



Policy No: 8.05

Title: Member Access to Information

Date Revised: January 26, 2016

SUBJECT: MEMBER ACCESS TO INFORMATION

I. OBJECTIVE: To establish a basis on which SMPA records are available to the membership and others for inspection and use.

II. POLICY:

One of the ideals of SMPA is to promote a well informed membership as to all information and data that will 1) keep members abreast of SMPA's activities, operations and financial condition, 2) make members knowledgeable of SMPA's board members, officers and employees, 3) inform them of, and encourage their active support of participation in, SMPA plans and programs for efficient and safe use of electric energy and sound community development, 4) encourage their full and active participation as members in SMPA's affairs, thorough attendance and voting at member meetings and otherwise, and 5) in general, promote a "good neighbor" and "good citizenship" philosophy as between and among SMPA, its members, the public at large and other related organizations and agencies, including government.

In furtherance of this ideal, SMPA will make available, to its members so requesting, information and data that is relevant to the interests of members, requested for a proper purpose and the revelation of which will not be adverse to the best interests of SMPA or its other members, in accordance with the following standards and conditions.

1. Subject to subparagraphs 3, 4 and 5, upon oral request and proper identification of the requesting member, routine information and data will be made available as promptly as possible during normal business hours, and may include, but not necessarily be limited to the following:
 - a. SMPA's Articles of Incorporation, Bylaws, rates, charges and service rules and regulations;
 - b. Operating and other financial reports that are regularly made to the United States Rural Electrification Administration and/or National Rural Utilities Cooperative Finance Corporation;
 - c. Monthly or other periodic or special operating and financial reports submitted by Management to the Board of Directors;
 - d. Adopted work plans for SMPA's future construction, operation, and maintenance of its general plant and electric system;
 - e. Formal audit reports rendered periodically by independent auditors;

- f. Adopted budgets for current and future operations and capital improvements;
 - g. The minutes of any prior member meeting;
 - h. The minutes of any prior board meeting;
 - i. Any publications SMPA may have for general distribution relating to the efficient or safe use of electric energy. SMPA's energy use and conservation programs, and the like; and
 - j. Publications subscribed or otherwise obtained by SMPA bearing on one or more aspects of its organization and operation.
2. Subject to subparagraphs 3, 4, and 5 upon formal request on the form attached hereto, stating a proper purpose that is germane to the requesting member's interests as a member, and whereby the member specifies a proper use for the information and data, and covenants not to put it to any use other than as stated, non-routine information and data will be made available as promptly as possible at reasonable times during normal business hours.
 3. SMPA will not release any information or data in relation to any pending lawsuit against it, any of its officers or employed personnel, except upon appropriate court order or upon the advice of counsel followed by approval of the Board. SMPA will not release any information or data that 1) will or may unlawfully invade any person's privacy; 2) is of confidential nature such as an employee's individual employment file or a budgeted but unpublished minimum or maximum for future facilities or contract work that will be negotiated or let to bid; 3) would violate any agreement with third parties with respect to trade secrets; 4) if so published might, for that reason among others, subject SMPA to adverse action in law or in equity, or by a regulatory agency; 5) if so published would adversely affect SMPA in its negotiations with third parties for any purpose; 6) if so published would otherwise adversely affect SMPA unduly out of proportion to the possible rightful interest of the requesting member; 7) is prohibited by any tribunal having jurisdiction in the premises; or 8) would violate the privilege of confidential communication between SMPA and its attorney; or 9) would reveal any information that is personal to any of the consumers of SMPA without prior written consent from that consumer.
 4. SMPA will furnish free of cost, copies of the items covered under paragraphs 1 and 2 that, in SMPA's sole discretion, will entail only minimal copying costs. Otherwise, the requesting member shall bear the cost of such copying, which will be done on SMPA's premises, or, if necessary, at some other place with one or more SMPA personnel or its attorney retaining custody of the items and being present during their copying. In the event that items may be furnished only after having certain matter omitted therefrom, the requesting members shall pay the cost of omitting unless SMPA, in its sole discretion, determines the cost of such to be minimal. With respect to all items covered under paragraphs 1 and 2, other than those covered under subparagraphs 1 a through j, SMPA reserves the right, if in its sole determination such is appropriate, to have its attorney or one or more of its personnel present during all times that member is reviewing or copying such items.

5. Whenever any member requests any item covered by subparagraphs 1 and 2, other than subparagraphs 1 a through j, the fact will, prior to making any such item available to the member, be communicated to and approved by the General Manager or, in his or her absence, SMPA's attorney. With respect to items covered under subparagraph 2 or that may be affected by subparagraph 4, the General Manager, before making such item available, shall consult with SMPA's attorney. If, after such consultation, they are in agreement as to whether the item shall be made available, the General Manager will proceed accordingly. If, after such consultation, either concludes that the item should not be made available, the General Manager will withhold the item pending consideration of the request by the Board and its action thereon. With respect to items covered under subparagraph 1, other than 1 a through j, the General Manager, if he or she entertains any doubt whatsoever that the information or data should be withheld, shall similarly consult with SMPA's attorney and the matter shall be treated as above provided for items under subparagraphs 2 and 4. In any event, the General Manager, at the first next meeting of the Board, shall report thereto on all such requests other than as covered by subparagraphs 1 a and h.

III. RESPONSIBILITY: It shall be the responsibility of the General Manager/CEO to see that this policy is implemented and followed.

SAN MIGUEL POWER ASSOCIATION, INC.

Request for Information or Data

I, the undersigned, hereby state that I am a member in good standing of the Cooperative. The information or data I hereby request is for no one's use other than mine or one or more other members of the Cooperative. The specific information I am requesting is as follows:

The purpose for which I request the foregoing specified information is, specifically, as follows:

The sole use(s) to which I will put the requested information is, specifically, as follows:

I hereby covenant that I shall not allow the requested information to be used in any way or for any purpose other than as set forth above.

Witness my hand this _____ day of _____, _____.

Witness: _____

PRINT NAME HERE

Address*

Tel. Number _____

SIGN NAME HERE

*Name and address should be as contained in the cooperative's records.