

ETIC Meeting
Roundup, MT
June 20, 2005
Presentations Notes

NWE Petition Requesting Amendment of Protective Order Rules (ARM 38.2.5001-5030)

Tension between constitutional right to observe government and private parties desire to keep information confidential

Background

Currently when MPSC grant's a party's motion for a protective order, the party is required to provide the protected material to the attorney and outside expert of every other party after those individuals have executed a non-disclosure agreement.

NWE requested that the Commission define 4 new terms:

1. Energy Supply Arrangement
2. Market Sensitive Information
3. Market Participant
4. Non-market Participant

and to eliminate the requirement to provide Market Sensitive Information to attorneys or experts hired by a Market Participant.

Pursuant to provisions of the Montana Administrative Procedure Act, the Commission has 60 days to either decline to institute rule-making or to begin the process. The Commission has issued a Notice of Petition and Notice of Opportunity to Comment which requires that interested individuals submit initial comments by June 28 and reply comments by July 12.

Commission will need to determine if it can constitutionally limit access to data by market participants, and if so, if it should do so.