



October 1, 2014

**Via Electronic Filing and FedEx**

Public Utility Commission  
Attn: Filing Center  
3930 Fairview Industrial Drive SE  
Salem, OR 97308

Re: Dockets LC 57 & UM 1707 Sierra Club Reply Brief re Motions

Please find enclosed the original and five (5) copies of Sierra Club's Reply Brief Re Motion to Consolidate Matters; Motion Requesting Oral Argument for Challenge of Designation; And Request for Expedited Review, filed concurrently in the above-referenced dockets.

Please let me know if you have any questions. Thank you.

Respectfully submitted,

*/s/ Derek Nelson*

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cc: Service Lists

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

LC 57 &  
UM 1707

In the Matters of  
  
PACIFICORP, dba PACIFIC POWER,  
  
2013 Integrated Resource Plan  
  
&  
  
SIERRA CLUB,  
  
Regarding violation of Protective Order  
No. 13-095.

SIERRA CLUB’S REPLY BRIEF RE  
MOTION TO CONSOLIDATE MATTERS;  
MOTION REQUESTING ORAL ARGUMENT  
FOR CHALLENGE OF DESIGNATION; and  
REQUEST FOR EXPEDITED REVIEW

PacifiCorp bases its opposition to consolidation on two points: (1) Chief Grant previously characterized the issues of alleged breach and of designation of confidential information as “separate and distinct”; and, (2) the burden of proof is different for the two issues. Sierra Club does not dispute either of these points, but neither do these points demonstrate that consolidation is not appropriate.

Chief Grant stated during the August 18, 2014 prehearing meeting that Sierra Club will be able to “explain and defend [its] actions” and explain why its actions did not “constitute[] a violation of the protective order... ” and why sanctions should not be imposed.<sup>1</sup> Sierra Club’s Motion to Consolidate asserts that, although the questions and burdens of proof may be separate and distinct, the questions of whether a violation occurred and whether sanctions are appropriate are linked at least in part to the designation of confidential materials. Sierra Club will not reiterate the points of its motion here other than to say that consolidation of the issues is

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<sup>1</sup> Attachment A to PacifiCorp’s Response (Informal Transcript of Aug. 18, 2014 meeting) at 4.

necessary to allow Sierra Club a full and fair opportunity to “explain and defend” its actions to the Commission. The Commission can consider the two issues at once despite separate burdens of proof.

Dated October 1, 2014

Respectfully submitted,



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## CERTIFICATE OF SERVICE

I hereby certify that on this 1<sup>st</sup> day of October, 2014, I caused to be served the foregoing SIERRA CLUB'S REPLY BRIEF RE MOTION TO CONSOLIDATE MATTERS; MOTION REQUESTING ORAL ARGUMENT FOR CHALLENGE OF DESIGNATION; AND REQUEST FOR EXPEDITED REVIEW upon all party representatives on the official service lists for these proceedings via electronic mail.

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Dated this 1<sup>st</sup> day of October, 2014 at San Francisco, CA.

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