



**Portland General Electric Company**  
121 SW Salmon Street • Portland, Oregon 97204  
PortlandGeneral.com

April 1, 2015

**Email / US Mail**

[puc.filingcenter@state.or.us](mailto:puc.filingcenter@state.or.us)

Public Utility Commission of Oregon

**Attn: Filing Center**

3930 Fairview Industrial Drive SE

P. O. Box 1088

Salem, OR 97308-1088

**Re: UM \_\_\_\_ PGE's Application for Deferral of Revenue Requirement Associated with Portland Public Schools Solar Project (PPS Solar)**

Pursuant to ORS 757.259, ORS 469A.120(1) and OAR 860-027-0300, enclosed for filing is Portland General Electric Company's Application for Deferral of Expenses Associated with PPS Solar and a Motion for Protective Order (with proposed Protective Order.)

Concurrent with this filing, PGE is also filing a request for authorization to sell PPS Solar as part of a sale-leaseback agreement and a Renewable Resource Automatic Adjustment Clause (RAC) filing. The three filings, although filed separately, are interrelated. PGE proposes that this Application for Deferral and Advice No. 15-07, Schedule 122, RAC filing be consolidated. Confidential information will be provided upon approval and issuance of the Protective Order.

A Notice of Application regarding the filing of this application is attached. We have provided notification of this application to the UE-283 service list.

If you have any questions or require further information, please call me at (503) 464-7580 or Rebecca Brown at (503) 464-8545.

Please direct all formal correspondence, questions, or requests to the following e-mail address [pge.opuc.filings@pgn.com](mailto:pge.opuc.filings@pgn.com).

Sincerely,

Patrick G. Hager

Manager, Regulatory Affairs

PGH/sp

*encls.*

cc: UE 283 Service List

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**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM \_\_\_\_\_

In the Matter of the Application of Portland General Electric Company for an Order Approving the Deferral of Incremental Revenue Requirement Associated with Portland Public Schools (PPS) Solar Project

**Application for Deferral of Incremental Revenue Requirement Associated with the PPS Solar Project**

Pursuant to 757.259, ORS 469A.120(1) & (3), OAR 860-027-0300<sup>1</sup>, Oregon Public Utility Commission (“Commission”) Order No. 07-572, and Tariff Schedule 122, Portland General Electric Company (“PGE”) hereby requests authorization to defer for rate-making treatment certain costs associated with the Portland Public Schools Solar Project (PPS Solar) incurred between the in-service date of the project and until such time that the costs are included in base rates. PGE estimates these cost to be approximately \$0.2 million. PGE proposes to amortize the deferred amount throughout 2016. In support of this Application, PGE states:

1. PGE is a public utility in the state of Oregon and its rates, services and accounting practices are subject to the regulation of the Commission.
2. This application is filed pursuant to ORS 757.259, ORS 469A.120 (3), Order No. 07-572, and Tariff Schedule 122, which allow the Commission to authorize deferral of the net revenue requirement of qualifying renewable resources for later inclusion in Schedule 122 rates.
3. Communications regarding this Application should be addressed to:

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<sup>1</sup> PGE is seeking deferral pursuant to the rules and guidelines of ORS 469A.120 and Order No. 07-572. We are using a format similar to that provided in OAR 860-027-0300 for general deferrals.

Jay Tinker  
121 SW Salmon Street  
1WTC0702  
Portland, Oregon 97204  
E-mail: [pge.opuc.filings@pgn.com](mailto:pge.opuc.filings@pgn.com)

Doug Tingey  
Portland General Electric  
121 SW Salmon Street  
1WTC1301  
Portland, Oregon 97204  
E-mail: [Doug.Tingey@pgn.com](mailto:Doug.Tingey@pgn.com)

In addition to the names and addresses above, the following are to receive notices and communications via the e-mail service list:

Rebecca Brown, Senior Analyst, Regulatory Affairs  
E-mail: [Rebecca.Brown@pgn.com](mailto:Rebecca.Brown@pgn.com)

**I. OAR 860-027-0300 (3) Requirements**

The following is provided pursuant to OAR 860-027-0300 (3).

**A. Background**

On June 6, 2007, Senate Bill 838 (SB 838) was enacted (codified as ORS 469A), creating a Renewable Portfolio Standard that requires large, Oregon electric utilities to meet 25 percent of their Oregon load with electricity generated by renewable resources by 2025. PGE and other large Oregon electric utilities met the first interim goal of 5 percent by 2011, and will meet the next interim goals of 15 percent by 2015, and 20 percent by 2020.

