

BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KIMBERLY-CLARK TISSUE COMPANY,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

No. UG-990619

RESPONSE OF KIMBERLY-CLARK  
TO MOTION FOR MORE DEFINITE  
STATEMENT AND FOR EXCLUSION  
OF THE EXPERT FROM ACCESS TO  
CONFIDENTIAL INFORMATION

The Motion for a More Definite Statement and for Exclusion of the Expert from Access to Confidential Information (“Motion”) filed by Puget Sound Energy (“Puget”) should be dismissed as moot. Kimberly-Clark’s direct testimony filed on September 20, 1999 does not rely on any of Puget’s confidential information. Mr. Ronish did not prepare or file testimony, and he will not appear as a witness for Kimberly-Clark. For these reasons, Kimberly-Clark requests that Puget’s Motion be dismissed.

Richard D. Ronish signed Exhibit B (Expert Agreement) to the Protective Order on August 30, 1999, and briefly reviewed the confidential information. Puget knew around that time that Kimberly-Clark had consulted Mr. Ronish. On or about August 31, 1998, Puget’s Manager of Operations Planning called Mr. Ronish to ask him about plans that had been made in 1995 with respect to the meters at Kimberly-Clark’s Everett mill. Mr. Ronish answered Puget’s questions, and advised the Manager that he was consulting with Kimberly-Clark in this case. Puget, however, did not notify Kimberly-Clark at that time about its objection to Mr. Ronish’s appearance as a witness.

RESPONSE OF KIMBERLY-CLARK TO MOTION FOR MORE  
DEFINITE STATEMENT - 1

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Even if Kimberly-Clark intended to call Mr. Ronish as witness – which it does not – Puget’s blanket objection to Mr. Ronish’s participation is overreaching and unreasonable. Puget objects to Mr. Ronish based on the argument that he is “in direct competition” with Puget. Motion, at 2. To the contrary, Mr. Ronish is not a competitor of Puget. Mr. Ronish offers services to large natural gas customers such as performing gas audits and advising clients on ways to reduce natural gas costs. He does not arrange for gas supplies or transportation for his clients. The fact that “gas is a deregulated commodity” does not mean that every natural gas consultant is in “competition” with Puget. Unless and until Mr. Ronish acquires gas supplies or pipeline resources, Mr. Ronish is not in “direct competition” with Puget.

Puget’s position that Mr. Ronish cannot have access to confidential information unreasonably restricts Mr. Ronish’s business and deprives parties (other than Puget) of the benefit of his expertise. Mr. Ronish is a former employee of Washington Natural Gas (“WNG”), where his areas of responsibility involved WNG’s large industrial and commercial customers. Following the merger between Puget and WNG, Mr. Ronish became a natural gas consultant. Because of his experience with WNG, it is likely that many of his potential clients in need of expert advice and testimony in proceedings involving Puget will be natural gas customers of Puget. Denying Mr. Ronish access to Puget’s confidential information and excluding him as a witness would prevent him from participating in virtually every contested case involving Puget. Such a blanket exclusion would be unfair to Mr. Ronish.

## CONCLUSION

Puget has unreasonably objected to the appearance of Richard Ronish in this proceeding. Nevertheless, Mr. Ronish will not be called as a witness, Kimberly-Clark has not relied upon any

confidential information in the preparation of its direct testimony, and Puget has suffered no prejudice or harm. For these reasons, Kimberly-Clark urges the Administrative Law Judge to dismiss Puget's Motion as moot.

DATED this 23<sup>rd</sup> day of September, 1999.

PRESTON GATES & ELLIS LLP

By \_\_\_\_\_  
Carol S. Arnold, WSBA # 18474  
Attorneys for Complainant  
Kimberly-Clark Tissue Company

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served this document upon all parties of record in this proceeding (listed below), by facsimile and by U.S. mail, first class postage prepaid, to:

PUGET SOUND ENERGY INC.

Andree G. Gagnon  
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Dated at Seattle, Washington, this 23rd day of September, 1999

Jo Ann Sunderlage  
Secretary to Carol S. Arnold