

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

Docket No. UE-111048

Docket No. UG-111049

DECLARATION OF
SHEREE STROM CARSON IN SUPPORT
OF PSE'S MOTION OBJECTING TO
ICNU'S CONFIDENTIALITY STATUS

1 I, Sheree Strom Carson, hereby declare under penalty of perjury under the laws of the
State of Washington that the following is true and correct:

2 I am one of the attorneys representing Puget Sound Energy, Inc. ("PSE" or the
"Company") in this proceeding. I have personal knowledge of the matters set forth in this
Declaration.

3 The Company is objecting to the confidentiality status of the Industrial Customers of
Northwest Utilities ("ICNU") in this proceeding. As discussed in more detail below, although
Ms. Davison, ICNU's counsel, has received significant testimony and data request responses
containing highly confidential information from PSE, she is asking the Commission to disregard
her signed Highly Confidential Information Agreement.

4 On July 6, 2011, PSE provided to Ms. Davison and Mr. Cowell, counsel for ICNU, the
highly confidential versions of all testimony, exhibits, and workpapers filed in this case. Prior to

DECLARATION OF
SHEREE STROM CARSON - 1
07771-0185/LEGAL21614163.1

Perkins Coie LLP
10885 N.E. Fourth Street, Suite 700
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Phone: (425) 635-1400
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that, on June 30, 2011, PSE began providing Ms. Davison and Mr. Cowell with highly confidential versions of PSE's data request responses.

5 On August 15, 2011, I sent an email to Ms. Davison expressing concern regarding the varying levels of confidentiality for the attorneys and consultants for ICNU and the need to avoid inadvertent disclosure of highly confidential information. Attached hereto as Exhibit A is a true and correct copy of the August 15, 2011 email. Specifically, PSE was concerned because two attorneys representing ICNU (Mr. Van Cleve and Mr. Sanger) had signed the Agreement Concerning Confidential Information and two other attorneys representing ICNU (Ms. Davison and Mr. Cowell) had signed both the Agreement Concerning Confidential Information and the Highly Confidential Information Agreement. In response to this email, Ms. Davison notified me by email that she had not intended to sign the Highly Confidential Information Agreement and that Mr. Cowell is the only attorney for ICNU who signed and will review highly confidential material. The email further stated that Mr. Cowell would "take all necessary precautions to ensure that there is no inadvertent disclosure." Attached hereto as Exhibit B is a true and correct copy of the email from Ms. Davison. I did not speak with or have any further communication with Ms. Davison or Mr. Cowell on this subject. I did not agree on behalf of PSE to revoke the Highly Confidential Information Agreement that Ms. Davison signed.

6 The parties have undertaken significant discovery in this case. ICNU has propounded 95 data requests to PSE, and because ICNU has requested copies of all of PSE's responses to other parties' data requests in this proceeding, ICNU has received more than 360 total data request responses so far in this proceeding—several of which contain highly confidential material.

Although Ms. Davison received several emails from PSE clearly designated as containing highly confidential responses to data requests, she did not advise PSE that she had signed the Highly Confidential Information Agreement in error prior to the email I sent on August 15, 2011.

Attached hereto as Exhibit C are true and correct copies of such emails.

Executed this 25th day of August, 2011, at Bellevue, Washington.


Sheree Strom Carson

EXHIBIT A

Carson, Sheree S. (Perkins Coie)

From: Carson, Sheree S. (Perkins Coie)
Sent: Monday, August 15, 2011 4:51 PM
To: Melinda J. Davison; Jesse E. Cowell
Cc: Barnett, Donna L. (Perkins Coie)
Subject: ICNU HC/C Issues: Docket UE-111048

Melinda and Jesse,

It has come to our attention that both of you signed the highly confidential agreement in the above-referenced docket, but that other attorneys in your office and some of your consultants have only signed confidentiality agreements. Specifically, the following attorneys and consultants have not signed a highly confidential agreement but have signed confidentiality agreements: Brad Van Cleve, Irion Sanger, Don Schoenbeck, Michael Gorman, James Leyko, R. Woodbury, and Michael Deen. In recent cases, all of ICNU attorneys and consultants have signed confidentiality agreements allowing them to review the same level of confidentiality (i.e., "confidential," rather than "highly confidential" material). We are concerned that the current situation makes inadvertent disclosure of highly confidential information more likely, and we ask you to make sure there are mechanisms in place to ensure that highly confidential information is not disclosed to attorneys and consultants who have not signed the HC agreement. One step we intend to take to avoid the inadvertent disclosure of highly confidential material to those who have not signed the HC agreements is to send highly confidential information only to you. We will not send such highly confidential information to the general Davison Van Cleve email address (dvc@dvclaw.com) nor will we send highly confidential responses to Mr. Schoenbeck and his team at dws@r-c-s-inc.com.

We appreciate your vigilant protection of PSE's highly confidential information.