In Docket No. UM 1330, Order No. 07-572, the Commission approved a stipulation regarding the Renewable Adjustment Clause (RAC) supporting the use of deferred accounting to allow for the recovery of prudently incurred costs of an eligible resource for the period of time between the in-service date and when the resource enters rates. PGE's tariff Schedule 122 provides for the filing of a deferral application by the earlier of the resource online date or April 1 in a year that PGE anticipates a new renewable resource will commence operation.

Consistent with Order No. 07-572 and its tariff, PGE is seeking recovery of the incremental costs associated with the PPS Solar project. PGE will make available for

Commission review its costs associated with this solar project.

The Portland Public School's Solar Project ("PPS Solar") is the most recent project proposed in PGE's renewable resource portfolio. This project consists of roof top solar photovoltaic modules installed on six schools in the Portland Public School District No. 1J, ("PPS"), Multnomah County, Oregon. The six schools are Arleta School, Bridlemile School, Hosford Middle School, James John Elementary School, Laurelhurst School, and Wilson High School.

This PPS Solar project is expected to have an aggregate installed capacity of 1.2 MW and expected to produce enough power to offset approximately half of the participating schools electric usage.

PPS Solar is expected to be funded, based on installed capacity, with approximately \$1 million in incentives from Energy Trust of Oregon ("ETO"), and approximately \$2 million in funds from the Clean Wind Development Fund ("CWF"). The amounts to be funded will be finalized closer to the completion of the PPS Solar project.

PGE has entered into agreements with Bank of America Leasing and Capital, LLC (BALC) to finance the project through a sale-leaseback structure. After completing the installation, the project will be sold by PGE to BALC and then immediately leased back by PGE, with PGE owning the energy output. The sale-leaseback agreement with BALC will give PGE a buy-out option after year six.

Concurrent with the filing of this deferral application, PGE has submitted a filing pursuant to Schedule 122, RAC, for the revenue requirement for PPS Solar, which was not included in PGE's general rate case filing (UE 294). Since PGE expects to place PPS Solar in service during 2015, we are filing this deferral. Assuming this deferral request is granted, we will

file later this year seeking amortization beginning January 1, 2016.

**B. Reasons for Deferral**

Order No. 07-572 and Schedule 122 allow for the recovery of prudently incurred costs for eligible renewable resources, that PGE may request a deferral of costs prior to inclusion in rates, and that the deferral is exempt from an earnings test.

In this request for deferral of incremental revenues, PGE seeks deferred accounting treatment of the PPS Solar project's estimated 2015 revenue requirement pursuant to ORS 469A.120 (3) & (4), Order No. 07-572, and Schedule 122. These costs include lease payments, fixed variable O&M, roof top lease payments, insurance and net variable power cost benefits.

PGE anticipates PPS Solar will become operational in September 2015. PGE will file, as required by Schedule 122, an update of costs on September 1, 2015. The granting of this Application will match appropriately the costs borne by and benefits received by customers.

**C. Proposed Accounting**

PGE proposes to record the deferred amount as a regulatory asset in FERC account 182.3 (Other Regulatory Assets) with a credit to FERC account 456 (Other Electric Revenue). In the absence of a deferred accounting order from the Commission, PGE would record costs to several different FERC accounts, including FERC account 921 (Office Supplies and Expenses), FERC account 550 (Other Power Generation Rent Expense), etc.

**D. Estimate of Amounts**

PGE estimates the 2015 incremental revenue requirement for PPS Solar to be approximately \$0.2 million, net of dispatch benefits of approximately \$10,820 of avoid power

costs. Customers will benefit from the addition of renewable generation capacity. The accounting gain on this transaction will be deferred and used to offset the amounts otherwise collected from customers in 2016. PGE expects a credit to customers of approximately \$2.7 million in 2016. Attachment A provides the 2015 deferral calculation.

**E. Notice**

A copy of the notice of application for deferred accounting treatment and a list of persons served with the notice are attached to the Application as Attachment B.

**II. Summary of Filing Conditions:**

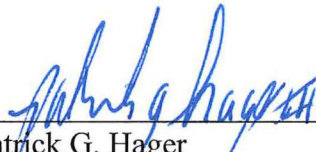
- A. Earnings Review: This deferral is exempt from an earnings review pursuant to ORS 757.259(5).
- B. Prudence Review: The prudence review should be limited to the costs included in the revenue requirement and the accounting methodology used to calculate any amount to be amortized.
- C. Sharing Percents: This deferral is not subject to sharing.
- D. Rate Spread / Rate Design: The rate spread/design will be applied pursuant to Schedule 122 tariff provisions.
- E. Three Percent Test: The three percent test applies to this deferral account.

