



Portland General Electric Company
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Douglas C. Tingey
Associate General Counsel

September 16, 2013

Via Electronic Filing and U.S. Mail

Oregon Public Utility Commission
Attention Filing Center:
PO Box 1088
Salem, OR 97308-1088

**RE: UM 1535 - RESPONSE OF PORTLAND GENERAL ELECTRIC TO GRAYS
HARBOR OBJECTION**

Attention Filing Center:

Enclosed for filing in the above-captioned docket are an original and three copies of the **Response of Portland General Electric Company to Grays Harbor's Objection.**

This letter and the enclosed filing are being filed by electronic mail with the Filing Center and provided by electronic mail to all the parties on the UM 1535 service list.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Tingey", is written over the typed name.

Douglas C. Tingey
Associate General Counsel

DCT: qal
Enclosures
cc: UM 1535 Service List

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1535

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY

Request for Proposals for Capacity & Baseload
Energy Resources

**RESPONSE OF PORTLAND
GENERAL ELECTRIC TO
GRAYS HARBOR OBJECTION**

Pursuant to OAR § 860-001-0080(2)(e), PGE submits this response to Grays Harbor Energy LLC's (Grays Harbor) September 10, 2013 Objection to Designation of Information as confidential by Portland General Electric Company (PGE). As discussed below, PGE is willing to resubmit its August 23, 2013 Response to Grays Harbor's Request for Investigation (August 23 Filing) to provide information pertaining to PGE's Carty and Port Westward II sites in unredacted form. PGE is also willing to accommodate Grays Harbor's request that bid and scoring information contained in PGE's August 23 Filing be provided in unredacted form solely to Grays Harbor, if the Commission determines that doing so does not violate the protective order issued in this proceeding or the Commission's Competitive Bidding Guidelines and does not constitute preferential treatment of Grays Harbor or discriminate against other bidders in PGE's RFP.

Information Pertaining to PGE's Sites

Grays Harbor requests that PGE make public the information pertaining to its Carty¹ and Port Westward II sites contained on pages 9, 10, and 13-15 of its August 23 Filing. In

¹ Grays Harbor characterizes this as "Information Regarding the Successful Carty Bid." PGE's benchmark bid on the Carty site did not win, a bid by a third party for construction on the Carty site was selected.

developing the RFP, PGE worked closely with the IE, Staff, and Stakeholders to develop a process that would allow bidders on PGE's sites to obtain sufficient information to prepare their bids, while at the same time ensuring that competing bidders could not access PGE site information that would allow them to obtain an advantage in the bidding process. Accordingly, the information identified by Grays Harbor has been treated as confidential information under the Protective Order and has been subject to Bidder Non-Disclosure Agreements throughout the RFP process.² PGE has reviewed the redacted information requested by Grays Harbor relating to the Carty and Port Westward II sites, and agrees that disclosure of such information cannot distort or harm the integrity of a bidding process that has already concluded. Therefore, today PGE will re-file its August 23 Filing, disclosing the information pertaining to its Carty and Port Westward II sites contained on pages 8, 9, 10, and 13-15 and appropriate exhibits.

Information Specific to Grays Harbor

Grays Harbor also requests that PGE provide solely to Grays Harbor confidential information contained on pages 16 and 18 of PGE's August 23 Filing that pertains to Grays Harbor's bid. PGE has been careful throughout this proceeding to administer its 2013 Power Supply RFP consistent with the Commission's Competitive Bidding Guidelines. In particular, PGE has been mindful of the Commission's requirement under Guideline 12 that bid information, as well as detailed scoring and bid evaluation results, are only to be made available under a protective order and only to the utility, Commission Staff, and non-bidding parties. Accordingly, PGE has redacted any bid information from formal comments filed in this

² The confidentiality protections under both the Protective Order and the NDAs extend beyond the conclusion of the bidding process.

proceeding and has provided such information only to parties who have signed the protective order.

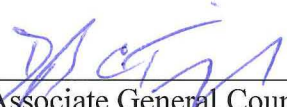
In this case, Grays Harbor would like the confidential information contained on pages 16 and 18 to be provided only to Grays Harbor. It is not clear to PGE that the Protective Order or Commission Guideline 12 allow for confidential bid information, contained in filed comments, to be provided to one party who has not signed the protective order, yet be withheld from other parties who have not signed the protective order. PGE is also concerned that a selective disclosure of unredacted comments to one bidder and not to others would constitute preferential treatment of Grays Harbor and discriminate against other bidders in PGE's RFP. In addition, to the extent, the confidential information that Grays Harbor seeks is scoring information, PGE believes that Guideline 12 does not allow for disclosure of such information to non-bidding parties.

For the reasons set forth above, PGE believes that the confidential information contained on pages 16 and 18 should not be provided to Grays Harbor. However, PGE's primary objective in responding to Gray's Harbor's request is to ensure that it complies with the Commission's rules and guidelines. Accordingly, PGE will follow any guidance issued by the Commission with regard to Grays Harbor's request.

DATED this ____ day of September, 2013.

Respectfully submitted,

PORTLAND GENERAL ELECTRIC



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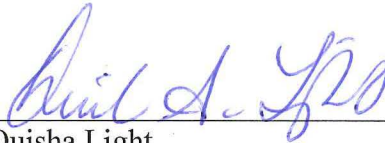


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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused **RESPONSE OF PORTLAND GENERAL ELECTRIC TO GRAYS HARBOR's OBJECTION** to be served by electronic mail and by First Class U.S. Mail, postage prepaid and properly addressed, to those parties on the attached service list for OPUC Docket UM 1535.

Dated at Portland, Oregon, this 16TH day of September, 2013.



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**SERVICE LIST 09/16/13
OPUC DOCKET #UM 1535**

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