*See* Ex. A (Mr. Belcher's July 26, 2016 ORA Request).

In the ten weeks that have transpired since that request, Mr. Belcher and WSB have made repeated efforts to seek specific records from the Department evidencing the meter readings associated with vacant and/or shut off accounts to no avail. The Department has provided spreadsheets containing identifying information related to such accounts, but those spreadsheets omitted the "USE" Column entirely and or omitted information from the "LASTREADING

Messrs. Govus, Hampton and Bhandari  
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COLUMN,” which should contain the meter reading data that has been requested.<sup>1</sup> On October 3, 2016, WSB-TV even supplied the Department with a document demonstrating that the Department maintains the very records and information being sought. *See* Ex. B (Vacant - Shut Off Consumption Rates, July-September 2011). After going back and forth with WSB for months now, the Department still has not produced the requested information.

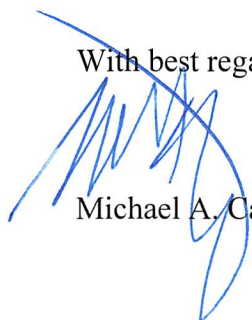
To avoid all ambiguity, WSB-TV seeks *monthly meter reading data to allow it to determine the levels of usage—which includes data measuring consumption by CCFs (centum cubic feet)—associated with Vacant – Shut Off accounts.*

This is Mr. Belcher and WSB-TV’s final request that the Department comply with the Open Records Act and provide the requested information. Given the delay in the Department’s response, Mr. Belcher and WSB-TV has amended the time period of request. Mr. Belcher and WSB-TV now seek all meter reading information and consumption data by CCFs on accounts with the status ‘Vacant - Shut Off’ from March 1 - September 30, 2016 including, for each account, Read Dates, Dwelling Code, Route Number, Customer Number, Street Name and Street Number.

If the Department does not provide this information by Friday, October 14, we will file a lawsuit against the Department enforcing compliance with the Georgia Open Records Act.

I would be glad to discuss this matter further at a time of your convenience.

With best regards,



Michael A. Caplan

MAC/mtg  
Enclosures

cc: Sarah Brewerton-Palmer, Esq. (by email PDF only)

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<sup>1</sup> Indeed, although the Department produced a spreadsheet containing the “USE” column—showing that it maintains this data—the spreadsheet included only account data that the Department investigated and closed. It did not include *all* accounts in vacant/shut-off status, which is what has been requested. Once again, Mr. Belcher and WSB-TV request meter reading data for *all* accounts in a “vacant” or “shut off” status, irrespective of whether those accounts have been investigated and closed.

# EXHIBIT A

**Subject:** Re: WSB-TV OPEN RECORDS REQUEST

**Date:** Wednesday, August 24, 2016 at 6:05:40 PM Eastern Daylight Time

**From:** Belcher, Richard (CMG-Atlanta) <Richard.Belcher@wsbtv.com>

**To:** Wade, Josh (CMG-Atlanta) <josh.wade@wsbtv.com>

I think it is ineptitude, but it will allow us to estimate how much water the city is pumping for free every month. Millions of \$\$ lost routinely, I suspect.

Sent from my iPhone

On Aug 24, 2016, at 6:02 PM, Wade, Josh (CMG-Atlanta) <[josh.wade@wsbtv.com](mailto:josh.wade@wsbtv.com)> wrote:

Home Depot situation 'Under investigation'?? Well that's interesting  
And promising.

