

January 13, 2017

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,

Puget Sound Energy (“PSE”) appreciates the opportunity to submit its sixth set of comments in this proceeding in response to the Commission’s Notice of Opportunity to File Written Comments dated December 7, 2016.

PSE’s sixth set of comments is limited to the issue of confidential material pursuant to WAC 480-07-160. PSE agrees with and supports the comments filed in this regard on June 30, 2016 by NW Natural Gas Company and Pacific Power and Light. Specifically, PSE believes the proposed rules should retain the distinction between records requested pursuant to the Public Records Act, RCW 42.56 *et seq.*, (“PRA”) and documents requested in an adjudication that have been designated confidential pursuant to WAC 480-07-160(2). The current version of WAC 480-07-160(2) expressly includes material exempted from the PRA, and the PRA expressly includes material designated as confidential pursuant to WAC 480-07-160(2) (see RCW 42.56.330(1)). But the PRA and WAC 480-07-160 are separate and distinct, with different purposes, definitions, and processes for review. PSE disagrees 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.”<sup>1</sup> A request for confidential information from a party in an adjudicated proceeding is not a public records request, and it would be inappropriate for PSE to seek protection pursuant to the PRA in superior court for information requested in an adjudicated proceeding. A public record request is limited to requests to a **public agency** (see RCW 42-56.010). A challenge to information that has been designated as confidential in an adjudicated proceeding does not create a public records request pursuant to the PRA. Further, while a court is authorized to determine whether information is exempt from disclosure pursuant to the PRA, the Commission is authorized and in the best position to determine whether information is appropriately designated as confidential pursuant to its rules and protective orders.

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

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PSE 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.

PSE recommends that WAC 480-07-160(4), the Commission's process for challenging confidential information, remain unchanged. Specifically, PSE supports the comments filed by NW Natural on June 30, 2016 in this regard.

Thank you for the opportunity to file comments, and we look forward to participating in the public hearing scheduled for January 30, 2017. If we can be of any further assistance, please contact Donna L. Barnett at 425-635-1400.

Sincerely,

A handwritten signature in blue ink that reads "Donna Barnett" with a long horizontal flourish extending to the right.

Donna L. Barnett  
On Behalf of Puget Sound Energy