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STATE OF ALASKA

REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Robert M. Pickett, Chairman
Stephen McAlpine
Rebecca L. Pauli
Norman Rokeberg
Janis W. Wilson

In the Matter of the Tariff Revision Designated)
as TA285-4 Filed by ENSTAR NATURAL GAS) U-16-066
COMPANY, A DIVISION OF SEMCO)
ENERGY, INC.)
_____)

**ENSTAR NATURAL GAS COMPANY'S CONFIDENTIAL RESPONSE TO
MEA-3-5 and 3-6 DISCOVERY REQUESTS PURSUANT TO U-16-066(13)**

In U-16-066(13), Administrative Law Judge Wood granted Matanuska Electric Association, Inc.'s ("MEA") motion to compel ENSTAR Natural Gas Company's ("ENSTAR") Responses to MEA's Discovery Requests 3-5 and 3-6. The following confidential response is provided in accordance with that Order.

PRELIMINARY STATEMENT

Discovery in this docket is not complete. As discovery proceeds, facts, information, evidence, documents, and other matters may be discovered which are not set forth in these responses, but which may be responsive to these discovery requests. The following responses are complete based on ENSTAR's current knowledge, information, and belief. Furthermore, these responses were prepared based on

1 ENSTAR's good faith interpretation of the discovery requests and are subject to
2 correction for inadvertent errors or omissions, if any.

3 **GENERAL OBJECTIONS**

4 1. ENSTAR objects to requests for documents relating to confidential
5 settlement negotiations. Any and all answers ENSTAR provides in response to these
6 data requests will be provided subject to, and without waiving, this objection.
7

8 2. ENSTAR objects to the production of documents, calculations, and
9 analyses that do not exist. A document is not within a party's "possession, custody, or
10 control" if it does not exist.

11 3. ENSTAR objects to each and every data request insofar as they are vague,
12 ambiguous, overly broad, unduly burdensome, or use terms that are subject to multiple
13 interpretations but are not properly defined or explained for purposes of these data
14 requests. Any and all answers ENSTAR provides in response to these data requests will
15 be provided subject to, and without waiving, this objection.
16

17 4. ENSTAR objects to each and every data request insofar as it is not
18 reasonably calculated to lead to the discovery of admissible evidence and is not relevant
19 to the subject matter of this proceeding.
20

21 5. ENSTAR objects to providing information to the extent such information
22 is already a matter of public record. The requesting party is not entitled to require other
23 parties to gather information that is equally available and accessible to it.
24

1 6. ENSTAR objects to each and every data request insofar as it seeks
2 documents or information protected by the attorney-client privilege or the work product
3 privilege. Nothing contained in these responses is intended as, or shall in any way be
4 deemed, a waiver of any such privilege or protection, or any other applicable privilege
5 or doctrine.
6

7 7. ENSTAR objects to the instructions contained in MEA-3. In responding
8 to the requests, ENSTAR will abide by the Regulatory Commission of Alaska's
9 ("RCA") discovery regulations and where applicable, Alaska Rules of Civil Procedure.
10

11 **CONFIDENTIAL DISCOVERY RESPONSE**

12 **MEA-3-5:** Regarding responses to MEA-2-11 (control of confidential
13 information) and MEA-2-12a (list of confidential shipper data and ENSTAR employees
14 who are privy to the data).

15 a. Provide an organization chart showing all of the positions listed in the
16 response to MEA-2-12a.

17 b. Provide all documents that describe the ENSTAR policies that prescribe
18 that only the specifically identified employees are privy to the identified confidential
19 data.
20

21 c. Provide all documents that describe the ENSTAR operational procedures
22 that ensure that these, and only these, employees access the identified confidential data.

23 d. Provide all documents identifying the "strict IT controls" on access to
24 confidential information.
25

1 e. Provide all training materials used to inform or educate employees of
2 these policies.

3 **Response:**

4 In addition to its General Objections, ENSTAR objects to this entire request
5 because it seeks information neither relevant nor reasonably calculated to lead to the
6 discovery of admissible evidence. ENSTAR's procedures and practices regarding
7 treatment of confidential information have no bearing on the rate issues to be decided in
8 this case.
9

10 Subject to and without waiving these objections, with respect to subpart (a), the
11 most recent public organization chart is available with ENSTAR's Annual Report on
12 file with the Commission.
13

14 **Supplemental Response:**

15 (b) ENSTAR operates under the Section 10.3 User Access Guidelines (See
16 ENS08245-ENS08270) of the IT Governance Manual. Pursuant to this manual, "Access
17 shall be restricted to allow only those permissions which are appropriate to each
18 worker's job duties." ENSTAR IT is currently in process of defining a formal Access
19 Control/User Account Management Policy and this policy will echo what is currently
20 performed in requirements of the IT Governance Manual.
21

22 In order for employees to access to their areas' specific applications and data
23 located within company systems, the management of the relevant department must
24 authorize access. When a new employee is hired or transferred, a request is generated.
25

1 IT will grant access to the employee upon this authorization. When an employee
2 terminates, Human Resources submits a request for IT to terminate access to all
3 company systems including files, applications and email systems.

4 IT is subject to annual General Computing Controls audits. These are performed
5 by internal and external auditors to ensure compliance with accepted practices and
6 company guidelines.
7

8 (c) Please see (b) above

9 (d) Please see (b) above

10 **Person(s) Supplying Information:** John Sims.

11
12
13 **MEA-3-6:** Regarding response to MEA-2-12b (ENS06924-ENS06928, Code of
14 Business Ethics). Provide all documents or training materials that elaborate on how
15 “need to know” is interpreted as used in section C. Confidential Information.

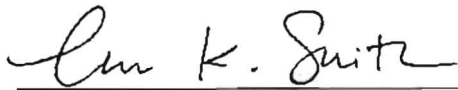
16 **Response:**

17 In addition to its General Objections, ENSTAR objects to this request because it
18 seeks information neither relevant nor reasonably calculated to lead to the discovery of
19 admissible evidence. ENSTAR’s interpretation of a specific provision in the Code of
20 Business Ethics regarding treatment of confidential information has no bearing on the
21 rate issues to be decided in this case.
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1 **Supplemental Response:** In addition to COBE policies, users are given basic
2 information security training that includes Access Control practices on an annual basis.
3 Please see ENS08271 showing the completion report of this training in 2017.
4

5 **Person(s) Supplying Information:** John Sims.

6
7
8 DATED this 1st day of June, 2017.

9 By: 

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CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2017 a true and correct copy of ENSTAR's Confidential Response to MEA-3-5 and MEA-3-6 Pursuant to U-16-066(13) was served via e-mail on the following:

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