

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03S-539E

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY AQUILA, INC., DOING BUSINESS AS AQUILA NETWORKS-WPC, WITH ADVICE NO. 586.

**ORDER GRANTING MOTION
FOR EXTRAORDINARY PROTECTION**

Mailed Date: June 1, 2004
Adopted Date: May 26, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Motion for Extraordinary Protection filed by Cripple Creek & Victor Gold Mining Company, Goodrich Corporation, Holcim (U.S.) Inc., and the Trane Company (collectively, CGHT). The parties seek extraordinary protection pursuant to Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-16-3.2 for the executable electronic copy of the cost of service study model filed on behalf of CGHT.

2. CGHT asserts that according to Commission Decision No. C04-0176, its witness, Mr. Stephen J. Baron is required to file an executable electronic copy of his cost of service study model. CGHT maintains that those electronic files include a limited amount of customer specific load data, which CGHT believes is highly confidential and the disclosure of which could be “extremely detrimental to those customers of Aquila for which the information is considered by Mr. Baron in his presentation.”

3. As a result, CGHT seeks extraordinary protection of the four Microsoft Excel spreadsheet files which support a portion of Mr. Baron's exhibits and constitute work papers relied upon by Mr. Baron in the development of his recommendations. CGHT identifies these materials as Exhibit SJB-2 Highly Confidential, Exhibit SJB-3 Highly Confidential, Exhibit SJB-4 Highly Confidential, and Exhibit SJB-5 Highly Confidential, which CGHT represents were filed under seal. CGHT requests that access to the information be limited only to Staff of the Commission (Staff), the Colorado Office of Consumer Counsel (OCC), and to Aquila, Inc., doing business as Aquila Networks-WPC (Aquila).

4. We find good cause to grant CGHT's motion. Nothing in the motion is beyond the parameters of our Rule 4 CCR 723-16. We find that limiting access to the information at issue to Staff, OCC, and Aquila is not prejudicial to the parties to this matter and will have no effect on the outcome of this proceeding. Further, we note that no party opposed CGHT's motion.

5. Therefore, we grant CGHT's motion for extraordinary protection.

II. ORDER

A. The Commission Orders That:

1. The Motion for Extraordinary Protection filed by Cripple Creek & Victor Gold Mining Company, Goodrich Corporation, Holcim (U.S.) Inc., and the Trane Company is granted.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 26, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners