

Service Date: June 11, 2002

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER OF MOUNTAIN WATER	)	UTILITY DIVISION
COMPANY, Application for Authority to	)	
Increase Rates for Water Service to its	)	DOCKET NO. D2002.5.60
Missoula, Montana, Customers	)	ORDER NO. 6423

INTERIM PROTECTIVE ORDER

On May 31, 2002, Mountain Water Co. (MWC) filed before the Public Service Commission (PSC) a Motion for Protective Order to govern information expected to be requested in the above-entitled proceeding during a PSC staff and Montana Consumer Counsel (MCC) staff on-site audit. MWC points out that no protective order yet exists in this proceeding because there has not been a need, MWC's motion is made at the request of PSC staff and, if granted, would serve the purpose of expediting MWC's delivery of information requested during on-site audits, and MWC is unable to comply with aspects of PSC rules regarding motions for protective orders (ARM 38.2.5001 through 38.2.5030) because the information for which protection might be needed will not be known until the request for information is made. MWC requests a waiver of the PSC protective order rules.

The PSC agrees with MWC that MWC's motion relates to a situation not contemplated by PSC rules. The PSC determines the most appropriate way to handle the matter is through waiver of the PSC rules and issuance of an interim protective order. The PSC also intends to propose an amendment to its protective order rules to codify an interim protective order procedure to address issuance of protective orders in situations like that presented in this instance.

The PSC determines that information requested by PSC staff or MCC staff during an on-site audit (or as a result of an on-site audit) related to the above-entitled matter, which is viewed in good faith by MWC as properly subject to protection from public disclosure as trade secret pursuant to § 69-3-105, MCA, and related provisions, or subject to privacy pursuant to Art. II, § 10, Mont. Const., will be submitted in accordance with this Order and be treated as "confidential information" under the terms of this Order and PSC protective order rules, ARM 38.2.5001 through 38.2.5030.

Within five days of providing the information in under this interim protective order MWC must file a motion in accordance with PSC protective order rules for a final protective order to govern access to the information which has been protected on an interim basis.

Done and dated this 4th day of June, 2002, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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GARY FELAND, Chairman

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JAY STOVALL, Vice Chairman

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BOB ANDERSON, Commissioner

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MATT BRAINARD, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons  
Commission Secretary

(SEAL)

NOTE: There is no reconsideration of the granting of a protective order. There is a procedure to challenge the provider's claim of confidentiality. See ARM 38.2.5008.

Montana Public Service Commission  
Protective Orders and Protection of Confidential Information

**Nondisclosure Agreement**

(7-26-00)

ARM 38.2.5012

Docket No. D2002.5.60, Order No. 6423  
Order Action Date June 4, 2002

I understand that in my capacity as counsel or expert witness for a party to this proceeding before the commission, or as a person otherwise lawfully so entitled, I may be called upon to access, review, and analyze information which is protected as confidential information. I have reviewed ARM 38.2.5001 through 38.2.5030 (commission rules applicable to protection of confidential information) and protective orders governing the protected information that I am entitled to receive. I fully understand, and agree to comply with and be bound by, the terms and conditions thereof. I will neither use nor disclose confidential information except for lawful purposes in accordance with the governing protective order and ARM 38.2.5001 through 38.2.5030 so long as such information remains protected.

I understand that this nondisclosure agreement may be copied and distributed to any person having an interest in it and that it may be retained at the offices of the provider, commission, consumer counsel, any party and may be further and freely distributed.

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Signature

Business Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employer

\_\_\_\_\_  
Party Represented

