

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1934

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

2018 Request for Proposals for Renewable
Resources.

RULING

DISPOSITION: PETITION TO INTERVENE GRANTED FOR LIMITED PURPOSES

CP Energy Marketing (US) Inc. (CPEMUS) filed a petition to intervene in this proceeding. CPEMUS is a prospective bidder into PGE's Request for Proposals (RFP). CPEMUS states that it has an interest in this proceeding and has concerns that PGE's proposed RFP may not be competitive and could ensure favoritism for PGE's own proposals. CPEMUS states that its intervention will assist the Commission in resolving the issues and will not unreasonably broaden the issues, burden the record, or delay the proceeding.

PGE is concerned that CPEMUS' participation will unreasonably broaden the issues, burden the record, or delay the proceedings. PGE explains that its RFP is on a short timeline, and notes that CPEMUS may raise concerns with competition in the Pacific Northwest generally, and not specific to PGE's RFP.

Second, PGE asks that CPEMUS not have access to proprietary and confidential information that is not otherwise available to other bidders.

Discussion

The petition to intervene filed by CPEMUS is granted. As noted by the parties, because this is not considered a contested case proceedings under ORS 183.310(2), intervention serves the limited purposes of: 1) creating a service list; and 2) establishing eligibility to sign a protective order.

PGE recognizes the importance of public involvement in the RFP process, and states that it is willing to accommodate input from other parties. I find this interest in broad participation justifies CPEMUS' intervention, particularly at this stage in the proceeding

when the Commission will be reviewing the draft RFP.¹ The Commission is aware of PGE's deadlines for this RFP and has no reason to believe that CPEMUS' participation will unduly delay our process.

PGE's second concern, that CPEMUS not have access to proprietary and confidential information, cannot be addressed in this ruling. The current protective order in this docket is a general protective order, Order No. 18-063. The main purpose of the general protective order is to allow parties the ability to review confidential information while ensuring that it is not disclosed publically. To date, no protected information has been filed in this proceeding, but for context, I have seen RFP information labeled as "protected" when it pertains to specific bid information, analysis, or estimates that do not directly affect a shortlist.

The general protective order does not distinguish between different types of information and different types of signatories. To address PGE's concerns of a bidder accessing sensitive bid information that could affect the competitiveness of the RFP, PGE should consider requesting a modified protective order, as described in OAR 860-001-0080(3). A modified protective order may be tailored to specifically restrict certain persons from accessing a second class of information which is designated as "highly protected information." For context, we have recently seen the designation of "highly protected information" to shield the bid details of bids on a proposed final shortlist.

Alternatively, the general protective order provides that PGE may object to a person's access to protected information. PGE may restrict particular individuals from accessing protected information by following the process described in the general protective order.²

Dated this 18th day of April, 2018, at Salem, Oregon.

A handwritten signature in blue ink, appearing to read "Sarah Rowe", written over a horizontal line.

Sarah Rowe
Administrative Law Judge

¹ *In the Matter of PacifiCorp, Application for Approval of Final Draft 2017R Request for Proposals*, Docket No. UM 1845, Order No. 17-345 at 2 (Sep 14, 2017) (explaining that review of a draft RFP focuses on three factors: (1) the alignment of the utility's RFP with its acknowledged IRP; (2) whether the RFP satisfies the Commission's competitive bidding guidelines; and (3) the overall fairness of the utility's proposed bidding process).

² Order No. 18-063 at App A at 3 (Feb 27, 2018).