**III. Conclusion.**

PGE is requesting the deferral of and later amortization of the revenue requirement related to the PPS Solar project for the period from the in-service date to December 31, 2015. PGE expects to provide an updated deferred amount with associated work papers December 1, 2015, allowing for amortization to begin January 1, 2016.

For the reasons stated above, PGE requests permission to defer incremental costs associated with the PPS Solar as described herein from the date of this Application.

Dated this April 1, 2015.



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Patrick G. Hager  
Portland General Electric Company  
121 SW Salmon Street, 1WTC0702  
Portland, OR 97204  
Telephone: 503-464-7580  
Fax: 503-464-7651  
E-Mail: [patrick.hager@pgn.com](mailto:patrick.hager@pgn.com)

## **Attachment A**

Deferral Calculation Associated with the  
Portland Public Schools Solar Project



**Estimated Deferred Revenue Requirement and Deferred Gain\*****Estimated Revenue Requirement:**

2015 Estimate [deferral]	\$ 196,839
<b>Total Estimated Revenue Requirement</b>	<b><u>\$ 196,839</u></b>
<b>Estimated Gain/Loss [deferral]**</b>	<b><u>\$ (2,875,000)</u></b>
<b>Total 2016 Effect</b>	<b><u><u>\$ (2,678,161)</u></u></b>

\* Deferred amounts are subject to accrued interest.

\*\* See UP filing for PPS Solar. Reflects gain from the property sale



Estimated 2015 Deferred Revenue Requirement PPS Solar Project	2015				2015	2015
	September	October	November	December	PPS Solar Revenues for RROE	PPS Solar Revenues for RROE
<b>Income Tax Check</b>						
55 Revenue	\$ 47,640	\$ 48,964	\$ 50,025	\$ 50,217	\$ 196,845	\$ 196,845
56 Int. Expense	\$ 48	\$ 49	\$ 50	\$ 50	\$ 197	\$ 197
57 Op. Expense	\$ 46,476	\$ 47,792	\$ 48,846	\$ 49,035	\$ 192,150	\$ 192,150
58 Book Taxable	\$ 1,116	\$ 1,122	\$ 1,128	\$ 1,132	\$ 4,498	\$ 4,498
59 Tot. Sch. M	\$ (1,464)	\$ (1,464)	\$ (1,464)	\$ (1,464)	\$ (5,857)	\$ (5,857)
60 Tax Taxable	\$ 2,580	\$ 2,587	\$ 2,593	\$ 2,596	\$ 10,355	\$ 10,355
61 Net State Tax	\$ 196	\$ 198	\$ 199	\$ 201	\$ 794	\$ 794
62 Net Federal Tax	\$ 834	\$ 837	\$ 840	\$ 841	\$ 3,352	\$ 3,352
63 Deferred Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
64 Total Tax	\$ 1,031	\$ 1,035	\$ 1,039	\$ 1,042	\$ 4,147	\$ 4,147
	TRUE	TRUE	TRUE	TRUE	TRUE	TRUE
<b>UOI Check</b>						
65 Avg. Rate Base					\$ 7,263	\$ 7,263
66 RROE					7.557%	7.557%
67 UOI					\$ 549	\$ 549
					TRUE	TRUE

## **Attachment B**

Notice of Application for Deferred Accounting of  
Revenue Requirement Associated with the  
Portland Public Schools Solar Project

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM \_\_\_\_\_

In the Matter of the Application of Portland General Electric Company for an Order Approving the Deferral of Incremental Revenue Requirement Associated with the Portland Public Schools (“PPS Solar”) Project

**Notice of Application for Deferral of Incremental Revenue Requirement Associated with the Portland Public Schools Project**

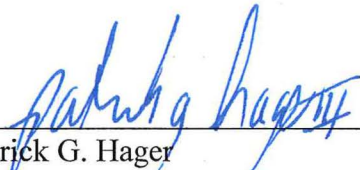
On April 1, 2015, Portland General Electric Company (“PGE”) filed an application with the Oregon Public Utility Commission (the “Commission”) for an Order authorizing deferral of incremental costs associated with the Portland Public Schools (“PPS Solar”) project. Approval of PGE’s Application will authorize a change in PGE’s rates effective January 1, 2016.

Approval of PGE’s Application will not authorize a change in PGE’s rates, but will permit the Commission to consider allowing such deferred amounts in rates in a subsequent proceeding.

This application is on the Oregon Public Utility Commission (OPUC) website.

Any person who wishes to submit written comments to the Commission on PGE’s application must do so no later than May 3, 2015.

Dated this April 1, 2015.



