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May 2, 2006

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VIA ELECTRONIC AND U.S. MAIL

Carole Washburn, Executive Secretary
Washington Utilities & Transportation Commission
1300 Evergreen Park Drive, SW
Olympia, WA 98504

Re: *Docket No. A-050802*
Review of WUTC's Procedural Rules

Dear Ms. Washburn:

Please accept this letter as the comments of Verizon Northwest Inc. ("Verizon") on the Commission's proposed revisions to its procedural rules.

Preliminarily, Verizon supports the rejection of the proposal by Public Counsel and other parties that would have disrupted the established procedures followed by this Commission regarding settlement. Resolution of disputes through negotiation is the preferred manner of handling controversies brought before this Commission. The Commission's rejection of the proposals of Public Counsel and other parties¹ best serves to preserve parties' ability to reach and address settlement with workable and flexible procedures.

Before commenting on specific proposed rules included with the Notice of April 4, 2006, Verizon notes the apparent omission of at least two sections intended to be included in these proposed rules. First, WAC 480-07-025 is referred to several times in the proposed WAC 480-07-125 and proposed WAC 480-07-140. However, the text of the proposed rules does not contain a proposed WAC 480-07-025. Second, included with the Notice of April 4, 2006, was a document entitled "Discussion of Comments Concerning Procedural Rules Governing Settlement, Procedural Rules Tune-Up—Docket A-050802," dated March 2, 2006. That document, at pages 17-18, suggested that in response to the concerns raised by Public Counsel and other parties in Docket A-051427, the Commission would propose slight changes to WAC 480-070-700(3). Verizon would support the proposed changes to WAC 480-07-700(3) set forth

¹ It is Verizon's understanding that Docket No. A-051427, the Docket under which the proposals were under consideration, is now closed.

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in that document, but that section is not included in the text of proposed rule changes that accompanied the April 4, 2006 Notice.

The remainder of Verizon's comments will follow the order of the proposed rules:

WAC 480-07-145(6). The Commission should permit filing of documents electronically in adjudicative proceedings, just as the proposed rules permit under WAC 480-07-143(3) for rulemakings. So long as the web portal has the capacity to notify the filing party of receipt of a filing, concerns over the failure of an electronic filing are minimal. Indeed, the general reliability of electronic filing, and the ease and efficiency of that mechanism, has led to some courts requiring its use. See General Order on Electronic Case Filing, United States District Court for the Western District of Washington, April 1, 2004 ("ECF Order")(attached).

Further, the deadline for filing the document electronically should not be set at some arbitrary time early in the day. In many cases, parties work on electronically filed documents to the last possible moment, and courts recognize this practice by accepting filings as late as midnight of the due date. See, ECF Order, § I(B) ("If time of day is of the essence, the assigned judge will order the document filed by a time certain. Otherwise, filing deadlines shall be 11:59 p.m. Pacific Time on the day the pleadings are required to be filed.") Finally, if the requirement for filing confirming paper copies is to be maintained, the deadline for receipt of such paper copies in WAC 480-07-145(6)(a)(ii) should be the close of business on the following business day, not noon. Different overnight delivery services may have different delivery times, and parties may be several time zones removed from Olympia. Moreover, parties may use courier services to hand-deliver paper copies to the Commission, but doing so by noon can be logistically difficult.

WAC 480-07-150. The Commission should allow a party to have multiple persons receive service of documents in particular instances. In the modern practice of complex proceedings pending before this Commission, it is not unusual for a party to have multiple personnel handling various aspects of the proceeding, all of whom need to be served with relevant documents. Verizon is sensitive to the potential burden imposed by having multiple persons designated for receipt of service of documents—but in an era of electronic communications, such burden is light. Verizon would therefore respectfully suggest that WAC 480-07-150 draw a distinction between the "formal exchange of documents on parties to adjudicated proceedings," for which a single designated representative is appropriate, and a more broad distribution list upon whom service should be effected.



