



# Citizens' Utility Board of Oregon

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610 SW Broadway, Suite 400

Portland, OR 97205

(503) 227-1984 ▪ (503) 274-2956 ▪ [cub@oregoncub.org](mailto:cub@oregoncub.org) ▪ [www.oregoncub.org](http://www.oregoncub.org)

November 2, 2012

Public Utility Commission

Attn: Filing Center

550 Capitol St. NE #215

P.O. Box 2148

Salem, OR 97308-2148

**Re: UE 233 - CUB Addendum to CUB's Response to Idaho Power's Motion for Official Notice**

Dear Filing Center:

Please find enclosed an original and one copy of CUB's Addendum to its Response to Idaho Power's Motion for Official Notice. At the time that CUB's Response was filed, CUB had not received a response from Counsel for PacifiCorp regarding the treatment of confidential information from UE 246 in the UE 233 proceeding, as indicated in CUB's Response on page 4. Shortly after filings its Response, CUB received an e-mail response from Sarah Wallace, Counsel for PacifiCorp. Accordingly, CUB wishes to supplement its Response with the e-mail response.

Sincerely,

Sommer Templet, OSB #105260

Staff Attorney

Citizens' Utility Board of Oregon

610 SW Broadway, Ste. 400

Portland, OR 97205

(503) 227-1984 phone

(503) 224-2596 fax

[sommer@oregoncub.org](mailto:sommer@oregoncub.org)

**From:** Wallace, Sarah [Sarah.Wallace@PacifiCorp.com]  
**Sent:** Friday, November 02, 2012 11:24 AM  
**To:** Catriona McCracken  
**Cc:** Bob Jenks; Sommer Templet; Dalley, Bryce; Griffith, Bill  
**Subject:** RE: UE 246/UE 233 IPCO's request to use materials from UE 246

Catriona –

To clarify, Idaho Power requested express written permission to ask for judicial notice of specific, limited confidential information related to Jim Bridger 3 in Docket UE 233 with the condition that the information would continue to be protected under the UE 246 protective order, as well as under the UE 233 protective order. Because CUB has signed the protective order in both dockets, CUB may also use the information described in Idaho Power's motion for official notice if the request for official notice is granted.

To answer your specific questions:

1. No. PacifiCorp absolutely is not waiving the Order No. 12-060 confidentiality protections. It is PacifiCorp's policy not to give blanket permission to use all confidential materials from one docket in another docket.
2. No. CUB may use the material described by Idaho Power in its motion in UE 233 assuming the motion for official notice is granted. If CUB believes that additional confidential information in docket UE 246 is required to respond to Idaho Power in UE 233, then CUB is welcome to request PacifiCorp's written permission to use specific information in UE 233, subject to continued protection as confidential under the protective orders in both dockets (just as Idaho Power did).
3. Please see responses above (and the introductory paragraph).
4. Please see response to question 2.

If you have any questions, please feel free to call me.

Thank you,  
Sarah

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**From:** Catriona McCracken [mailto:Catriona@oregoncub.org]  
**Sent:** Thursday, November 01, 2012 4:26 PM  
**To:** Wallace, Sarah  
**Cc:** Jenks, Bob (Oregon CUB); Sommer Templet  
**Subject:** UE 246/UE 233 IPCO's request to use materials from UE 246

Sarah:

As you know CUB objects to the selective use of UE 246 materials in the UE 233 docket. We discussed this before the hearing and after the hearing in the presence of Judge Pines.

Pursuant to the Protective Order in UE 246 CUB is prohibited from using UE 246 materials in any other docket without the express written permission of PacifiCorp – Order 12-060 Section 12.

1. Is CUB to understand, from IPCO's Motion for Official Notice, that PacifiCorp is now waiving the Order No. 12-060 confidentiality protections?

2. That, as a signatory to the UE 246 protective order, CUB now has PacifiCorp's permission to use any and all non confidential and confidential materials from the UE 246 docket in the UE 233 docket in order to respond to IPCO's arguments related to Bridger 3 in the UE 233 docket?
3. And that PacifiCorp is granting this permission subject to the UE 246 materials being kept confidential pursuant to the UE 233 protective order?
4. And that CUB would not fall foul of any of the provisions of the UE 246 protective order – Order 12-060 - if it submitted confidential testimony and exhibits from the UE 246 docket into the UE 233 docket?

Please advise immediately as to PacifiCorp's position on CUB's ability to use and disclose any and all confidential material from docket UE 246 in docket UE 233 in order to respond to IPCO's arguments in the UE 233 docket.

Thanks.

Regards,

Catriona



**G. Catriona McCracken**  
General Counsel/CUB Regulatory Program Director

Citizens' Utility Board of Oregon  
610 SW Broadway Suite 400  
Portland OR 97205

E: [Catriona@oregoncub.org](mailto:Catriona@oregoncub.org)  
P: 503-227-1984 x16  
F: 503-274-2956

On the web at:  
<http://www.oregoncub.org>  
<http://www.cubpolicycenter.org>  
<http://www.cubconnects.org>

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This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply email, keep the contents confidential, and immediately delete the message and any attachments from your system.

## UE 233 – CERTIFICATE OF SERVICE

I hereby certify that, on this 2<sup>nd</sup> day of November, 2012, I served the foregoing CUB's Addendum to its Response to Idaho Power Company's Motion for Official Notice in docket UE 233 upon each party listed in the UE 233 OPUC Service List by email and, where paper service is not waived, by U.S. mail, postage prepaid, and upon the Commission by email and by sending one original and five copies by U.S. mail, postage prepaid, to the Commission's Salem offices.

