

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	
)	DOCKET NO. UE-031389
PUGET SOUND ENERGY, INC.)	
)	ORDER NO. 03
For Approval of 2003 Power Cost)	
Adjustment Mechanism Report)	ORDER AMENDING
)	PROTECTIVE ORDER
.....)	

- 1 At the prehearing conference in this docket on September 25, 2003, PSE requested a modification of the protective order, Order No. 01, to accommodate a need for additional protection of information relating to actual energy transactions. Not all parties had the opportunity to see the proposal prior to the prehearing conference and not all parties agreed with the proposal. The matter was deferred for decision pending the formal filing of a proposal, and opportunity for the parties to discuss and achieve consensus on the topic.

- 2 On October 2, 2003, PSE filed a request to modify the protective order, in the form of a draft order. PSE represents that no party objects to the proposal, and that all parties delegated to PSE the authority to state their view to the Commission. PSE asks entry of an order.

- 3 The basis for the request is a concern that persons active in the energy industry, who may be or may advise a competitor of the Company, may gain knowledge about PSE’s strategy that could put the Company at a disadvantage if the knowledge were used against PSE in the market. The proposed remedy would clarify the meaning of the term disclosure as used in the order and would specifically restrict certain uses of the information.

- 4 We believe that the concern is a real one. We also believe that the proposal is an effective but relatively non-intrusive way to address the concern. We commend

the parties for successfully resolving this issue and believe that the proposal should be adopted.

- 5 In addition the parties propose that information filed in this docket before entry of the protective order but labeled as “confidential” be clearly deemed subject to terms of the protective order. That also is a housekeeping matter that affords necessary protection to sensitive information and should be accepted.

ORDER

- 6 THE COMMISSION ORDERS That Order No. 01, Protective Order, entered in this proceeding on September 11, 2003, is amended as follows:

Paragraph 7 is amended by adding the language underlined in the following paragraph:

Purpose of Access and Use; Confidentiality. No Confidential Information distributed or obtained pursuant to this protective order may be requested, reviewed, used or disclosed, directly or indirectly, by any party, expert or counsel or any other person having access pursuant to this order, except for purposes of this proceeding. Persons having access to the Confidential Information pursuant to this order must request, review, use, or disclose Confidential Information only by or to persons authorized under this Order, and only in accordance with the terms specified in this Order. Without limiting the foregoing, persons having access to Confidential Information shall not use any Confidential Information to design, develop, provide or market any product, service or business strategy that would compete with any product or service of the party asserting confidentiality.

- 7 THE COMMISSION FURTHER ORDERS That documents that Puget Sound Energy, Inc. ("PSE") marked "Confidential" in its workpapers underlying its Power Cost Adjustment Mechanism Annual Report for the Twelve Months Ended June 30, 2003, which were prepared and provided to Commission Staff prior to the entry of Order No. 01, Protective Order in this proceeding, are hereby deemed to have been designated by PSE as "Confidential Per Protective Order in WUTC Docket No. UE-031389" and shall be treated as "Confidential Information" pursuant to Order No. 01, Protective Order.

DATED at Olympia, Washington, and effective this 7th day of October, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner