

October 25, 2010

VIA ELECTRONIC FILING

Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Attention: David Danner
Executive Director and Secretary

Re: A-101474, PacifiCorp's Comments on Rulemaking to Consider Modification of Existing Rules for Access to Public Records

Dear Mr. Danner,

On September 24, 2010, the Washington Utilities and Transportation Commission ("Commission") invited interested persons to comment on the need to develop new rules or modify existing Commission rules in WAC 480-04 to reflect changes to the Public Records Act in RCW 42.56. PacifiCorp d/b/a/ Pacific Power (the "Company") provides the following comments in response to the Commission's request.

PacifiCorp believes that the Commission should modify its existing rules to reflect recent changes to the Public Records Act. PacifiCorp proposes modifications, described below, to the Commission's rules and standard protective order that are necessitated by the recent changes to the Public Records Act. PacifiCorp requests, however, that the Commission provide parties with the opportunity to file reply comments on parties' proposals, should parties desire to do so.


First, PacifiCorp recommends that the Commission's rules be modified to remove references to statutes in RCW chapter 42.17 and replace with the correct references to statutes in RCW chapter 42.56.

Second, PacifiCorp recommends that the Commission correct the reference to the Public Records Act in paragraph 19 of the Commission's standard protective order. In the standard protective order issued in PacifiCorp's current rate case, Docket UE-100749, paragraph 19 states that "any Washington state agency that has access to and/or receives copies of the Confidential Information must treat the Confidential Information as being within the exemption from disclosure provided in RCW 42.17.310(1)(h) and (q)." *Wash. Util. & Transp. Comm'n v. PacifiCorp*, Docket UE-100749, Order 3 at ¶ 19 (May 13, 2010). Other standard protective orders recently issued by the Commission reference RCW 42.56.330(1) and RCW 42.56.300(1), rather than RCW 42.17.310(1)(h) and (q), in paragraph 19. *See, e.g., Wash. Util. & Transp. Comm'n v. Avista Corp.*, Docket UE-100467, Order 3 at ¶ 19 (Apr. 8, 2010) and *Re. Petition of Puget Sound Energy for a Declaratory Order Regarding the Transfer of Assets to Jefferson Cty. Pub. Util. Dist.*, Docket U-101217, Order 1 at ¶ 19 (July 30, 2010).

Because the Public Records Act has been recodified in RCW chapter 42.56, the references to RCW chapter 42.17 in the standard protective order are no longer applicable. PacifiCorp therefore recommends that the Commission revise paragraph 19 in its standard protective order to read “any Washington state agency that has access to and/or receives copies of the Confidential Information must treat the Confidential Information as being within the exemption from disclosure provided in RCW 42.56.270(1) and RCW 42.56.330(1).” The standard protective order would then appropriately reference financial, commercial, and proprietary information (the equivalent to former RCW 42.17.310(1)(h)) and records filed with the Commission or attorney general under RCW 80.04.095 (the equivalent to former RCW 42.17.310(q)).

The Company appreciates the opportunity to provide comments on the rulemaking to consider modification of existing rules for access to public records and looks forward to participating in further discussions. Please direct any inquiries to Cathie Allen at (503) 813-5934.

Sincerely,


Andrea L. Kelly
Vice President, Regulation