

CENTURYLINK
1600 7th Avenue, Room 1506
Seattle, Washington 98191
(206) 345-1574
Lisa.Anderl@CenturyLink.com

Lisa A. Anderl
Senior Associate General Counsel
Regulatory Law

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*Via Web Portal and
Overnight Delivery*

Mr. Steven King
Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250

**RE: Docket A-130355, Rulemaking to Consider Possible Corrections and
Changes in WAC 480-07, Relating to Procedural Rules**

Dear Mr. King,

CenturyLink appreciates the opportunity to submit comments in this proceeding in response to the Commission's Notice of Opportunity to File Written Comments dated December 7, 2016. CenturyLink will only address one issue, and that is the issue of confidential material pursuant to WAC 480-07-160. CenturyLink agrees with and supports the comments filed in this regard on June 30, 2016 by NW Natural Gas Company and Pacific Power and Light, as well as the comments filed today by Puget Sound Energy.

CenturyLink believes the proposed rules should retain the distinction between records requested pursuant to the Public Records Act, RCW 42.56 *et seq.*, and documents requested in an adjudication that have been designated confidential pursuant to WAC 480-07-160(2), which is generally the case where the information is submitted pursuant to a protective order. The current version of WAC 480-07-160(2) expressly includes material exempted from the Public Records Act, and the Public Records Act expressly includes material designated as confidential pursuant to WAC 480-07-160(2) (see RCW 42.56.330(1)).

The Public Records Act and WAC 480-07-160 are separate and distinct, with different purposes, definitions, and processes for review. We disagree with Staff's recommendation that "It is irrelevant that the challenge to a confidentiality designation comes from a party in an adjudicative proceeding rather than from a member of the public requesting public records."¹ A request for confidential information from a party in an adjudicative proceeding is not a public

¹ See Summary of Comments on Proposed Revision to Rules in Parts I and IIIA at 6 (July 2016).

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records request, and it would be inappropriate to seek protection pursuant to the Public Records Act in superior court for information requested in an adjudicative proceeding. While a court is authorized to determine whether information is exempt from disclosure pursuant to the PRA, the Commission is authorized, and is in the best position, to determine whether information is appropriately designated as confidential pursuant to its rules and protective orders – it is unclear why the Commission would want to cede this important function.

CenturyLink recommends that the Commission retain the current definition of confidential information in WAC 480-07-160(2), which includes information exempt pursuant to the PRA such as personal identification information. CenturyLink also recommends that WAC 480-07-160(4), the Commission's process for challenging confidential information, remain unchanged, consistent with the comments filed by NW Natural on June 30, 2016 on this issue.

Thank you for the opportunity to file comments, and we look forward to participating in the rule adoption hearing scheduled for January 30, 2017. If you have any questions, please contact me.

Sincerely,

Lisa A. Anderl

LAA/jga