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

Re: Rulemaking to Consider Modification of Existing Rules for Access to Public Records (Docket Number A-101474)

Dear Secretary Danner:

This letter is to provide general comments on the Commission's proposed *Rulemaking to Consider Modification of Existing Rules for Access to Public Records*. The rulemaking offers an opportunity to clarify how the Commission will handle documents submitted by solid waste collection companies regulated by the Commission under Chapter 81.77 RCW to which confidentiality exemptions may arguably apply.

The protection afforded by RCW 80.04.095 is for records filed with the Commission or the Attorney General by "any person," and the statutory language does not by its terms exclude solid waste collection companies from being within its scope. The exemption, standards, and procedures protecting "valuable commercial information, including trade secrets or confidential marketing, cost, or financial information, or customer-specific usage and network configuration and design information" under RCW 80.04.095 applies to solid waste collection companies and this rulemaking is an opportunity to explain that point.

Regardless, separate and apart from the specific protections provided by RCW 80.04.095, there are records for which the provisions of the Public Records Act, Ch. 42.56 RCW, may arguably apply. The existing rules are ambiguous on this point, and seem to limit their applicability to only those records subject to RCW

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80.04.095. Indeed, WAC 480-07-160 is not specifically so limited. The regulations are currently ambiguous. We therefore suggest that this rulemaking articulate with greater specificity how documents for which exemptions are legitimately claimed under the more generally-applicable provisions of the Public Records Act will be handled.

Thank you for giving us a chance to provide these general observations. We look forward to further comments and would be happy to offer greater specificity during the rulemaking process.

Sincerely,

SUMMIT LAW GROUP PLLC

Polly L. McNeill