



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

August 22, 2012

Email / US Mail

Commission Filing Center
Public Utility Commission of Oregon
550 Capitol St NE, Ste215
Salem, OR 97301-2567

Re: UM ____ Application for Deferral Accounting of Excess Pension Costs and Carrying Costs on Cash Contributions

Filing Center:

Enclosed for filing are the original and five copies of Portland General Electric's Application for Deferral Accounting of Excess Pension Costs and Carrying Cost on Cash Contributions. We have provided notification of this application to the UE 215 Service List.

Also enclosed is a Motion for Protective Order. Three copies of Exhibit 1 will be supplied when the Protective Order is issued. PGE waives paper service of documents in this proceeding.

If you have any questions or require further information, please call me at (503) 464-7580 or Christopher Liddle at (503) 464-7458. Please direct all formal correspondence, questions, or requests to the following e-mail address: pge.opuc.filings@pgn.com

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick G. Hager".

Patrick G. Hager
Manager, Regulatory Affairs

PGH:kr

Encls.

cc: UE 215 Service Lists

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 Excess Pension
Costs and Carrying Costs on Cash
Contributions

**Application for Deferral of Excess Pension
Costs and Carrying Costs on Cash
Contributions**

Pursuant to ORS 757.259 and OAR 860-027-0300, Portland General Electric Company (“PGE”) hereby requests authorization to defer for later rate-making treatment certain expenses associated with PGE’s pension, specifically excess FAS 87 expense and carrying costs on cash contributions. PGE may seek amortization of the deferred amount in a future Commission proceeding.

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 Oregon Public Utility Commission (“Commission”).
2. This application is filed pursuant to ORS 757.259, which allows the Commission, upon application, to authorize deferral of certain items for later incorporation in rates.
3. Communications regarding this Application should be addressed to:

Randy Dahlgren
Rates & Regulatory Affairs
Portland General Electric,
1 WTC0702
121 SW Salmon Street
Portland, Oregon 97204
Phone: 503.464.7857
E-mail: pge.opuc.filings@pgn.com

Douglas C. Tingey
Assistant General Counsel
Portland General Electric,
1 WTC1301
121 SW Salmon Street
Portland, Oregon 97204
Phone: 503.464.8926
E-mail: doug.tingey@pgn.com

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

Christopher A. Liddle, Senior Analyst, Regulatory Affairs
E-mail: christopher.liddle@pgn.com

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

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

A. Background

PGE seeks authorization to record and defer two types of pension costs in excess of the test year amount established in its most recent general rate case (UE 215, test year 2011): pension expense (or FAS 87 expense) and carrying costs on cash contributions. PGE records its pension expense based on Accounting Standards Codification (ASC) 715, "Compensation – Retirement Benefits," which prior to July 1, 2009, was known as Statement of Financial Accounting Standards No. 87 or "FAS 87." The accounting treatment requires that the cost of employee pension benefits reflect accruals that equal the present worth of pension commitments to employees. If the projected benefit obligation is in excess of the value of the plan assets, PGE is required to accrue a pension expense.

A-1. Expense

In UE 215, PGE's revenue requirement included \$5.1 million for FAS 87 pension expense. PGE's actual FAS 87 pension expense for 2011 and expected future expense is shown in PGE Confidential Exhibit 1. As can be seen in Confidential Exhibit 1, PGE's pension expense is significantly higher than PGE's current recovery and is expected to remain higher through 2018. PGE's pension expense has increased for two reasons: 1) since UE 215, discount rates have declined dramatically, and 2) the market has continued to underperform relative to PGE's expected rate of return. The continued rapid decline in interest rates has resulted in significant reductions to PGE's discount rate from the UE 215 level of 6.5% to 4.4% as of August 2012. Market performance in 2011

of 3.7% was significantly below PGE's expected rate of return of 8.5% and has been flat this far in 2012. While PGE's return has been below expectations, it has still been in the top quartile of returns experienced by similar plans over the past five years.

