



STATE OF NEBRASKA  
**Office of the Attorney General**

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**DOUGLAS J. PETERSON**  
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March 31, 2017

Via email at [zpluhacek@journalstar.com](mailto:zpluhacek@journalstar.com)  
Zach Pluhacek  
Lincoln Journal Star  
926 P Street  
Lincoln, NE 68508

RE: *File No. 17-R-116; Nebraska Public Service Commission; Zach Pluhacek, Lincoln Journal Star, Petitioner*

Dear Mr. Pluhacek:

This letter is in response to your petition dated and received by this office on March 22, 2017, in which you sought our assistance in determining whether the Nebraska Public Service Commission ("PSC") had unlawfully denied you access to records under the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2014, Cum. Supp. 2016) ("NPRS"). The public record at issue involved an employment contract between the PSC and its executive director, Jeff Pursley. On March 23, 2017, this office received your email wherein you state that Mr. Pursley provided you a copy of the contract on March 22. However, you indicate that you are "still interested in [our] office's opinion as to whether or not such a contract is public record under Nebraska law, given the potential for broader implications with other agencies."

Under the enforcement provisions set out in Neb. Rev. Stat. § 84-712.03, the Attorney General must determine (1) whether a particular record may be lawfully withheld from the public or (2) whether the public body that is custodian of such record has otherwise failed to comply with the NPRS. Our focus is to ensure that citizens and other interested parties have not been improperly denied access to public records. Since it appears that you have received a copy of the contract at issue, this matter has become moot. Consequently, we are closing our file.

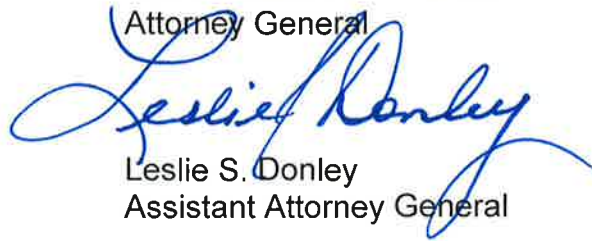
With respect to your request for an opinion, the Attorney General is authorized to provide opinions on legal questions submitted by executive branch officers or department heads and members of the Legislature. The Attorney General may also provide opinions to county attorneys when the question posed relates to "all criminal matters and in matters

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relating to the public revenue.” See Neb. Rev. Stat. § 84-205(3) and (4) (2014). The Attorney General is not authorized to provide legal advice or opinions to other persons, entities or the media, and we do not do so. Accordingly, we cannot provide you an opinion on the question posed in your March 23 correspondence.

Sincerely,

DOUGLAS J. PETERSON  
Attorney General



Leslie S. Donley  
Assistant Attorney General

49-1753-29