



Public Service Commission of Wisconsin

Phil Montgomery, Chairperson
Eric Callisto, Commissioner
Ellen Nowak, Commissioner

610 North Whitney Way
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Public Service Commission of Wisconsin
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October 18, 2011

Re: Duration of Confidential Handling Status

5-LO-101

Dear Sir or Madam:

This letter is to notify interested persons of changes to the Commission's internal practice for the handling of documents granted confidential status.

For information that has been granted confidential status under Wis. Admin. Code § PSC 2.12, it has been Commission practice for the confidential status to automatically expire four years after submission of the record unless a request for an extension was received.

The retention period and manner of disposition for any particular document, including documents for which confidential status has been granted, are defined by the Commission's Record Disposal Authorization (RDA) for that particular file. For example, the RDA for general Commission dockets requires the Commission to retain the record for five years and then destroy the file. The vast majority of documents submitted to the Commission are destroyed at the end of their life cycle. However, records from proceedings designated as "landmark" are given to the State Historical Society eight years after the case is closed under the RDA for landmark cases.

Under the Commission's current practice, it was necessary for parties to routinely and often repeatedly file requests seeking to extend the duration of the confidential status in order to maintain confidential status of documents during the entire period such documents are retained pursuant to the RDAs.

The volume and importance of the confidential material received by the Commission have increased over the years. As a result, both the number of requests for confidential status and requests to extend the duration of that status have increased significantly. To reduce waste, improve efficiency, and to better align the Commission's policies on the handling of confidential materials with the Commission's document retention practices, the Commission has decided to abolish the four year automatic expiration period. Instead, please be advised that Commission practice, until further notice, is to maintain the confidential status of the document throughout the life-cycle of the document.

As a result, it is no longer necessary to request renewal of confidential handling status. Subject to Wisconsin's public records law and any other law requiring release of Commission records, documents granted confidential status will be retained confidentially for the life cycle of the document. For those documents receiving confidential status which are part of landmark cases, the party requesting confidential status will be contacted prior to transfer of the records to the

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State Historical Society to discuss with the Commission the appropriate disposition or handling of such documents.

This change in Commission practice will go into effect the day after mailing of this letter and will apply to all documents previously granted confidential status as of the date of this letter and for any future grants of confidential status. If you have any questions regarding the Commission's practice and procedure relating to handling of documents granted confidential status, or the duration of that status, please contact the Commission's Office of General Counsel.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cynthia Smith', with a long horizontal line extending to the right.

Cynthia Smith
Chief Legal Counsel

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