



Portland General Electric Company
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Barbara W. Halle
Assistant General Counsel

November 28, 2006

Via Electronic Filing and U.S. Mail

Oregon Public Utility Commission
Attention: Filing Center
PO Box 2148
Salem OR 97308-2148

Re: AR 511 - RULEMAKING TO ADOPT AND AMEND DIVISION 011 RULES

Attention Filing Center;

Enclosed for filing in the captioned docket is an original and two copies of:

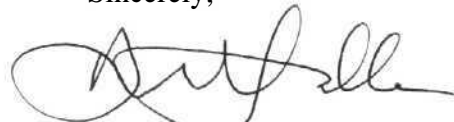
- **INITIAL COMMENTS OF PORTLAND GENERAL ELECTRIC COMPANY.**

This document is being filed by electronic mail with the Filing Center.

An extra copy of this cover letter is enclosed. Please date stamp the extra copy and return it to me in the envelope provided.

Thank you in advance for your assistance.

Sincerely,



BARBARA W. HALLE

BWH:jbf
Enclosure

cc: Service List - AR 511 (via US Mail)
Randy Dahlgren (via e-mail)
Renee Wilier (via e-mail)
Katherine McDowell (via e-mail)
Laura Beane (via e-mail)
Paul Graham (via e-mail)
Alex Duarte (via e-mail)

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 511

In the Matter of)	
)	INITIAL COMMENTS OF PORTLAND
Rulemaking to Adopt and Amend)	GENERAL ELECTRIC COMPANY
Division 011 Rules.)	

INTRODUCTION

Portland General Electric ("PGE") appreciates the opportunity to file initial comments in this rulemaking.

860-011-0080

(3) In addition to specifying that "written authorization" be received by the Commission before proceeding to make records available, it should be made clear that authorization by electronic means will be acceptable.

860-011-0100

(2) The proposed rule extends protection to information that is exempt from disclosure under the Oregon Public Records law, Chapter 192. Exemption from the disclosure requirements are contained in ORS 192.501 and 502. Subsection (8) of ORS 192.502 refers to information the disclosure of which is **prohibited** under federal law. However, federal law provides "exemptions" to the Freedom of Information Act, as well as actually prohibiting disclosure of some information. PGE believes the Commission should make clear that, in addition to information **prohibited** from disclosure under federal, information **exempt** from

disclosure under the federal law also qualifies as “confidential” under this rule. PGE suggests that the words "or exempt from disclosure under the federal Freedom of Information Act," be added to Section (2) after the reference to ORS Chapter 192.

(3) PGE agrees with PacifiCorp that the words “at the time of filing” may not fit every situation in which confidential information is provided, and that it would be better for the introductory phrase in Section (3) to be "At the time of submission to the *Commission*".

(5) In keeping with the suggested change in Section (2), the same words should be added to the end of Section (5).

(6) In keeping with the suggested change in Section (2) and (5), the same words should be added after the words "Public Records Law" in the first sentence of Section (6). Also, PGE agrees with the suggestion made by PacifiCorp that the rule should not require that a court order be in place within ten days following notice of a decision by the Commission that information would not be protected from disclosure in order to restrain such disclosure, given the variables involved in obtaining a court order. PGE agrees that it should be enough that the party seeking to restrain disclosure commences the process of obtaining a court order within ten days following receipt of the notice.

(7) The 6 year time limit on keeping information confidential is not appropriate in all circumstances. For example, some customer (or employee) information of a personal nature may always be considered confidential by its owner, and PGE’s policy is not to disclose such information without permission of the customer, or in response to a legal subpoena. Likewise, the disclosure after 6 years of certain trade secrets and other business information might still be harmful to the customer's ability to compete in the marketplace, and PGE’s policy is to honor their desire to keep such information confidential. Also, in some cases, PGE has made

contractual commitments to the owner of the information to keep it confidential, absent a legal subpoena. Providing the information to the Commission in response to a data request knowing that the information will become part of the public record would violate those commitments.

PGE suggests that the provider of the information be required to designate, at the time the information is provided to the Commission, when the confidential treatment will expire, or if such treatment will be indefinite. If any person should challenge this designation, the provisions of Sections 5 and 6 of this rule shall apply. If no designation is made at the time the information is provided, confidential treatment will be deemed to expire at the end of six years.

DATED this 28th day of November, 2006.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the following **INITIAL COMMENTS OF PORTLAND GENERAL ELECTRIC COMPANY** to be served by electronic mail to those parties whose email addresses appear on the attached service list, and by First Class US Mail, postage prepaid and properly addressed, to those parties on the attached service list who have not waived paper service.

Dated at Portland, Oregon, this 28th day of November 2006.



BARBARA WHALLE

SERVICE LIST : AR511

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