A-2. Cash Contributions

In 2006 Congress signed into law the Pension Protection Act, which introduced new funding requirements for single-employer defined benefit pension plans as well as established new rules for calculating plan assets and liabilities. Most notably the PPA created funding requirements culminating in a requirement of greater than, or equal to, 100% beginning in 2012. In the meantime, private companies were to meet interim funding requirements beginning with 90% in 2007 and increasing by 2% annually. As a result of this new requirement PGE has contributed approximately \$56 million to its pension plan and anticipates contributing an additional \$182 million during the next decade.

Cash contributions made in excess of PGE's FAS 87 pension expense ("prepaid asset"), such as those required by the PPA, can be calculated using information contained in PGE's annual 10K SEC filing, specifically Note 10: Employee Benefits as highlighted in the excerpt from PGE's 2011 10K filing included as Exhibit 2. The calculation of this prepaid asset is 'Fair value of plan assets' less 'Benefit obligation' plus 'Amounts included in AOCL' (demonstrated in Confidential Exhibit 1). This prepaid asset is expected to revert to zero over time as cash contributions eventually taper off and PGE continues to incur FAS 87 expense. PGE requests deferral of the carrying costs associated with this prepaid asset at PGE's allowed rate of return since this cash would otherwise be used for rate base investments funded via debt and equity.

PGE has taken steps to improve the plans' funded status, such as limiting cost of living increases, closing the plan to new bargaining employees in 1999, and closing the plan to new non-bargaining employees in February 2009. These steps have reduced the plan's future liability and exposure to market fluctuations.

B. Reasons for Deferral

PGE seeks this deferral pursuant to ORS 757.259(2)(e). As noted above, PGE seeks to defer the difference between actual costs and the amounts included in general rates for FAS 87 expense and carrying costs on excess cash contributions. The granting of this Application will minimize the frequency of rate changes and match appropriately the costs borne by and benefits received by customers. Approving the Application will not authorize a change in rates, but will permit the Commission to consider allowing such deferred amounts in rates in a subsequent proceeding.

Because excess FAS 87 pension expense increases and then decreases rapidly and to minimize rate changes, PGE proposes a balancing account be used in the deferred account. As shown in Confidential Exhibit 1, the amount that is currently in PGE's retail rates (\$5.1 million), and if adjusted in PGE's next general rate proceeding, is forecast to be sufficient to amortize the FAS 87 pension expense balancing account by the end of 2022. Similarly, PGE proposes to establish a separate balancing for the future recovery of the carrying costs of the prepaid asset. This recovery could be established in PGE's next general rate proceeding at a level sufficient to amortize the balancing account over a number of years. For each of the two balancing accounts, the level of recovery would be reevaluated during PGE's future general rate proceedings to ensure accurate and timely recovery of these costs.

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 926, Employee Pensions and Benefits, for the excess FAS 87 pension expense and a credit to 407.4, Regulatory Credits, for the prepaid asset carrying costs. In the absence of a deferred accounting order from the Commission, PGE would record pension costs to FERC account 926, Employee Pensions and Benefits.

D. Estimate of Amounts

PGE estimates the amounts subject to deferral, for inclusion in the balancing accounts, would total approximately \$12.9 million for 2012.

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 A.

II. Summary of Filing Conditions¹:

- A. Earnings Review:** PGE believes that an earnings review is not necessary for excess FAS 87 pension expense and carrying costs on cash contributions due to the use of a balancing account.
- B. Prudence Review:** A financial review will be submitted by PGE as part of its general rate case submission. OPUC Staff may audit the account at any time.
- C. Sharing Percents:** One hundred percent (100%) of the deferred costs should be subject to utility recovery, pending prudence review.
- D. Rate Spread / Rate Design:** PGE expects to propose an equal percent of revenues.

III. Conclusion


In summary, PGE is requesting deferral of excess FAS 87 pension expense and carrying costs on cash contributions. Amounts deferred will be net of amounts already included in rates. PGE is requesting separate balancing accounts for these costs with the intention of establishing and resetting rate recovery in future general rate proceedings.

For the reasons stated above, PGE requests permission to defer certain expenses associated

¹ Per Agreement with OPUC Staff on January 24, 2012

with excess pension expense and the carrying costs on cash contributions.

