

SERVICE DATE
OCT - 3 1995

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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| WASHINGTON UTILITIES AND |) | |
| TRANSPORTATION COMMISSION, |) | DOCKET NO. UT-950200 |
| |) | |
| Complainant, |) | |
| |) | EIGHTH SUPPLEMENTAL ORDER |
| v. |) | |
| |) | |
| U S WEST COMMUNICATIONS, INC., |) | ORDER GRANTING MOTION |
| |) | TO EXCLUDE AARP EMPLOYEES |
| Respondent. |) | |
| |) | |
| |) | |

On August 24, 1995, Respondent US WEST Communications, Inc., filed a motion to exclude certain employees of intervenor AARP from access to confidential data. The motion is based on information provided by the employees and AARP, stating that those employees' responsibilities are to review legislation on behalf of AARP, an interest group with positions on telecommunications issues that is independent from and that may be opposed to the positions of USWC.

AARP has limited its request to allow two staff people to review confidential information contained in the testimony of AARP's own expert witness, William Dunkel. It states that its employees, Michael Beresik and Susan Weinstock, are responsible for overseeing advocacy on utility issues in each state on the organization's behalf, and which operate as support to efforts such as those in Washington State. It contends that the job responsibilities of those employees require them to undertake the requested review.

The Commission denies the request. The purpose behind the confidentiality provisions of RCW 80.04.090 and WAC 480-09-015 are to encourage the disclosure of information necessary to the prosecution of a case by reducing the risk that the information will be disclosed to persons able to use the information in a competitive or otherwise hostile manner toward the disclosing party.

Here, that is exactly what would happen if the information were made available to the AARP employees. Their work requires them to assist in the formulation and execution of telecommunications policy in a manner that is independent of and that may be hostile to the interests of USWC. The risks to USWC may be as great as though the disclosure were to operating executives of a competitor. The willing disclosure of information essential to the effective operation of the regulatory system is best encouraged by providing disclosure without the sort of risks inherent in disclosure to persons of Mr. Beresik's and Ms. Weinstock's responsibilities.

The Commission understands that AARP has a legitimate need to knowledge of its witness' testimony. Here, however, the Commission believes that the legitimate need for confidentiality to promote disclosure needed for regulation is stronger. AARP may properly be required to rely on the professional qualities that led it to choose the expert, rather than the upon confidential information whose disclosure could lead to injury of the discloser in other contexts.

O R D E R

THE COMMISSION GRANTS the motion of US WEST Communications, Inc., to exclude AARP employees Beresik and Weinstock from access to confidential information.

DATED at Olympia, Washington, and effective this Third day of October, 1995.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



SHARON L. NELSON, Chairman



RICHARD HEMSTAD, Commissioner



WILLIAM R. GILLIS, Commissioner