

STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Kate Giard, Chairman
Dave Harbour
Mark K. Johnson
Anthony A. Price
Janis W. Wilson

CHUGACH CONSUMERS and RAY
KREIG,
Complainants,
vs.
CHUGACH ELECTRIC ASSOCIATION,
INC.

U-06-135

**RESPONSE TO COMPLAINANTS' PETITION
TO DECLARE CERTAIN DOCUMENTS CONFIDENTIAL**

Chugach Electric Association, Inc. (Chugach) urges the Commission to hold the confidential documents filed with the Commission by Complainants in strictest confidence allowing no one access to these documents, either *in camera* or otherwise. Chugach will subsequently address the issue of the proper treatment of these materials that contain, among other things, sensitive attorney/client privileged advice pertaining to ongoing labor negotiations. The documents for which Complainants seek confidential treatment do not belong to Complainants, Ray Kreig, Chugach Consumers or any person associated with Chugach Consumers and they have no legal right to possess or use these documents. As the owner of the confidential documents in question, Chugach requests that the materials be carefully protected against disclosure until a more definite decision can be made on their appropriate treatment.

The documents in question consist of confidential information obtained by Kreig while he was on Chugach's Board of Directors. Kreig has previously sought to publish


and publicly discuss this confidential information (e.g., Complaint at ¶¶28-32; paragraph 38). Chugach has specifically advised Kreig of the confidentiality of this information, the fact that this information is subject to third party agreements and/or is privileged, and demanded return of its confidential documents. As of this date, Kreig has not complied with this demand. See two letters attached as Exhibit N to the Complaint filed in this matter. Now Kreig has filed this information with the Commission.

The main body of the information at issue here is not only privileged but is also highly sensitive because it contains strategic and tactical information and discussions, including attorney/client communications, relating to labor negotiations with the International Brotherhood of Electrical Workers (IBEW), the labor union that represents the majority of Chugach's organized labor force. While agreement has been reached on one of three IBEW contracts, there are still two remaining to be negotiated. Even after negotiations have concluded, the material will remain confidential and disclosure would be detrimental to Chugach and its members. Other documents at issue here are material created by third persons which Chugach is contractually bound to keep confidential.

For the above reasons, the Commission should issue an order and take all other measures reasonable to assure that the confidential documents be maintained as strictly confidential and that no person be permitted access to the documents until further order of the Commission.


Dated this 14th day of December, 2006, at Anchorage, Alaska.

DORSEY & WHITNEY LLP
ATTORNEYS FOR CHUGACH
ELECTRIC ASSOCIATION, INC.

By: 
Donald W. Edwards, ABA #8004002

Dated this 14th day of December, 2006, at Anchorage, Alaska.

DAVIS WRIGHT TREMAINE, LLP
ATTORNEYS FOR CHUGACH
ELECTRIC ASSOCIATION, INC.

By: 
for Robert K. Stewart, Jr., ABA #8506082

CERTIFICATE OF SERVICE

I certify that on this 14th day of December, 2006,
a true and correct copy of the foregoing was
served upon the following by mail, email:

Kenneth P. Jacobus
Kenneth P. Jacobus, PC
310 K Street, Suite 200
Anchorage, Alaska 99501

By: 