



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

Via Federal Express

June 9, 2010

Tom G. Cordell
1430 E. Hunter Place
P.O. Box 1547
Moses Lake, WA 98837

RE: Public Records Request: Odessa incident

Dear Mr. Cordell:

This is in response to your request for documents relating to the Odessa gas explosion. Enclosed are responsive documents located and identified in Assistant Attorney General Donald Trotter's e-mail account, including attachments (136 pages total). Documents withheld are identified on the enclosed log, along with a corresponding basis for exemption from the Public Records Act, RCW 42.56. This concludes our response to your public records request.

We previously provided you with a copy of Commission Staff's investigative report, as well as other responsive documents, photographs, and disks, in batches. If you have any questions, please contact me at (360) 664-1259.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa Wyse".

LISA WYSE
Records Manager

Enclosures



Re: Docket PG-082253
Public Records Request
Log of Documents Withheld

Date: June 9, 2010

Documents withheld under the Attorney-Client Privilege or as Attorney Work Product pursuant to RCW 5.60.060(2)(a), RCW 42.56.070(1), and RCW 42.56.290. Withheld documents contain either privileged communications between Commission employees and counsel in which legal advice is rendered or analysis conveyed, or communications among counsel and witnesses containing privileged attorney work product. Donald Trotter and Sally Brown are attorneys employed by the Attorney General's Office, Betsy DeMarco is a legal assistant employed by the Attorney General's Office. *All other name references are to Commission employees.*

Documents withheld due to the Deliberative Process exemption pursuant to RCW 42.56.280. This statute provides that "[p]reliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this chapter, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action."

DOCUMENTS WITHHELD:

The following documents were withheld on the basis of Attorney-Client Privilege:

E-mail from Don Trotter to David Lykken and Al Jones, dated 3-23-09, 11:00 am

E-mail from David Lykken to Don Trotter and Al Jones, dated 3-23-09, 4:33 pm

E-mail from Al Jones to Don Trotter, cc David Lykken and Anne Soiza, dated 4-8-09, 5:17 pm

E-mail from Anne Soiza to Al Jones and Don Trotter, cc David Lykken, dated 4-10-09, 10:21 am

E-mail from Don Trotter to Al Jones, cc David Lykken, Anne Soiza and Betsy DeMarco, dated 4-10-09, 11:58 am

E-mail from Al Jones to Don Trotter, cc David Lykken, Anne Soiza and Betsy Demarco, dated 4-10-09, 12:12 pm

E-mail from Jim Fernald to Don Trotter, cc Al Jones, Anne Soiza and David Lykken, dated 6-30-09, 3:04 pm

E-mail from Don Trotter to Jim Fernald, cc Al Jones, Anne Soiza, David Lykken and Sally Brown, dated 6-30-09, 4:31 pm

E-mail from Anne Soiza to Don Trotter and Sally Brown, cc Al Jones, David Lykken, Steve King and Jim Fernald, dated 6-30-09, 5:17 pm

E-mail from Don Trotter to Anne Soiza and Sally Brown, cc Al Jones, David Lykken, Steve King and Jim Fernald, dated 7-1-09, 8:28 am

E-mail from Anne Soiza to Don Trotter and Sally Brown, cc David Lykken, Steve King and Jim Fernald, dated 7-1-09, 9:30am

E-mail from Don Trotter to Anne Soiza and Sally Brown, cc David Lykken, Steve King and Jim Fernald, dated July 1, 2009, 9:48 am

E-mail from Don Trotter to Al Jones, cc David Lykken and Kuang Chu, dated 11-25-09, 10:11 am, with attached draft investigative report

E-mail from Don Trotter to Al Jones, dated 12-2-09, 1:30 pm, with attached draft investigative report

E-mail from Don Trotter to Al Jones, David Lykken and Kuang Chu, dated 12-4-09, 10:32 am, with attached draft investigative report