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WAC 480-07-340(1). Verizon supports the designation of “Interested Person” and “Docket Monitor.” Those are useful distinctions.

WAC 480-07-395(1). The requirements in subpart (c)(iv) for a table of contents in all briefs, and in subpart (c)(vi) for a table of authorities in all briefs, should not be enacted as proposed. As drafted, this rule would require leave from the assigned presiding officer any time a party sought to forego the inclusion of a table of contents and/or table of authorities. Such a requirement would prove burdensome because tables of contents and authorities are not useful in all cases. In short briefs, addressed to discrete topics, tables of contents and authorities will needlessly lengthen the filings. Therefore, Verizon recommends that the proposed language in subpart (c)(iv) be modified such that it would require parties to “include in any brief of more than ten (10) pages a table of contents....” Similarly, subpart (c)(vi) should require parties to “include in any brief of more than ten (10) pages a table of cited authorities....” If the Commission believes that a threshold other than ten (10) pages should be used to determine what constitutes a short brief for which such tables are unnecessary, it should identify the appropriate length; but requiring those documents in every brief filed with the Commission—or having parties continually approach the assigned ALJ—is unnecessary and unduly burdensome.

WAC 480-07-400(3). This proposed revision would inappropriately eliminate the current rule that a party’s (or representative’s) signature on data requests constitutes a certification that the requests comply with the standards of Civil Rule 26(g), and that the request does not substantially duplicate an earlier request. These are salutary certifications. Their deletion is not justified by the additional language proposed for the conclusion of the following subsection (previously WAC 480-07-400(4)). Under the proposed rule, it would inexplicably shift the burden to the responding party to demonstrate that data requests are being used for an improper purpose. Verizon is unaware of any reason that the responding party should be put to this burden. Moreover, the revised language would delete the express guidance of the existing rule that duplicative data requests are unacceptable, guidance that is crucial to limiting the burden on a responding party to answer requests only a single time.

WAC 480-07-620(2). In light of the Commission’s detailed examination of the new delegation statute, this subject should be deferred to Docket No. UT-06-0357.

WAC 480-07-650(4)(d). Verizon understands this subparagraph to be intended to draw distinction between a petition pursuant to this section (with its attendant accelerated timeframes) and a formal complaint proceeding, which permits the parties to examine the issues in a more orderly fashion. Therefore, Verizon recommends that solely for the purposes of clarity, the



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proposed language should be modified to indicate that the “Commission may convert the proceeding to a complaint proceeding under RCW 80.04.110 to allow adequate time and process....”

WAC 480-07-883. Verizon is concerned about the additional language proposed for the initial section of WAC 480-07-883. If the Commission has accepted a compliance filing, the filing party should not face any potential sanction that might arise from the passage of time when the Commission later acts to reject the filing. See Judd v. AT&T, et al., 116 Wn. App. 761, 774 (2003), *aff'd* 152 Wn.2d 195 (2004) (telephone companies’ good faith reliance on regulatory actions is likely a defense to claims for damages in subsequent proceedings). Thus, if the rule is to provide for the Commission to reject filings it has already accepted, it should – at a minimum – apply prospectively only and provide a safe harbor for the period of time during which the compliance filing had been accepted.

Verizon appreciates the Commission’s continued attention and efforts to streamline its procedural rules. Thank you for your consideration.

Sincerely,



Timothy J. O'Connell

**U.S. DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON
ELECTRONIC FILING PROCEDURES FOR CIVIL AND CRIMINAL CASES
AMENDED 4/1/04**

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

**ELECTRONIC FILING PROCEDURES
FOR CIVIL AND CRIMINAL CASES**

April, 2004

I. THE ELECTRONIC RECORD

A. Introduction

The official record of the court shall be the electronic file maintained on the court's servers. This includes information transmitted to the court in electronic format, as well as in paper form.

