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February 26, 2026

Via email at [REDACTED]
Gabriel Straus

RE: *Public Record Matter Involving the Nebraska Public Service Commission*
Our File No. 20261017

Dear Mr. Straus:

This letter is in response to your public records petition received by this office on February 11, 2026,¹ in which you challenge certain decisions made by the Nebraska Public Service Commission (PSC) in processing your public record requests. We forwarded your petition to PSC legal counsel Shana Knutson and Sallie Dietrich upon receipt, and discussed the matter with them on February 12. On February 23, counsel provided us an affidavit of PSC member Kevin Stocker in response to your petition. We considered your petition and the affidavit in accordance with the provisions of the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2024). Our findings and conclusion in this matter are set out below.

RELEVANT FACTS

This matter involves two public records requests submitted to the PSC on July 23 and September 19, 2025, primarily seeking certain emails of Mr. Stocker.² Each request contained language seeking emails from both “official government email accounts” and

¹ Your petition was initially received by this office on February 9, 2026. However, the fifteen-day statutory deadline in which to respond to your petition began with the receipt of all documentation, i.e., February 11.

² We note your September 19 request also sought emails from former PSC employee John Monroe, whom we understand left the PSC in December 2023.

“personal accounts that are or have been used for official business.” Your September 19, 2025, request specifically referenced a personal email address used by Mr. Stocker.

The PSC provided you responsive records on August 12, 2025, and October 15, 2025, respectively. On October 31, you emailed PSC staff inquiring about and requesting an attachment referenced in one of the emails provided to you. In response, staff informed you that the attachment “is not a public record in the possession of the Commission” and that the PSC had “provided [you] all public records responsive to this request.” You subsequently called the PSC on November 10 to inquire further about the attachment and confirm “whether Mr. Stocker’s personal email had been searched in response to [your] September 19 PRL request.” The PSC records officer informed you Mr. Stocker had searched his non-Nebraska.gov email accounts, and the PSC had deferred to Mr. Stocker’s results. With respect to the attachment, the PSC records officer indicated that the attachment was determined not to be a public record because “it was contained on Mr. Stocker’s personal email account and related to his participation in the “Regulators Roundtable”

YOUR PETITION

You are appealing the PSC’s response on two grounds. First, you allege the PSC failed to provide responsive records from Mr. Stocker’s personal email account. You cite to emails you received in response to your July 23 request “relating to Mr. Stocker’s position as Commissioner that he had sent or received with [a personal] account . . . and subsequently forwarded to @nebraska.gov accounts.” In particular, you describe an email in which individuals associated with the Regulators Roundtable Institute (RRI) assisted Mr. Stocker in drafting an op-ed for an online publication. You note that language in the op-ed refers to Mr. Stocker “[a]s a commissioner on the Nebraska Public Service Commission” You assert “this email shows Mr. Stocker using a non-Nebraska.gov email account for Commission-related business involving the Regulators Roundtable, and it appears to have only been provided because Mr. Stocker subsequently forwarded the email to his official nebraska.gov account.” You also point to emails you received in response to record requests to other jurisdictions involving Mr. Stocker that were sent from or copied to his personal account. You assert these emails “include[] subject matter that appears to relate to Mr. Stocker’s role as a Nebraska Public Service Commissioner.” You state that none of these emails were provided to you in response to your September 19 request even though they fell within the parameters of your request.

Your second allegation involves the PSC’s decision to deny you access to the attachment referenced above. You assert again that “. . . Mr. Stocker’s participation in the [RRI] is related to his official position as a Commissioner of the PSC.” You point to language on the RRI website which describes itself as a nonprofit “group that ‘convenes conservative public service commissioners’” as evidence that “Mr. Stocker therefore participates in its meetings in his official capacity as a Commissioner.” You assert that a reference in an email to provide a White House economist “‘the PSC perspective’ on an

issue” is further proof that the email “relate[s] to Mr. Stocker’s official position as a Commissioner.” Finally, you state:

I therefore request that the Commission search all of the emails Mr. Stocker is using for official business, including [personal email address], and provide all records responsive to the queries in my request, including records related to his participation in the Regulators Roundtable on behalf of the PSC.

