

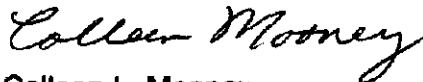
August 16, 2007
Page 2

materials currently under seal. OP&AE intends to support the release into the public record of the materials currently under seal at any time the Commission considers this matter.

Legal authority favors open proceedings of government agencies such as the Commission. The Commission must provide an open process with a public record allowing for public scrutiny of the Commission's orders. It is difficult to see how the Commission could issue final orders in these cases without reference to materials currently under seal. There is a strong presumption in favor of disclosure of materials in the Commission's possession; which presumption a party claiming protection has the burden to overcome.

While the examiner addresses a specific public records request in her entry, it is obvious that the resolution of this matter will affect the continued protected status of these materials. Given that those seeking protection have the burden of proving the need for such protection, it would be more appropriate to require those parties seeking protection to respond to the specific items detailed in the examiner's entry at Paragraph (6) and to provide their legal basis for their request for protected status. The other parties should then have the opportunity to respond.

Sincerely,



Colleen L. Mooney
Counsel

cc: Parties of Record