- The Clerk's Office shall not maintain a paper court file in any case begun on or after June 23, 2003, except as otherwise provided in these procedures.
- Registration in the CM/ECF system for the purpose of electronic service of pleadings and other papers shall be mandatory as of May 1, 2004.
- Electronic filing through CM/ECF shall be mandatory for all counsel as of June 1, 2004.
 - It is the responsibility of the filing party to maintain an electronic mailbox sufficient to receive the orders and other papers transmitted electronically to counsel.
 - If an attorney is not able to file electronically after June 1, 2004, counsel must show good cause in each case to file and serve pleadings in a traditional manner. Counsel who succeed in showing cause will be required to include with paper filings a disk or CD-ROM containing a portable document format (.pdf) of all papers filed with the court.
 - Attorneys filing pro hac vice shall have ten days after their Notice of Appearance in which to register for electronic filing.
- Prior to June 1, 2004, and for pro se filers who do not file

electronically, if pleadings are filed in paper form, the court will convert the documents to an electronic format, destroy the paper version, and maintain the electronic version as the court's official record.

- If pleadings are filed in paper form, it is the responsibility of the filer to ensure that the paper document can be scanned with a legible image. The court encourages such documents to be black print on white paper, for maximum contrast. The court may return filings that are not legible.
- A party filing in paper form who wishes to have an original pleading returned after scanning and uploading to ECF may, at the time of submitting the document to the court, make arrangements with the Clerk's Office for the return of the original pleading.

If an original pleading has some intrinsic value, the filing party is encouraged to retain the original and submit a copy to the Clerk's Office for scanning and uploading.

A judge of this court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate for the just, speedy, and inexpensive determination of matters pending before the court.

- The court may also amend these procedures at any time without prior notice.

B. Definitions and Standards

“**CM/ECF**” refers to Case Management/Electronic Case Files, which is the docketing and filing system used by the Western District of Washington.

“**Electronic document**” is an electronic version of information otherwise filed in paper form.

- An electronic document has the same legal effect as a paper document.
- An electronic document is deemed filed when it is received by the court's CM/ECF system. If time of day is of the essence, the assigned judge will order the document filed by a time certain. Otherwise, filing deadlines shall be 11:59 PM Pacific Time on the day the pleadings are required to be filed.

- A document filed with the court in paper form is deemed filed when it is date-stamped by the Clerk's Office.

“Electronic filing” is the electronic transmission of a .pdf document to the court for case processing by uploading the document directly from the user's computer, using the court's CM/ECF system, to file that document in the case file. It includes the transmission of .pdf documents and scanned images.

- **.pdf:** A document created with almost any word processing program can be converted to .pdf. The .pdf conversion program, in effect, takes a picture of the original document so the converted document can be opened across a broad range of hardware and software, with layout, format, links, and images intact.
- **Scanning:** When scanning documents to be subsequently filed electronically, filing parties are encouraged to configure their scanners for black and white at 200 dpi, rather than color scanning, unless color is an important aspect of the document. The filing party is responsible for the legibility of the scanned image.

“Electronic signature” refers to the fact that an electronic document is deemed signed when filed by an attorney, pro se litigant, judicial officer, or deputy clerk using a valid Western District of Washington login and password.

“Notice of Electronic Filing” is an e-mail verification of the court's receipt of the electronic pleading, as well as official notice of the filing to all other parties. The Notice includes the text of the docket entry, as well as a link to the filed document(s).

II. ENROLLING IN THE CM/ECF SYSTEM

A. Registration

Each person participating in the electronic filing system must first complete and sign a Registration Form. A copy is attached to this write-up, and the form is also available on the court's web site at www.wawd.uscourts.gov. The court will issue logins and passwords to attorneys in good standing or pro se litigants with cases pending before the court. Attorneys admitted pro hac vice may also register with this program.

Registration constitutes consent to electronic service of documents, as provided in Section III(D) of these procedures.

