

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PROOF OF SERVICE

DOCKET NO. UE-001952

KNOW ALL PERSONS BY THESE PRESENTS That the undersigned, an employee of the Washington Utilities and Transportation Commission at Olympia, Washington, hereby certifies that a copy of the document referred to below was served on the parties of record in said proceeding in the following manner:

On the 19TH day of DECEMBER, 2000, a true copy of FIRST SUPPLEMENTAL ORDER; PROTECTIVE ORDER.

in the above-entitled cause now pending before the Commission was enclosed in an envelope addressed to each of the parties of record as set forth below. Each envelope was addressed to the address shown in the official files attached hereto, sealed with the required first-class postage thereon, and deposited on said date in the United States mail in the City of Olympia, County of Thurston, State of Washington.

PARTIES OF RECORD AND OTHERS RECEIVING NOTICE

Parties of Record on Filing: 001952
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Faxed to parties on 12/19/00
Mailed to parties on 12/20/00

Kippi Walker

Kippi Walker - Customer Service Specialist 2

Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
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Olympia, WA 98504-7250

Records Center Ph. # 360-664-1234
Fax # 360-586-1150

Docket No. UE-001952

Date: December 19, 2000

Number of pages including cover sheet: 9

NAME:

FAX NUMBER:

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Whatcom County PUD #1

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425-453-7350

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John A. Cameron &
Traci Grundon (Bellingham Cold Storage)

503-241-2300

Jim Pemberton (City of Anacortes)

360-293-1938

Don Trotter, AAG &
Jeff Goltz, AAG &
Robert Cedarbaum, AAG (Staff)

360-586-5522

Simon ffitth&
Robert Cromwell (Public Counsel)

206-389-2058

TRANSACTION REPORT

P. 01

DEC-19-2000 TUE 04:48 PM

BROADCAST

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
DEC-19	04:14 PM	8-5439345032418160	2' 51"	9	SEND	OK	632	
	04:18 PM	8-5439343603844849	2' 59"	9	SEND	OK	632	
	04:21 PM	8-5439342064470849	2' 47"	9	SEND	OK	632	
	04:24 PM	8-5439342063867500	4' 58"	9	SEND	OK	632	
	04:30 PM	8-5439344254537350	2' 48"	9	SEND	OK	632	
	04:34 PM	8-5439344253396196	2' 54"	9	SEND	OK	632	
	04:45 PM	8-5439345032412300	2' 52"	9	SEND	OK	632	
	04:38 PM	8-5439343602931938	2' 57"	9	SEND	OK	632	
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NAME:

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Whatcom County PUD #1

Stan Berman (PSE)

FAX NUMBER:

503-241-8160

360-384-4849

206-447-0849

FORMAL UTILITY ORDERS & LETTERS

Date Served: 12/19/00

Docket No: UE-001952

Document: FIRST SUPPLEMENTAL ORDER; PROTECTIVE ORDER.

- Cathy Kern (hand deliver 2 copies)
- Utility Industry Support Person 5
copies **EXCEPT** Telecom (3)
- Vicki Elliott
- ALJ assigned? if not, 1 copy ALD
- Penny Hansen
- Rachel Porter (2 Copies) (**No
Protective Orders and No
Consent Open Meeting Orders**)
- Comm. AAG's (AG assigned -
& one copy to Jeff Goltz - **do not
send copies of Open Meeting
orders to the AG's**)
- Krista Linley (scheduling orders,
notices, changes to schedules)
- Financial Svcs. (Instituting Invest.
& penalty assessment)
- Mary Mendoza

- Policy Planning
- Paul Curl
- Final Util. Sub. File
- Public Affairs
- Team members - inc. Reg Svcs.
(check in-house distribution list
too)
- Dept of Health (Ethan Moseng &
Gregg Grunenfelder) **Water
Orders Only!**
- Mike Sommerville (Protective
Orders Only)

