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July 10, 2018

VIA E-FILING

Mr. Mark L. Johnson, Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504-7250

Re: Docket A-180513 – Rules Relating to Public Access to Records

Dear Mr. Johnson:

By letter dated June 8, 2017 (sic), the Commission issued a Notice of Opportunity to Submit Written Comments in the above-referenced docket. This is a rulemaking designed to consider possible corrections and changes to the Commission's rules relating to public access to records.

WITA has one suggested change to the proposed rules. Under the Commission's rules related to notification concerning a request for records that has been designated as confidential, the Commission has stated that it will provide information concerning the request to the entity filing the confidential information to the effect that the Commission will disclose the requested confidential information to the person filing the public records request, unless within ten days of the date of the notice, the Commission is served with a court order prohibiting that disclosure. See, proposed WAC 480-04-095(5)(b)(ii). WITA fully recognizes that the ten day provision is what is required by statute, specifically RCW 80.04.095.

At times it may be difficult for the entity that has filed the information as confidential to actually get to court within the ten days. While recognizing that this is statutory language, it is nonetheless possible in some cases to alert an entity that there has been a request for the confidential information prior to the ten day notice being provided to the filing entity. If the Commission could provide the filing entity with information that a request has been made, that will provide more time for the filing entity to prepare to go to court if it turns out that the requestor still desires to receive the confidential information after inquiry.

To this end, WITA suggests that language be added to proposed WAC 480-04-095(5)(b)(ii) to read as follows:

"To the extent it is able to do so, the Commission will endeavor to inform the

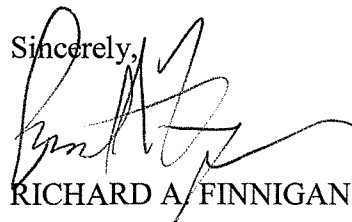
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Records Management
07/10/18 11:41
State Of WASH.
UTIL. AND TRANSP.
COMMISSION

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person filing the information designated as confidential that a request has been made for the confidential information prior to providing the ten day notice required by statute. The Commission is not required to provide notice in advance of the minimum requirements of RCW 80.04.095 or 80.77.210, whichever is applicable, but will try to provide advance information as soon as possible."

Thank you for your consideration of the foregoing.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Finnigan", written over the word "Sincerely,".

RICHARD A. FINNIGAN

RAF/cs

cc: Client (via e-mail)