All signed, original Registration Forms shall be mailed or delivered to the Clerk's Office, William K. Nakamura U.S. Courthouse, 1010 Fifth Avenue, Room 215, Seattle, WA 98104.

B. Logins and Passwords

Each person registered to file electronically will be given one ECF login and password from the court. The login and password permit the person to participate in the electronic filing and retrieval of pleadings and other papers.

Each registered user is responsible for all documents filed with this login and password. No one shall knowingly permit, or cause to permit, a login and password to be used by unauthorized persons. Conversely, no one shall use the login and password of another without explicit authorization.

C. Changes

A participant whose e-mail address, mailing address, or telephone number has changed from that on the original Registration Form shall timely file a notice of change of address (or number) with the court and serve a copy of the notice on all other parties.

Participants may change their passwords as they deem appropriate.

If a participant believes that the security of an existing login and password has been compromised and that a threat to ECF exists, he or she shall immediately notify the Clerk's Office by telephone. Court computer staff will assess the threat and advise appropriately.

III. FILING DOCUMENTS ELECTRONICALLY

A. General Provisions

Effective immediately, parties are strongly encouraged to file all documents electronically through ECF. Effective June 1, 2004, counsel will be required to file all documents electronically through ECF. The limited number of exceptions, or those which require special handling, are described below.

B. Civil Complaints

Civil complaints and cover sheets may not be filed by attorneys using ECF. Civil complaints and cover sheets may, however, be sent by e-mail, by U.S. mail, or delivered on paper or disk to the Clerk's Office for processing and

posting by Clerk's Office staff to CM/ECF.

If using the U.S. mail or if personally delivered, the Clerk's Office will scan the civil complaint and cover sheet, upload them to ECF, then discard the paper documents. The filing fee must accompany the complaint.

If using e-mail, the filing party must submit the civil complaint and cover sheet in .pdf format. Upon receipt of the e-mail, the Clerk's Office will contact the filing party to make arrangements for payment of the filing fee. New cases will not be filed until the filing fee has been paid.

- The e-mail addresses for submitting civil complaints by e-mail are:
newcases.seattle@wawd.uscourts.gov and
newcases.tacoma@wawd.uscourts.gov
- Only new civil complaints, cover sheets, and summons forms may be sent to the e-mail addresses listed above. If other pleadings are sent to these e-mail addresses, the Clerk's Office will call the filing party and explain that the pleading must be electronically filed in ECF.

New civil cases are deemed filed the day the Clerk's Office receives the complaint and any required filing fee.

A party may not electronically serve a civil complaint, but instead must effect service according to Rule 4 of the Federal Rules of Civil Procedure.

C. Issuance of Summons

Summons to be issued may be presented to the court by e-mail, by U.S. mail, or delivered in person to the Clerk's Office. The party requesting the issuance of summons must complete the top portion of the summons form.

- **If sending the summons by e-mail**, send them to the "newcases" e-mail addresses listed in the previous section.
- **If sending the summons by U.S. mail**, also submit a stamped, self-addressed return envelope.

Once the summons has been issued, the Clerk's Office will return the summons to the filing party.

A party may not electronically serve a summons, but instead must perfect

service according to Rule 4 of the Federal Rules of Civil Procedure.

Affidavits of service, which may include executed summons, may be filed electronically through ECF.

D. Service

A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate may be filed electronically, and must state the manner in which service was accomplished on each party. Sample language for a certificate of service is attached to these procedures.

The three-day rule of Federal Rule of Civil Procedure 6(e) for service by mail shall also apply to service by electronic means.

Whenever a pleading or other paper is filed electronically in accordance with these procedures, ECF will generate an e-mail “Notice of Electronic Filing” to the filing party and to any other party who is a registered user.

- If the recipient is a registered participant in ECF, receipt of the Notice of Electronic Filing shall constitute service pursuant to the Federal Rules..
- If the recipient is not a registered participant in ECF, service of the Notice of Electronic Filing, as well as of the underlying document, must be made by the filer in paper form according to the Federal Rules.

Whenever a pleading or other paper is filed in paper form for the Clerk’s Office to scan and upload to CM/ECF, the filer must serve conventional copies on all parties to the case.

If the filer doesn’t know whether another party is a registered ECF user:

- Select ECF’s “Utilities” category.
- Select “Mailings.”
- Select “Mailing Information for a Case.”
- Enter the case number and the information will appear.

E. Motions and Related Paperwork

Captions on documents:

- Documents being submitted in response to, in support of, or in opposition to other documents shall be clearly labeled with the reference to the motion or response included in the caption.

Hyperlinks:

- In order to preserve the integrity of the court record, attorneys wishing to insert hyperlinks in court filings shall continue to use the traditional citation method for the cited authority, in addition to the hyperlink. The judiciary's policy on hyperlinks is that a hyperlink contained in a filing is no more than a convenient mechanism for accessing material cited in the document. A hyperlink reference is extraneous to any filed document and is not part of the court's record.

F. Voluminous Documents

When filed electronically:

- When documents that exceed 100 pages in length are filed electronically: A paper copy of the document shall be delivered to the Clerk's Office for chambers. The copy for chambers shall be clearly marked with the words "Courtesy Copy of Electronic Filing for Chambers."

A "document" in the context of this section refers to the aggregate submittal to the court, not to each individual paper within it. For example, if a motion is filed with related paperwork, declarations, etc., then if all of these papers counted together total more than 100 pages, the filing should be considered a "voluminous document."

When filed in paper:

- When documents that exceed 100 pages in length are filed in paper form (i.e., prior to June 1, 2004, when electronic filing is mandatory and paper filings are no longer allowed): Counsel shall provide an electronic .pdf version of the document on a disk at the time of filing. If the .pdf file is more than two megabytes in size, it must be separated

into two-megabyte segments. Each .pdf file shall be clearly labeled to identify the sequence of documents to be filed. No additional courtesy copy for chambers is required. The original paper filing will be routed to chambers as its courtesy copy.

Pagination:

- Voluminous documents, including exhibits, shall be sequentially paginated in their entirety, with the page numbers appearing in the lower left margin of the document.

G. Administrative Records

Administrative records may not be filed electronically, although the other documents and pleadings filed in cases with administrative records may be filed electronically.

- The administrative record must be filed conventionally and will not be scanned by the Clerk's Office.
- The party filing an administrative record shall also file a Notice of Filing Paper Materials with the Clerk. The Notice shall be in the form provided by the court, a copy of which is attached to these materials and is also available on the court's web site.
- Pursuant to Civil Local Rule 79, the administrative record will be returned to counsel upon the conclusion of the case.

H. Exhibits

Special provisions for exhibits:

- Filing parties shall submit only those excerpts of the referenced exhibits that are directly germane to the matter under consideration. Excerpted material must be clearly and prominently identified as such. Parties who file excerpts do so without prejudice to their right to timely file additional excerpts of the exhibit. Responding parties may also timely file additional excerpts of the exhibit that they believe are directly germane.
- If possible, filing parties should scan paper exhibits that are less than two megabytes and submit the exhibit as a .pdf file. Parties may submit

scanned .pdf files of more than two megabytes if they are filed in two-megabyte segments.

- If possible, filing parties should scan documents in black and white, rather than in color, unless the color is an important feature of the information.
- The filing party is required to verify the readability of scanned exhibits before filing them electronically with the court.
- Non-paper and/or oversized exhibits shall be submitted conventionally and shall be returned at the conclusion of the case. Copies of such conventionally-filed exhibits shall be served on other parties as if not subject to electronic filing procedures.

The party filing non-paper and/or oversized exhibits shall also file a Notice of Filing Paper Materials with the Clerk. The Notice shall be in the form provided by the court, a copy of which is attached to these materials and is also available on the court's web site.

I. Transcripts

Transcripts, prepared by court reporters (either court staff or contract reporters) shall be filed electronically.