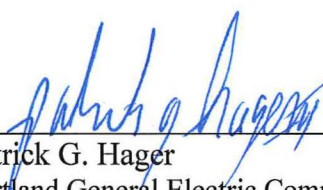
\_\_\_\_\_  
Patrick G. Hager  
Manager, Regulatory Affairs  
Portland General Electric Company  
Telephone: 503-464-7580  
E-Mail: [patrick.hager@pgn.com](mailto:patrick.hager@pgn.com)

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## CERTIFICATE OF SERVICE

I hereby certify that I have this day caused **UE 283 NOTICE OF APPLICATION (PPS SOLAR)** to be served by electronic mail to those parties whose email addresses appear on the attached service list for OPUC Docket No. UE 283.

DATED at Portland, Oregon, this 1<sup>st</sup> day of April 2015.



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Patrick G. Hager  
Portland General Electric Company  
121 SW Salmon Street, 1WTC0702  
Portland, OR 97204  
Telephone: 503-464-7580  
Fax: 503-464-7651  
E-Mail: [patrick.hager@pge.com](mailto:patrick.hager@pge.com)

**SERVICE LIST  
OPUC DOCKET # UE 283**

Judy Johnson (C) PUBLIC UTILITY COMMISSION OF OREGON <a href="mailto:judy.johnson@state.or.us">judy.johnson@state.or.us</a>	Stephanie S. Andrus (C) PUC – DEPARTMENT OF JUSTICE <a href="mailto:stephanie.andrus@state.or.us">stephanie.andrus@state.or.us</a>
Douglas C. Tingey (C) PORTLAND GENERAL ELECTRIC COMPANY <a href="mailto:doug.tingey@pgn.com">doug.tingey@pgn.com</a>	Jay Tinker (C) PORTLAND GENERAL ELECTRIC COMPANY <a href="mailto:pge.opuc.filings@pgn.com">pge.opuc.filings@pgn.com</a>
OPUC Docket CITIZENS' UTILITY BOARD OF OREGON <a href="mailto:dockets@oregondub.org">dockets@oregondub.org</a>	Robert Jenks (C) CITIZENS' UTILITY BOARD OF OREGON <a href="mailto:bob@oregoncub.org">bob@oregoncub.org</a>
Sommer Templet (C) CITIZENS' UTILITY BOARD OF OREGON <a href="mailto:sommer@oregoncub.org">sommer@oregoncub.org</a>	Greg Bass (C) NOBLE AMERICAS ENERGY SOLUTIONS <a href="mailto:gbass@noblesolutions.com">gbass@noblesolutions.com</a>
Kevin Higgins (C) ENERGY STRATEGIES LLC <a href="mailto:khiggins@energystrat.com">khiggins@energystrat.com</a>	Gregory Adams RICHARDSON ADAMS PLLC <a href="mailto:greg@richardsonadams.com">greg@richardsonadams.com</a>
S Bradley Van Cleve (C) DAVISON VAN CLEVE PC <a href="mailto:bvc@dvclaw.com">bvc@dvclaw.com</a>	Tyler C. Pepple (C) DAVISON VAN CLEVE PC <a href="mailto:tcp@dvclaw.com">tcp@dvclaw.com</a>
Bradley Mullins (C) DAVISON VAN CLEVE PC <a href="mailto:brmullins@mwanalytics.com">brmullins@mwanalytics.com</a>	E-Filing NORTHWEST NATURAL <a href="mailto:efiling@nwnatural.com">efiling@nwnatural.com</a>
Mark Thompson NORTHWEST NATURAL <a href="mailto:mark.thompson@nwnatural.com">mark.thompson@nwnatural.com</a>	Wendy Gerlitz (C) NW ENERGY COALITION <a href="mailto:wendy@nwenergy.org">wendy@nwenergy.org</a>
Nona Soltero FRED MEYER STORES/KROGER <a href="mailto:Nona.soltero@fredmeyer.com">Nona.soltero@fredmeyer.com</a>	Sarah Wallace PACIFIC POWER <a href="mailto:Sarah.wallace@pacificorp.com">Sarah.wallace@pacificorp.com</a>
David Tooze CITY OF PORTLAND <a href="mailto:David.tooze@portlandoregon.gov">David.tooze@portlandoregon.gov</a>	Oregon Dockets PACIFICORP, DBA PACIFIC POWER <a href="mailto:oregondockets@pacificorp.com">oregondockets@pacificorp.com</a>
Kurt Boehm BOEHM KURTZ & LOWRY <a href="mailto:kboehm@bkllawfirm.com">kboehm@bkllawfirm.com</a>	Jody Cohn BOEHM KURTZ & LOWRY <a href="mailto:jkyler@bkllawfirm.com">jkyler@bkllawfirm.com</a>
Benjamin Walters CITY OF PORTLAND <a href="mailto:Ben.walters@portlandoregon.gov">Ben.walters@portlandoregon.gov</a>	

