



Portland General Electric Company
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Loretta I. Mabinton
Associate General Counsel

February 26, 2018

Via Electronic Filing

Oregon Public Utility Commission
Attention: Filing Center
PO Box 1088
Salem OR 97308-1088

Attn: Filing Center:

Re: Docket UM _____

Pursuant to Oregon Public Utility Commission (Commission) Order No. 06-446 and Order No. 14-149 as modified, Portland General Electric Company (PGE) requests that the Commission open a docket and issue a General Protective Order for PGE's Request for Proposals (RFP) for Renewable Resources. The RFP will be issued to fulfill the renewable resource actions identified by PGE in its 2016 Integrated Resource Plan (IRP) Revised Renewable Action Plan, acknowledged by Commission Order No. 18-044.

PGE posted a draft on February 23, 2018 and has provided copies of the RFP to Commission Staff and stakeholders. PGE has also included a Motion for Approval of Protective Order and proposed Order for filing with the OPUC.

We request that the Commission schedule a prehearing conference to set the schedule for this docket within the next two weeks, if possible.

PGE is providing copies of this filing to all parties and interested persons in the utility's most recent general rate case, RFP (the most recent docket with a service list) and IRP dockets.

Please contact me at (503) 464-7822 or Jimmy Lindsay at 503-464-8311 if you have any questions concerning this filing. Please direct any formal correspondence or requests to the following email addresses: loretta.mabinton@pgn.com and pge.opuc.filings@pgn.com.

Sincerely,

A handwritten signature in black ink that reads "Loretta Mabinton". The signature is written in a cursive, flowing style.

Loretta Mabinton
Associate General Counsel

LM:bop

Enclosures

cc: Service Lists (LC 66, UE 335; UM 1613)

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM _____

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

2018 Request for Proposals for Renewable
Resources.

**MOTION FOR A GENERAL
PROTECTIVE ORDER**

***EXPEDITED CONSIDERATION
REQUESTED***

Pursuant to ORCP 36(C)(7) and OAR 860-001-0080, Portland General Electric Company (“PGE”) requests that the Public Utility Commission of Oregon (Commission) issue a General Protective Order in this proceeding. Concurrent with this Motion, PGE requests that the Commission open a docket for PGE’s 2018 Request for Proposals for Renewable Resources (RFP). PGE believes good cause exists for the issuance of such an order to protect confidential bidder information and confidential business information. In support of this Motion, PGE states:

1. PGE intends to file its RFP on March 9, 2018, and anticipates that stakeholder and other parties participating in this docket may request confidential information related to PGE’s benchmark resource, bid scoring and evaluation results and proprietary information concerning PGE’s policies, procedures and models related to the RFP.

2. While PGE desires to provide stakeholders and other parties with the broadest possible access to information in the RFP, some of the materials responsive to some requests may contain confidential and proprietary information. Such information is of significant commercial value, and its public disclosure could be detrimental to PGE, its customers, and RFP bidders. Release of that information could provide competitive advantages to competing bidders as well as sellers in the wholesale power markets to the detriment of PGE and RFP bidders. In

addition, the public release of confidential and proprietary bidder information would have adverse consequences for the integrity of the RFP and future PGE RFPs and would expose PGE to competitive injury if it is forced to make unrestricted disclosure of confidential business information and/or trade secrets that is otherwise protected under ORCP 36(C)(7).

3. PGE's request is consistent with the Commission's Competitive Bidding Guidelines which state that certain bidding information be made available to the utility, Commission staff and non-bidding parties under protective orders that limit the use of the information to RFP approval and acknowledgment and to cost recovery proceedings.¹

4. If and when parties participating in this proceeding seek detailed information on third party bidders' responses to the RFP, PGE will seek a modified protective order from the Commission to protect such bidder confidential information.

For the reasons stated above, PGE respectfully requests that a protective order be issued in this proceeding. The requested order, consistent with ones the Commission customarily issues, is attached. PGE requests expedited consideration of this motion to allow disclosure of confidential materials as soon as possible after the filing of its application on March 9, 2018.

DATED this 26th day of February, 2018.

Respectfully submitted,



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¹ Order No. 06-446, Appendix A, Guideline 12 at 4 (Aug 10, 2006).

ORDER NO.

ENTERED

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM ____

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

2018 Request for Proposals for Renewable
Resources.

**GENERAL
PROTECTIVE
ORDER**

DISPOSITION: MOTION FOR PROTECTIVE ORDER GRANTED

On February 26, 2018, Portland General Electric Company (“PGE”) filed a motion for a general protective order with the Public Utility Commission of Oregon (“Commission”).

Specifically, PGE explains that it has asked the Commission to open a docket for PGE’s 2018 Request for Proposals for Renewable Resources (RFP) and that it intends to file its RFP on March 9, 2018. PGE anticipates that parties in this docket may request detailed information related to PGE’s benchmark resource, as well as bid scoring and proprietary information about PGE’s policies, procedures, and models related to the RFP.

In addition, PGE states that the public release of proprietary, or confidential bidder or benchmark information would have adverse consequences for the integrity of the RFP and future PGE RFPs, and would be detrimental to PGE and its customers and would expose PGE to competitive injury if it is forced to make unrestricted disclosure of confidential business information and/or trade secrets and falls within the scope of ORCP 36(C)(7).

I find that good cause exists to issue a general protective order, which is attached as Appendix A. A party may appeal this order to the Commission under OAR 860-001-0110.

ORDER

IT IS ORDERED that the General Protective Order, attached as Appendix A, is adopted.

Made, entered, and effective on _____.

