

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND	)	DOCKET NO. UE-031725
TRANSPORTATION COMMISSION	)	
	)	ORDER NO. 05
Complainant,	)	
	)	
v.	)	AMENDMENT TO PROTECTIVE
	)	ORDER
PUGET SOUND ENERGY, INC.	)	
	)	
Respondent.	)	
	)	
.....		

1 **PROCEEDINGS:** On October 24, 2003, Puget Sound Energy, Inc., (PSE or the Company) filed with the Commission revisions to its currently effective Tariff WN U-60, designated as Twenty Fifth Revised Sheet No. 95, and Original Sheet Nos. 95-a through 95-e. The stated effective date is November 24, 2003. This filing is a proposal to change PSE's rates recovering the cost of power, as a result of its decision to purchase a new generating resource. The filing is authorized by the Settlement Stipulation approved by the Commission in Docket Nos. UE-011570 and UG-011571.

2 **PARTY REPRESENTATIVES:** Todd G. Glass, Heller Ehrman White & McAuliffe LLP, Seattle, Washington, represents PSE. S. Bradley Van Cleve and Matthew W. Perkins, Davison Van Cleve, Portland, Oregon, represent the Industrial Customers of Northwest Utilities (ICNU). Melinda Davison, Davison Van Cleve, Portland, Oregon, represents Microsoft Corporation. John Cameron, Davis Wright Tremaine, LLP, Portland, Oregon, represents joint intervenors TransCanada Pipelines Limited (TransCanada) and BP West Coast Products ("BP"). Norman Furuta, Department of the Navy, represents the Federal Executive Agencies (FEA). Simon ffitich, Assistant Attorney General, Seattle,

Washington, represents the Public Counsel Section of the Washington Office of Attorney General. Robert C. Cedarbaum, Senior Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff).

3     **PROTECTIVE ORDER; REQUEST FOR AMENDMENT:** The Commission entered its "Order No. 02: Protective Order With 'Highly Confidential' Provisions" on October 29, 2003. Public Counsel informally stated objections to certain provisions of the Protective Order at the Commission's first prehearing conference, convened on November 6, 2003. The Commission addressed Public Counsel's remarks in its Order No. 03: Prehearing Conference, entered on November 12, 2003. On November 25, 2003, Public Counsel filed an objection to Order No. 03, and a request for interlocutory review of Order No. 02. Staff filed a response in support of Public Counsel. PSE filed a response opposing Public Counsel.

4     One day after Staff and PSE filed their respective responses, Public Counsel, with the concurrence of Staff and PSE, filed a request to amend paragraph 12.a. of the Protective Order in a manner that satisfies these parties and allows for Public Counsel's objection and petition to be withdrawn. The purpose of the Protective Order is to facilitate the exchange of information among the parties, including confidential information, while affording appropriate protection for such information. The Commission finds that the proposed amendment will promote the exchange of information among the parties while protecting commercially sensitive information from disclosure. Accordingly, the Commission concludes that it should amend its "Order No. 02: Protective Order With 'Highly Confidential' Provisions" by substituting the following language for existing paragraph 12.a., which concerns the affidavit requirement for outside consultants:

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.

- 5 In light of the Commission's determination, Public Counsel's "Objection to Order No. 03 [and] Petition for Interlocutory Review [of Order No. 02]" is deemed withdrawn, consistent with Public Counsel's request filed on December 5, 2003.

**ORDER**

- 6 THE COMMISSION ORDERS That its Order No. 02: Protective Order With Highly Confidential Provisions is amended by striking existing paragraph 12.a. and substituting revised paragraph 12.a. to read as stated in paragraph 4 of this Order.

DATED at Olympia, Washington, and effective this \_\_\_\_ day of December 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner