

990649B

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2/5/03*****4:20 PM*****Kay Flynn*****1

ORIGINAL

Kay Flynn

From: Wayne Knight
Sent: Tuesday, February 04, 2003 11:16 AM
To: Kay Flynn
Cc: Beth Keating
Subject: RE: confidential documents in 990649B

01163-02, 01164-02, 01165-02, 04903-02, and 05158-02 may all be moved to the public file. With 14153-02 and 04648-02, are you sure that Exh 46 was not of the redacted versions and as such not ID's as confidential? I'm researching Jason's folders to try and find an answer, but I thought it unusual that a red folder item would not be identified as confidential.

-----Original Message-----

From: Kay Flynn
Sent: Monday, February 03, 2003 1:36 PM
To: Wayne Knight
Cc: Marguerite Lockard; David Smith; Patty Christensen
Subject: RE: confidential documents in 990649B
Importance: High

— = declassify

Wayne, I understand from talking with Patty this morning that you handled the portion of this docket concerned with the confidential documents listed below (see my 1/24 e-mail) and that she forwarded this e-mail to you for handling.

Have you had a chance to look into any of my questions? We are at the point now in record prep that the index is due to the parties and of course need your advice asap.

Thanks for your help in this.
Kay

-----Original Message-----

From: Kay Flynn
Sent: Friday, January 24, 2003 5:32 PM
To: Patty Christensen
Cc: Marguerite Lockard; David Smith
Subject: confidential documents in 990649B

Patty, we are preparing this docket for transmittal to the court, and I have questions about a few of the confidential filings.

DNs 14153-01 and 04648-02 - Exh. DBT-3 to Trimble's testimony; granted confidentiality by Order 02-0628; made hearing Exh 46 but not ID'd as confidential at the hearing. Should it have been ID'd as confidential at hrng?

01163-02 - Rebuttal testimony of Dr. Ankum with Exhs AHA-10, 11, and 12. 2 questions: (1) Was Dr. Ankum's rebuttal NOT used at hearing? (2) AHA-10 was ID'd as confidential Exh 62 at hearing. However, it was filed only under a claim, never followed up with formal request. Can it be moved to public file since no timely request was filed?

01164-02 - Direct testimony of Sidney Morrison. This was filed under a claim of confidentiality and inserted in the record at Vol 9 of hearing. It wasn't ID'd as confidential when inserted. Can I safely move it to public file?

01165-02 - Rebuttal testimony of Warren R. Fischer with Exhs WRF-2, 3, 4, and 5. The testimony was inserted in the record at Vol 3 of hearing, but not ID'd as confidential when inserted. WRF-2 thru 5 were made Exh 45 at hearing and ID'd as confidential. However, they were filed only under a claim and never followed up with a formal request. Can I safely move the testimony and exhibits to the public file?

DOCUMENT NUMBER-DATE

01219 FEB-58

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04903-02 - This consists of pages from Vol 6 of hearing transcript, containing cross-exam of David Tucek. Apparently was filed under a claim but never followed up with a formal request--that I can find, at least. Can I safely move this document to the public file?

05158-02 - This is described as Hearing Exhibit 66, Morrison Exhibit SLM-2. Apparently it was filed with a claim but no formal request. Can I safely move this one to the public file?

I will of course wait to hear from you before taking further action on any of these. Thanks in advance for your help.

Kay