**Estimated Deferred Revenue Requirement and Deferred Gain\***

<b>Estimated Revenue Requirement:</b>	
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<b>Total Estimated Revenue Requirement</b>	<b><u>\$ 196,839</u></b>
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63 Deferred Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
64 Total Tax	\$ 1,031	\$ 1,035	\$ 1,039	\$ 1,042	\$ 4,147	\$ 4,147
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<b>UOI Check</b>						
65 Avg. Rate Base					\$ 7,263	\$ 7,263
66 RROE					7.557%	7.557%
67 UOI					\$ 549	\$ 549
					TRUE	TRUE

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM \_\_\_\_\_

In the Matter of the Application of Portland General Electric Company for an Order Approving the Deferral of Incremental Revenue Requirement Associated with Portland Public Schools (PPS) Solar Project

**MOTION FOR A GENERAL  
PROTECTIVE ORDER**

*EXPEDITED CONSIDERATION REQUESTED*

Pursuant to ORCP 36(C)(7), OAR 860-001-0080(1) and (2)(b), and OAR 860-027-0200(9), Portland General Electric Company (“PGE”) requests the issuance of a general protective order in this proceeding. PGE believes good cause exists for the issuance of such an order to protect confidential market information and confidential business information, plans and strategies. In support of this Motion, PGE states:

1. PGE is a public utility in the state of Oregon and its rates, services, and accounting practices are subject to the regulation of the Commission.
2. The order is needed to protect confidential customer information and confidential business plans and strategies. Some of the work papers supporting this filing contain confidential information regarding ongoing business transactions and negotiations, as well as other confidential business matters. This information is confidential commercial information and/or trade secrets under ORCP 36(C)(7). The public release of this information could prejudice PGE and its customers.
3. PGE further anticipates it may be required to file periodic updates containing confidential information in this proceeding.

4. PGE also believes that parties participating in this docket may make further requests for information that will contain confidential commercial information and/or trade secrets under ORCP 36(C)(7).


5. While PGE desires the flexibility to provide confidential information, as part of its application in this matter, the scheduling information being provided is confidential, sensitive business information, the public disclosure of which could be detrimental to PGE and its customers.

6. The Commission should, therefore, issue a Protective Order to protect the confidentiality of that material. The requested order, identical to the one that the Commission customarily issues, is attached.

For the reasons stated above, PGE requests that a protective order be issued in this proceeding.

DATED this 1<sup>st</sup> day of April, 2015.

Respectfully submitted,

  
\_\_\_\_\_  
Douglas C. Tingey, OSB No. 044366  
Associate General Counsel  
Portland General Electric Company  
121 SW Salmon Street, 1WTC1301  
Portland, Oregon 97204  
(503) 464-8926 (phone)  
(503) 464-2200 (fax)  
doug.tingey@pgn.com

ORDER NO.

ENTERED

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM \_\_\_\_\_

In the Matter of the Application of Portland  
General Electric Company for an Order  
Approving the Deferral of Incremental  
Revenue Requirement Associated with  
Portland Public Schools (PPS) Solar Project

**GENERAL  
PROTECTIVE  
ORDER**

DISPOSITION: MOTION FOR PROTECTIVE ORDER GRANTED

On April 1, 2015, Portland General Electric Company ("PGE") filed a Motion for a general protective order with the Public Utility Commission of Oregon ("Commission"). PGE states that good cause exists for the issuance of such an order to protect confidential business information, plans, and strategies. Specifically, PGE states that work papers and supporting documents to be provided in response to data requests contain confidential information, the public release of which could prejudice PGE and its customers. PGE further adds that the protective order will facilitate the production of relevant information and expedite the discovery process in this docket.

I find that good cause exists to issue a general protective order, which is attached as Appendix A. The order permits the broadest possible discovery consistent with the need to protect confidential information. It shields no specific documents and makes no judgment about whether any particular document contains a trade secret or commercially sensitive information. Rather, the order adopts a process for resolving discovery disputes that include sensitive information.

The order permits any party to designate information as confidential if the party reasonably believes that the information falls within the scope of ORCP 36(C)(7). The confidential designation must be made in good faith and be limited to only those portions of the document that qualify as a protected trade secret or other confidential research, development, or commercial information. Any other party may challenge the designation of information as confidential. The designating party bears the burden of showing that the challenged information is covered by ORCP 36(C)(7).

Confidential information may be disclosed only to a "qualified person" as defined in paragraph 3 of the general protective order. The authors of the confidential material, the Commission, Administrative Law Judges, Commission Staff, and counsel of record for a party or persons directly employed by counsel are "qualified persons" and may review confidential information without individually signing the general protective order. Other persons wanting access to confidential information must become qualified under paragraph 10.