(W denotes waiver of paper service)  
(HC denotes highly confidential)

(C denotes service of Confidential material authorized)

W DON READING  
C 6070 HILL ROAD  
HC BOISE ID 83703  
[dreading@mindspring.com](mailto:dreading@mindspring.com)

W JOSHUA D JOHNSON  
C 101 S. CAPITOL BLVD., STE 300  
HC BOISE ID 83702  
[jdj@racinelaw.net](mailto:jdj@racinelaw.net)

W ERIC L OLSEN  
C 201 E CENTER ST  
HC POCATELLAO ID 83201  
[elo@racinelaw.net](mailto:elo@racinelaw.net)

W MCDOWELL RACKNER & GIBSON  
C LISA F RACKNER  
HC 419 SW 11TH AVE, STE 400  
PORTLAND OR 97205  
[dockets@mcd-law.com](mailto:dockets@mcd-law.com)

W IDAHO POWER COMPANY  
REGULATORY DOCKETS  
PO BOX 70  
BOISE ID 83707-0070  
[dockets@idahopower.com](mailto:dockets@idahopower.com)

W DEPARTMENT OF JUSTICE  
C STEPHANIE S ANDRUS  
HC 1162 COURT ST NE  
SALEM OR 97301-4096  
[stephanie.andrus@state.or.us](mailto:stephanie.andrus@state.or.us)

W IDAHO POWER COMPANY  
C LISA D. NORDSTROM  
HC PO BOX 70  
BOISE ID 83707-0070  
[lnordstrom@idahopower.com](mailto:lnordstrom@idahopower.com)

W PUBLIC UTILITY COMMISSION  
C JUDY JOHNSON  
HC PO BOX 2148  
SALEM OR 97308-2148  
[judy.johnson@state.or.us](mailto:judy.johnson@state.or.us)

W RICHARDSON & O'LEARY  
C PETER J RICHARDSON  
HC PO BOX 7218  
BOISE ID 83707  
[peter@richardsonandoleary.com](mailto:peter@richardsonandoleary.com)

W PUBLIC UTILITY COMMISSION  
C ERIK COLVILLE  
HC PO BOX 2148  
SALEM OR 97308-2148  
[erik.colville@state.or.us](mailto:erik.colville@state.or.us)

W UTILITY NET.INC  
C ANTHONY J YANKEL  
HC 29814 LAKE RD  
BAY VILLIAGE OH 44140

W RICHARDSON & O'LEARY  
C GREGORY M. ADAMS  
HC PO BOX 7218  
BOISE ID 83702

UE 233- Certificate of Service CUB's Addendum to its Response to Idaho Power Company's Motion for Official Notice

[tony@yankel.net](mailto:tony@yankel.net)  
W **PACIFIC POWER**  
R. BRYCE DALLEY  
825 NE MULTNOMAH ST., STE 2000  
PORTLAND OR 97232  
[bryce.dalley@pacificorp.com](mailto:bryce.dalley@pacificorp.com)

W **PACIFIC POWER**  
SARAH WALLACE  
825 NE MULTNOMAH ST STE 1800  
PORTLAND OR 97232  
[sarah.wallace@pacificorp.com](mailto:sarah.wallace@pacificorp.com)

W **DAVISON VAN CLEVE**  
IRION A SANGER  
333 SW TAYLOR - STE 400  
PORTLAND OR 97204  
[mail@dvclaw.com](mailto:mail@dvclaw.com)

W **REGULATORY &  
COGENERATION SERVICES**  
DONALD W SCHOENBECK  
900 WASHINGTON ST STE 780  
VANCOUVER WA 98660-3455  
[dws@r-c-s-inc.com](mailto:dws@r-c-s-inc.com)

W **NW ENERGY COALITION**  
WENDY GERLITZ  
1205 SE FLAVEL  
PORTLAND OR 97202  
[wendy@nwenergy.org](mailto:wendy@nwenergy.org)

[greg@richardsonandoleary.com](mailto:greg@richardsonandoleary.com)  
W **PORTLAND GENERAL ELECTRIC**  
RANDY DAHLGREN  
121 SW SALMON ST - 1WTC0702  
PORTLAND OR 97204  
[pge.opuc.filings@pgn.com](mailto:pge.opuc.filings@pgn.com)

W **PORTLAND GENERAL ELECTRIC**  
DOUGLAS C TINGEY  
121 SW SALMON 1WTC13  
PORTLAND OR 97204  
[doug.tingey@pgn.com](mailto:doug.tingey@pgn.com)

W **PACIFIC POWER**  
OREGON DOCKETS  
825 NE MULTNOMAH ST, STE 2000  
PORTLAND OR 97232  
[oregondockets@pacificorp.com](mailto:oregondockets@pacificorp.com)

W **DAVISON VAN CLEVE**  
MELINDA J DAVISON  
333 SW TAYLOR - STE 400  
PORTLAND OR 97204  
[mail@dvclaw.com](mailto:mail@dvclaw.com)

W **RENEWABLE NORTHWEST  
PROJECT**  
MEGAN WALSETH DECKER  
421 SW 6TH AVE #1125  
PORTLAND OR 97204-1629  
[megan@rnp.org](mailto:megan@rnp.org)

Respectfully submitted,



Sommer Templet, OSB #105260  
Staff Attorney  
Citizens' Utility Board of Oregon  
610 SW Broadway, Ste. 400  
Portland, OR 97205  
(503) 227-1984 phone  
(503) 224-2596 fax

[sommer@oregoncub.org](mailto:sommer@oregoncub.org)