

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion to Assess and Revise the New Regulatory Framework for Pacific Bell and Verizon California Incorporated.

Rulemaking 01-09-001
(Filed September 6, 2001)

Order Instituting Investigation on the Commission's Own Motion to Assess and Revise the New Regulatory Framework for Pacific Bell and Verizon California Incorporated.

Investigation 01-09-002
September 6, 2001

**ADMINISTRATIVE LAW JUDGE'S RULING PROVIDING INSTRUCTIONS
FOR FILING MOTIONS TO PLACE INFORMATION UNDER SEAL**

I. Summary

This ruling provides instructions for filing motions in this proceeding to place information under seal. These instructions are consistent with Commission precedent and the Commission's Rules and Practice and Procedures.

II. Background

It can be seen with a fair degree of certainty that parties will seek to place into the record of this proceeding information obtained from a utility that the utility considers to be confidential. It is the Commission's policy that a utility seeking confidential treatment of information in a formal Commission proceeding has the burden of (1) requesting that the information be placed under

seal, and (2) justifying its request.¹ In general, the Commission will not grant requests to place information under seal unless all of the following criteria are satisfied:²

- The information the utility seeks to place under seal has been kept confidential by the utility and is not available to the public.
- Disclosure of the information would cause substantial and irreparable harm to the utility.
- The harm that would be caused by disclosure of the information outweighs the public interest in disclosure.

Any utility that seeks to place information under seal is required to file a motion in accordance with the procedures set forth in Resolution ALJ-164, issued on September 16, 1992.

III. Instructions

As a general rule, all parties should endeavor to minimize the amount of confidential information that they seek to place into the formal record. Any party that seeks to place information into the record of this proceeding that was obtained from a utility, and the utility has designated the information as confidential, shall notify the utility as soon as possible. Once notified, the utility must file a motion as soon as possible in accordance with Resolution ALJ-164 to request that the information be placed under seal. Any such request should be tailored to minimize the amount of information that the utility seeks to place

¹ See, for example, D.98-12-066, *mimeo.*, p. 11; D.93-02-019, 48 CPUC 2d 163, 166; D.92-09-082, 1992 Cal. PUC LEXIS 956, *6; D.91-12-047, 1991 Cal. PUC LEXIS 858, *5; D.91-12-019, 42 CPUC 2d 298, 301, 303, 306; and D.88-04-014, 28 CPUC 2d 3, 11.

under seal. It is the utility's burden to demonstrate in its motion that the information it seeks to place under seal satisfies all of the aforesaid criteria. An unsupported assertion that information satisfies these criteria is insufficient to support a finding that the information should be placed under seal.³

IT IS RULED that:

1. Any party that seeks to place information into the record of this proceeding that was obtained from a utility, and the utility has designated the information as confidential, shall notify the utility as soon as possible.

2. Once notified, the utility must file a motion as soon as possible in accordance with Resolution ALJ-164 to request that the information be placed under seal.

3. The utility has the burden to demonstrate in its motion that the information it seeks to place under seal satisfies all of the criteria identified in the body of this ruling.

4. Dated January 8, 2002, at San Francisco, California.

² See, for example, Resolution L-295, *mimeo.*, pp. 2 – 4; Resolution L-294, *mimeo.*, pp. 3 – 4; D.92-09-082, 1992 Cal. PUC LEXIS 956, *6; D.91-12-019, 42 CPUC 2d 298, 304; D.88-04-014, 28 CPUC 2d 3, 11; and D.86-01-026, 20 CPUC 2d 237, 252.

³ See, for example, D.92-09-082, 1992 Cal. PUC LEXIS 956, *4 and *6; D.91-12-047, 1991 Cal. PUC LEXIS 858, *5 - *6; and D.91-12-019, 42 CPUC 2d 298, 303.

/s/ TIMOTHY KENNEY

Timothy Kenney
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Providing Instructions for Placing Information Under Seal on all parties of record in this proceeding or their attorneys of record.

Dated January 8, 2002, at San Francisco, California.

/s/ KRIS KELLER

Kris Keller

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.