

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UM 1707

In the Matter of)	
)	CITIZENS' UTILITY BOARD
SIERRA CLUB,)	OF OREGON'S MOTION FOR
)	PERMISSION TO FILE BRIEFING OUT
)	OF TIME
Regarding violation of Protective Order No.)	
13-095)	Expedited Consideration Requested
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1 The Citizens' Utility Board of Oregon ("CUB") respectfully requests that Chief
2 Administrative Law Judge Grant permit the filing of CUB's briefing out of time in this matter.

3 The original briefing schedule and filings were unknown to CUB and CUB was unable to
4 obtain the materials necessary to fully inform its filing until this week.

5 Pursuant to OAR 860-001-0420, CUB has notified all parties of its intent to file a Motion
6 requesting permission to file briefing in this matter and also its intent to file a brief.¹ No party
7 has objected. CUB's proposed briefing in this matter is being submitted to the Commission
8 simultaneously with this motion. CUB respectfully requests expedited consideration of its
9 Motion To Admit Briefing Out of Time. In accordance with hits request for expedited

¹ Email to Candice Menza with copies to service list dated September 17, 2014 ("CUB plans to file a motion to submit briefing in this docket in the next couple of days. Thereafter I will be taking a short trip to Ireland to see family. I will not return until after the dates currently proposed for oral argument. If possible CUB would request a delay in the oral argument to the following week commencing October 13, 2014.")

1 consideration of its Motion, CUB also respectfully requests that the time for responses and, if
2 applicable, replies, be shortened.

3 Pursuant to ORS 774.180 and OAR 860-001-0300(1) “the Citizens’ Utility Board has the
4 right to intervene in any Commission proceedings by filing a notice of intervention that includes
5 the names and addresses of the representatives to be included on the service list.” CUB filed its
6 Notice of Intervention in this docket on September 10, 2014.

7 CUB’s interest in this matter is based on the following:

- 8 1. The need for transparency of process in all proceedings.
- 9 2. The Importance Of Discovery To The Ability Of All Intervenors To Participate
10 Effectively In All Dockets - What Protective Orders are Really Designed To
11 Accomplish
- 12 3. The Positions Taken By PacifiCorp In Its Brief, If Adopted, Would Change The Way
13 Discovery Has Been Done In Oregon For Years.
 - 14 a. Information has always been available in more than one docket.
 - 15 b. PacifiCorp states that it provided hard copies of a PowerPoint. presentation
16 that were marked as confidential under Order 13-095 and reiterated that the
17 workshop materials and discussion were confidential under the protective
18 order² - Information that is not confidential outside of the immediate
19 proceeding is not “confidential information” and parties should not be
20 required to challenge the designation before use.
 - 21 c. How trade secrets and commercially sensitive information are defined in the
22 Oregon and federal legal systems – in Oregon the determination is a question
23 of fact.
- 24 4. The sanctions requested in regard to this alleged violation.

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² PacifiCorp August 8, 2014 letter to Sierra Club with the subject line “Re: Violation of Protective Order No. 13-095”.

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Dated this 23rd day of September, 2014,

Respectfully submitted,



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UG 1707 – CERTIFICATE OF SERVICE

I hereby certify that, on this 23rd day of September, 2014, I served the foregoing **CITIZENS’ UTILITY BOARD OF OREGON’S MOTION FOR PERMISSION TO FILE BRIEFING OUT OF TIME** in docket UM 1707 upon each party listed in the UM 1707 PUC Service List by email and, where paper service is not waived, by U.S. mail, postage prepaid, and upon the Commission by email and by sending one original and two copies by U.S. mail, postage prepaid, to the Commission’s Salem offices.

(W denotes waiver of paper service)

(C denotes service of Confidential material authorized)

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sommer Templet". The signature is written in a cursive, flowing style.

Sommer Templet, OSB #105260
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