I can't help considering the mix up on the vacant meters could be simply ineptitude. But something more sinister also seems very possible

Josh Wade  
Senior Investigative Producer-Photographer  
WSB TV Atlanta  
[josh.wade@wsbtv.com](mailto:josh.wade@wsbtv.com)  
404-502-7994

On Aug 24, 2016, at 5:57 PM, Belcher, Richard (CMG-Atlanta) <[Richard.Belcher@wsbtv.com](mailto:Richard.Belcher@wsbtv.com)> wrote:

Ms. Ross,  
This is to confirm our phone conversation a moment ago. I received these spreadsheets, but they do not include a critical piece of information for each account: The meter readings. My request (below) begins with a request for the meter readings on each of these accounts plus several other fields. I have the other fields but not the readings. Thank you.  
rb

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**From:** Ross, Susan [<mailto:SRoss@AtlantaGa.Gov>]  
**Sent:** Wednesday, August 24, 2016 5:01 PM  
**To:** Belcher, Richard (CMG-Atlanta) <[Richard.Belcher@wsbtv.com](mailto:Richard.Belcher@wsbtv.com)>  
**Cc:** Govus, Lillian <[lgovus@AtlantaGa.Gov](mailto:lgovus@AtlantaGa.Gov)>  
**Subject:** FW: WSB-TV OPEN RECORDS REQUEST

Dear Mr. Belcher,

Attached please find the information you requested for:

- “A list of all meter readings on accounts with the status “Vacant – Shut Off” from March 1 – June 30, 2016, including for each account Read Dates, Dwelling Code, Route Number, Customer Number, Street Name and Street Number.”

The information requested on work orders was previously provided to you by Lillian Govus.

With respect to your request for information on Home Depot at 2525 Piedmont, this situation is under investigation and Lillian Govus anticipates being in touch with you later this week.

Thank you for contacting the City of Atlanta Department of Watershed Management.

**Susan J. Ross | Open Records Coordination**

City of Atlanta | DWM | Communications & Community Relations  
72 Marietta Street NW | 7th Floor | Atlanta, GA 30303

[sross@atlantaga.gov](mailto:sross@atlantaga.gov)

*Please consider the environment before printing this e-mail*

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[<image004.jpg>](#)

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**From:** Belcher, Richard (CMG-Atlanta) [<mailto:Richard.Belcher@wsbtv.com>]

**Sent:** Tuesday, July 26, 2016 12:17 PM

**To:** Ross, Susan

**Cc:** Govus, Lillian

**Subject:** WSB-TV OPEN RECORDS REQUEST

Ms. Ross,

Please provide the following under terms of the Georgia Open Records Act (preferably in Excel spreadsheets):

- A list of all DWM work orders for the installation of new water meters for the period July 1, 2015, through June 30, 2016, including dates opened and dates closed, if the work is completed, as well as Dwelling Code, Route Number, Customer Number, Street Name and Street Number for each work order;
- A list of all meter readings on accounts with the status “Vacant – Shut Off” from March 1 –

June 30, 2016, including for each account  
Read Dates, Dwelling Code, Route Number,  
Customer Number, Street Name and Street  
Number.