THE PSC’S RESPONSE

As noted above, the PSC provided this office an affidavit of Mr. Stocker, in which the following facts are established:

1. In his official capacity with the PSC, Mr. Stocker “participate[s] in decisions setting policy and exercising regulatory authority of the following services and industries: telecommunications, 911, transportation, natural gas, grain warehouses and elevators, and modular housing and recreational vehicles.”
2. The PSC does not regulate coal or electricity.
3. Mr. Stocker attends meetings hosted by RRI in his personal capacity.
4. Mr. Stocker’s participation in RRI meetings is done in his personal capacity and not on behalf of the PSC.
5. No PSC or State of Nebraska funding or resources have been provided relating to Mr. Stocker’s participation with RRI.
6. The article entitled “President Trump’s coal policy is a win for Nebraska and America,” which appeared on the online platform EnergyPlatform.news, was published in Mr. Stocker’s personal capacity.
7. Since July 2025, the PSC has received various requests from [Petitioner] seeking records from Mr. Stocker’s personal email account.
8. “[T]hat [Mr. Stocker’s] personal email account contains no public records pertaining to business in [his] official capacity with the [PSC] which would be responsive to [Petitioner’s] records requests. All records sought within that account, specifically the emails related to the RRI, are personal in nature.”

DISCUSSION

Neb. Rev. Stat. § 84-712 generally allows Nebraska residents and other interested persons the right to examine public records in the possession of public agencies during

normal agency business hours, to make memoranda and abstracts from those records, and to obtain copies of records in certain circumstances. Neb. Rev. Stat. § 84-712.01(1) (2024) defines “public records” as

all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form shall remain a public record when maintained in computer files.

Your allegations against the PSC are based on the premise that Mr. Stocker’s involvement with RRI relates to his status as a member of the PSC and pertains to “Commission business.” According to its website, it appears the purpose of the RRI is to

convene[] conservative public service commissioners to strengthen the economy, support energy consumers, and advance principled, practical solutions through dialogue and shared insight.

The website also states that “RRI is an educational organization and does not engage in political activity, advocacy, or policy development. The Institute is not affiliated with any political party, candidate, or campaign.”

In Nebraska, “[s]tatutory language is to be given its plain and ordinary meaning, and an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous.” *Aksamit Resource Mgmt. v. Nebraska Pub. Power Dist.*, 299 Neb. 114, 123, 907 N.W.2d 301, 308 (2018). The plain and ordinary meaning of § 84-712.01(1) indicates that public records subject to disclosure under the NPRS are those records and documents, regardless of form, of and belonging to a *public body*. There appears to be no question that Mr. Stocker’s participation with RRI is due to his position as a PSC commissioner. The RRI website indicates as much. However, we see the question as whether any records relating to Mr. Stocker’s involvement with RRI are records *of and belonging to the PSC*. Based on Mr. Stocker’s affidavit, we conclude they are not. Mr. Stocker’s activities relating to RRI are done in his personal capacity. The PSC itself has no involvement with RRI, does not sanction Mr. Stocker’s participation, and provides no funding to do so. With respect to your allegations about the “op-ed,” Mr. Stocker avers that it was published in his personal capacity. It is also worth noting that the article, which pertained to President Trump’s “coal policy,” is an industry not regulated by the PSC. See Neb. Rev. Stat. § 75-109.01 (Supp. 2025). We also disagree with your assertion that the “PSC perspective,” in reference to a memo to economist Stephen Moore, pertains to *Nebraska’s PSC*.

In sum, we find the definition of public records in § 84-712.01(1) does not provide access to records that may be in the possession of a public official participating in activities that fall outside of his official duties. In sworn testimony, Mr. Stocker represents

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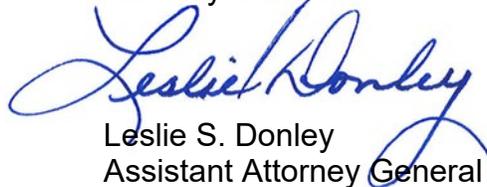
that you have been provided all public records that fall within the parameters of your requests. We will therefore decline to construe the language in § 84-712.01(1) in a manner to require Mr. Stocker to produce emails on personal email accounts that relate to his activities with a private organization not affiliated with the PSC.

CONCLUSION

Since we have identified no violations of the NPRS with respect to this matter, no further action by this office is necessary and we are closing this file. If you disagree with our analysis, you may wish to discuss this matter with your private attorney to determine what, if any, additional remedies might be available to you under Neb. Rev. Stat. § 84-712.03.

Sincerely,

MIKE HILGERS
Attorney General



Leslie S. Donley
Assistant Attorney General

c: Shana Knutson (via email only)
Sallie Dietrich (via email only)

49-4081-31