DATED this 22nd day of August, 2012.



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Attachment A

**Notice Of Application For Deferred Accounting Of
Excess Pension Costs and Carrying Costs on Cash Contributions**

**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 Excess Pension
Costs and Carrying Costs on Cash
Contributions

**Notice of Application for Deferred
Accounting of Excess Pension Costs and
Carrying Costs on Cash Contributions**

On August 22, 2012, Portland General Electric Company (“PGE”) filed an application with the Oregon Public Utility Commission (the “Commission”) for an Order authorizing deferral of excess pension costs and carrying costs on cash contributions.

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.

Persons who wish to obtain a copy of PGE’s application will be able to access it on the OPUC website.

Any person who wishes to submit written comments to the Commission on PGE’s application must do so no later than September 21, 2012.

Dated: August 22, 2012



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UM ____ Application for Deferral Accounting

Confidential

Exhibit 1

UM ____ Application for Deferral Accounting

Exhibit 2

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PORTLAND GENERAL ELECTRIC COMPANY AND SUBSIDIARIES
 NOTES TO CONSOLIDATED FINANCIAL STATEMENTS, continued

The following tables provide certain information with respect to the Company's defined benefit pension plan, other postretirement benefits, and non-qualified benefit plans as of and for the years ended December 31, 2011 and 2010. Obligations related to the Other NQBP are not included in the following tables (dollars in millions):

	Defined Benefit Pension Plan		Other Postretirement Benefits		Non-Qualified Benefit Plans	
	2011	2010	2011	2010	2011	2010
Benefit obligation:						
As of January 1	\$ 550	\$ 491	\$ 79	\$ 77	\$ 25	\$ 27
Service cost	12	11	2	2	—	—
Interest cost	29	28	4	4	1	1
Participants' contributions	—	—	2	2	—	—
Actuarial loss (gain)	69	42	(5)	1	3	—
Benefit payments	(26)	(22)	(7)	(7)	(2)	(3)
As of December 31	<u>\$ 634</u>	<u>\$ 550</u>	<u>\$ 75</u>	<u>\$ 79</u>	<u>\$ 27</u>	<u>\$ 25</u>
Fair value of plan assets:						
As of January 1	\$ 473	\$ 406	\$ 16	\$ 19	\$ 19	\$ 20
Actual return on plan assets	14	59	—	1	—	2
Company contributions	26	30	16	1	—	—
Participants' contributions	—	—	2	2	—	—
Benefit payments	(26)	(22)	(7)	(7)	(2)	(3)
As of December 31	<u>\$ 487</u>	<u>\$ 473</u>	<u>\$ 27</u>	<u>\$ 16</u>	<u>\$ 17</u>	<u>\$ 19</u>
Unfunded position as of December 31	<u>\$ (147)</u>	<u>\$ (77)</u>	<u>\$ (48)</u>	<u>\$ (63)</u>	<u>\$ (10)</u>	<u>\$ (6)</u>
Accumulated benefit plan obligation as of December 31	<u>\$ 566</u>	<u>\$ 503</u>	<u>N/A</u>	<u>N/A</u>	<u>\$ 27</u>	<u>\$ 25</u>
Classification in consolidated balance sheet:						
Noncurrent asset	\$ —	\$ —	\$ —	\$ —	\$ 17	\$ 19
Current liability	—	—	—	—	(2)	(2)
Noncurrent liability	(147)	(77)	(48)	(63)	(25)	(23)
Net liability	<u>\$ (147)</u>	<u>\$ (77)</u>	<u>\$ (48)</u>	<u>\$ (63)</u>	<u>\$ (10)</u>	<u>\$ (6)</u>

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PORTLAND GENERAL ELECTRIC COMPANY AND SUBSIDIARIES
 NOTES TO CONSOLIDATED FINANCIAL STATEMENTS, continued