J. Signatures

Attorney signatures: An electronically filed pleading or other document which requires an attorney's signature may be signed with a digitized signature or signed in the following manner:

----- s/ John Attorney
State Bar Number 12345
ABC Law Firm
123 South Fifth Street
Seattle, WA 98104
Telephone: (206) 123-4567
Fax: (206) 123-4567
E-mail: John_Attorney@lawfirm.com

Any party challenging the authenticity of an electronically filed document or

the attorney's signature on that document must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

Non-attorney signatures: If the original document requires the signature of a non-attorney, the filing party may scan the entire document, including the signature page, or attach the scanned signature page to an electronic version of the filing.

- Any party challenging the authenticity of an electronically filed document with a non-attorney signature may file an objection to the document.
- The filing party is responsible for maintaining the paper document with original signatures for the duration of the case, including any period of appeal.

Multiple signatures: The following procedure applies when a stipulation or other document requires two or more signatures:

- The filing party shall initially confirm that the content of the document is acceptable to all persons required to sign the document, and shall obtain either physical signatures or authorization for the electronic signatures of all parties on the document. Physical, facsimile, or electronic signatures, consistent with the formats for attorney signatures, are permitted.
- The filing party may then file the document electronically, indicating the signatories as "s/ Jane Doe," "s/ John Smith," etc. The correct format for a signature is the same as that previously described for attorneys' signatures.
- Any party challenging the authenticity of an electronically filed document containing multiple signatures, or the authenticity of the signatures themselves, must file an objection to the document within ten days of receiving the Notice of Electronic Filing.
- If any of the signatures are of non-attorneys, then the provisions described in the previous section for the filing party retaining the paper copy also applies.

K. Orders and Proposed Orders

Orders of the court:

- The assigned judge or the Clerk's Office shall electronically file all signed orders. An order signed electronically (by either a digital signature or by using the "s/ Judge's Name" convention) has the same force and effect as if the judge had affixed a signature to a paper copy of the order.
- The assigned judge or the Clerk's staff, if appropriate, may grant routine orders by a text-only entry upon the docket. In such cases, no .pdf document will issue, and the text-only entry shall constitute the court's only order on the matter. ECF will generate a "Notice of Electronic Filing" as described previously in these procedures.
- When mailing paper copies of an electronically filed order to a party who is not a registered ECF participant, the Clerk's Office will include the Notice of Electronic Filing to provide the non-participant with proof of the filing.

Proposed orders shall be submitted as outlined below:

- Electronically-submitted proposed orders shall be filed with the motion as an attachment. This will provide service of the proposed order to all registered parties.
- All proposed orders must be conspicuously labeled "Proposed." If the judge decides to use the proposed order, s/he will remove the "Proposed" language.
- A proposed order shall also be attached as a Word or WordPerfect-compatible file to an internet e-mail sent to the e-mail address of the assigned judge. The subject line of the e-mail shall include the case number and title of the order. The judges' e-mail addresses **for proposed orders only** are as follows:

CoughenourOrders@wawd.uscourts.gov

RothsteinOrders@wawd.uscourts.gov

ZillyOrders@wawd.uscourts.gov

BurgessOrders@wawd.uscourts.gov

LasnikOrders@wawd.uscourts.gov

PechmanOrders@wawd.uscourts.gov
LeightonOrders@wawd.uscourts.gov
McGovernOrders@wawd.uscourts.gov
TannerOrders@wawd.uscourts.gov
DimmickOrders@wawd.uscourts.gov
BryanOrders@wawd.uscourts.gov
ArnoldOrders@wawd.uscourts.gov
MartinezOrders@wawd.uscourts.gov
BentonOrders@wawd.uscourts.gov
StrombomOrders@wawd.uscourts.gov
TheilerOrders@wawd.uscourts.gov

- Proposed orders on motions for default made pursuant to Civil Local Rule 55 should be prepared in a format compatible with Word or WordPerfect (as described previously) and then attached to an internet e-mail sent to the Clerk's Office at the following e-mail address:

WAWDClerk@wawd.uscourts.gov

No other documents or pleadings may be sent to the Clerk's Office at this e-mail address.

