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September 29, 2017

Via Web Portal

Mr. Steven King, Executive Director and Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, Washington 98504-7250

**Re: Docket No. A-130355
Rulemaking to Consider Possible Corrections and Changes in
WAC 480-07, Relating to Procedural Rules**

Dear Mr. King:

CenturyLink provides the following comments as the Commission considers adopting a new rule governing confidential or protected information. CenturyLink has had a chance to review the comments filed by Puget Sound Energy and concurs in those comments. In addition, CenturyLink has the following recommendations for the draft rule.

First, CenturyLink recommends clarifying the title of the rule so as to more clearly identify that the rule addresses confidential information. The current title "Restricted Information" does not clearly flag the rule as the one addressing confidentiality in filings.

Second, CenturyLink recommends that the definitions be moved to subsection (2) for ease and clarity of reference. Definitions are most typically found in the very beginning of the rule, so that all subsequent terms are defined. This would allow current subsection (2) which is "Information or documents restricted for multiple reasons" to be placed under subsection (3). That would then enable the Commission to delete the phrases "as those terms are used in this rule" and "as that term is used in this rule" in that subsection, streamlining it somewhat.

Third, CenturyLink recommends that the proposed definition/designation of "protected" information be changed to "confidential". This nomenclature has been used for many years, and is, in our view, more descriptive and accurate than the term "protected". It is also consistent with the language in RCW 80.04.095 that states that the Commission may use protective orders governing "disclosure of *proprietary or confidential* information in contested proceedings" (emphasis added). In addition, because the rule does adopt the designation "highly confidential", it begs the question of why there would not be a designation of just plain "confidential". This proposal addresses that issue.

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Finally, CenturyLink is concerned that the definition of “Exempt information” may not be sufficiently broad to include all exempt information. The definition is limited to information that is exempt from disclosure under chapter 42.56 RCW. However, there may be other laws or rules, either state or federal – the entire universe of which may not be readily identifiable at this point – which would exempt a document from disclosure. The Commission should add the following phrase to the end of that definition: “or any other provisions of law providing an exemption from public disclosure.”

CenturyLink has incorporated both PSE’s and its own recommendations in a redlined version of the rule, which is included with this filing. We appreciate the effort that went into drafting this proposed rule, and the additional time taken to work with stakeholders.

If you have any questions, please contact me.

Sincerely,

/s/ Lisa A. Anderl

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LAA/jga

Attachment