	Defined Benefit Pension Plan		Other Postretirement Benefits		Non-Qualified Benefit Plans	
	2011	2010	2011	2010	2011	2010
Amounts included in comprehensive income:						
Net actuarial loss (gain)	\$ 97	\$ 22	\$ (4)	\$ 1	\$ 2	\$ —
Amortization of net actuarial loss	(8)	(3)	(1)	(1)	(1)	(1)
Amortization of prior service cost	(1)	(1)	(1)	(1)	—	—
	<u>\$ 88</u>	<u>\$ 18</u>	<u>\$ (6)</u>	<u>\$ (1)</u>	<u>\$ 1</u>	<u>\$ (1)</u>
Amounts included in AOCL*:						
Net actuarial loss	\$ 275	\$ 186	\$ 15	\$ 20	\$ 10	\$ 9
Prior service cost	1	2	4	5	—	—
	<u>\$ 276</u>	<u>\$ 188</u>	<u>\$ 19</u>	<u>\$ 25</u>	<u>\$ 10</u>	<u>\$ 9</u>
Assumptions used:						
Discount rate used to calculate benefit obligation	5.00%	5.47%	3.76% - 4.90%	4.02% - 5.40%	5.00%	5.47%
Weighted average rate of increase in future compensation levels	3.71%	3.80%	4.58%	4.83%	N/A	N/A
Long-term rate of return on plan assets	8.25%	8.50%	7.09%	6.44%	N/A	N/A

* Amounts included in AOCL related to the Company's defined benefit pension plan and other postretirement benefits are transferred to Regulatory assets due to the future recoverability from retail customers. Accordingly, as of the balance sheet date, such amounts are included in Regulatory assets.

Net periodic benefit cost consists of the following for the years ended December 31 (in millions):

	Defined Benefit Pension Plan			Other Postretirement Benefits			Non-Qualified Benefit Plans		
	2011	2010	2009	2011	2010	2009	2011	2010	2009
Service cost	\$ 12	\$ 11	\$ 11	\$ 2	\$ 2	\$ 2	\$ —	\$ —	\$ —
Interest cost on benefit obligation	29	28	31	4	4	4	1	1	2
Expected return on plan assets	(42)	(39)	(43)	(1)	(1)	(1)	—	—	—
Amortization of prior service cost	1	1	1	1	1	1	—	—	—
Amortization of net actuarial loss	8	3	—	1	1	1	1	1	—
Net periodic benefit cost	<u>\$ 8</u>	<u>\$ 4</u>	<u>\$ —</u>	<u>\$ 7</u>	<u>\$ 7</u>	<u>\$ 7</u>	<u>\$ 2</u>	<u>\$ 2</u>	<u>\$ 2</u>

PGE estimates that \$20 million will be amortized from AOCL into net periodic benefit cost in 2012, consisting of a net actuarial loss of \$17 million for pension benefits, \$1 million for non-qualified benefits and \$1 million for other postretirement benefits, and prior service cost of \$1 million for other postretirement benefits.

UM ____ Application for Deferral Accounting

Motion for Approval of Protective Order

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM _____

In the Matter of Application of

PORTLAND GENERAL ELECTRIC
COMPANY

for an Order Approving the Deferral of Excess
Pension Costs and Carrying Costs on Cash
Contributions

**MOTION FOR APPROVAL OF
PROTECTIVE ORDER**

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

1. Concurrent with this motion, PGE has filed its application for deferral of certain pension related costs. One exhibit to that application contains confidential business information. Specifically that exhibit contains projections about PGE’s future pension expense that has not been publicly disclosed and PGE believes that this information could be considered material by investors. Accordingly, public access to the information on a selective basis would force PGE to make a broader public disclosure through a Form 8-K filed with the Securities and Exchange Commission. Such a disclosure is not required at this time under SEC rules. Moreover, such disclosure would be premature, given that the information is presently a preliminary estimate and PGE has not yet determined whether it will ultimately make any changes to its accounting for pension-related expenses. Some of the information is also subject to a confidentiality obligation on the part of PGE pursuant to an agreement with PGE’s pension actuary. PGE believes that

disclosure of the information at this time could constitute a breach of this obligation. The subject information is confidential commercial information and/or trade secrets under ORCP 36(C)(7).

2. PGE 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).


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

4. 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 22nd day of August, 2012.

