

November 28, 2006

Commission Filing Center
Oregon Public Utility Commission
550 Capitol Street, N.E., Suite 215
Salem, OR 97301

RE: AR 511 Rulemaking to Adopt and Amend Division 011 Rules

Dear Filing Center,

Enclosed for filing are the initial comments of Verizon Northwest Inc. that memorialize comments made at the informal hearing this morning conducted by Judge Grant. It is our understanding based on the 11/28 workshop that Judge Grant will issue a revised draft based on parties comments and input from Department of Justice and a hearing will be conducted at a later date. Please feel free to call me at (503) 645-7909 if you have any questions.

Sincerely,

/s/ Renee M. Willer

Renee M. Willer
Regulatory Manager
Verizon Northwest Inc.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR511

In the Matter of a Rulemaking to Amend)
OAR Chapter 860, Division 011 to Adopt)
Rules for filing and processing of requests)
made under Oregon Public Records Law.)
)

**COMMENTS OF
VERIZON NORTHWEST INC.**

In this rulemaking, the Commission is attempting to establish a process for the filing and processing of requests made under Oregon’s Public Records Law. Verizon acknowledges that a formal process may be helpful, and agrees with the proposed rules for section 860-011-0080 (Public Records and Request for Documents), 860-011-0090 (Commission Publications), and 860-011-0110 (Late Fees and Penalties).

There are, however, problems with certain of the proposed subsections in 860-011-0100, which is designed to clarify the process for the Commission’s handling of requests for public records asking for information that has been designated as confidential and, as such, is exempt from disclosure. For example, the proposed language in 860-011-0100 (6) would allow a company only ten (10) days to obtain a court order protecting records from disclosure in the event the Commission concludes that the information designated as confidential is not protected from disclosure under the Public Records Law. Ten (10) days is not a reasonable amount of time to allow for a company to initiate and obtain a court order. Companies need to research and prepare the court filing, and have

no control over the timeliness and responsiveness of the court. A more reasonable amount of time to initiate and complete the process would be thirty (30) days.¹

Another problem with the proposed language in 860-011-0100 is in subsection (7), which would require that the Commission protect information designated as confidential for a period of only six years from the date of filing. Any company wanting to protect the confidentiality of the information for longer than six years would have to go through the burdensome process of preparing a detailed request for extension justifying continued protection under the Public Records Law. Six years of protection is not enough. The insufficiency of that time period is illustrated by Oregon statutory provisions in other contexts. For example, ORS 192.495 does not allow inspection of confidential public records until those records are at least 25 years old. The proposed Commission rule should be consistent with such a twenty five (25) year timeframe established as reasonable by the legislature. If there is a concern regarding administrative space necessary to house older confidential documents, those documents could be moved to archives provided their confidential status was retained.

Verizon appreciates the opportunity to comment on these proposed rules.

Dated: November 28, 2006

/s/ Renee M. Willer

Renee M. Willer
Authorized Representative
Verizon Northwest Inc.

¹ One proposal discussed at the workshop is to apply a ten (10) day period to the filing of the request for the court order. This proposal would solve the problem of the a company being responsible for something out of its control, but not address the issue of having to file a request for the court order in such a short time frame.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the Initial Comments of Verizon Northwest Inc. upon the parties on the service list via electronic mail and overnight mail.

Dated this 28th day of November, 2006

/s/ Renee M. Willer
Renee M. Willer

Jim Deason
Attorney At Law
1 SW Columbia St, Ste 1600
Portland, OR 97258-2014
Jimdeason@comcast.net

Irion Sanger
Associate Attorney
333 SW Taylor, Ste 400
Portland, OR 97204
jas@dvclaw.com