

March 30, 2016

**VIA E-MAIL**

Mr. Noah Carson-Nelson  
Research Analyst  
UNITE HERE Local 1  
Email: [ncarsonnelson@unitehere1.org](mailto:ncarsonnelson@unitehere1.org)

RE: 16-FOIA-067 Millennium Station Info

Dear Mr. Carson-Nelson:

We are in receipt of your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (“FOIA”).

**I. Background**

On March 15, 2016, we received your request for the following public records relating to the Millennium Station Concourse (f/k/a Randolph Street Station):

- Sub-leases between Beitler Millennium Station, LLC and sub-tenants of Millennium Station Concourse as reviewed and approved by the Board of Directors of Metra between March 1, 2006 and March 14, 2016, including any and all amendments, attachments, exhibits, or other modifications to the sub-leases, including any changes made under paragraph 34 of the Commercial Lease between the Commuter Rail Division of the Regional Transportation Authority and Beitler Millennium Station, LLC (“Lease”);
- Any applications for temporary reductions to sub-tenants' rent as reviewed or approved by the Board of Directors of Metra between March 11, 2009 and March 14, 2016, including any and all amendments, attachments, exhibits, or other modifications, per the March 11, 2009 amendment (“Fifth Amendment”) to the Lease;
- Reports requested by the Master Lease Operations Committee under Exhibit G of the Regional Transportation Authority and Beitler Millennium Station, LLC (“Management Agreement”) between March 1, 2006 and March 14, 2016, including any and all amendments, attachments, exhibits, or other modifications to these reports. Specifically, reports named in numbers 1-21 of Exhibit G;
- Written statements by Beitler Millennium Station, LLC, per paragraph 31 of the Commercial Lease, “stating current amounts of and the dates to which the Base Rent has been paid and setting forth such other matters as may be reasonably requested by the Landlord,” including any and all amendments, attachments, exhibits, or other modifications from September 1, 2006 to present (March 14, 2016). The Lease refers to these statements as “Estoppel Certificates”;
- Agendas, minutes, and memorialized final decisions of the Operations Committee for the Millennium Station Concourse (as established in Paragraph 48 of the Lease) from September 1, 2006 to March 14, 2016, including any and all amendments, attachments, exhibits, or other modifications to these agendas, minutes, and memorializations;

- Per Lease paragraph 49a, any and all "Base Rent Payment" reports from Beitler Millennium Station to Metra from September 1, 2006 to March 14, 2016, including any and all amendments, attachments, exhibits, or other modifications to these base rent payment reports;
- Per section 2.5 of the Management Agreement between Commuter Rail Division of the Management Agreement, "Proposed Budgets" dated between September 1, 2006 and present (March 14, 2016), including any and all amendments, attachments, exhibits, other modifications, or approvals of these proposed budgets;
- Per section 2.5 of the Management Agreement, "Preliminary Projections" dated between September 1, 2006 and present (March 14, 2016), including any and all amendments, attachments, exhibits, or other modifications to these preliminary projections;
- Applications by Beitler Millennium Station for written approval of expenditures not reflected in the Approved Budget as required under Section 2.5 of the Lease, including any and all amendments, attachments, exhibits, or other modifications;
- Any and all license applications by Beitler Millennium Station, LLC for the Millennium Station Concourse, whether initial or renewal, including any and all amendments, attachments, exhibits, or other modifications from September 1, 2006 to March 14, 2016 (as referenced in Section 2.10 of the Management Agreement);
- Per Section 6.1 of the Management Agreement, "Rent Reports" from September 1, 2006 to March 14, 2016, including any and all amendments, attachments, exhibits, or other modifications;
- Per Section 6.1 of the Management Agreement, "Operating Expense Reports" from September 1, 2006 to March 14, 2016, including any and all amendments, attachments, exhibits, or other Modifications; and
- Bills and invoices presented by Metra to Beitler Millennium Station per Lease paragraph 49b regarding security costs provided by Metra under Lease paragraph 17

(**“Request”**).

I sent you an email on March 22 advising that your Request as written was unduly burdensome in that the 13 bullet points contained in your Request seek 10 years' worth of records for each bullet point. To search for this many records covering the span of 10 years would severely interfere with the day-to-day operations of our Procurement Department and would hinder the FOIA Department's ability to respond to other requests. We asked if you would consider narrowing down the scope of your Request to one bullet point for years 2006-2011, with the understanding that you could submit future request for additional records. On March 23 you called to discuss your Request with me. During our conversation, I re-emphasized our desire to work with you and asked that you consider narrowing your Request as suggested above. I also advised that once we responded to your narrowed Request, you could then select another bullet point, submit that request, and the process would start over again. You stated you would review your original Request and send us an amended Request. We received your amended Request that same day, which was narrowed to three bullet points for the time periods of March 11, 2009 – March 14, 2016; March 1, 2008 – March 22, 2016; and September 1, 2006 – March 22, 2016. You indicated in your email that you were unable to narrow the Request to a single type of document for the time period suggested. As you are unable to narrow down the scope of your Request to one bullet point for the time period suggested, your Request is denied.

## **II. Denial**

We are denying your Request as unduly burdensome under 5 ILCS 140/3(g), which states that a public body may deny a request where “compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.” My email to you on March 22 advised that your Request as written was unduly burdensome in that the 13 bullet points contained in your Request seek 10 years’ worth of records for each bullet point. To search for this many records covering the span of 10 years would severely interfere with the day-to-day operations of our Procurement Department and would hinder the FOIA Department’s ability to respond to other requests. We asked if you would consider narrowing down the scope of your Request to one bullet point for years 2006-2011, with the understanding that you could submit future request for additional records. Accordingly, since you are unable to narrow down the scope of your Request as noted above and your Request would be unduly burdensome to comply with as written, it has been determined by Attorney Thomas Stuebner that your Request falls squarely within the parameters of 5 ILCS 140/3(g).

Please note that you may resubmit your Request by narrowing down the scope as suggested.

## **III. Right of Review**

You have the right to have the denial of your Request reviewed by the Public Access Counselor (“PAC”) of the Illinois Attorney General’s Office. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor  
Office of the Attorney General  
500 South 2nd Street  
Springfield, Illinois 62706  
Fax: 217-782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us).

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your denial by filing a lawsuit in the circuit court. 5 ILCS 140/11.

If I can be of any further assistance to you, please do not hesitate to contact me.

Sincerely,



Kathleen E. Haton  
Freedom of Information Officer  
[FOIA@metrarr.com](mailto:FOIA@metrarr.com)