

Decision No. C19-0683-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 15A-0589E

IN THE MATTER OF THE APPLICATION OF THE CITY OF BOULDER, COLORADO
FOR APPROVAL OF THE PROPOSED TRANSFER OF ASSETS FROM PUBLIC SERVICE
COMPANY OF COLORADO TO THE CITY AND ASSOCIATED AUTHORIZATIONS AND
RELIEF.

**INTERIM DECISION GRANTING, IN PART,
MOTION REGARDING ACCESS
TO HIGHLY CONFIDENTIAL INFORMATION**

Mailed Date: August 9, 2019

Adopted Date: August 7, 2019

I. BY THE COMMISSION

A. Statement

1. By this Decision, the Commission grants, in part, the motion filed on July 26, 2019, by IBM, Corp. (IBM) (Motion) requesting that its attorney, Mr. Douglas Widlund of Widlund Law, LLC, be added to IBM's list of persons with access to highly confidential "green" level information in this Proceeding No. 15A-0589E.

B. Findings and Conclusions

2. On July 26, 2019, IBM filed the Motion requesting Mr. Widlund be added to its list of persons with access to highly confidential "green" level information. IBM filed a concurrent entry of appearance for Mr. Widlund in this proceeding. In the Motion, IBM also requested that the Commission waive or shorten response time to the Motion to noon on July 30, 2019, and then issue an expedited decision on or before the Commissioners' Weekly Meeting on July 31, 2019. By Decision No. C19-0653-I, issued July 31, 2019, the Commission shortened response time to the Motion to August 2, 2019.

3. On July 30, 2019, the City of Boulder (Boulder) filed a response opposing the Motion. In its response, Boulder contends that IBM has not explained how Mr. Widlund's providing counsel to IBM on condemnation matters necessitates his access to highly confidential information for purposes of this Proceeding No. 15A-0589E.

4. On August 2, 2019, Public Service Company of Colorado (Public Service) filed a response supporting the Motion. Public Service explains the highly confidential information at issue is highly confidential data and information provided by Public Service to Boulder and highly confidential information derived therefrom. Public Service reasons that, given the relationship between this proceeding and condemnation, it is appropriate for parties to hire condemnation counsel to assist them in this Proceeding No. 15A-0589E. Public Service notes that Boulder's condemnation counsel, Mr. Ostrander, has had access to highly confidential information since his Highly Confidential Non-Disclosure Agreement (NDA) was filed on March 9, 2017, and Public Service's condemnation counsel, Jack Sperber, has had access since his NDA was filed on March 31, 2017.

5. On August 6, 2019, Boulder filed a withdrawal of its objection. Boulder states that it withdraws its objection after reviewing Public Service's response supporting the Motion. Boulder states that it has already taken steps to grant the requested access to Mr. Widlund.

6. Because the Motion is no longer opposed, we grant the Motion. IBM's attorney, Mr. Widlund, shall be added to IBM's list of persons with access to highly confidential "green" level information in this Proceeding No. 15A-0589E, subject to the terms of the NDA and all applicable agreements, decisions, rules, and regulations regarding use of the highly confidential information.

II. ORDER

A. It Is Ordered That:

1. The Motion Regarding Attorney Access to Highly Confidential Information and for Shortened Response Time and Expedited Decision, filed on July 26, 2019, by IBM, Corp. is granted, in part, consistent with the discussion above.

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 7, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners