

723-16-3.4 Procedure for Filing “Confidential” Information “Under Seal”.

723-16-3.4.1 A party submitting information claimed to be confidential to the Commission shall file, as part of the public record (*i.e.* not under seal), the required number of copies of its testimony and/or exhibits, according to the Commission's Rules of Practice and Procedure, 4 CCR 723-1, without including the information claimed to be confidential. The first page of each of these copies shall be stamped: "NOTICE of CONFIDENTIALITY: A PORTION OF THIS DOCUMENT HAS BEEN FILED UNDER SEAL." A cover page on each copy shall include a list of the documents filed under seal and indicate the nature of the documents, so that if the documents are separated from the envelope it will still be clear that they are claimed to be confidential. Otherwise, parties shall make only general references to information claimed to be confidential in their testimony and exhibits.

723-16-3.4.2 In addition to the copies available for public inspection, the filing party shall file under seal an original and seven copies of the information claimed to be confidential. All pages and copies of the information claimed to be confidential shall be clearly marked as “confidential” and shall be filed on microfilmable paper, pastel or white, not on dark colored paper such as goldenrod.

723-16-3.4.3 The original and seven copies filed under seal shall be submitted in separate sealed 10" x 13" envelopes numbered serially. The following information shall be written on the outside of each sealed envelope:

- (1) the caption "CONFIDENTIAL--SUBMITTED IN DOCKET NO. ____."
- (2) the name of the filing party;
- (3) date of filing;
- (4) description of the information (*e.g.* testimony or exhibits of _____ (name of witness);
- (5) the filing party's statement as to whether it prefers to retrieve the information following conclusion of Commission proceedings and any related court actions, or whether the Commission should destroy the information by shredding; and
- (6) if the party chooses to retrieve the information, in accordance with the statement contained in Rule 3.4.3(5), the name and phone number of the person who will retrieve such information.