

1 **BEFORE THE PUBLIC UTILITY COMMISSION**
2 **OF OREGON**

3 **UE 180/UE 181/UE 184**

4 In the Matter of PORTLAND GENERAL
ELECTRIC COMPANY
5 Request for a General Rate Revision (UE 180)
6 Annual Adjustments to Schedule 125 (2007
RVM Filing) (UE 181)
7
8 Request for a General Rate Revision relating
to the Port Westward Plant (UE 184)

STAFF RESPONSE IN SUPPORT OF THE
INDUSTRIAL CUSTOMERS OF NORTHWEST
UTILITIES' MOTION TO EXCLUDE EXHIBIT
ICNU/412 FROM THE PROTECTIVE ORDER

9 Staff of the Public Utility Commission of Oregon (“staff”) responds to the Industrial
10 Customers of Northwest Utilities’ Motion to Exclude Exhibit ICNU/412 From the Protective
11 Order pursuant to OAR 860-013-0050(3)(d) and the Administrative Law Judge’s (“ALJ”)
12 November 22, 2006 Ruling. As noted in ICNU’s motion, the Commission uses a six-part test to
13 determine whether a document is properly classified as confidential.¹ Staff agrees with ICNU
14 that application of this six-part test establishes that Exhibit ICNU/412 is not properly classified
15 as confidential. Accordingly, staff supports ICNU’s request to conclude that Exhibit ICNU/412
16 is improperly designated as confidential and exclude it from the protection of the protective
17 order.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ¹ ICNU’s Motion at 4, *citing Citizens’ Utility Board v. OPUC*, 128 Or App 650, 658-59 (1994).

26 **STAFF RESPONSE IN SUPPORT OF THE INDUSTRIAL CUSTOMERS OF**
NORTHWEST UTILITIES' MOTION TO EXCLUDE EXHIBIT ICNU/412 FROM THE
PROTECTIVE ORDER

SSA/ssa/GENS0836

1 **CONCLUSION**

2 For the reasons stated in the Industrial Customers of Northwest Utilities' Motion to
3 Exclude Exhibit from Protective Order, staff asks that the ALJ conclude that Exhibit ICNU/412
4 is not subject to the protective order entered in the above-captioned dockets.

5
6 DATED this 27th day of November 2006.

7 Respectfully submitted,

8 **HARDY MYERS**
9 Attorney General

10 /s/Stephanie S. Andrus
11 Stephanie S. Andrus, #92512
12 Assistant Attorney General
13 Of Attorneys for staff of the Public Utility
14 Commission of Oregon
15
16
17
18
19
20
21
22
23
24
25

26 **Page 2 - STAFF RESPONSE IN SUPPORT OF THE INDUSTRIAL CUSTOMERS OF
NORTHWEST UTILITIES' MOTION TO EXCLUDE EXHIBIT ICNU/412 FROM THE
PROTECTIVE ORDER**

SSA/ssa/GENS0836

1 **CERTIFICATE OF SERVICE**

2
3 I certify that on November 27, 2006, I served the foregoing Staff Response upon all
4 parties of record in this proceeding by electronic mail and by mailing a copy by postage prepaid
5 first class mail or by hand delivery/shuttle mail to the parties accepting paper service.

6 **JIM DEASON - CONFIDENTIAL**
7 ATTORNEY AT LAW
8 1 SW COLUMBIA ST - STE 1600
9 PORTLAND OR 97258-2014
10 jimdeason@comcast.net

CABLE HUSTON BENEDICT ET AL
TAMARA FAUCETTE
1001 SW 5TH AVE STE 2000
PORTLAND OR 97204
tfaucette@chbh.com

9 **ROBERT VALDEZ**
10 PO BOX 2148
11 SALEM OR 97308-2148
12 bob.valdez@state.or.us

CHAD M STOKES
1001 SW 5TH - STE 2000
PORTLAND OR 97204
cstokes@chbh.com

11 **AF LEGAL & CONSULTING SERVICES**
12 **ANN L FISHER - CONFIDENTIAL**
13 ATTORNEY AT LAW
14 PO BOX 25302
15 PORTLAND OR 97298-0302
16 energlaw@aol.com

CITIZENS' UTILITY BOARD OF OREGON
LOWREY R BROWN - CONFIDENTIAL
UTILITY ANALYST
610 SW BROADWAY - STE 308
PORTLAND OR 97205
lowrey@oregoncub.org

14 **BOEHM KURTZ & LOWRY**
15 **KURT J BOEHM - CONFIDENTIAL**
16 ATTORNEY
17 36 E SEVENTH ST - STE 1510
18 CINCINNATI OH 45202
19 kboehm@bkllawfirm.com

JASON EISDORFER - CONFIDENTIAL
ENERGY PROGRAM DIRECTOR
610 SW BROADWAY STE 308
PORTLAND OR 97205
jason@oregoncub.org

17 **MICHAEL L KURTZ - CONFIDENTIAL**
18 36 E 7TH ST STE 1510
19 CINCINNATI OH 45202-4454
20 mkurtz@bkllawfirm.com

COMMUNITY ACTION DIRECTORS OF OR
JIM ABRAHAMSON - CONFIDENTIAL
COORDINATOR
PO BOX 7964
SALEM OR 97301
jim@cado-oregon.org

19 **BONNEVILLE POWER ADMINISTRATION**
20 **GEOFFREY M KRONICK LC7 - CONFIDENTIAL**
21 PO BOX 3621
22 PORTLAND OR 97208-3621
23 gmchronick@bpa.gov

CONSTELLATION NEWENERGY INC
WILLIAM H CHEN
REGULATORY CONTACT
2175 N CALIFORNIA BLVD STE 300
WALNUT CREEK CA 94596
bill.chen@constellation.com

22 **CRAIG SMITH**
23 PO BOX 3621--L7
24 PORTLAND OR 97208-3621
25 csmith@bpa.gov

DANIEL W MEEK ATTORNEY AT LAW
DANIEL W MEEK - CONFIDENTIAL
ATTORNEY AT LAW
10949 SW 4TH AVE
PORTLAND OR 97219
dan@meek.net

24 **BRUBAKER & ASSOCIATES INC**
25 **JAMES T SELECKY - CONFIDENTIAL**
26 1215 FERN RIDGE PKWY - STE 208
ST. LOUIS MO 63141
jtselecky@consultbai.com

1 **DAVISON VAN CLEVE PC**
S BRADLEY VAN CLEVE – **CONFIDENTIAL**
333 SW TAYLOR - STE 400
2 PORTLAND OR 97204
mail@dvclaw.com

3 **EPCOR MERCHANT & CAPITAL (US) INC**
LORNE WHITTLES
4 MGR - PNW MARKETING
1161 W RIVER ST STE 250
5 BOISE ID 83702
lwhittles@epcor.ca

6 **GRESHAM CITY ATTORNEY'S OFFICE**
DAVID R RIS
7 SR. ASST. CITY ATTORNEY
CITY OF GRESHAM
8 1333 NW EASTMAN PARKWAY
GRESHAM OR 97030
9 david.ris@ci.gresham.or.us

10 **GRESHAM CITY OF**
JOHN HARRIS -**CONFIDENTIAL**
TRANSPORTATION OPERATIONS
11 SUPERINTENDENT
1333 NW EASTMAN PKWY
12 GRESHAM OR 97030
john.harris@ci.gresham.or.us

13 **KAFOURY & MCDUGAL**
LINDA K WILLIAMS - **CONFIDENTIAL**
14 ATTORNEY AT LAW
10266 SW LANCASTER RD
15 PORTLAND OR 97219-6305
linda@lindawilliams.net

16 **LEAGUE OF OREGON CITIES**
ANDREA FOGUE - **CONFIDENTIAL**
17 SENIOR STAFF ASSOCIATE
PO BOX 928
18 1201 COURT ST NE STE 200
SALEM OR 97308
19 afogue@orcities.org

20 **MCDOWELL & ASSOCIATES PC**
KATHERINE A MCDOWELL
ATTORNEY
21 520 SW SIXTH AVE - SUITE 830
PORTLAND OR 97204
22 katherine@mcd-law.com

23 **W**
NORTHWEST ECONOMIC RESEARCH INC
LON L PETERS - **CONFIDENTIAL**
24 607 SE MANCHESTER PLACE
PORTLAND OR 97202
25 lpeters@pacifier.com

26

NORTHWEST NATURAL
ELISA M LARSON - **CONFIDENTIAL**
ASSOCIATE COUNSEL
220 NW 2ND AVE
PORTLAND OR 97209
elisa.larson@nwnatural.com

NORTHWEST NATURAL GAS CO
ALEX MILLER - **CONFIDENTIAL**
DIRECTOR - REGULATORY AFFAIRS
220 NW SECOND AVE
PORTLAND OR 97209-3991
alex.miller@nwnatural.com

PACIFICORP
LAURA BEANE
MANAGER - REGULATORY
825 MULTNOMAH STE 2000
PORTLAND OR 97232
laura.beane@pacificorp.com

W
PORTLAND CITY OF - OFFICE OF CITY ATT
BENJAMIN WALTERS – **CONFIDENTIAL**
DEPUTY CITY ATTORNEY
1221 SW 4TH AVE - RM 430
PORTLAND OR 97204
bwalters@ci.portland.or.us

W
PORTLAND CITY OF - OFFICE OF
TRANSPORTATION
RICHARD GRAY
STRATEGIC PROJECTS MGR/SMIF
ADMINISTRATOR
1120 SW 5TH AVE RM 800
PORTLAND OR 97204
richard.gray@pdxtrans.org

W
PORTLAND CITY OF ENERGY OFFICE
DAVID TOOZE
SENIOR ENERGY SPECIALIST
721 NW 9TH AVE -- SUITE 350
PORTLAND OR 97209-3447
dtooze@ci.portland.or.us

PORTLAND GENERAL ELECTRIC
PGE – OPUC FILINGS
RATES & REGULATORY AFFAIRS
121 SW SALMON ST 1WTC0702
PORTLAND OR 97204
pge.opuc.filings@pgn.com

DOUGLAS C TINGEY – **CONFIDENTIAL**
121 SW SALMON 1WTC13
PORTLAND OR 97204
doug.tingey@pgn.com

1 **PRESTON GATES ELLIS LLP**
HARVARD P SPIGAL
222 SW COLUMBIA ST STE 1400
2 PORTLAND OR 97201-6632
hspigal@prestongates.com

3 **SEMPRA GLOBAL**
THEODORE E ROBERTS
4 101 ASH ST HQ 13D
SAN DIEGO CA 92101-3017
5 troberts@sempra.com

SEMPRA GLOBAL
LINDA WRAZEN
101 ASH ST HQ8C
SAN DIEGO CA 92101-3017
lwrazen@sempraglobal.com

SMIGEL ANDERSON & SACKS
SCOTT H DEBROFF
RIVER CHASE OFFICE CENTER
4431 NORTH FRONT ST
HARRISBURG PA 17110
sdebroyff@sasllp.com

6
7
8 

9 Neoma Lane
10 Legal Secretary
11 Department of Justice
12 Regulated Utility & Business Section
13
14
15
16
17
18
19
20
21
22
23
24
25
26