RECIP_ID	NAME	ADDRESS	CITY	STATE	ZIP
272474		CNC Containers; 3045 32nd Ave.	Tumwater	WA	98512
224998		Equilon Enterprises LLC; PO Box 4453	Houston	TX	77210
272479		Tesoro Northwest Co.; 3450 S 344th Way	Auburn	WA	98001
224996		The Boeing Company; PO Box 3707	Seattle	WA	98124-2207
182895	Anderson, Tom	Public Utility District No. 1 Whatco; 1705 Trigg Rd	Ferndale	WA	98248-9383
270940	Berman, Stan	Heller Ehrman White McAuliffe, LLP; 701 Fifth Avenue #6100	Seattle	WA	98104
64337	Cameron, John	DAVIS WRIGHT TREMAINE; 1300 S W Fifth Ave STE 2300	Portland	OR	97201
78716	Cedarbaum, Robert D	WUTC; Attorney General Office; State Mail Stop 40128	Seattle	WA	98164
253563	Cromwell, Robert, Jr	Public Counsel; 900 Fourth Ave. STE 2000	Houston	TX	77056
226326	Darnell, Mark	Air Liquide America Corporation; 2700 Post Oak Blvd.	Portland	OR	97201
233962	Davidson, Melinda	Davidson Van Cleve; 1300 SW Fifth Ave. STE 2915	Seattle	WA	98164
140939	ffitch, Simon	OFFICE OF THE ATTORNEY GENERAL; PUBLIC COUNSEL; 900 4th Avenue STE 2000	Portland	OR	97201
70759	Goltz, Jeffrey	WUTC; Attorney General Section; State Mail Stop 40128	Belleuve	WA	98004-556
271726	Grundon, Traci	David Wright Tremaine LLP; 1300 SW Fifth Avenue STE 2300	BELLINGHAM	WA	98227-11
155639	Harris, Kimberly	Puget Sound Energy; One Bellevue Center DEC-15; 411 - 108th Ave NE STE 1800	Anacortes	WA	98221
31040	Hazlett, Scott	GEORGIA-PACIFIC WEST, Inc.; Transportation Division; PO Box 1174	Everett	WA	98201
174624	Pemberton, Jim	City of Anacortes; Public Works; PO Box 547	BELLEVEUE	WA	98009-9734
272395	Prochaska, Frank	Association of Western Pulp and Pape; 3124 Grand Ave.	Seattle	WA	98101-3197
13055	Secrist, Steve	Puget Sound Energy (E012); Rates & Regulations; PO Box 97034 (MS:OBC-03W)	ALLEN TOWN	PA	18195-1501
84476	Trotter, Don	WUTC; Attorney General Section; State Mail Stop 40128			
40828	VAN NOSTRAND, JAMES	Stoel Rives LLP; 600 University Street STE 3600			
43875	YOTT, MR ROGER	AIR PRODUCTS & CHEMICAL INC.; 7201 HAMILTON BLVD.			

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Air Liquide America Corporation, Air)
 Products and Chemicals, Inc., The)
 Boeing Company, CNC Containers,)
 Equilon Enterprises, LLC, Georgia-)
 Pacific West, Inc., and Tesoro)
 Northwest Company)
)
 Complainants,)
)
 v.)
)
 Puget Sound Energy, Inc.)
)
 Respondent.)
)

DOCKET NO. UE-001952

FIRST SUPPLEMENTAL ORDER;
PROTECTIVE ORDER

1 The Commission finds that a protective order to govern disclosure of proprietary and confidential information is necessary in this proceeding. The Commission provided the parties an opportunity to comment on the proposed protective order, considered their comments, and finds as follows:

- 2 a. It is likely that proprietary and confidential information will be required to resolve the issues in this proceeding;
- 3 b. Absent a protective order, a significant risk exists that confidential information might become available to persons who have no legitimate need for such information and that injury to the information provider could result.

4 Accordingly, the Commission enters the following protective order to govern the discovery and use of proprietary and confidential documents in this proceeding:

ORDER

A. General Provisions

5 **Confidential Information.** All access, review, use, and disclosure of any material designated by a party to this proceeding as confidential (referred to in this Order as "Confidential Information") is governed by this Order and by WAC 480-09-015. The Commission expects Confidential Information to include only numbers, customer names, and planning details. The Commission requires the parties to delete such information from the primary exhibits and provide these "confidential deletions"

9 **Purpose of Access and Use; Confidentiality.** No Confidential Information may be requested, reviewed, used or disclosed except for purposes of this proceeding. Such Confidential Information must be requested, reviewed, used or disclosed only by or to persons authorized under this Order, and only in accordance with the terms specified in this Order.