E-mail from Don Trotter to Al Jones, dated 1-12-10, 10:35 am

E-mail from Don Trotter to Al Jones, cc David Lykken, dated 1-12-10, 9:46 am, with attached draft investigative report

E-mail from Don Trotter to Al Jones, dated 3-26-10, 1:18 pm

E-mail from Don Trotter to Al Jones, dated 3-26-10, 1:20 pm

E-mail from Don Trotter to Al Jones, dated 5-3-10, 9:46 am, with attached draft investigative report

E-mail from Don Trotter to Al Jones, dated 5-4-10, 10:30 am, with attached draft investigative report

E-mail from Al Jones to Don Trotter, dated 5-6-10, 5:12 pm

E-mail from Don Trotter to Al Jones, dated 5-7-10, 10:44 am

E-mail from Don Trotter to Al Jones, dated 5-6-10, 10:19 am, with attached draft investigative report

E-mail from Don Trotter to Al Jones, dated 5-6-10, 11:03 am

E-mail from Al Jones to Don Trotter, dated 5-6-10, 2:46 pm

E-mail from Al Jones to Don Trotter, dated 5-6-10, 5:12 pm

E-mail from Don Trotter to Al Jones, dated 5-7-10, 10:44 am

E-mail from Al Jones to Don Trotter, dated 5-7-10, 3:26 pm

E-mail from Al Jones to Don Trotter, dated 5-6-10, 5:12 pm

E-mail from Don Trotter to Al Jones, dated 5-7-10, 10:44 am

E-mail from Al Jones to Don Trotter, dated 5-7-10, 3:26 pm

E-mail from Don Trotter to Al Jones, dated 5-10-10, 9:04 am

E-mail from Al Jones to Don Trotter, dated 5-10-10, 12:12 pm

E-mail from Don Trotter to Al Jones, dated 5-12-10, 10:41 am, with attached draft investigative report

E-mail from Al Jones to Don Trotter, dated 5-10-10, 10:44 am

E-mail from Don Trotter to Al Jones, dated 5-10-10, 12:25 pm

E-mail from Don Trotter to Al Jones, dated 5-10-10, 1:42 pm

E-mail from Don Trotter to Al Jones, dated 5-10-10, 3:15 pm

E-mail from Al Jones to David Lykken, cc Don Trotter, dated 5-12-10, 11:41 am

E-mail from David Lykken to Al Jones, cc Don Trotter, dated 5-12-10, 11:52 am

E-mail from Don Trotter to David Lykken and Al Jones, dated 5-12-10, 11:54 am

E-mail from David Lykken to Don Trotter and Al Jones, dated 5-12-10, 11:55 am

E-mail from Don Trotter to Al Jones, dated 5-12-10, 11:56 am

The following documents have been withheld on the basis of Deliberative Process:

E-mail from Anne Soiza to David Lykken, dated 1-14-09, 1:19 pm, with attached Table of Pipeline Safety Pending Investigations and Formal Cases and Current Investigations

E-mail from David Lykken to Anne Soiza, dated 1-14-09, 1:55 pm, with attached Table of Pipeline Safety Pending Investigations and Formal Cases and Current Investigations

E-mail from Steve King to Anne Soiza, dated 2-8-09, 8:51 am

E-mail from Anne Soiza to David Lykken, dated 2-9-09, 10:54 am

E-mail from David Lykken to Anne Soiza, dated 2-9-09, 12:38 pm, with attached Table of Pipeline Safety Pending Investigations and Formal Cases and Current Investigations, dated 2-16-09

E-mail from David Lykken to Steve King, dated 3-15-09, 3:56 pm, with attached Table of Pipeline Safety Pending Investigations and Formal Cases and Current Investigations, dated 3-16-09

E-mail from David Lykken to Steve King, cc Anne Soiza, Jim Fernald and Marina Woodard, dated 4-10-09, 4:53 pm, with attached Table of Pipeline Safety Pending Investigations and Formal Cases and Current Investigations, dated 3-30-09