

NOV 23 1993

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	
)	DOCKET NO. UT-911482
Complainant,)	
)	SIXTH SUPPLEMENTAL ORDER
v.)	
)	COMMISSION DECISION AND
INTERNATIONAL PACIFIC, INC.,)	ORDER GRANTING STAY;
)	DEFERRING RULING
Respondent.)	
.)	

Administrative Law Judge Rosemary Foster entered an interlocutory order on September 22, 1993, denying on her own motion the respondent's request to classify certain of its information as confidential and thus exempt from public disclosure.

Respondent petitions for administrative review, contending that the presiding officer's decision is erroneous and asking a temporary stay of the interlocutory order. No party moved for exclusion and no party answered the petition for administrative review.

The Commission grants the stay and defers a ruling on the issues until it reviews the merits of the proceeding. We believe it would enhance our ability to make a ruling if we have the specific evidence to which access is sought to be restricted at the time we make our ruling. Granting the stay will allow the complete production of documents and testimony under confidential protections. Granting the stay will also allow the proceeding to continue without unnecessary delay and will provide for a complete record for our review. It appears to operate to the prejudice of no party.

The Commission requests that the initial order address any document or testimony as to which the presiding officer would reject a claim of confidentiality but for the stay, and that the respondent demonstrate when documents are identified, if a claim of confidentiality is requested, why the claim should be granted.

IPI appears to argue that a presiding officer, when conducting a hearing under the authorization of RCW 34.05.449(1), must submit a written motion prior to acting if no party has sought the action. The Commission rejects this view. It is sufficient that the presiding officer explain the reasons for a ruling and, when appropriate, offer the opportunity for interlocutory review.

For the reasons stated, the stay is granted and the Commission will address the issues presented in the interlocutory order upon review of the initial order.

DATED at Olympia, Washington and effective this *22nd* day of November 1993.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



SHARON L. NELSON, Chairman



RICHARD HEMSTAD, Commissioner