Disclosure of Confidential Information

10 **Persons Permitted Access.** No Confidential Information will be made available to anyone other than Commissioners, Commission Staff, the presiding officer(s), and counsel for the parties for this proceeding, including counsel for Commission Staff, and attorneys' administrative staff such as paralegals. However, access to any Confidential Information may be authorized by counsel, solely for the purposes of this proceeding, to those persons designated by the parties as their experts in this matter. Except for the Washington Utilities and Transportation Commission Staff, no such expert may be an officer, director, direct employee, major shareholder, or principal of any party or any competitor of any party (unless this restriction is waived by the party asserting confidentiality). Any dispute concerning persons entitled to access Confidential Information must be brought before the presiding officer for resolution.

11 **Nondisclosure Agreement.** Before being allowed access to any Confidential Information designated for this docket, each counsel or expert must agree to comply with and be bound by this Order on the form of Exhibit A (counsel and administrative staff) or B (expert) attached to this Order. Counsel for the party seeking access to the Confidential Information must deliver to counsel for the party producing Confidential Information a copy of each signed agreement, which must show each signatory's full name, permanent address, the party with whom the signatory is associated and, in the case of experts, the employer (including the expert's position and responsibilities). The party seeking access must also send a copy of the agreement to the Commission and, in the case of experts, the party providing Confidential Information shall complete its portion and file it with the Commission or waive objection as described in Exhibit B.

12 **Access to Confidential Information.** Copies of documents designated confidential under this Order will be provided in the same manner as copies of documents not designated confidential, pursuant to WAC 480-09-480. Requests for special provisions for inspection, dissemination or use of confidential documents must be submitted to the presiding officer if not agreed by the parties. The parties must not distribute copies of Confidential Information to, and they must not discuss the contents of confidential documents with, any person not bound by this Order. Persons to whom copies of documents are provided pursuant to this Order warrant by signing the confidentiality agreement that they will exercise all reasonable diligence to maintain the documents consistent with the claim of confidentiality.

to determine the confidentiality of information. The burden of proof to show that such information is properly classified as confidential is on the party asserting confidentiality. Pending determination, the assertedly Confidential Information shall be treated in all respects as protected under the terms of this Order. If the presiding officer determines the challenged information is not entitled to protection under this Order, the information continues to be protected under this Order for ten days thereafter to enable the producing party to seek Commission or judicial review of the determination, including a stay of the decision's effect pending further review.

19 **Admission Of Confidential Information Under Seal.** The portions of the record of this proceeding containing Confidential Information will be sealed for all purposes, including administrative and judicial review, unless such Confidential Information is released from the restrictions of this Order, either through the agreement of the parties or pursuant to a lawful order of the Commission or of a court having jurisdiction to do so.

20 **Return of Confidential Information.** At the conclusion of this proceeding every person who possesses any Confidential Information (including personal notes that make substantive reference to Confidential Information), must return all Confidential Information to the party that produced it, or must certify in writing that all copies and substantive references to Confidential Information in notes have been destroyed, within thirty days following the conclusion of this proceeding, including any administrative or judicial review. These provisions apply to all copies of exhibits which contain Confidential Information and for that reason were admitted under seal. The only exceptions are that exhibits may be preserved by counsel as counsel records, and a complete record, including Confidential Information, will be preserved by the Secretary of the Commission as part of the Agency's official records.

21 **Freedom of Information Laws.** Until the Commission or any court having jurisdiction finds that any particular Confidential Information is not of a trade secret, proprietary, or confidential nature, any federal agency that has access to and/or receives copies of the Confidential Information must treat the Confidential Information as within the exemption from disclosure provided in the Freedom of Information Act at 5 U.S.C. § 552 (b)(4); and any Washington state agency that has access to and/or receives copies of the Confidential Information must treat the Confidential Information as being within the exemption from disclosure provided in RCW 42.17.310(1)(h) and (q).

22 **Notice of Compelled Production In Other Jurisdictions.** If a signatory to this protective order is compelled to produce confidential documents in any regulatory or judicial proceeding by the body conducting the proceeding, the signatory must provide notice to the party that provided the confidential information. Such confidential information must not be produced for at least five days following notice, to permit the party that provided such information an opportunity to defend the confidential nature of the material before the regulatory or judicial body that would

EXHIBIT A (ATTORNEY AGREEMENT)

AGREEMENT CONCERNING CONFIDENTIAL INFORMATION
IN DOCKET NO. UE-001952
BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

I, _____, as attorney
in this proceeding for _____
(party to this proceeding) agree to comply with and be bound by the Protective Order
entered by the Washington Utilities and Transportation Commission in Docket No.
UE-001952, and acknowledge that I have reviewed the Protective Order and fully
understand its terms and conditions.

Signature

Date

Address