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 Application of

PORTLAND GENERAL ELECTRIC
COMPANY

for an Order Approving the Deferral of Excess
Pension Costs and Carrying Costs on Cash
Contributions

ORDER

DISPOSITION: MOTION FOR PROTECTIVE ORDER GRANTED

On August 22, 2012, Portland General Electric Company ("PGE") filed a Motion for a Protective Order with the Public Utility Commission of Oregon ("Commission"). PGE states that an exhibit to its application contains confidential business information that has not been publicly disclosed, and that it has an obligation to a third party to keep confidential. PGE anticipates that there may be requests for further confidential information in this docket. PGE states that good cause exists for the issuance of a protective order to protect confidential business information, plans and strategies. PGE adds that the public release of such information could prejudice PGE and its customers.

Pursuant to OAR 860-001-0080(2)(b), I find that good cause exists to issue a Protective Order, attached as Appendix A. Under the terms of the order, a party may designate as confidential any information that falls within the scope of ORCP 36(C)(7).

Confidential Information shall be disclosed only to a "qualified person" as defined in paragraph 3 of the Protective Order. Authors of the confidential material, the Commission or its Staff, and counsel of record for a party or persons directly employed by counsel are "qualified persons" who may review confidential information. Other persons desiring confidential information must become qualified pursuant to paragraph 10.

To receive confidential information, however, all parties—with the general exception of Staff—must sign the Consent to be Bound Form attached as Appendix B. This includes the

ORDER NO.

party seeking the issuance of the protective order, because any party may designate information as confidential under this order.

The confidentiality of confidential information shall be preserved for a period of five years from the date of the final order in this docket, unless extended by the Commission at the request of the party desiring confidentiality.

All persons who are given access to confidential information have the duty to monitor their own conduct to ensure their compliance with the Protective Order. Such persons shall not use or disclose the information for any purpose other than the preparation for and conduct of this proceeding, and shall take all reasonable precautions to keep the confidential information secure. If any questions exist as to the status of any person to receive confidential information, the parties may contact the Administrative Hearings Division at (503) 378-6678.

ORDER

IT IS ORDERED that the Protective Order, attached as Appendix A, shall govern the disclosure of confidential information in this case.

Made, entered, and effective on _____.

[Judge]
Administrative Law Judge

A party may appeal this order to the Commission pursuant to OAR 860-001-0420.

PROTECTIVE ORDER

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 shall inform other parties that the material has been designated confidential by placing the following legend on the information:

CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER

To the extent practicable, the party shall designate as confidential only those portions of the document that fall within 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 shall, when feasible, ensure that all copies of the information bear the above legend to the extent requested by the party desiring confidentiality.

Information Given to the Commission-

6. Confidential Information that is: (a) filed with the Commission or its staff; (b) made an exhibit; (c) incorporated into a transcript; or (d) incorporated into a pleading, brief, or other document, shall be printed on yellow paper, separately bound and placed in a sealed envelope or other appropriate container. An original and five copies each separately sealed shall be provided to the Commission. **Only the portions of a document that fall within ORCP 36(C)(7) shall be placed in the envelope/container.** The envelope/container shall bear the legend:

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

7. The Commission's Administrative Hearings Division shall store the Confidential Information in a locked cabinet dedicated to the storage of Confidential Information.

Disclosure of Confidential Information-

8. Parties desiring receipt of Confidential Information shall sign the Consent to be Bound Form attached as Appendix B. This requirement does not apply to the Commission staff. Confidential Information shall not be disclosed to any person other than a "qualified person," as defined in paragraph 3. When feasible, Confidential Information shall 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 Administrative Law Judge.

9. Qualified persons may disclose confidential information to any other qualified person, unless the party desiring confidentiality protests as provided in Section 11.

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

- a. Read a copy of this 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 shall deliver a copy of the signed statement including the information in (d) and (e) above to the party desiring confidentiality and to all parties of record. Such notification may be made via e-mail or facsimile. A person qualified under paragraph 3(e) shall not have access to Confidential Information sooner than five (5) business days after receipt of a copy of the signed statement including the information in (d) and (e) above by the party desiring confidentiality.

