

Service Date: November 10, 2009

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

IN THE MATTER of the Application of) UTILITY DIVISION
Utility Solutions, LLC to Implement)
Initial Rates and Charges for Water Service) DOCKET NO. D2005.11.163
in its Elk Grove Subdivision, Gallatin) ORDER NO. 6707d
County, Montana, Service Area)

Consolidated with

IN THE MATTER of the Application of) UTILITY DIVISION
Utility Solutions, LLC to Implement)
Initial Rates and Charges for Wastewater) DOCKET NO. D2005.11.164
Service in its Elk Grove Subdivision,) ORDER NO. 6707d
Gallatin County, Montana, Service Area)

PROTECTIVE ORDER

On October 20, 2009, Utility Solutions, LLC (USLLC) filed a motion for a protective order (Motion) seeking protection for copies of USLLC’s partnership tax returns. The Motion was supported by a legal analysis. USLLC asserts that its state and federal tax returns are confidential information protected from disclosure by state and federal laws. USLLC did not file an affidavit as required by ARM 38.2.5007(3)(c), arguing that the grounds for protecting its tax returns are legal.

The Commission determines that USLLC has made a *prima facie* showing that the information described is confidential information pursuant to ARM 38.2.5001(1). USLLC’s Motion is GRANTED and the affidavit requirement of ARM 38.2.5007(3)(c) is waived. Information submitted in accordance with the Order will be treated as confidential information under the terms of this Order and Commission protective order rules, ARM 38.2.5001-5030.

The Order may be challenged as any time pursuant to ARM 38.2.5008.

Done and dated this 3rd day of November 2009 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

GREG JERGESON, Chairman

KEN TOOLE, Vice Chairman

GAIL GUTSCHE, Commissioner

BRAD MOLNAR, Commissioner

JOHN VINCENT, Commissioner

ATTEST:

Verna Stewart
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. Reconsideration of a denial of a protective order is available in accordance with ARM 38.2.4806.

Montana Public Service Commission
Protective Orders and Protection of Confidential Information

Nondisclosure Agreement

(7-26-00)

ARM 38.2.5012

Docket No., D2005.11.163, Order No. 6707d
Docket No., D2005.11.164, Order No. 6707d
Order Action Date: November 3, 2009

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