

SERVICE DATE

JAN 1 2 1996

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In Re the Petition of)	
)	
CASCADE NATURAL GAS CORPORATION)	DOCKET NO. UG-950326
)	
For an Order Determining the Ratemaking)	
Treatment of Certain Special Contracts.)	
.....)	
)	
Re Staff Investigation of Cascade Natural)	DOCKET NO. UG-950688
Gas Corporation.)	
.....)	
)	
WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET NO. UG-951415
)	
Complainant,)	
)	
v.)	
)	FIRST SUPPLEMENTAL ORDER
CASCADE NATURAL GAS CORPORATION,)	
)	PROTECTIVE ORDER
Respondent.)	
.....)	

A motion was made to the Commission for a protective order governing disclosure of proprietary and confidential information in this proceeding. The Commission has provided the parties an opportunity to comment on the proposed protective order, and has duly considered any such comments. The Commission notes that the proposed protective order is patterned after the protective order issued in Docket No. UT-901029, In the Matter of the Application of ELECTRIC LIGHTWAVE, INC., for an Order Authorizing Registration of Applicant as a Telecommunications Company. It is likely that proprietary and confidential information will be provided in this proceeding, and that, absent the existence of this order, a significant risk of disclosing truly confidential material to large numbers of parties will exist. Based upon the record and file herein, the Commission hereby makes and enters the following protective order to govern the discovery and use of proprietary and confidential documents in this proceeding.

agreement which shall show each signatory's full name, permanent address, the party with whom the signatory is associated and in the case of experts, the employer (including the expert's position and responsibilities). The party seeking access shall send a copy of the agreement to the Commission and, in the case of experts, the responding party shall complete its portion and likewise file same with the Commission or waive objection as described in Exhibit B.

5. Access to Confidential Information. Copies of documents shall be provided in the same manner as customary under Commission rules and practice. Requests for special provisions for inspection of documents must be submitted to the Administrative Law Judge if not agreed upon by the parties. The parties hereto shall not distribute copies of Confidential Information to, nor shall they discuss their contents with, any person(s) not bound by this Order. Persons to whom copies of documents are provided pursuant to this Order shall be deemed to warrant that they will exercise all reasonable diligence to maintain the documents consistent with the claim of confidentiality.

C. Use of Confidential Information in This Proceeding.

6. Protected Use by Agreement. Any party desiring to use any Confidential Information in the course of this proceeding, including but not limited to testimony to be filed by the party, exhibits, direct and cross-examination of witnesses, rebuttal testimony or a proffer of evidence, shall give reasonable notice of such desire, and attempt in good faith to reach an agreement to use the Confidential Information in a manner which will protect its trade secret, proprietary or confidential nature. In attempting to reach an agreement, the parties shall consider such methods as deletions of material from the information requested to be made public, characterizations of data rather than disclosure of substantive data, and aggregations of data in an effort to protect the party's rights while at the same time allowing the adverse party to present the evidence necessary to its case: Provided, That these provisions do not restrict the right of any party to fully engage in cross-examination, as allowed by statute and the Commission rules. If it is necessary to use confidential information in cross-examination, appropriate notice shall be given to the Administrative Law Judge and arrangements to protect the Confidential Information shall be made at that time.

7. Right to Challenge Admissibility. Nothing herein shall be construed to restrict any party's right to challenge the admissibility or use in this proceeding of any Confidential Information on any legitimate ground, including but not limited to competence, relevance, materiality or privilege. At any hearing to determine the confidentiality of information, the burden of proof to show that such information is properly classified as confidential shall be upon the party asserting the claim.

8. Use of Confidential Information During Hearings; Reference to Confidential Information in Briefs, Motions, or Other Filings. To the extent that reference is to be made to any Confidential Information by counsel or persons afforded access thereto during any aspect of this proceeding including, but not limited to, motions, briefs, arguments, direct

Commission), any federal agency that has access to and/or receives copies of the Confidential Information will consider and treat the Confidential Information as within the exemption from disclosure provided in the Freedom of Information Act as set forth at 5 U.S.C. | 552 (b)(4); and any state agency that has access to and/or receives copies of the Confidential Information will consider and treat the Confidential Information as within the exemption from disclosure provided in RCW 42.17.310(1)(h) and (q).

13. Modification. The Commission may modify this Order on motion of a party or on its own motion upon reasonable prior notice to the parties and an opportunity for hearing.

14. Violation of this Order. Violation of this Order by any party to this proceeding or by any other person bound by this Order by reason of unauthorized use of unauthorized divulgence of Confidential Information shall subject such party or person to liability for damages and penalties as generally provided by law.

DATED at Olympia, Washington, and effective this ^{11th} day of January 1996.


WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



SHARON L. NELSON, Chairman



RICHARD HEMSTAD, Commissioner



WILLIAM R. GILLIS, Commissioner

EXHIBIT A (ATTORNEY AGREEMENT)

AGREEMENT CONCERNING CONFIDENTIAL INFORMATION
IN DOCKET NOS. UG-950326, UG-950688 and UG-951415
BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

I, _____, as attorney for _____
_____ (party to this proceeding) hereby agree to comply with and be
bound by the protective order entered by the Washington Utilities and Transportation
Commission in Docket Nos. UG-950326, UG-950688 and UG-951415, and acknowledge that
I have reviewed the protective order and fully understand its terms and conditions.

Signature and Date

Address: _____

EXHIBIT B (EXPERT AGREEMENT)

AGREEMENT CONCERNING CONFIDENTIAL INFORMATION
IN DOCKET NOS. UG-950326, UG-950688 and UG-951415
BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

I, _____, as the expert for _____ (a party to this proceeding) hereby agree to comply with and be bound by the protective order entered by the Washington Utilities and Transportation Commission in Docket Nos. UG-950326, UG-950688 and UG-951415 and acknowledge that I have reviewed the protective order and fully understand its terms and conditions.

Signature and Date

Address:

Employer:

Position and
Responsibilities:

* * *

The following portion is to be completed by the responding party and filed with the Commission within 10 days of receipt; failure to do so will constitute a waiver and the above-named person will be deemed an expert having access to Confidential Information under the terms and conditions of the protective order.

_____ No objection.

_____ Objection. The responding party objects to the above-named expert having access to Confidential Information. (A motion setting forth the basis for the objection shall also be filed with the Commission).

Signature and Date