

A-180513 Public Access to Records
Summary of 7-10-18 Comments on Proposed Revisions to WAC 480-04
July 31, 2018

480-04	PPL/NWN	PSE/Avista/NWN	WITA/WRRA	Staff Response
020(2)	Revise definition of “public record” to parallel the statutory definition			Staff agrees and has made that change to the revised draft.
020(4)	Revise definition of UTC to delete “in the public interest” as unnecessary and incomplete			Staff continues to believe that every Commission determination must be in the public interest but has revised the draft to delete this language as unnecessary.
065			WRRA: Requests additional information on what process the Commission will use to select orders to be included in the index and to be involved in that process	Staff is continuing to develop the process by which the Commission will designate orders as significant, and will reach out to stakeholders, including WRRA, to contribute to that process.
090(2)		Modify the RFPR request submission standards to be preferences, rather than requirements, to be consistent with the PRA		Staff agrees and has modified the proposed revisions accordingly.

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095(5)(b)(ii)(A)	Require notice “by certified mail or other verifiable method of delivery”; Clarify that the 10 days begins to run on the day delivery was made; Strike the requirement that the Commission be served with a court order as inconsistent with the statute requiring only that the provider obtain an order	Include notification of owner of confidential information and specify the notification method, including serving all parties in an adjudication	WITA: To the extent able to do so, provide notice to the provider of a request for confidential information before the 10 day notice period begins	<p>PPL: Staff disagrees in part. Pursuant to the procedural rules, the Commission provides notice electronically and should do so here. Staff, however, has added language that the PRO will confirm receipt, if possible, clarify that the time period runs from the date the Commission serves the notice, and reflect the statutory requirement that the provider obtain a court order.</p> <p>PSE: Staff disagrees. The PRO may not know who the “owner” of confidential information is, and serving all counsel for a party to an adjudication or all parties in a proceeding with a 10 day letter would be cumbersome and unnecessary.</p> <p>WITA: Staff disagrees. Staff appreciates the constraints posed by the statutory 10 day notice period but does not believe the Commission can effectively extend that time</p>
095(5)(b)(ii)(B)	Timelines for producing confidential and nonconfidential documents should be the same -- producing requested confidential information on the 10 th day is not possible if the provider has 10 days to obtain a court order.			Staff agrees and has modified the language accordingly.

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095(5)(c)(ii)		Delete this section as creating unnecessary distinctions between information protected by a protective order and replace with provisions from the standard protective order		Staff disagrees. The proposed rule would use the same process for processing all requests for confidential information except when the information is protected by a protective order in an on-going adjudication, and Staff continues to believe this is an appropriate exception.
095(5)(d)		Clarify the distinction between “any other person who has been identified as being directly affected by any public disclosure” in subsection (b) and “information that may affect rights of others” in subsection (d)		Staff disagrees. These subsections address different subjects. Subsection (b) deals with which <i>persons</i> will receive a 10 day letter, and subsection (d) allows the PRO to determine what <i>information</i> may be withheld from production.
Commenter Acronyms	PPL – Pacific Power & Light Company NWN – Northwest Natural Gas Company d/b/a Northwest Natural	PSE – Puget Sound Energy Avista – Avista Corporation d/b/a Avista Utilities	WITA – Washington Independent Telecommunications Association WRRA – Washington Refuse and Recycling Association	