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December 20, 2013

Mr. Steven King
Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250

RE: Docket A-130355, Rulemaking to Consider Possible Corrections and Changes in
Procedural Rules in WAC 480-07

Dear Mr. King,

Puget Sound Energy Inc. ("PSE") is providing these additional comments on the rulemaking in the above-referenced docket pursuant to the Commission's draft rules and Notice of Opportunity to File Written Comments dated November 14, 2013 ("Notice"). PSE filed initial comments in this proceeding on May 17, 2013, and PSE appreciates the opportunity to submit these additional comments. Please note that in making the comments below, PSE does not waive any objections or concerns stated in its prior comments.

WAC 480-07-140(1)(b) Electronic filing in adjudications. PSE supports the Commission's proposal to require submission of documents via the Commission's web portal; however, PSE requests the Commission allow an exception and provide for filing a hardcopy or electronic media (disk or portable USB drive) in the event a single document or filing exceeds the size limits of the Commission's web portal or email capacity.

WAC 480-07-140(4)(a) Identification of sender. The Commission proposes the following provision: "All filings or submissions on behalf of a company the commission regulates must identify the company using the exact name of the company in the commission's records." PSE requests that the Commission maintain or identify a specific list of company names as the "official" name pursuant to the "commission's records".

WAC 480-07-140(5)(c) File naming conventions. PSE currently uses the following file naming convention pursuant to WAC 480-07-140(6): [docket] [witness] [document]

07772-1181/LEGAL.28713813.1

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[party][date]. To indicate if the file is confidential or redacted, the current rules enable a party to use (C) or (R) at the end of the file name, for example:

Confidential: UE-010101 Jones rebuttal attach 1 PSE (12-20-13)(C)

Redacted: UE-010101 Jones rebuttal attach 1 PSE (12-20-13)(R)

The Commission's proposed rules state parties should use the following format:

UE-010101 Jones confidential rebuttal attach 1 (party) (date).

PSE prefers to keep the current file naming convention to identify confidential or redacted files because the end of the file name is a more conspicuous location to identify confidentiality than the middle of the file name. Further, spelling out the word "confidential" or "redacted" can make the file name too long.

WAC 480-07-140(d) Acceptable organization. PSE believes the proposed edits to the procedural rules regarding acceptable organization are unnecessarily restrictive and potentially confusing. PSE believes the current procedural rules provide sufficient guidance regarding submissions and email service.

WAC 480-07-141 Commission receipt of a document is not filing or acceptance.

The Commission's proposed amendments to WAC 480-07-141 states,

Upon receipt the commission will review a submission to determine whether it complies with applicable filing requirements prior to accepting it for filing and assigning a docket number, if applicable. The commission will identify any areas of noncompliance in the submission and either will require the documents to be resubmitted with the deficiencies corrected or will reject the documents and return them to the sender.

PSE proposes an amendment to WAC 480-07-141 to state that either 1) the Commission will affirm that the filing complies with applicable filing requirements or 2) by passage of a certain amount of time (e.g., 10 days), the filing is deemed to comply with applicable filing requirements. For example:

Upon receipt the commission will review a submission to determine whether it complies with applicable filing requirements prior to accepting it for filing and assigning a docket number, if applicable. The commission will identify any areas of noncompliance in the submission and either will require the documents to be resubmitted with the deficiencies corrected or will reject the documents and return them to the sender. It will make such notification(s) within 10 business days; if it makes no such notification(s) within 10 business day the filing is deemed to comply with all applicable filing requirements.

WAC 480-07-160 Confidential information under RCW 80.04.095.

- **WAC 480-07-160(3)(c)(iv).** PSE believes that no amendment is necessary to the current rule regarding the marking of information containing both confidential and highly confidential information, WAC 480-07-160(c)(iv). The Commission proposes that paper copies containing both confidential and highly confidential information be printed on light green paper, with highly confidential information separated with an asterisk at the beginning and end of the highly confidential

information. PSE disagrees with the Commission's proposed amendments because the amendments will likely create more confusion and the current rules are sufficient to clearly identify highly confidential and confidential information. Currently, the highly confidential and confidential versions of a document are identified by 1) the name of the document, e.g., Exhibit No. ABC-1(HC), 2) the color of the paper, which is the color of the highest confidentiality designation, and 3) the label that is required on each page containing highly confidential and confidential information. Accordingly, if a reader is reviewing a page containing both confidential and highly confidential information, the reader may identify the highly confidential and confidential information by either reviewing the labels on the page or by comparing the page with the confidential version. Requiring an asterisk (*) is problematic because often highly confidential and confidential information is contained in spreadsheet formulae. To insert an asterisk (*) within a formula will change the meaning of the formula and the applicable calculation. To require an asterisk (*) only for the paper version of a spreadsheet but not the electronic version will introduce confusion and will result in an electronic version that differs from the paper version, in violation of the Exact Copy rule (currently WAC 480-07-145(6)(a)(iii), proposed WAC 480-07-145(2)(c)). ("The original and paper copies of the document delivered to the commission on the day following the filing deadline must conform exactly in form and content to the electronic version.")

PSE is not aware that there has been any confusion among parties or the Commission regarding the designation of highly confidential versus confidential information. PSE believes such procedural rule amendments are, therefore, unnecessary, and as noted above, burdensome.

- **WAC 480-07-160(3)(c)(vi).** PSE recommends the Commission delete the last sentence of its proposed amendment to WAC 480-07-160(c)(vi), "The commission will rarely, if ever, accept documents that have been designated as confidential or highly confidential in their entirety." PSE is unclear why the proposed provision is necessary. The addition appears redundant, given the current Commission rules regarding confidential designation, the requirement for strict compliance, and the provisions for challenging confidentiality. PSE would like to examine the reasons behind the Commission's proposed change.
- **WAC 480-07-160(3)(d) Number of copies.** Insert "except as provided in WAC 480-07-140(5)(b)(ii)" at the beginning of the first sentence.

WAC 480-07-165 Other confidential information. PSE does not support addition of this provision. The rules currently do not provide for submission of confidential or highly confidential information outside of a non-adjudicated proceeding. In an adjudicated proceeding, a protective order specifies the rights and obligations of all parties regarding use and potential disclosure of confidential or highly confidential information. There is no such protective order available in a non-adjudicative proceeding. The Public Records Act, RCW 42.56, in particular RCW 42.56.330, provides sufficient direction regarding the procedures for requesting or disclosing confidential or highly confidential records. Accordingly, the proposed rule is unnecessary.

Thank you for the opportunity to file these comments. PSE looks forward to working further with parties and providing additional comments as this proceeding progresses. If you have any questions regarding these comments, or if we can be of any other assistance, please contact Donna L. Barnett at 425-635-1400.

Sincerely,

A handwritten signature in blue ink that reads "Donna B." followed by a stylized flourish.

Donna L. Barnett