

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1934

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

2018 Request for Proposals for Renewable
Resources.

NOTICE

The purpose of this notice is to inform parties that information designated as protected and highly protected in this docket was lost in transit to the PUC's offices in Salem, Oregon.

On April 1, 2019, a Commission employee collected mail from the PUC's P.O. Box in Salem, Oregon. When mail was examined and sorted at the PUC's Salem offices, it was discovered that mail addressed to the PUC from Bates White LLC was found open and the contents of the mail missing or removed. Bates White served as the independent evaluator for the RFP that is the subject of this docket.

According to Bates White, the package contained a thumb drive upon which was loaded a record of bids associated with Portland General Electric Company's RFP and accompanying evaluation material. Much of this information is subject to Protective Order No. 18-063 and Modified Protective Order No. 18-366, and is designated protected and/or highly protected. The information included responses to PGE from bidders.

Upon learning of this potential breach of confidentiality, PUC employees immediately did the following:

- Contacted Bates White to check that they had sent the information, and notify them that it was missing.
- Contacted the Oregon State Incident Response Team, a shared service that provides expertise and support when responding to information security incidents.
- Tracked the package using an information label on the open mail.
- Reported the incident to the United States Postal Service (USPS), the carrier used for the package.
- Notified PGE of the breach.

Upon further investigation of the incident, we have learned that Salem postal facility employees noticed that the envelope in question was already opened and empty when

received at the Salem postal facility on Saturday, March 30, 2019. The Salem postal facility manager apologized for the failure of the facility to write a note on the opened and empty envelope. The manager committed to meet with facility staff to improve the notification procedure for opened or damaged packages. The facility manager also provided the phone number for USPS Portland Consumer Affairs Division to review the possibility of recovering the missing item.

A review of the tracking information from the envelope shows that the envelope had been redirected between the Washington, DC, and Southern Maryland USPS distribution facilities from March 15 to March 28 at least 7 times and was eventually delivered to Portland on March 29, arriving in Salem Saturday, March 30.

We contacted the USPS Portland Consumer Affairs Division and described the incident. The responding agent mentioned that it is USPS standard procedure to immediately destroy or shred CDs, flash drives, memory chips, etc., when these items include no identifier, if found in their distribution facilities. The agent promised to get back to us as soon as information was available about the search for the missing items. Staff also filed a complaint with the USPS Office of Inspector General Hotline Team to further investigate the incident.

Finally, we conferred with PGE and Bates White to review events and assign tasks. PGE committed to contact bidders potentially affected by the disclosure, and the PUC committed to file a notice in this docket to describe the incident and the response.

The Commission takes the protection of confidential information extremely seriously. Participants in our proceedings, or in regulated utility solicitations for resources have a right to be confident that sensitive information will be handled securely by our agency and by all entities participating in our processes. We will continue to investigate and review this incident as part of an effort to continuously improve the handling and management of confidential information. The Commission is actively reexamining our policies to ensure the security of protected information, and considering a requirement of the use of encryption technology.

Should parties or bidders have questions regarding this incident, and the PUC's ongoing response, they may contact me directly at (503) 378-3098.

Dated this 3rd day of April, 2019, at Salem, Oregon.



Nolan Moser
Chief Administrative Law Judge