ORDER NO.

To receive confidential information, all parties except Commission Staff must sign the "consent to be bound" in section I of Appendix B. This includes the party that moved for issuance of the general protective order because any party may designate information as confidential under the order. By signing the "consent to be bound," a party agrees to be bound by the terms of the general protective order and certifies that it has an interest in the proceedings that is not adequately represented by other parties to the proceedings.

Any person given access to confidential information must ensure compliance with the general protective order and must take reasonable precautions to keep confidential information secure. Without the written permission of the designating party, no person may use or disclose the information for any purpose other than participating in these proceedings. Questions regarding whether a particular person is a "qualified person" under the general protective order may be directed to the Administrative Hearings Division at (503) 378-6678.

**ORDER**

IT IS ORDERED that the General Protective Order, attached as Appendix A, governs the disclosure of confidential information in these proceedings.

Made, entered, and effective on \_\_\_\_\_.

\_\_\_\_\_  
[Judge]  
Administrative Law Judge

A party may appeal this order to the Commission pursuant to OAR 860-001-0720.

**PROTECTIVE ORDER**

DOCKET NO. UM \_\_\_\_\_

**Scope of this Order:**

1. This order governs the acquisition and use of “Confidential Information” in this proceeding.

**Definitions:**

2. “Confidential Information” is information that falls within the scope of ORCP 36(C)(7) (“a trade secret or other confidential research, development, or commercial information”).

3. A “qualified person” is an individual who is:

- a. An author(s), addressee(s), or originator(s) of the Confidential Information;
- b. A Commissioner or Commission staff;
- c. Counsel of record for a party;
- d. A person employed directly by counsel of record; or
- e. A person qualified pursuant to paragraph 10. This includes parties and their employees.

**Designation of Confidential Information:**

4. A party providing Confidential Information must inform other parties that the material has been designated confidential by placing the following legend on the material:

CONFIDENTIAL  
SUBJECT TO GENERAL PROTECTIVE ORDER

To the extent practicable, the party may designate as confidential only the portions of the material covered by ORCP 36(C)(7).

5. A party may designate as confidential any information any information previously provided by giving written notice to the other parties. Parties in possession of newly designated Confidential Information must, when feasible, ensure that all copies of the information bear the above legend if requested by the designating party.

6. Any other party may challenge the designation of information as confidential by notifying the designating party. Once notified, the designating party bears the burden of showing that the challenged information is covered by ORCP 36(C)(7).

**Information Given to the Commission:**

7. Confidential Information filed or provided to the Commission or its staff;

Must be printed on yellow paper and placed in a sealed envelope or other appropriate container. **Only the portions of a document that fall within ORCP 36(C)(7) may be placed in the envelope/container.** The envelope/container shall bear the legend:

THIS ENVELOPE IS SEALED UNDER ORDER NO. \_\_\_\_\_  
AND CONTAINS CONFIDENTIAL INFORMATION. THE  
INFORMATION MAY BE SHOWN ONLY TO QUALIFIED  
PERSONS AS DEFINED IN THE ORDER.

**Disclosure of Confidential Information-**

8. To receive Confidential Information, all parties, except Commission Staff, must sign the “consent to be bound” in section I of Appendix B. Confidential Information may not be disclosed to any person other than a Qualified Person. When feasible, Confidential Information must be delivered to counsel. In the alternative, Confidential Information may be made available for inspection and review by Qualified Persons in a place and time agreeable to the parties or as directed by the ALJ.

9. A Qualified Person may disclose Confidential Information to any other Qualified Person, unless the party designating party objects under paragraph 11.

10. To become a qualified person under paragraph 3(e), a person must:

- a. Read a copy of this general protective order;
- b. Execute a statement acknowledging that the order has been read and agreeing to be bound by the terms of the order;
- c. Date the statement;
- d. Provide a name, address, employer, and job title; and
- e. If the person is a consultant or advisor for a party, provide a description of the nature of the person’s consulting or advising practice, including the identity of his/her current, past, and expected clients.

Counsel must deliver a copy of the signed statement, including the information in (d) and (e), to the designating party and to all parties of record. The notification may be made by electronic mail or facsimile. A person qualified under paragraph 3(e) may not have access to Confidential Information sooner than seven days after the designating party receives a copy of the signed statement.

11. All Qualified Persons may have access to Confidential Information, unless the designating party objects as provided in this paragraph. The designating party must provide written notice to the Qualified Person as soon as the designating party becomes aware of reasons to restrict access. The parties must promptly confer and attempt to resolve any dispute over access to Confidential Information on an informal basis before filing a motion with the ALJ. After receipt of the written notice as required in this paragraph, the specific Confidential



Information may not be disclosed to the Qualified Person until the issue is resolved.

