



Pacific Power |
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VIA E-MAIL AND OVERNIGHT DELIVERY

August 8, 2014

Gloria D. Smith
Attorney
Sierra Club
85 Second Street, 2nd Floor
San Francisco, CA 94105

RE: Violation of Protective Order No. 13-095

Dear Ms. Smith:

On August 6, 2014, you participated in a confidential workshop at the Public Utility Commission of Oregon (Commission) in docket LC 57. Jeremy Fisher and Amy Hognowski also participated on behalf of the Sierra Club. The topic of the workshop was PacifiCorp's analysis of certain investments in emissions control equipment at the Craig and Hayden coal-fired generating plants. The Commission's Chief Administrative Law Judge issued a memorandum on July 30, 2014, stating that Protective Order No. 13-095 "will govern the confidential information to be addressed at the workshop." A copy of the ALJ's memorandum is provided as Attachment A to this letter.

Protective Order No. 13-095 clearly states:

Without the written permission of the designating party, any person given access to Confidential Information under the order ***may not use or disclose Confidential Information for any purpose other than participating in these proceedings.***¹

A copy of Order No. 13-095 is provided as Attachment B to this letter. Copies of the "Consent to Be Bound" to Protective Order No. 13-095, signed by you, Jeremy Fisher, Amy Hognowski, and other Sierra Club representatives are provided as Attachment C. By signing the "Consent to Be Bound," Sierra Club agreed to be bound by the terms of the protective order, including the provision limiting the use and disclosure of confidential information set forth above.

¹ Order No. 13-095, Appendix A at 3, ¶ 12.

At the beginning of the August 6, 2014 confidential workshop, PacifiCorp provided hard copies of a PowerPoint presentation that were clearly marked “CONFIDENTIAL—SUBJECT TO PROTECTIVE ORDER” at the top of each page. In addition, PacifiCorp reiterated that the workshop materials and discussion were confidential under the protective order and could only be used in docket LC 57.

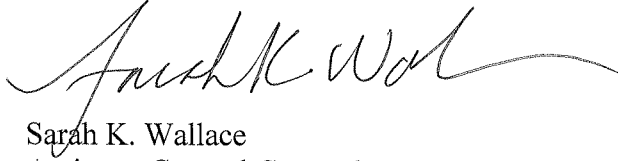
On August 7, 2014, your legal assistant, Derek Nelson, served “Sierra Club’s Third Set of Data Requests to Rocky Mountain Power” in Docket No. 20000-446-ER-14 before the Public Service Commission of Wyoming. This docket is PacifiCorp d/b/a Rocky Mountain Power’s 2014 general rate case in Wyoming. This third set of data requests exclusively requests information related to PacifiCorp’s analysis of the emissions control equipment investments at the Craig and Hayden generating plants, including specifically citing to portions of the confidential PowerPoint presentation provided by PacifiCorp during the August 6 workshop. In addition, the questions include confidential information regarding the analysis provided during discussions in the confidential workshop. The requests reflect Sierra Club’s knowledge of confidential Company information, and this knowledge was exclusively obtained through Sierra Club’s participation in the confidential workshop at the Oregon Commission. Because the data requests include information protected as confidential under Protective Order No. 13-095, only the first two non-confidential pages of the requests are provided as Attachment D to this letter.

Sierra Club served the third set of data requests to the service list in the Wyoming docket by e-mail. Sierra Club did not mark the requests as confidential. A copy of the e-mail is provided as Attachment E to this letter. Sierra Club did not request permission from PacifiCorp before disclosing the confidential information contained in its data requests. PacifiCorp has informed the service list that these data requests contain confidential information and should be destroyed.

Sierra Club knowingly violated Protective Order No. 13-095 by serving data requests in PacifiCorp’s 2014 Wyoming general rate case that disclosed confidential information obtained in PacifiCorp’s 2013 Oregon IRP under the terms of the protective order without obtaining PacifiCorp’s written consent. Given this clear and unequivocal violation of the protective order, Sierra Club has exhibited a disregard of regulatory commission authority and the commercially sensitive nature of PacifiCorp’s confidential information. Accordingly, PacifiCorp is evaluating whether to continue to provide confidential information to Sierra Club in regulatory proceedings in any of its six state jurisdictions. In addition, PacifiCorp demands that Sierra Club immediately return all confidential information that PacifiCorp previously provided to Sierra Club in docket LC 57.

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PacifiCorp is reviewing all other remedies available under the law, including whether a violation of the professional rules of conduct has occurred.

A handwritten signature in black ink, appearing to read "Sarah K. Wallace". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Sarah K. Wallace
Assistant General Counsel

cc: Public Utility Commission of Oregon
Jason Jones, Oregon Department of Justice
John S. Burbridge on behalf of the Public Service Commission of Wyoming
Jordan White, Legal Counsel, Utah Public Service Commission