Thank you,

Richard Belcher  
WSB-TV  
404-862-5155

# **EXHIBIT B**

HISTORYDATE	DWELL CODE	BILLINGCYCLENUMB ER	ROUTENUMBE R	ACCOUNT STATUS	HISTORYDATE	CUSTOMERNUMBE R	CUSTOMERNAME	CURRENTPREMISESTREETNUM BER	CURRENTPREMISESTREETNA ME	PREMISEADDRESS2	USE
Jul 25, 2011 12:00:00 AM	COMM	210	892	VACANT - SHUT OFF	7/25/11	10,002.301	VACANT	33	PRYOR ST SE		182
Aug 23, 2011 12:00:00 AM	COMM	210	892	VACANT - SHUT OFF	8/23/11	10,002.301	VACANT	33	PRYOR ST SE		185
Sep 23, 2011 12:00:00 AM	COMM	210	892	VACANT - SHUT OFF	9/23/11	10,002.301	VACANT	33	PRYOR ST SE		187
Oct 10, 2011 12:00:00 AM	COMM	210	892	VACANT - SHUT OFF	10/10/11	10,002.301	VACANT	33	PRYOR ST SE		189
Oct 24, 2011 12:00:00 AM	COMM	210	892	VACANT - SHUT OFF	10/24/11	10,002.301	VACANT	33	PRYOR ST SE		190
Jul 25, 2011 12:00:00 AM	COMM	210	892	VACANT - SHUT OFF	7/25/11	10,023.301	VACANT	28	DECATUR ST SE		4
Aug 23, 2011 12:00:00 AM	COMM	210	892	VACANT - SHUT OFF	8/23/11	10,023.301	VACANT	28	DECATUR ST SE		4
Oct 24, 2011 12:00:00 AM	COMM	210	892	VACANT - SHUT OFF	10/24/11	10,023.301	VACANT	28	DECATUR ST SE		4
Oct 12, 2011 12:00:00 AM	RESID	101	15	VACANT - SHUT OFF	10/12/11	10,033.305	VACANT	594	PARKWAY DR NE		2
Sep 14, 2011 12:00:00 AM	RESID	190	851	VACANT - SHUT OFF	9/14/11	10,046.302	VACANT	161	WALNUT ST SW		1
Oct 13, 2011 12:00:00 AM	RESID	190	851	VACANT - SHUT OFF	10/13/11	10,046.302	VACANT	161	WALNUT ST SW		1
Jul 13, 2011 12:00:00 AM	COMM	120	358	VACANT - SHUT OFF	7/13/11	10,047.303	VACANT	156	FORSYTH ST SW	UNIT A	3
Aug 11, 2011 12:00:00 AM	COMM	120	358	VACANT - SHUT OFF	8/11/11	10,047.303	VACANT	156	FORSYTH ST SW	UNIT A	3
Sep 13, 2011 12:00:00 AM	COMM	120	358	VACANT - SHUT OFF	9/13/11	10,047.303	VACANT	156	FORSYTH ST SW	UNIT A	3
Oct 12, 2011 12:00:00 AM	COMM	120	358	VACANT - SHUT OFF	10/12/11	10,047.303	VACANT	156	FORSYTH ST SW	UNIT A	3
Sep 23, 2011 12:00:00 AM	COMM	210	884	VACANT - SHUT OFF	9/23/11	10,061.300	VACANT	20	PEACHTREE ST NE		5,788
Jul 12, 2011 12:00:00 AM	CTYBOE	110	353	VACANT - SHUT OFF	7/12/11	10,078.303	VACANT	708	GRANT ST SE		157
Sep 12, 2011 12:00:00 AM	CTYBOE	110	353	VACANT - SHUT OFF	9/12/11	10,078.303	VACANT	708	GRANT ST SE		166
Oct 12, 2011 12:00:00 AM	CTYBOE	110	353	VACANT - SHUT OFF	10/12/11	10,078.303	VACANT	708	GRANT ST SE		143
Jul 14, 2011 12:00:00 AM	RESID	200	871	VACANT - SHUT OFF	7/14/11	10,089.303	VACANT	670	JONES AVE NW		6,445
Jul 13, 2011 12:00:00 AM	RESID	120	358	VACANT - SHUT OFF	7/13/11	10,092.301	VACANT	136	PEACHTREE ST SW	METER REMOVED	6
Aug 12, 2011 12:00:00 AM	RESID	120	358	VACANT - SHUT OFF	8/12/11	10,092.301	VACANT	136	PEACHTREE ST SW	METER REMOVED	6
Sep 13, 2011 12:00:00 AM	RESID	120	358	VACANT - SHUT OFF	9/13/11	10,092.301	VACANT	136	PEACHTREE ST SW	METER REMOVED	6
Oct 25, 2011 12:00:00 AM	COMM	210	881	VACANT - SHUT OFF	10/25/11	10,113.305	VACANT	93	BROAD ST SW		8
Jul 25, 2011 12:00:00 AM	COMM	210	884	VACANT - SHUT OFF	7/25/11	10,138.305	VACANT	64	WALTON ST NW		64
Aug 23, 2011 12:00:00 AM	COMM	210	884	VACANT - SHUT OFF	8/23/11	10,138.305	VACANT	64	WALTON ST NW		67
Sep 23, 2011 12:00:00 AM	COMM	210	884	VACANT - SHUT OFF	9/23/11	10,138.305	VACANT	64	WALTON ST NW		72
Oct 5, 2011 12:00:00 AM	COMM	210	884	VACANT - SHUT OFF	10/5/11	10,138.305	VACANT	64	WALTON ST NW		74
Oct 24, 2011 12:00:00 AM	COMM	210	884	VACANT - SHUT OFF	10/24/11	10,138.305	VACANT	64	WALTON ST NW		77