**Preservation of Confidentiality-**

12. Without the written permission of the designating party, any person given access to Confidential Information under this order may not use or disclose Confidential Information for any purpose other than participating in these proceedings. All Qualified Persons must take reasonable precautions to keep Confidential Information secure. Disclosure of Confidential Information for purposes of business competition is strictly prohibited.

A Qualified Person may reproduce Confidential Information to the extent necessary to participate in these proceedings. A Qualified Person may disclose Confidential Information only to other Qualified Persons associated with the same party.

**Duration of Protection-**

13. The Commission will preserve the confidentiality of Confidential Information for a period of five years from the date of the final order in these proceedings, unless extended by the Commission at the request of the designating party. The Commission will notify the designating party at least two weeks prior to the release of confidential information.

**Destruction After Proceeding-**

14. Counsel of record may retain memoranda, pleadings, testimony, discovery, or other documents containing Confidential Information to the extent reasonably necessary to maintain a file of these proceedings or to comply with requirements imposed by another governmental agency or court order. The information retained may not be disclosed to any person. Any other person retaining Confidential Information must destroy or return it to the designating party within 90 days after final resolution of these proceedings unless the designating party consents, in writing, to retention of the Confidential. This paragraph does not apply to the Commission or its Staff.

**Appeal to the Presiding Officer-**

15. Any party may request that the ALJ conduct a conference to help resolve disputes related to this protective order.

A party challenging the designation of information as confidential may file an objection with the ALJ that identifies the information in dispute and includes a certification that reasonable efforts to achieve an informal resolution have been unsuccessful. Within seven days of the objection, unless otherwise ordered by the ALJ, the designating party must either remove the confidential designation or file a written response identifying the legal basis for the claim of confidentiality. The challenging party may file a written reply to any response within seven days. If the designating party does not timely respond to the motion, the Commission will remove the confidential designation from the challenged information.

**Additional Protection-**

16. If a designating party seeks additional protection for Confidential Information, the party may move for any of the remedies in ORCP 36(C). The motion must include:

- a. The parties involved;
- b. The exact nature of the information involved;
- c. The legal basis for the claim that the information is protected under ORCP 36 (C)(7) or the Public Records Law;
- c. The exact nature of the relief requested;
- d. The specific reasons the requested relief is necessary; and
- e. A detailed description of the intermediate measures, including selected redaction, explored by the parties and why such measures do not resolve the dispute.

Pending the Commission's ruling on a motion for additional protection, the information need not be released.



**SIGNATORY PAGE**  
DOCKET NO. UM \_\_\_\_\_

**II. Persons Qualified under Paragraph 3(e):**

I have read the general protective order, agree to be bound by the terms of the order, and will provide the information identified in paragraph 10.

By: Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name:

Address:

Employer:

Job Title:

Paragraph 10(e) information also provided.

By: Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name:

Address:

Employer:

Job Title:

Paragraph 10(e) information also provided.

By: Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name:

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By: Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name:

Address:

Employer:

Job Title:

Paragraph 10(e) information also provided.

ORDER NO.

ENTERED

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM \_\_\_\_\_

In the Matter of the Application of Portland  
General Electric Company for an Order  
Approving the Deferral of Incremental  
Revenue Requirement Associated with  
Portland Public Schools (PPS) Solar Project

**GENERAL  
PROTECTIVE  
ORDER**

**DISPOSITION: MOTION FOR PROTECTIVE ORDER GRANTED**

On April 1, 2015, Portland General Electric Company ("PGE") filed a Motion for a general protective order with the Public Utility Commission of Oregon ("Commission"). PGE states that good cause exists for the issuance of such an order to protect confidential business information, plans, and strategies. Specifically, PGE states that work papers and supporting documents to be provided in response to data requests contain confidential information, the public release of which could prejudice PGE and its customers. PGE further adds that the protective order will facilitate the production of relevant information and expedite the discovery process in this docket.

I find that good cause exists to issue a general protective order, which is attached as Appendix A. The order permits the broadest possible discovery consistent with the need to protect confidential information. It shields no specific documents and makes no judgment about whether any particular document contains a trade secret or commercially sensitive information. Rather, the order adopts a process for resolving discovery disputes that include sensitive information.

The order permits any party to designate information as confidential if the party reasonably believes that the information falls within the scope of ORCP 36(C)(7). The confidential designation must be made in good faith and be limited to only those portions of the document that qualify as a protected trade secret or other confidential research, development, or commercial information. Any other party may challenge the designation of information as confidential. The designating party bears the burden of showing that the challenged information is covered by ORCP 36(C)(7).

