



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

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**MIKE HILGERS**  
ATTORNEY GENERAL

**LESLIE S. DONLEY**  
ASSISTANT ATTORNEY GENERAL

June 27, 2023

Via email to [REDACTED]  
Prince Riley

RE: *File No. 23-R-119; Nebraska Department of Transportation; Prince Riley, Petitioner*

Dear Mr. Riley:

This letter is in response to your email correspondence received by our office on June 12, 2023, in which you sought our assistance in obtaining certain records responsive to your May 27 public records request to the Nebraska Department of Transportation (“NDOT”). We considered your correspondence to be a petition under § 84-712.03(1)(b) of the Nebraska Public Records Statutes (“NPRS”), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2014, Cum. Supp. 2022). Our findings in this matter are set forth below.

Your initial public records sought “[a]ll records, documents, and procurement records for the Nebraska Continuously Operating Reference Network used within the state. Please include the locations and other geographic details of the cellular communication towers the CORS network operates upon[.]” Following this submittal, on May 31 you emailed NDOT Chief Technology Officer Devin Townsend. You informed Mr. Townsend that you had submitted a “FOIA Request” to the NDOT “for the system details and operational assets of the CORS network.” You further stated that

I'd appreciate obtaining the names and contact information of the other state personnel who are assigned to maintaining and operating the reference [*sic*] stations and NTRIP casters.

It would be very helpful if you could send me that information as soon as possible so I can direct the FOIA Request search to those people.<sup>1</sup>

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<sup>1</sup> It appears to us that your emailing NDOT officials about your request after having just submitted it on May 27 hindered NDOT's operations in this respect.

Emails were subsequently exchanged between you and Denise Matulka, NDOT Records Officer, culminating in her June 26 email, set forth in pertinent part below:

With regard to what you variously refer to as a “Nebraska Continuously Operating Reference Network,” “CORS network” and “NE DOT CORS network” please be advised that the Nebraska Department of Transportation (“NDOT”) does not own, operate or control any such network. Therefore, there are no records responsive to your request. Further, NDOT does not have a record that expressly indicates “the names and contact information of the other state personnel who are assigned to maintaining and operating the refernce (sic) stations and NTRIP casters.” Therefore, there are no records responsive to this request.

In the interest of transparency, NDOT does own and operate a number of reference stations. Records relating to those reference stations, although not responsive to your request, are being voluntarily made available [to] you . . . .

Further adjustment with respect to the link provided to you was made by Ms. Matulka on June 27.

Under § 84-712.03(1)(b), the Attorney General is required “to determine whether a record may be withheld from public inspection or whether the public body that is custodian of such record has otherwise failed to comply with such sections . . . .” Upon review, NDOT officials determined that it had no records responsive to your request. However, as a courtesy to you and in an effort to be transparent, the NDOT provided you records relating to reference stations. Since you have not been denied access to records, no further action by this office is necessary and we are closing our file. However, we will take this opportunity to remind NDOT officials, by sending a copy of this letter to NDOT legal counsel that, in the future, a timely response must follow any written request for public records. Further, NDOT’s response must fully comport with the requirements set out in Neb. Rev. Stat. § 84-712(4), which provides, in pertinent part, that

[u]pon receipt of a written request for access to or copies of a public record, the custodian of such record shall provide to the requester as soon as is practicable and without delay, but not more than four business days after actual receipt of the request, an estimate of the expected cost of the copies and either (a) access to or, if copying equipment is reasonably available, copies of the public record, (b) if there is a legal basis for denial of access or copies, a written denial of the request together with the information specified in section 84-712.04, or (c) if the entire request cannot with reasonable good faith efforts be fulfilled within four business days after actual receipt of the request due to the significant difficulty or the extensiveness of the request, a written explanation, including the earliest practicable date for fulfilling the request, an estimate of the expected cost of any

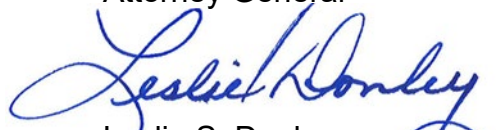
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copies, and an opportunity for the requester to modify or prioritize the items within the request.

If you disagree with our findings reached above, you may wish to consider the other remedies available to you under Neb. Rev. Stat. § 84-712.03.

Sincerely,

MIKE HILGERS  
Attorney General



Leslie S. Donley  
Assistant Attorney General

c: Matt Gaffey (via email only)

49-3262-30