

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of a Proposed Rule to Establish a
Procedure for Handling Confidential Information
in Commission Proceedings.

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) **Case No. AX-2003-0404**
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Dissenting Opinion of Commissioner Steve Gaw

I dissent from this rule in principle because it changes the way information filed with the Commission is handled, making it easier for information to be kept from the public. The standard order of protection currently used by the Commission requires that parties seeking to declare information non-public must state reasons for such treatment when the request for the designation is filed. The new rule does not contain this requirement. Now parties who oppose the non-public designation must seek declassification from the Commission. This shifts the burden to those seeking to ensure that the information is open to the public, instead of requiring the parties with access to the information to show it deserves non-public status.

As a matter of policy, government should strive to make its process as open as possible. This rule does not reflect that standard. Initially the rulemaking started with this goal. The early discussion of this topic centered around lessening the restrictions on access to information. Unfortunately the end result is that no change has been made that increases access to information and in fact the written rules on level of classification make it easier for a party to have information receive a non-public status. Therefore, I dissent from this Order.

Respectfully submitted,



Steve Gaw
Commissioner

Dated at Jefferson City, Missouri,
on this 29th day of September, 2006.