

OFFICE OF THE PROSECUTING ATTORNEY
KING COUNTY, WASHINGTON
CIVIL DIVISION

Norm Maleng
Prosecuting Attorney

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May 5, 1994

Mr. Steve Mc Lellan
Secretary
Washington Utilities and Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

Re: King County Department of Public Works, Solid Waste Division
v. Seattle Disposal Company, Rabanco Ltd., d/b/a Eastside
Disposal and Container Hauling, Docket No. TG-940411

Dear Mr. Mc Lellan:

Enclosed for filing are the original and nineteen copies of King
County's Response to Rabanco's Motion for a Protective Order.

Very truly yours,

For NORM MALENG, King County Prosecuting Attorney

Mary F. Perry

MARY F. PERRY
Senior Deputy Prosecuting Attorney

cc: Anne E. Egeler
Elizabeth Thomas

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RECORDS MANAGEMENT
9 MAY -5 AM 10:00
KING COUNTY PROSECUTOR
CIVIL DIVISION

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DIVISION

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BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

KING COUNTY DEPARTMENT OF)
PUBLIC WORKS, SOLID WASTE)
DIVISION,)
Complainant,)
vs.)
SEATTLE DISPOSAL COMPANY,)
RABANCO, LTD., d/b/a/EASTSIDE)
DISPOSAL AND CONTAINER HAULING)

DOCKET NO. TG-9400411
KING COUNTY'S RESPONSE TO
RABANCO'S MOTION FOR
PROTECTIVE ORDER

1. Complainant King County Department of Public Works, Solid Waste Division ("King County") submits this response to Respondent Seattle Disposal Company, Rabanco Ltd., d/b/a Eastside Disposal and Container Hauling's ("Rabanco") Motion for Protective Order.

2. King County does not object to entry of a protective order regarding proprietary and confidential information produced by Rabanco in this proceeding. However, Rabanco has attached a sample order to its motion that contains provisions that King County finds objectionable.

1 3. ¶B.3 of the sample order limits access to what is
2 designated Confidential Information in the order to counsel to the
3 parties in the proceeding and their experts. It prohibits
4 dissemination of such information to any officers, directors,
5 direct employees, major shareholders, or principals of any party.
6 This provision would apply to a party that is a commercial
7 competitor of Rabanco. It does not apply to a public agency such
8 as King County.

9 4. ¶C.12 of the sample order states that "any state agency
10 that has access to and/or receives copies of the Confidential
11 Information will consider and treat the Confidential Information
12 as within the exemption from disclosure provided in RCW
13 42.17.310(h) and (q)." King County is concerned that a similar
14 provision applicable to it would expose King County to potential
15 liability. King County would agree to notify Rabanco of any
16 request for Confidential Information and to not release it without
17 first giving Rabanco the opportunity to seek court protection from
18 disclosure.

19 5. King County respectfully requests that any protective
20 order entered to govern discovery and the use of proprietary and

21 ////

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1 confidential documents in this proceeding incorporate King
2 County's concerns, as described in paragraphs 3 and 4 above.

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4 DATED this 5th day of May, 1993.

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Respectfully submitted,

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NORM MALENG
King County Prosecuting Attorney

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By: Mary F. Perry
MARY F. PERRY, WSBA #15376
Senior Deputy Prosecuting Attorney
Attorneys for King County

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By: Mary F. Perry
for KATHRYN A. KILLINGER, WSBA #16342
Senior Deputy Prosecuting Attorney
Attorneys for King County

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KING COUNTY'S RESPONSE TO
RABANCO'S MOTION FOR PROTECTIVE
ORDER- 3
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by United States mail, pursuant to WAC 480-09-120(2)(a).

Elizabeth Thomas
Preston Gates & Ellis
Attorneys for Rabanco
5000 Columbia Center
701 Fifth Avenue
Seattle, WA 98104-7078

Anne E. Egeler
Assistant Attorney General
1400 S. Evergreen Park Drive Southwest
Post Office Box 40128
Olympia, WA 98504-0128

DATED this 5th day of May, 1994 at Seattle, Washington


Sandra A. Courtway