L. Docket Entries

The party electronically filing a pleading or other document is responsible for designating a docket entry title for the document by using one of the event categories prescribed by the court. (See "CM/ECF Civil Menu for Attorneys" or "CM/ECF Criminal Menu for Attorneys" on the court's web site).

Once a document is submitted and becomes part of the electronic case file, corrections to the docket can only be made by the Clerk's Office. ECF will not permit the filing party to make changes once the transaction has been accepted.

- As soon as possible after an error is discovered, the filing party should contact the Clerk's Office with the case number and document number for which the correction is being requested.
- If appropriate, the Clerk's Office will make an entry indicating that the document was filed in error.
- The filing party will be advised if the document needs to be re-filed.

M. Fees Payable to the Clerk

Any fee required for filing a pleading or paper in district court is payable to the Clerk of the Court by credit card, check, money order, or cash.

- The Clerk's Office will document the receipt of fees on the docket with a text-only entry.
- The court will not maintain billing or debit accounts for lawyers or law firms.

N. Emergency Filings

The court encourages the electronic filing of emergency pleadings. The filer shall call the Clerk's Office at 206-553-5598 (Seattle) or 253-593-6313 (Tacoma) to advise the court of the emergency nature of the filing.

IV. PRIVACY AND CONFIDENTIALITY

A. Sealed Documents and Cases

Sealed documents and cases will be maintained in electronic format, with access restricted to authorized filers and court staff.

B. Privacy Concerns

To address privacy concerns created by internet access to court documents, filers should redact certain personal information appearing in pleadings and other papers, as follows:

- Minors' names: Use only the minors' initials.
- Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four digits of the account number.
- Social Security numbers: Use only the last four digits.
- Dates of birth: Use only the year.
- Other sensitive data: Follow the court's instructions.

For further information, see the General Order In Re: Public Access to Electronic Case Files on the court's web site.

V. TECHNICAL FAILURES

A. On the Part of the Court

A party whose filing is untimely as the result of a technical failure of the court's CM/ECF site may seek appropriate relief from the court.

The court shall consider its CM/ECF site to be subject to a technical failure if the site is unable to accept filings, either continuously or intermittently, for more than one hour after 10:00 a.m. on any given day. Known systems outages will be posted on the court's web site.

B. On the Part of the Filer

Problems on the filer's end (such as phone line problems, problems with the filer's Internet Service Provider, or hardware or software problems) will not constitute a technical failure under these procedures, nor excuse an untimely filing.

A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally.

VI. PUBLIC ACCESS TO DOCKET INFORMATION

A. At the Court

Electronic access to the civil and criminal electronic dockets and documents filed in ECF are available for viewing at no charge at the Clerk's Office during regular business hours. A copy fee for an electronic or paper copy is required in accordance with 28 USC § 1930.

B. Through the Internet

Remote electronic access to civil and criminal dockets and ~~to civil~~ documents in ECF is provided through the Public Access to Court Electronic Records (PACER) system

Registration for PACER can be done through its web site:

<http://pacer.psc.uscourts.gov>

The U.S. Judicial Conference has ruled that PACER user fees will be charged for remotely accessing documents and docket sheets. Non-judiciary CM/ECF users are charged a per-page fee access electronic data through the PACER system, with a maximum fee of 30 pages per document.

The standard PACER access fee does not apply to official recipients of electronic documents; i.e., parties legally required to receive service or to whom service is directed.

- Official recipients will receive the initial electronic copy of a document free to download as they see fit.
- If official recipients remotely access the document again, they will be charged a fee pursuant to 28 USC § 1930.

C. Conventional and Certified Copies

Both conventional and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certifying will be in accordance with 28 USC § 1914.