

Comments on: Docket A-130355

Commenter's Name: James Adcock

Title of Comments: Comments Against Bulk Redaction of Documents

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I am commenting on these proposed rule changes as a member of the public, and a ratepayer, who attempts, occasionally, to read and follow the proceedings of the UTC, and certain utilities, acting in conjunction with certain environmental groups. My concerns include that the environment be protected against needless and excessive damage, and that ratepayers also be protected against needless and excessive rate increases -- primarily driven by needless and excessive utility overbuild of new natural gas generating plants, and transmission lines, but also by uneconomic continued operation of coal power plants. I am **not** against any new building of gas generating plants, nor transmission lines, only those that are needless and excessive, and/or are being built well-prior to demonstrated demand. Further, I believe in practice **most** of the interactions between the UTC, utilities, and environmental groups should be public, and available for public review and reading. I believe that the UTC (including ALJ) has in practice been **way to accommodating** in allowing "bulk redactions" of utility documents including "expert testimony" when the great majority portions of such documents could be made public without unfair harm to utilities' actual competitiveness. The practical choice has been to say: "Forget about the public, let's we [the elite insiders: UTC/utilities/environmental groups] just get on with it, and forget about the public!" I believe utilities are engaging in such "bulk redactions" in order to keep the public from generally reading and understanding interactions between UTC, utilities, and environmental groups. This in turn has the practical effect of moving the actions of our government into "secret smoke-filled back rooms" acting in practice against the provisions of "sunshine laws." This in turn creates a situation where UTC, utilities, and environmental groups fall into the mental trap of thinking "We [collectively] represent the public -- and therefor the public should be excluded from viewing our actions." This then forms an indirect democracy, where a "self-chosen elite" acts in their view of "the best interests of the public" -- but where in fact their own selfish self-interest are being advanced by keeping that information from public view, since knowledge is power, keeping that knowledge from the public advances the power and the privilege of this self-chosen elite.

In this context, I wish to comment on the following sections (found in several areas of the proposed rules)

Quote:

(iv) ...If the provider submits a document under a claim that all of the substantive information contained on multiple contiguous pages is exempt, the provider may submit a single page in the redacted version for the contiguous exempt pages if that page identifies the pages claimed to contain exempt information.

(vi) The provider must submit the redacted and unredacted versions to the commission at the same time.

End-Quote.

Regards (iv) please do not ever allow these kinds "Bulk Redactions." I do not believe *everything* in any document can ever be considered "100%" necessarily kept secret. The public benefits from even a general knowledge, a general framework, of knowing that which is being kept secret from them, and the ability to say for example "Yes I can see that this is some kind of contract between utility A and utility B to lease part of a natural gas plant, and while I cannot see the details of the costs of this lease, I can understand that such a lease might be a reasonable thing to do." Verses (for example) "Hey, I can't see the costs involved here, but I can see that utility A is building a new transmission line, but utility B is the practical beneficiary of that transmission line, and utility A's ratepayers are paying for this thing, not utility B's ratepayers -- so this must be unfair!"

(iv) "Bulk Redactions" then are at best an invitation to parties to be "lazy" [or "engage in ploys"] and "simply redact everything" rather than thinking through "fairly" "does this *really* need to be redacted or not?" And then the ALJ sighs and shrugs his shoulders and says "OK let's just get on with it" -- even though he knows what he is doing is wrong from the point of view of Democracy -- under time pressures he caves and says "OK, let's just get on with it." Especially in the case of pre-filed "Expert Testimony" you can imagine that such "Bulk Redactions" have the practical effect of making what is supposed to be "Public Testimony" in practice 100% secret. Such "Secret Testimony" is an anathema to Democracy.

Regards (vi) "The provider must submit the redacted and unredacted versions to the commission at the same time" what happens in practice is that the utility games the system by only submitting the unredacted version and then claims the redacted version will be provided "soon" but then "soon" never actually happens, or happens only when the case is settled, so that the public is in practice excluded from viewing any part of the case as it happens. Or the utility submits the "redacted" version only in "100% Bulk Redacted" form -- which is in practice the same as not submitting it at all. And then the ALJ knows perfectly well that the utility is gaming the system, but under the pressure of time, sighs, shrugs his shoulders and says "OK, let's just get on with it" -- thus caving to the utility's ploys.

The only way in practice to avoid these kinds of utility "engaging in ploys" is to reject all submissions *up front* which do not include all the required redacted and unredacted versions,

and to reject all submissions *up front* which include "100% Bulk Redactions" -- aka submission which simply include "Dummy Documents" submitted as "a matter of form" -- without the utility doing the actual work of thinking through and minimally redacting only those things which really really do need to be redacted.

An example of such "lazy" redactions would be when I read though a redacted document and I can tell that they are redacting a map image which the utility has already publicly published in a different forum. That which has already been published in a public forum can no longer be proprietary to the company and therefore cannot properly be redacted thereafter.

In closing:

Please do not allow (iv) "100% Bulk Redactions" but rather require utilities to actually think through and redact only that which truly cannot be made public. "Minimally Redacted" thoughtfully rather than lazy [or engaging in ploys] "100% Bulk Redactions."

Please *actually* require (vi) submission of redacted and unredacted versions at the same time, and *actually reject* any submission not actually including both, including rejecting any submission which does not fairly "minimally redact" but rather is simply a "100% Redaction" -- "by form" -- which is in practice the same as not submitting a redacted version at all.

Democracy Requires that the Public can ACTUALLY SEE that which is going on! For example, my political support, or degree of political support, or lack thereof, for one Washington State governor, or instead his opponent, is predicated on whether I like how well a particular state agency, namely the UTC, is being run. When you hide your activities from public view, you are in practice preventing my informed decision of who I politically support and vote for.

Sincerely,

James Adcock, Electrical Engineer, Ratepayer, Voter, Citizen