

December 8, 2003

VIA FAX, ELECTRONIC AND FIRST CLASS MAIL

Carole Washburn
Executive Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Pk. Dr. S.W.
PO Box 47250
Olympia, WA 98504-7250

Re: Application for Power Cost Adjustment – Power Cost Only Rate Review Filing
Docket No: UE-031725

Dear Ms. Washburn:

Subsequent to the filing of the PSE and Staff responses to Public Counsel's Objection to Order No. 3 and Petition for Interlocutory Review, Public Counsel, Commission Staff and PSE have reached agreement on amended language for paragraph 12 (a) of Order No. 02, the protective order in this docket. Paragraph 12(a) describes the affidavit to be filed by outside experts who have access to highly confidential documents. The language is as follows:

They do not now, and will not for a period of three years, use highly confidential documents or information contained in highly confidential documents obtained in this docket, to advise, counsel, or consult on the design, development, marketing, pricing, sale or procurement, of any product, service, or energy generation facility, for any company or business organization that competes, or is actively considering competing, with the company or business organization producing the information.

The parties respectfully request amendment of the protective order to incorporate this language. Paragraph 12(b) would remain unchanged. The amended provision is agreed to for purposes of this proceeding only and does not constitute precedent for language in protective orders in future proceedings. If the Commission accepts the amendment, the Public Counsel Objection and Petition for Interlocutory Review may be treated as withdrawn. Counsel for PSE and Commission Staff have authorized Public Counsel to file this letter reporting the agreement.

Sincerely,

Simon J. ffitc
Assistant Attorney General
Public Counsel Section
206-389-2055

SJf
cc: All parties (electronic and U.S. Mail)