

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION)	
)	DOCKET NO. TO-011472
Complainant,)	
)	
v.)	
)	
OLYMPIC PIPE LINE COMPANY, INC.)	
)	
Respondent.)	
_____)	

**TESORO REFINING AND MARKETING COMPANY=S
AND TOSCO CORPORATION=S JOINT
MOTION TO DETERMINE THE CONFIDENTIALITY
OF THEIR INTERIM RATE CASE**

I Tesoro Refining and Marketing Company (ATesoro@) and Tosco Corporation, a subsidiary of Phillips Petroleum Company, (ATosco@) (collectively, ATesoro/Tosco@), hereby jointly file this motion for an order determining that the information submitted in their interim rate case, consisting of the direct testimony of John F. Brown, Gary Grasso, and Frank J. Hanley, is not confidential. In accordance with WAC 480-09-420(3), the name and address of the pleading party is set forth below. Please direct all service and correspondence regarding the above-captioned docket to the following:

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2 This motion may bring into issue the following rules or statutes: WAC 480-09-015 regarding the **Submission of Aconfidential® information**, and RCW 34.05.446 regarding **Subpoenas, discovery, and protective orders**.

3 Pursuant to the Protective Order entered in this docket, Tesoro/Tosco are entitled to challenge a party's assertion that information is confidential and subject to the protection of the protective order issued in this proceeding (as amended). The protective order issued in this proceeding provides:

Right to Challenge Confidentiality. Any party may challenge another party's assertion of confidentiality with respect to any information asserted to be entitled to protection under this Order. The Presiding officer will conduct an *in camera* hearing to determine the confidentiality of information. The burden of proof to show that such information is properly classified as confidential is on the party asserting confidentiality. Pending determination, the assertedly Confidential Information shall be treated in all respects as protected under the terms of this Order. If the presiding officer determines the challenged information is not entitled to protection under this Order, the information continues to be protected under this Order for ten days thereafter to enable the producing party to seek Commission or judicial review of the determination, including a stay of the decision's effect pending further review.

WUTC Docket No. TO-011472, Second Supplemental Order (Protective Order), dated November 27, 2001, & 16.

4 Consistent with this order, Tesoro/Tosco filed their case-in-chief on the interim petition as confidential. Tesoro/Tosco had no choice. Most of the information that was referenced in Tesoro/Tosco's testimony and exhibits had been obtained through discovery and had been designated as confidential either by general reference in the transmittal letter and/or discovery

response or by being stamped on the source document. However, the information that was designated as confidential would be reported in public filings (such as FERC Form 6) or is not information that truly might compromise their ability to compete fairly or that otherwise might impose a business risk if disseminated without the protections provided in this Order. @ Id. Second Supplemental Order, at ¶ 4. Therefore, the information submitted in Tesoro/Tosco's interim rate case, consisting of the direct testimony of John F. Brown, Gary Grasso, and Frank J. Hanley, should not be treated as confidential and protected as such by the protective order.

5 Tesoro/Tosco has attempted to resolve this issue informally with Olympic. On January 8, 2002, Tesoro/Tosco sent an email request to Olympic's counsel requesting that Olympic review Tesoro/Tosco's case-in-chief and indicate the specific information that it requests be protected. See Exhibit A attached. Also on January 8, 2002, Tesoro/Tosco reiterated this request in a teleconference with Olympic's counsel. To date, there has been no response.

DATED this 10th day of January, 2002.

BRENA, BELL & CLARKSON, P.C.
Attorneys for Tesoro Refining and
Marketing Company

By

Robin O. Brena, ABA #8410089
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CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2002,
a true and correct copy of the foregoing
document was faxed, emailed, and mailed
to the following:

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