



Control Number: 45720



Item Number: 95

Addendum StartPage: 0

DOCKET NO. 45720
SOAH DOCKET NO. 473-16-3831.WS

**APPLICATION OF RIO CONCHO
AVIATION, INC. FOR A
RATE/TARIFF CHANGE**

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BEFORE THE STATE OFFICE
2016 SEP 16 PM 1:12
ADMINISTRATIVE HEARINGS
PUBLIC UTILITY COMMISSION
FILING CLERK

**RIO CONCHO AVIATION, INC.'S MOTION TO DESIGNATE DOCUMENTS AS
HIGHLY SENSITIVE PROTECTED MATERIAL**

COMES NOW, Rio Concho Aviation, Inc. ("Rio Concho") and files this Motion to Designate Documents as Highly Sensitive Protected Material, and in support, Rio Concho would respectfully show the following:

I.

BACKGROUND

Rio Concho produced its federal tax returns for 2013 and 2014 in response to discovery propounded by PUC Staff.¹ Rio Concho's federal tax returns contain business operations and financial information that is highly sensitive. SOAH Order No. 3 is a Protective Order under which Rio Concho's federal tax returns may be protected as highly sensitive protected material.

II.

DISCUSSION

Federal tax returns are typically afforded some basic protection in the discovery process, due to their highly sensitive nature. *Maresca v. Marks*, 362 S.W.2d 299, 300-301 (Tex. 1962). Tax returns can be produced if information relevant to the litigation can only be obtained from those returns. *Id.*

When tax returns are produced, the returns should be subject to a protective order, as the information remains highly sensitive, although it may also be relevant to the underlying litigation. Placing the tax returns in the public domain by publicly filing the entire return, or even a portion thereof, would violate the basic privacy rights of the taxpayers, and would not serve to advance the litigation.

¹ See Rio Concho Discovery Production in Response to Commission Staff Request for Information 1-3, Bates Nos. RCA000009 – 000054.

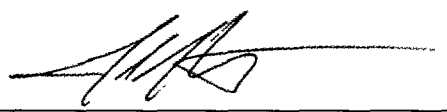
Rio Concho notified the parties by email on June 29, 2016, that these Tax Returns were Highly Confidential Records (sic).

III.

CONCLUSION AND PRAYER

In order to further protect its privacy, Rio Concho asks that the Administrative Law Judge designate Rio Concho's federal tax returns provided through discovery in this case as "Highly Sensitive Protected Material" as that term is defined in SOAH Order No. 3, and afford those specific documents the protection provided by the Protective Order.

Respectfully submitted,


By: 
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ATTORNEY FOR RIO CONCHO AVIATION, INC.

CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail Return Receipt Requested to all parties on this the 16th day of September, 2016.


John Carlton