Sheree Strom Carson Perkins Coie LLP

The PSE Building
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Bellevue, WA 98004-5579
PHONE: 425.635.1422
FAX 425.635.2422
E-MAIL: scarson@perkinscoie.com

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

EXHIBIT B

Carson, Sheree S. (Perkins Coie)

From: Melinda J. Davison [MJD@dvclaw.com]
Sent: Monday, August 15, 2011 4:57 PM
To: Carson, Sheree S. (Perkins Coie); Jesse E. Cowell
Cc: Barnett, Donna L. (Perkins Coie); Sarah A. Kohler
Subject: RE: ICNU HC/C Issues: Docket UE-111048

Sheree-

I did not intend to sign the highly confidential protective order. I have not reviewed any confidential or highly confidential material in the case. We will correct this. Jesse is the only attorney who signed and will review highly confidential material in our office. He will take all necessary precautions to ensure that there is no inadvertent disclosure. Thanks Melinda

Melinda J. Davison
Attorney
Davison Van Cleve, PC
333 SW Taylor St., Suite 400
Portland, OR 97204
Tel: 503.241.7242
Fax: 503.241.8160
mjd@dvclaw.com

The message (including attachments) is confidential, may be attorney/client privileged, may constitute inside information and is intended for the use of the addressee. Unauthorized use, disclosure, or copying is prohibited and may be unlawful. If you believe you have received this communication in error, please delete it and call or email the sender immediately. Thank you.

From: Carson, Sheree S. (Perkins Coie) [mailto:SCarson@perkinscoie.com]
Sent: Monday, August 15, 2011 4:51 PM
To: Melinda J. Davison; Jesse E. Cowell
Cc: Barnett, Donna L. (Perkins Coie)
Subject: ICNU HC/C Issues: Docket UE-111048

Melinda and Jesse,

It has come to our attention that both of you signed the highly confidential agreement in the above-referenced docket, but that other attorneys in your office and some of your consultants have only signed confidentiality agreements. Specifically, the following attorneys and consultants have not signed a highly confidential agreement but have signed confidentiality agreements: Brad Van Cleve, Irion Sanger, Don Schoenbeck, Michael Gorman, James Leyko, R. Woodbury, and Michael Deen. In recent cases, all of ICNU attorneys and consultants have signed confidentiality agreements allowing them to review the same level of confidentiality (i.e., "confidential," rather than "highly confidential" material). We are concerned that the current situation makes inadvertent disclosure of highly confidential information more likely, and we ask you to make sure there are mechanisms in place to ensure that highly confidential information is not disclosed to attorneys and consultants who have not signed the HC agreement. One step we intend to take to avoid the inadvertent disclosure of highly confidential material to those who have not signed the HC agreements is to send highly confidential information only to you. We will not send such highly confidential information to the general Davison Van Cleve email address (dvc@dvclaw.com) nor will we send highly confidential responses to Mr. Schoenbeck and his team at dws@r-c-s-inc.com.

We appreciate your vigilant protection of PSE's highly confidential information.

Sheree Strom Carson | Perkins Coie LLP
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EXHIBIT C

Carson, Sheree S. (Perkins Coie)

From: Barnett, Donna L. (Perkins Coie)
Sent: Thursday, June 30, 2011 6:15 PM
To: 'simonf@atg.wa.gov'
Cc: 'Kimball, Mary (ATG)'; 'Williams, Carol (ATG)'; 'bcedarba@utc.wa.gov'; 'mjd@dvclaw.com'; 'stefaniej@atg.wa.gov'
Subject: HIGHLY CONFIDENTIAL UE-111048 & UG-111049 PSE Responses to PC DRs 001-036
Attachments: PSE Resp PC DR 032_Attach A (HC).xls

Mr. ffitch:

Attached please find electronic copies of the Highly Confidential version of PSE's Responses to Public Counsel Data Request Nos. 001-036 in the above-referenced dockets. Hardcopies and CD-ROMs of these materials have been sent via overnight mail for delivery to you on Friday, July 1, 2011. Public and Confidential versions of these materials have been sent in a separate email. Please note that the attachments to PSE's Responses to Public Counsel Data Request Nos. 017 and 018 are too large to be sent via email.

If you have any questions regarding the responses, please contact me at 425-635-1419 or Jason Kuzma at 425-635-1416.

Yours truly,

Donna Barnett

Donna Barnett | Perkins Coie LLP

The PSE Building
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PHONE: 425.635.1419
FAX: 425.635.2419
E-MAIL: dbarnett@perkinscoie.com

Carson, Sheree S. (Perkins Coie)

From: Barnett, Donna L. (Perkins Coie)
Sent: Friday, July 08, 2011 2:34 PM
To: 'simonf@atg.wa.gov'
Cc: 'Kimball, Mary (ATG)'; 'Williams, Carol (ATG)'; 'bcedarba@utc.wa.gov'; 'mjd@dvclaw.com'; 'stefaniej@atg.wa.gov'; 'mjd@dvclaw.com'; 'Jesse E. Cowell'
Subject: HIGHLY CONFIDENTIAL UE-111048 & UG-111049 PSE Responses to PC DRs 037-058
Attachments: PSE Resp PC DR 049_Attach A (HC) Renew Phase I WP.pdf; PSE Resp PC DR 056 (HC).doc

Mr. ffitch:

Attached please find electronic copies of the Highly Confidential version of PSE's Responses to Public Counsel Data Request Nos. 037-058 in the above-referenced dockets. Hardcopies and CD-ROMs of these materials have been sent via overnight mail for delivery to you on Monday, July 11, 2011. Public and Confidential versions of these materials have been sent in a separate email. Please note that the attachment to PSE's Response to Public Counsel Data Request No. 056 is too large to be sent via email.