Confidential information may be disclosed only to a "qualified person" as defined in paragraph 3 of the general protective order. The authors of the confidential material, the Commission, Administrative Law Judges, Commission Staff, and counsel of record for a party or persons directly employed by counsel are "qualified persons" and may review confidential information without individually signing the general protective order. Other persons wanting access to confidential information must become qualified under paragraph 10.

To receive confidential information, all parties except Commission Staff must sign the "consent to be bound" in section I of Appendix B. This includes the party that moved for issuance of the general protective order because any party may designate information as confidential under the order. By signing the "consent to be bound," a party agrees to be bound by the terms of the general protective order and certifies that it has an interest in the proceedings that is not adequately represented by other parties to the proceedings.

Any person given access to confidential information must ensure compliance with the general protective order and must take reasonable precautions to keep confidential information secure. Without the written permission of the designating party, no person may use or disclose the information for any purpose other than participating in these proceedings. Questions regarding whether a particular person is a "qualified person" under the general protective order may be directed to the Administrative Hearings Division at (503) 378-6678.

**ORDER**

IT IS ORDERED that the General Protective Order, attached as Appendix A, governs the disclosure of confidential information in these proceedings.

Made, entered, and effective on \_\_\_\_\_.

\_\_\_\_\_  
[Judge]  
Administrative Law Judge

A party may appeal this order to the Commission pursuant to OAR 860-001-0720.

**PROTECTIVE ORDER**

DOCKET NO. UM \_\_\_\_\_

**Scope of this Order:**

1. This order governs the acquisition and use of “Confidential Information” in this proceeding.

**Definitions:**

2. “Confidential Information” is information that falls within the scope of ORCP 36(C)(7) (“a trade secret or other confidential research, development, or commercial information”).

3. A “qualified person” is an individual who is:

- a. An author(s), addressee(s), or originator(s) of the Confidential Information;
- b. A Commissioner or Commission staff;
- c. Counsel of record for a party;
- d. A person employed directly by counsel of record; or
- e. A person qualified pursuant to paragraph 10. This includes parties and their employees.

**Designation of Confidential Information:**

4. A party providing Confidential Information must inform other parties that the material has been designated confidential by placing the following legend on the material:

CONFIDENTIAL  
SUBJECT TO GENERAL PROTECTIVE ORDER

To the extent practicable, the party may designate as confidential only the portions of the material covered by ORCP 36(C)(7).

5. A party may designate as confidential any information previously provided by giving written notice to the other parties. Parties in possession of newly designated Confidential Information must, when feasible, ensure that all copies of the information bear the above legend if requested by the designating party.

6. Any other party may challenge the designation of information as confidential by notifying the designating party. Once notified, the designating party bears the burden of showing that the challenged information is covered by ORCP 36(C)(7).

**Information Given to the Commission:**

7. Confidential Information filed or provided to the Commission or its staff;

Must be printed on yellow paper and placed in a sealed envelope or other appropriate container. **Only the portions of a document that fall within ORCP 36(C)(7) may be placed in the envelope/container.** The envelope/container shall bear the legend:

THIS ENVELOPE IS SEALED UNDER ORDER NO. \_\_\_\_\_  
AND CONTAINS CONFIDENTIAL INFORMATION. THE  
INFORMATION MAY BE SHOWN ONLY TO QUALIFIED  
PERSONS AS DEFINED IN THE ORDER.

**Disclosure of Confidential Information-**

8. To receive Confidential Information, all parties, except Commission Staff, must sign the “consent to be bound” in section I of Appendix B. Confidential Information may not be disclosed to any person other than a Qualified Person. When feasible, Confidential Information must be delivered to counsel. In the alternative, Confidential Information may be made available for inspection and review by Qualified Persons in a place and time agreeable to the parties or as directed by the ALJ.

9. A Qualified Person may disclose Confidential Information to any other Qualified Person, unless the party designating party objects under paragraph 11.

10. To become a qualified person under paragraph 3(e), a person must:

- a. Read a copy of this general protective order;
- b. Execute a statement acknowledging that the order has been read and agreeing to be bound by the terms of the order;
- c. Date the statement;
- d. Provide a name, address, employer, and job title; and
- e. If the person is a consultant or advisor for a party, provide a description of the nature of the person’s consulting or advising practice, including the identity of his/her current, past, and expected clients.

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By: Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name:

Address:

Employer:

Job Title:

Paragraph 10(e) information also provided.

By: Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name:

Address:

Employer:

Job Title:

Paragraph 10(e) information also provided.

By: Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name:

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