



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

November 27, 2017

Via Electronic Transmission to (dale@publicsource.org)

J. Dale Shoemaker
Public Source
746 East Warrington Avenue
Pittsburgh, PA 15210

**Re: Right-to-Know Law Request - dated October 20, 2017
Internal No. C-2017-076**

Dear Mr. Shoemaker:

On October 20, 2017, the Office of the Governor (Office) received your request for information pursuant to the Pennsylvania Right-To-Know Law, 65 P.S. §§ 67.101, et seq. (RTKL), wherein you requested:

“-A full copy of the proposal the Commonwealth, the City of Philadelphia and its partners submitted to Amazon Inc. on Oct. 19, 2017 to be the home of the company’s second headquarters as well as all supplementary materials.

**- All documents related to the sites the city proposed Amazon Inc. could occupy.
- All documents related to the incentives offered by the state of Pennsylvania and the city of Philadelphia “to offset initial capital outlay and ongoing operational costs” of Amazon, as detailed in Amazon’s request for proposals.**

-A full copy of the proposal the Commonwealth, Allegheny County, the City of Pittsburgh and its partners submitted to Amazon Inc. on Oct. 19, 2017 to be the home of the company’s second headquarters, titled “Future. Forged. For All.” This should also include all supplementary materials.

**- All documents related to the sites the city proposed Amazon Inc. could occupy.
- All documents related to the incentives offered by the state of Pennsylvania, the city of Pittsburgh and/or Allegheny County “to offset initial capital outlay and ongoing operational costs” of Amazon, as detailed in Amazon’s request for proposals.”**

By letter dated October 27, 2017, this Office informed you that it would require an extension of time, until no later than November 27, 2017, to review your request.

After review, your request is hereby denied. Initially, please note that the Office of the Governor did not submit a proposal to Amazon. Rather, the Office understands that various metropolitan statistical areas (MSAs) did submit such proposals. The MSA's proposals are not records of this Office, as they do not document a transaction or activity of the Office. See 65 P.S. § 67.102. Further, to the extent that the Office may possess information regarding proposals to Amazon, such records are not "public records" under the RTKL because they "constitute[s] or reveal[s] a trade secret or confidential proprietary information." 65 P.S. § 67.708(b)(11).

Nevertheless, the Office has corresponded with Amazon to support the MSA's proposals. Such correspondence may be found here: <https://www.pa.gov/guides/amazon-in-pa/>

The Pennsylvania Department of Community and Economic Development may possess responsive records. Their open records officer can be contacted at:

Jennifer Fogarty – Deputy Agency Open Records Officer
Department of Community and Economic Development
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120
Phone: 717.783-8452
Fax: 717.772.3103
Email: rtk-dced@pa.gov

We have copied the agencies on this letter and included a copy of your request. However, these agencies are not required to respond to this referral. If you wish to request records from these agencies under the RTKL, you must file a new request with each agency.

You have the right to appeal this response to the Office of Open Records. If you choose to file an appeal, you must do so in writing and within 15 business days of the mailing date of this response and simultaneously send a copy of the appeal to me in the same manner as the appeal is sent to the Office of Open Records (i.e., e-mail, fax, and regular U.S. mail or hand delivery.) Please direct your appeal to the Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, and Harrisburg, PA 17120. If you choose to file an appeal, you must include the following:

- (1) a copy of your request;
- (2) a copy of this response; and
- (3) the reason(s) in support of your appeal and/or why you believe the agency is in possession of records, or unable to meet any of the exemptions as stated in this response.

For your convenience, the Office of Open Records has an appeal form available on its website at: https://www.openrecords.state.pa.us/portal/server.pt/community/open_records/4434/forms/4653
04.

Thank you for your patience as we processed your request. Should you have any questions or require any further assistance, please do not hesitate to contact me *via* e-mail at RA-GOVRTKL@pa.gov

Respectfully,



Marc Eisenstein

Agency Open Records Officer