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STATE OF ALASKA

THE 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 Consideration of the) R-16-001
Regulations Governing Confidential Records)
ORDER NO. 2

ORDER ADOPTING REGULATION

BY THE COMMISSION:

We opened this docket to consider a possible revision to our regulations governing confidential records.¹ The proposed revision adds a new subsection to 3 AAC 48.040(b). The revision addresses financial records filed in support of an application for a certificate of public convenience and necessity to provide local exchange telecommunication service in a competitive local exchange market. We issued our proposed regulation revision for comment. Comments were filed by the Attorney General.²

At a public meeting on September 14, 2016, Commission Staff summarized the comments from the Attorney General and recommended that we adopt

¹Order R-16-001(1), *Order Opening Docket, Issuing Proposed Regulation Revision for Comment, and Addressing Timeline for Decision*, dated July 5, 2016.

²*Comments of the Office of the Attorney General*, filed August 4, 2016.

1 the proposed regulation.³ We adopted the recommended regulation.⁴ The adopted
2 regulation is attached to this order as an appendix.

3 Final Order

4 This order constitutes the final decision in this proceeding. This decision
5 may be appealed within thirty days of this order in accordance with AS 22.10.020(d) and
6 Alaska Rule of Appellate Procedure 602(a)(2). In addition to the appellate rights
7 afforded by AS 22.10.020(d), a party has the right to file a petition for reconsideration in
8 accordance with 3 AAC 48.105. If such a petition is filed, the time period for filing an
9 appeal is tolled and then recalculated in accordance with Alaska Rule of Appellate
10 Procedure 602(a)(2).

11
12 **ORDER**

13 THE COMMISSION FURTHER ORDERS that the regulation set out in the appendix to
14 this order is adopted.

15 DATED AND EFFECTIVE at Anchorage, Alaska, this 29th day of September, 2016.

16 BY DIRECTION OF THE COMMISSION



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³Tr. 70-74.

26 ⁴Tr. 85.

Chapter 48 is amended as follows:

3 AAC 48.040. Confidential records. (a) Except as provided in (b) of this section, the records in the possession of the commission or its advisory staff are open to inspection by the public during regular office hours.

(b) The following records are confidential and are not open to inspection by the public unless they are released under 3 AAC 48.049 or court order or their release is authorized by the person with confidentiality interests:

(1) bids for contracted services received in response to an invitation to bid issued by the commission until after the notice of intent to award a contract is given by the commission;

(2) communications relating to personnel matters and medical or other personal information that, under governing personnel practices and the laws of the state, are not public information;

(3) records filed with the commission that are confidential under AS 42.06.445(c);

(4) records classified as confidential under a protective order of the commission or the court;

(5) records designated as confidential by written agreement among the parties to adjudicatory matters before the commission for the purpose of conducting discovery;

(6) communications, regarding confidential legal advice or assistance, between legal counsel for the commission and the commission, its advisory staff, or its consultants, and documents prepared by or at the direction of legal counsel that contain investigative conclusions or are created for litigation or adjudicatory matters involving the commission;

(7) preliminary records relating to an investigation by the commission until the investigation is complete or formal proceedings have been initiated by the commission;

(8) records of deliberations on adjudicatory matters before the commission;

(9) notes, drafts, and analyses used to aid the commission in the preparation of any order or finding on adjudicatory matters;

(10) records of a regulated public utility, pipeline carrier, or pipeline submitted to or copied by the commission's advisory staff during any audit, review, or investigation in connection with any formal or informal proceeding;

(11) records classified as confidential in accordance with 3 AAC 48.045[.]; **and**

(12) financial records filed in support of an application for a certificate of public convenience and necessity to provide local exchange telecommunication services in a competitive local exchange market. (Eff. __/__/__, Register __)

Authority:	AS 40.25.110	AS 42.05.151	AS 42.06.140
	AS 40.25.120	AS 42.05.671	AS 42.06.445
	AS 42.05.141		