

ORIGINAL

CCA Official Filing:

2/5/03\*\*\*\*\* 11:21 AM\*\*\*\*\*Marguerite Lockard \*\*\*\*\*1

**Marguerite Lockard**

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From: Kay Flynn  
Sent: Tuesday, February 04, 2003 11:35 AM  
To: Adrienne Vining; Marguerite Lockard  
Cc: John Slemkewicz  
Subject: RE: Closed Docket 020384-GU - Confidential DNs 11423-02 and 11425-02

Thanks, Adrienne.

We will treat your response as a directive to return the 2 documents to OPC.

-----Original Message-----

From: Adrienne Vining  
Sent: Tuesday, February 04, 2003 11:25 AM  
To: Kay Flynn; Marguerite Lockard  
Cc: John Slemkewicz  
Subject: RE: Closed Docket 020384-GU - Confidential DNs 11423-02 and 11425-02

Generally speaking the company should have filed a notice of intent to request confidential classification once OPC filed the confidential testimony, which would have protected the material for 21 days until a request for confidential classification was filed. The utility never did, although arguably the information in the testimony was probably protected in some fashion by a motion for temporary protective order that covered discovery responses provided to OPC, which then used that information in preparing the confidential testimony. So, technically, the information is probably not exempt, but practically speaking the best course of action would be to treat the information as confidential and to return the confidential testimony to OPC since it was not made a part of the official record. Tomorrow is the last day for an appeal to be filed in this case.

-----Original Message-----

From: Kay Flynn  
Sent: Tuesday, February 04, 2003 10:59 AM  
To: Marguerite Lockard  
Cc: Adrienne Vining  
Subject: RE: Closed Docket 020384-GU - Confidential DNs 11423-02 and 11425-02

No, we wouldn't put them in the docket file. OPC filed them and the company really should have followed up with a request for confidentiality (though I don't know if there's an actual procedure/rule, etc. set out anywhere for what companies should do when OPC files something the company considers confidential) but perhaps they weren't made a part of the record?

Adrienne and/or John, what should be done with these 2 confidential documents filed by OPC in this now closed docket?

Kay

-----Original Message-----

From: Marguerite Lockard  
Sent: Tuesday, February 04, 2003 9:59 AM  
To: Kay Flynn  
Subject: Closed Docket 020384-GU - Confidential DNs 11423-02 and 11425-02

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
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DOCUMENT NUMBER DATE

01195 FEB 08  
Marguerite

Docket 020384-GU was closed in January. Two confidential DNs were filed by OPC on

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10/21/02, and requests for confidentiality were never filed. Can confidential DNS.11423-02 and 11425-02 be declassified & placed in the public docket file ??? thanks.