11. All qualified persons shall have access to Confidential Information, unless the party desiring confidentiality protests as provided in this paragraph. The party desiring to restrict the qualified person(s) from accessing specific Confidential Information must provide written notice to the qualified person(s) and counsel for the party associated with the qualified person(s) as soon as the 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 Administrative Law Judge. If the dispute cannot be resolved informally, either party may file a motion with the Administrative Law Judge for resolution. Either party may also file a motion if the other party does not respond within five days to a request to resolve the dispute. A motion must describe in detail the intermediate measures, including selected redaction, explored by the parties and explain why such measures do not resolve the dispute. After receipt of the written notice as required in this paragraph, the specific Confidential Information shall not be disclosed to the qualified person(s) until the issue is resolved.

Preservation of Confidentiality-

12. All persons who are given access to any Confidential Information by reason of this order shall not use or disclose the Confidential Information for any purpose other than the purposes of preparation for and conduct of this proceeding, and shall take all reasonable precautions to keep the Confidential Information secure. Disclosure of Confidential Information for purposes of business competition is strictly prohibited.

Qualified persons may copy, microfilm, microfiche, or otherwise reproduce Confidential Information to the extent necessary for the preparation and conduct of this proceeding. Qualified persons may disclose Confidential Information only to other qualified persons associated with the same party.

Duration of Protection-

13. The Commission shall preserve the confidentiality of Confidential Information for a period of five years from the date of the final order in this docket, unless extended by the Commission at the request of the party desiring confidentiality. The Commission shall notify the party desiring confidentiality 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 this proceeding 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 or documents containing such Confidential Information must destroy or return it to the party desiring confidentiality within 90 days after final resolution of this proceeding unless the party desiring confidentiality consents, in writing, to retention of the Confidential Information or documents containing such Confidential Information. This paragraph does not apply to the Commission or its Staff.

Appeal to the Presiding Officer-

15. If a party disagrees with the designation of information as confidential, the party shall contact the designating party and attempt to resolve the dispute on an informal basis. If the parties are unable to resolve the dispute, the party desiring to use the information may move for exclusion of the information from the protection conferred by this order. The motion shall:

- a. Specifically identify the contested information, and
- b. Assert that the information does not fall within ORCP 36(C)(7) and state the reasons therefore.

The party resisting disclosure has the burden of showing that the challenged information falls within ORCP 36(C)(7). If the party resisting disclosure does not respond to the motion within ten (10) calendar days, the challenged information shall be removed from the protection of this order.

The information shall not be disclosed pending a ruling by the Administrative Law Judge on the motion.

Additional Protection-

16. The party desiring additional protection may move for any of the remedies set forth in ORCP 36(C). The motion shall state:

ORDER NO.

- a. The parties and persons involved;
- b. The exact nature of the information involved;
- 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.

The information need not be released and, if released, shall not be disclosed pending the Commission's ruling on the motion.

SIGNATORY PAGE

UM _____

I. Consent to be Bound-

This Protective Order governs the use of "Confidential Information" in this proceeding.

_____ PGE agrees to be bound by its terms of this Protective Order.

By: _____
Signature & Printed Date

II. Persons Qualified pursuant to Paragraphs 3(a) through 3 (d)

_____ PGE identifies the following person(s) automatically qualified under paragraph 3(a) through (d).

_____	_____
Printed	Date
_____	_____
Printed	Date
_____	_____
Printed	Date
_____	_____
Printed	Date
_____	_____
Printed	Date
_____	_____
Printed	Date

III. Persons Qualified pursuant to Paragraph 3(e) and Paragraph 10.

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

By: _____
Signature & Printed Date

By: _____
Signature & Printed Date

By: _____
Signature & Printed Date

By: _____
Signature & Printed Date

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused UM ____ **Notice of Application for Deferred Account of Excess Pension Costs and Carrying Costs Contributions** to be served by electronic mail to those parties whose email addresses appear on the attached service list and by First Class U.S. Mail, postage prepaid and properly addressed, to those parties on the attached service list who have not waived paper service for OPUC Docket No. UE 215.

DATED at Portland, Oregon, this 22nd day of August 2012.



Patrick G. Hager
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