Jul 13, 2011 12:00:00 AM	RESID	120	366	VACANT - SHUT OFF	7/13/11	10,147.303	VACANT	773	COOPER ST SW		703
Jul 13, 2011 12:00:00 AM	COMM	130	378	VACANT - SHUT OFF	7/13/11	10,153.301	VACANT	699	MCDANIEL ST SW		54
Aug 11, 2011 12:00:00 AM	COMM	130	378	VACANT - SHUT OFF	8/11/11	10,153.301	VACANT	699	MCDANIEL ST SW		79
Sep 13, 2011 12:00:00 AM	COMM	130	378	VACANT - SHUT OFF	9/13/11	10,153.301	VACANT	699	MCDANIEL ST SW		129
Jul 14, 2011 12:00:00 AM	RESID	190	850	VACANT - SHUT OFF	7/14/11	10,166.301	VACANT	333	PETERS ST SW		5
Aug 12, 2011 12:00:00 AM	RESID	190	850	VACANT - SHUT OFF	8/12/11	10,166.301	VACANT	333	PETERS ST SW		5
Sep 14, 2011 12:00:00 AM	RESID	190	850	VACANT - SHUT OFF	9/14/11	10,166.301	VACANT	333	PETERS ST SW		5
Oct 13, 2011 12:00:00 AM	RESID	190	850	VACANT - SHUT OFF	10/13/11	10,166.301	VACANT	333	PETERS ST SW		5
Jul 12, 2011 12:00:00 AM	RESID	101	12	VACANT - SHUT OFF	7/12/11	10,206.303	VACANT	388	ANGIER AVE NE		9
Aug 10, 2011 12:00:00 AM	RESID	101	12	VACANT - SHUT OFF	8/10/11	10,206.303	VACANT	388	ANGIER AVE NE		13
Sep 12, 2011 12:00:00 AM	RESID	101	12	VACANT - SHUT OFF	9/12/11	10,206.303	VACANT	388	ANGIER AVE NE		16
Oct 12, 2011 12:00:00 AM	RESID	101	12	VACANT - SHUT OFF	10/12/11	10,206.303	VACANT	388	ANGIER AVE NE		18
Jul 12, 2011 12:00:00 AM	RESID	101	12	VACANT - SHUT OFF	7/12/11	10,218.301	VACANT	560	PEACHTREE ST NE	IRRIGATION METER	292
Aug 10, 2011 12:00:00 AM	RESID	101	12	VACANT - SHUT OFF	8/10/11	10,218.301	VACANT	560	PEACHTREE ST NE	IRRIGATION METER	300
Sep 12, 2011 12:00:00 AM	RESID	101	12	VACANT - SHUT OFF	9/12/11	10,218.301	VACANT	560	PEACHTREE ST NE	IRRIGATION METER	311
Oct 12, 2011 12:00:00 AM	RESID	101	12	VACANT - SHUT OFF	10/12/11	10,218.301	VACANT	560	PEACHTREE ST NE	IRRIGATION METER	320
Jul 25, 2011 12:00:00 AM	COMM	210	887	VACANT - SHUT OFF	7/25/11	10,243.300	VACANT	31	W PEACHTREE PL NW		165
Aug 23, 2011 12:00:00 AM	COMM	210	887	VACANT - SHUT OFF	8/23/11	10,243.300	VACANT	31	W PEACHTREE PL NW		224
Sep 23, 2011 12:00:00 AM	COMM	210	887	VACANT - SHUT OFF	9/23/11	10,243.300	VACANT	31	W PEACHTREE PL NW		288
Oct 24, 2011 12:00:00 AM	COMM	210	887	VACANT - SHUT OFF	10/24/11	10,243.300	VACANT	31	W PEACHTREE PL NW		288