

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKETS UE-151871
TRANSPORTATION	)	and UG-151872
COMMISSION,	)	
	)	REPLY OF SMACNA-WW TO PSE
Complainant,	)	MOTION OBJECTING TO EXPERT
	)	DESIGNATIONS
v.	)	
	)	
PUGET SOUND ENERGY,	)	
	)	
Respondent.	)	
.....	)	

1 The Western Washington Chapter of the Sheet Metal and Air Conditioning Contractors National Association (SMACNA-WW) filed Agreements Concerning Confidential Information for Julie Muller-Neff and Brian Fluetsch so that they could review any information designated as confidential by Puget Sound Energy (PSE) and assist SMACNA-WW in this proceeding. PSE declined to waive any objection to their participation, filed an objection, and filed a motion asking the Commission to reject the designations. The basis for PSE’s objection is that Ms. Muller-Neff and Mr. Fluetsch are officers or directors of a party.

2 Though Ms. Muller-Neff and Mr. Fluetsch agreed to be bound by the terms of the protective order so that any confidential information would be protected, PSE is correct that Ms. Muller-Neff and Mr. Fluetsch are either officers or directors of SMACNA-WW. Accordingly, at least for the time being, SMACNA-WW wishes to withdraw the filed agreements.

3 We ask the Commission to permit withdrawal of those agreements without prejudice to SMACNA-WW refiling them in the future. It may be that, depending on how this case develops, PSE may waive any objection. At the present time, it is difficult to assess how significant access to confidential information may be because PSE will not file its testimony and exhibits until February 25. After PSE files its case, SMACNA-WW will reassess to what extent it will need Ms. Muller-Neff and Mr. Fluetsch, or others, to evaluate any confidential information filed by PSE and whether it may be necessary for SMACNA-WW, in its responsive case, to file some confidential information. Accordingly, if necessary, SMACNA-WW may seek a modification or exception to the Protective Order pursuant to paragraph 35 of Order 03 or pursuant to WAC 480-07-100(1).

Dated February 19, 2016.

Respectfully submitted,



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Jeffrey D. Goltz  
Valerie K. Rickman  
Joseph A. Rehberger  
Cascadia Law Group  
606 Columbia Street, N.W., Suite 212  
Olympia, WA 98501  
(360) 528-3026  
jgoltz@cascadialaw.com

Attorneys for Sheet Metal and Air Conditioning  
Contractors National Association, Western Washington  
Chapter (SMACNA-WW)