If you have any questions regarding the responses, please contact me at 425-635-1419 or Jason Kuzma at 425-635-1416.

Yours truly,

Donna Barnett

Donna Barnett: Perkins Coie LLP

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PHONE: 425.635.1419
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Carson, Sheree S. (Perkins Coie)

From: Barnett, Donna L. (Perkins Coie)
Sent: Monday, July 11, 2011 4:47 PM
To: 'simonf@atg.wa.gov'
Cc: 'Kimball, Mary (ATG)'; 'Williams, Carol (ATG)'; 'bcedarba@utc.wa.gov'; 'mjd@dvclaw.com'; 'stefaniej@atg.wa.gov'; 'mjd@dvclaw.com'; 'Jesse E. Cowell'; 'Ctolumbia@aol.com'
Subject: HIGHLY CONFIDENTIAL UE-111048 & UG-111049 PSE Responses to PC DRs
Attachments: PSE Resp PC DR 166_Attach A (HC).xls; PSE Resp PC DR 165_Attach A (HC).xls

Mr. ffitch:

Attached please find electronic copies of the Highly Confidential version of Attachment A to PSE's Responses to Public Counsel Data Request Nos. 165 and 166 in the above-referenced dockets. Hardcopies and CD-ROMs of these materials have been sent via overnight mail for delivery to you on Tuesday, July 12, 2011. Public versions of these materials have been sent in a separate email.

If you have any questions regarding the responses, please contact me at 425-635-1419 or Jason Kuzma at 425-635-1416.

Yours truly,

Donna Barnett

Donna Barnett Perkins Coie LLP

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E-MAIL: dbarnett@perkinscoie.com

Carson, Sheree S. (Perkins Coie)

From: Barnett, Donna L. (Perkins Coie)
Sent: Friday, August 05, 2011 5:32 PM
To: 'simonf@atg.wa.gov'
Cc: 'Kimball, Mary (ATG)'; 'Williams, Carol (ATG)'; 'bcedarba@utc.wa.gov'; 'mjd@dvclaw.com'; 'Jesse E. Cowell'; 'stefaniej@atg.wa.gov'; 'Ctcolumbia@aol.com'; 'kboehm@bkllawfirm.com'; 'DeMarco, Betsy (UTC)'; 'Kevin Higgins'
Subject: HIGHLY CONFIDENTIAL UE-111048 & UG-111049 PSE Responses to PC DRs
Attachments: PSE Resp PC DR 135_Attach A (HC).doc; PSE Resp PC DR 135 (HC).doc

Mr. ffitich:

Attached please find electronic copies of PSE's Responses to Public Counsel Data Request Nos. 62, 125, 126, 135, 137, 141, and 144 in the above-referenced dockets. Hardcopies and a CD-ROM of these materials have been sent via overnight mail for delivery to you on Monday, August 8, 2011. A confidential and public version of these materials will be sent in a separate email.

If you have any questions regarding the responses, please contact me at 425-635-1419 or Sheree Carson at 425-635-1422.

Yours truly,

Donna Barnett

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Carson, Sheree S. (Perkins Coie)

From: Barnett, Donna L. (Perkins Coie)
Sent: Thursday, July 21, 2011 5:07 PM
To: 'Cedarbaum, Bob (UTC)'
Cc: 'Kimball, Mary (ATG)'; 'Williams, Carol (ATG)'; 'mjd@dvclaw.com'; 'Jesse E. Cowell'; 'stefaniej@atg.wa.gov'; 'simonf@atg.wa.gov'; 'DeMarco, Betsy (UTC)'
Subject: HIGHLY CONFIDENTIAL UE-111048 & UG-111049 PSE Responses to Staff DRs 002-036
Attachments: PSE Resp WUTC DR 003_Attach B - Gaines rebuttal testimony 2009 GRC (HC).pdf

Mr. Cedarbaum:

Attached please find electronic copies of the highly confidential version of PSE's Responses to WUTC Staff Data Request Nos. 002-036 in the above-referenced dockets. The original and two hardcopies and a CD-ROM of these materials have been sent via overnight mail for delivery to you on Friday, July 22, 2011. A public and confidential version of these materials have been sent in a separate email.

If you have any questions regarding the responses, please contact me at 425-635-1419 or Jason Kuzma at 425-635-1416.

Yours truly,

Donna Barnett

Donna Barnett Perkins Coie LLP

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