

Attachment 1

1 EXPEDITE

2 Hearing is set:

3 Date: September 5, 2008

4 Time: 9:00 a.m.

5 Judge/Calendar: Christine A. Pomeroy

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9 STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

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12 PUGET SOUND ENERGY, INC., a
Washington corporation, and PUGET
13 HOLDINGS, LLC, a Delaware limited
liability company,

14
15 Plaintiff,

16 v.

17 WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

18
19 Defendant.

NO. 08-2-01816-1

ORDER GRANTING PRELIMINARY
INJUNCTION AND GRANTING
PUBLIC COUNSEL'S MOTION TO
INTERVENE

20 This matter comes before the Court on the motion of plaintiffs Puget Sound Energy,
21 Inc., ("PSE") and Puget Holdings, LLC ("Puget Holdings") for a Preliminary Injunction. The
22 Court has considered PSE's motion and memorandum in support, PSE's supporting affidavits
23 and declaration, the Response of the Washington Utilities and Transportation Commission
24 ("the Commission" or "WUTC") to PSE's motion, the Response of the Public Counsel Section
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1 of the Washington Attorney General's Office ("Public Counsel"), PSE's reply, the Complaint,
2 and all of the pleadings, records, and files in this action.

3 This matter further comes before the Court on the Motion of Public Counsel to
4 Intervene filed on September 4, 2008. Plaintiffs and the Commission having no objection, the
5 Court has considered Public Counsel's motion and memorandum in support and all of the
6 pleadings, records, and files in this action.
7

8 NOW THEREFORE, the Court finds that the Commission sent a letter to PSE dated
9 July 23, 2008, advising PSE that the Commission had received a public records request under
10 RCW 42.56 from Dianne Woody requesting copies of various documents designated as
11 "highly confidential," related to the proposed sale of PSE in WUTC Docket No. U-072375.
12 The Court finds that the Commission indicated its intent to disclose the documents in question
13 after 10 days, absent a court order issued pursuant to RCW 80.04.095. The Court further finds
14 that on August 1, 2008, the parties stipulated to the entry of a Temporary Restraining Order
15 prohibiting the disclosure of the documents.
16

17 The Court further finds that the Commission is authorized by RCW 80.04.095 and
18 RCW 34.05.446 to issue protective orders in contested proceedings pending before the
19 Commission. The Court finds that the documents in question were submitted pursuant to, and
20 remain subject to, the protective order entered by the Commission on January 18, 2008, in
21 WUTC Docket No. U-072375. The Court finds that Public Counsel filed a motion in that
22 docket challenging the confidentiality designation of the document in question, and that the
23 Commission has required responses to the motion be filed by September 8, 2008, following
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1 which the Commission will enter a decision as to whether all or part of the documents in
2 question should remain designated confidential or be made publicly available.

3 Additionally, the Court finds that, on September 4, 2008, Public Counsel filed a Motion
4 for Leave to Intervene in this matter under CR 24. Neither the Commission nor PSE objects to
5 intervention by Public Counsel. The Court finds that, as a representative of PSE's customers
6 in matters before the Commission and as the party offering the documents in question, Public
7 Counsel has an interest in this matter that may be impaired if it is not allowed to intervene.
8

9 The Court further finds that a preliminary injunction is necessary to preserve the status
10 quo pending the Commission's order on this matter. If the Commission determines that all or
11 part of the documents in question should be deemed confidential, the Commission will so
12 notify the Court. In that case, the preliminary injunction will remain in place until further
13 action by this Court as to such documents. If the Commission determines that all or part of the
14 documents in question should not be deemed confidential, the Commission will so notify the
15 Court. If no party petitions for judicial review of the Commission's decision within the
16 statutory period for appeal, then the Court will lift this preliminary injunction by further order
17 and the documents in question will be ordered to be made public.
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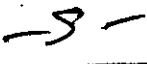
19 IT IS HEREBY ORDERED that a preliminary injunction be issued consistent with the
20 terms stated above.
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22 IT IS FURTHER ORDERED that Public Counsel's motion for leave to intervene is
23 granted.
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1 IT IS FURTHER ORDERED that no security or bond is required under CR 65(c).

2 DONE IN OPEN COURT this 5th day of September, 2008.

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4 
5 The Honorable Christine A. Pomeroy
6 Superior Court Judge

7 Presented by:

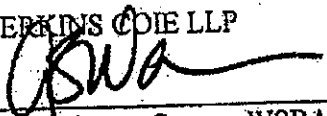
8 ROBERT M. MCKENNA
9 Attorney General

10 

11 GREGORY L. TRAUTMAN
12 WSBA No. 45501
13 Assistant Attorney General
14 Counsel for Washington Utilities and
15 Transportation Commission

16 Approved by:

17 PERKINS COIE LLP

18 
19 Shereb Strom Carson, WSBA No. 25349
20 Gina S. Warren, WSBA No. 39178
21 Attorneys for Plaintiffs Puget Sound Energy, Inc. and Puget Holdings, LLC

22 ROBERT M. MCKENNA
23 Attorney General

24 Simon J. Fitch, WSBA No. 25977
25 Senior Assistant Attorney General
26 Counsel for the Public Counsel Section

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INTERVENE - 4

ATTORNEY GENERAL OF WASHINGTON
Utilities and Transportation Division
1400 S Evergreen Park Drive SW
PO Box 40128 Olympia, WA 98504-0128
(360) 664-1183

1 IT IS FURTHER ORDERED that no security or bond is required under CR 65(c).

2 DONE IN OPEN COURT this ___ day of September, 2008.

3
4 The Honorable Christine A. Pomeroy
5 Superior Court Judge


6 Presented by:

7
8 ROBERT M. MCKENNA
9 Attorney General

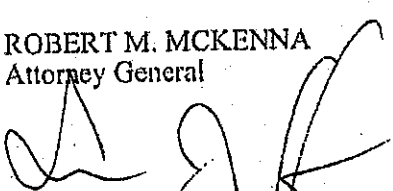
10 GREGORY J. TRAUTMAN
11 WSBA No. 15501
12 Assistant Attorney General
13 Counsel for Washington Utilities and
14 Transportation Commission

14 Approved by:

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