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From: Marjorie Schaer [mailto:mschaer@wutc.wa.gov]
Sent: Thursday, January 16, 2003 12:50 PM
To: Kopta, Greg
Cc: jendejan@GrahamDunn.com; joan.gage@verizon.com;
michel.singer_nelson@wcom.com; Robert Cromwell; simonf@atg.wa.gov; Shannon
Smith; Records Center
Subject: RE: Docket No. 020406 Modification of Protective Order

TO PARTIES OF RECORD:

On Tuesday, January 14, 2003, Verizon sent an electronic message asking that a Protective Order with heightened protections be entered in this proceeding, and that the Protective Order in Qwest/Dex be used as a model. On January 15, 2003, Public Counsel sent an electronic message indicating that it would had objected to the terms of the Protective Order in Qwest/Dex, and would object if the same language was proposed in this proceeding. Also on January 15, 2003, AT&T sent an electronic message indicating that the language in the Qwest/Dex order could pose problems in this proceeding, and recommending use of the language contained in the Qwest/US WEST merger docket.

At the discovery hearing in this matter on December 19, 2002, the parties were referred to language in the protective orders in Olympic Pipeline Docket No. TO-011472, and in Puget Sound Energy Docket UE-001952. Parties were also encouraged to discuss this matter, and to provide the Commission with a joint motion if possible.

Attached to this message are the provisions for protection of highly confidential information entered in each of the above mentioned matters. Please review these, and discuss which, if any, might be acceptable to all parties. In particular, it appears that a discussion between Verizon and Public Counsel might prove useful. If a joint motion is possible, it should be filed with the Commission electronically by 3:00 p.m. January 21, 2002, with paper copies to be filed the next day. If it is not possible, then a motion should be filed on Tuesday, with answers/counter-proposals to be filed by Thursday, January 23, 2002. Again, electronic filing by 3:00 p.m. will be allowed, if paper copies are filed the next day.

By the time the motion is filed, more than a month will have passed from the December 19, 2003, discovery hearing. It is to be hoped that the parties can reach an agreement quickly and proceed with their case preparation. Parties are encouraged to agree informally to follow the heightened confidentiality procedures agreed upon even before an order is entered.

Very truly yours,

MARJORIE R. SCHAER
Administrative Law Judge
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