[Judge]
Administrative Law Judge

GENERAL PROTECTIVE ORDER

UM ____

Scope of this Order:

1. This order governs the acquisition and use of Protected Information produced or used by any party to these proceedings.

Designation of Protected Information:

2. Any party may designate as Protected Information any information the party reasonably determines:

- (a) Falls within the scope of ORCP 36(C)(7) (a trade secret or other confidential research, development, or commercial information); and
- (b) Is not publically available.

3. To designate information as Protected Information, a party must place the following legend on the material:

PROTECTED INFORMATION
SUBJECT TO GENERAL PROTECTIVE ORDER

The party should make reasonable efforts to designate as Protected Information only the portions of the information covered by ORCP 36(C)(7).

4. Each page of a document containing Protected Information filed with the Commission or provided to Qualified Persons under this order 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 must bear the legend:

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

5. A party may designate as Protected Information any information previously provided by giving written notice to the Commission and other parties. Parties in possession of newly designated Protected Information must make reasonable efforts to ensure that all copies of the material containing the information bear the above legend if requested by the designating party.

6. A designating party must make reasonable efforts to ensure that information designated as Protected Information continues to warrant protection under this order. If designated information becomes publically available or no longer falls within the scope

of ORCP 36(C)(7), the designating party should make reasonable efforts to remove the protected designation and provide written notice to the Commission and other parties.

Challenge to Designation of Information as Protected:

7. A party may informally challenge any designation of Protected Information 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). Any party may request that the ALJ hold a conference to help resolve disputes about proper designation.

8. If the dispute cannot be resolved informally, the challenging party may file a written objection with the ALJ. The objection need only identify the information in dispute and certify that reasonable efforts to achieve informal resolution have failed.

9. Within five business days of service of the objection, the designating party must either remove the protected designation or file a written response. A written response must identify the factual and legal basis of how the challenged information is protected under the Oregon Public Records Act, ORS 192.410 et seq, or the Uniform Trade Secrets Act, ORS 646.461(4). Broad allegations unsubstantiated by specific facts are not sufficient. If the designating party does not timely respond to the objection, the Commission will remove the protected designation from the challenged information.

10. The challenging party may file a written reply to any response within five business days of service of an objection. The designating party may file a sur-reply within three business days of service of a response. The ALJ will make all reasonable efforts to resolve the matter within 10 business days of service of the last filing.

Access to Protected Information:

11. Only Qualified Persons may access Protected Information designated by another party under this Protective Order. Persons automatically bound by this protective order and qualified to access Protected Information are:

- a. Commission employees; and
- b. Assistant Attorneys General assigned to represent the Commission.

12. Persons qualified upon a party signing the Consent to be Bound section of Appendix B are:

- a. Counsel for the party;
- b. Any person employed directly by counsel of record; and
- c. An employee of the Regulatory Division at the Citizens' Utility Board of Oregon.

A party must identify all these persons in section 2 of Appendix B when consenting to be bound by the order, and must update this list throughout the proceeding to ensure it accurately identifies Qualified Persons

13. A party bound by the protective order may seek to qualify other persons to access Protected Information by having those persons complete and sign Appendix C, and submitting that information to the Commission and all parties. Within five business days of receiving a copy of Appendix C, the designating party must either provide the requested access to Protected Information or file an objection under Paragraph 14.

Objection to Access to Protected Information:

14. All Qualified Persons have access to Protected Information unless the designating party objects as provided in this paragraph. As soon as the designating party becomes aware of reasons to restrict access to a Qualified Person, the designating party must provide the Qualified Person and his or her counsel notice stating the basis for the objection. The parties must promptly confer and attempt to resolve the dispute on an informal basis.

15. If the parties are unable to resolve the matter informally, the designating party must file a written objection with the ALJ. The requesting party may file a response to the motion within 5 business days of service of an objection. The ALJ will make all reasonable efforts to resolve the matter within 10 business days of the last filing. Pending the ALJ's decision, the specific Protected Information may not be disclosed to the person subject to the objection.

Use of Protected Information:

16. All Qualified Persons must take reasonable precautions to keep Protected Information secure. A Qualified Person may reproduce Protected Information to the extent necessary to participate in these proceedings. A Qualified Person may discuss Protected Information obtained under this order only with other Qualified Persons who have obtained the same information.

17. Without the written permission of the designating party, any Qualified Person given access to Protected Information under this order may not disclose Protected Information for any purpose other than participating in these proceedings.

18. Nothing in this protective order precludes any party from independently seeking through discovery in any other administrative or judicial proceeding information or materials produced in this proceeding under this protective order.

19. Counsel of record may retain memoranda, pleadings, testimony, discovery, or other documents containing Protected 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 only be disclosed to

Qualified Persons under this order. Any other person retaining Protected 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 Protected Information. This paragraph does not apply to the Commission or its Staff.

Duration of Protection:

20. The Commission will preserve the designation of information as protected 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 Protected Information.

QUALIFICATION OF OTHER PERSONS
UM ____

III. Persons Seeking Qualification under Paragraph 13:

I have read the general protective order, agree to be bound by the terms of the order, and provide the following information.

Signature:		Date:
Printed Name:		
Physical Address:		
Email Address:		
Employer:		
Associated Party:		
Job Title:		
If not employee of party, description of practice and clients:		

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **PORTLAND GENERAL ELECTRIC COMPANY'S REQUEST TO OPEN DOCKET (RFP RENEWABLE RESOURCES), MOTION FOR GENERAL PROTECTIVE ORDER AND PROPOSED ORDER** on the following named persons on the date indicated below by email to said persons whose email addresses appear on the attached OPUC service list for Docket Nos. LC 66, UE 335 and UM 1613.

Dated this 26th day of February, 2018.



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