

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In re the Matter of Determining the Proper)	DOCKET TG-072226
Carrier Classification of)	
)	ORDER 04
GLACIER RECYCLE, LLC;)	
HUNGRY BUZZARD RECOVERY, LLC;)	ORDER DENYING MOTION TO
AND T&T RECOVERY, INC.)	AMEND PROTECTIVE ORDER
)	
.....)	

1 **NATURE OF PROCEEDING.** Docket TG-072226 involves a special proceeding instituted under Revised Code of Washington (RCW) 81.04.510 by the Washington Utilities and Transportation Commission (Commission) on its own motion to determine whether three companies¹ holding motor freight common carrier permits under RCW 81.80 are operating as solid waste collection companies, hauling solid waste for compensation without the necessary certificate required by RCW 81.77.040 and Washington Administrative Code (WAC) 480-70-016.

2 **MOTION TO AMEND PROTECTIVE ORDER.** On February 29, 2008, the Commission issued Order 03 – Protective Order. On March 25, 2008, Glacier Recycle, LLC, Hungry Buzzard Recovery, LLC, and T&T Recovery, Inc. (the Carriers) filed a Motion to Amend Protective Order, claiming that it fails to adequately protect their confidential information from dissemination to their competitors. The Carriers specifically object to an individual who has executed a confidentiality agreement as having inappropriate access to confidential information.

3 **COMMISSION DECISION.** The Protective Order currently governing this matter already addresses the concerns raised by the Carriers (as well as those raised in correspondence from counsel to other parties recently submitted to the Commission). For instance, the Protective Order contains the following language:

¹ As of Tuesday, March 25, 2008, one of the companies, Hungry Buzzard Recovery, LLC, has submitted a Motion to Dismiss itself as a party from this proceeding, indicating it is not currently pursuing work in this field but that it agrees to be bound by the final outcome of this docket for purposes of its future business endeavors. Hungry Buzzard’s motion is pending determination; in accordance with Commission procedural rules, the other parties have ten business days to respond. WAC 480-07-380(c).

- **Persons Permitted Access.** * * * Any dispute concerning persons entitled to access Confidential Information must be brought before the presiding officer(s) for resolution. *Excerpt from Order 03, ¶ 7.*
- **Right to Challenge Confidentiality.** Any party may challenge another party's assertion of confidentiality with respect to any information asserted to be entitled to protection under this Order. The presiding officer will conduct an *in camera* hearing to determine the confidentiality of challenged 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. *Order 03, ¶ 16.*

4 The Protective Order remains sufficient to address all concerns raised by the Carriers in their motion as well as all other concerns thus far brought to the Commission's attention by other parties. Therefore, the Carriers' Motion to Amend Protective Order is DENIED.

Dated at Olympia, Washington, and effective March 27, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM
Administrative Law Judge