



Portland General Electric Company
Legal Department
121 SW Salmon Street • Portland, Oregon 97204
(503) 464-7611 • Facsimile (503) 464-2200

Richard George
Assistant General Counsel

January 2, 2014

Via Electronic Filing and U.S. Mail

Oregon Public Utility Commission
Attention: Filing Center
3930 Fairview Industrial Dr SE
PO Box 1088
Salem OR 97308-1088

Re: UM XXXX
Attention Filing Center:


Enclosed for filing in the above-referenced docket are an original and one copy of Portland General Electric Company's

MOTION FOR APPROVAL OF PROTECTIVE ORDER [WITH PROPOSED PROTECTIVE ORDER]

These documents are being electronically filed with the Filing Center and simultaneously served upon the UM XXXX Service List by electronic mail.

Thank you in advance for your assistance.

Sincerely,


J. RICHARD GEORGE
Assistant General Counsel

JRG:jrb
Enclosures
cc: UM XXXX Service Lists

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM XXXX

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON

Portland General Electric 2013 Renewable
Portfolio Standards Plan

**MOTION FOR APPROVAL OF
PROTECTIVE ORDER
[EXPEDITED CONSIDERATION
REQUESTED]**

Pursuant to ORCP 36(C)(7) and OAR 860-001-0080(1), 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 market information and confidential business information, plans and strategies. In support of this Motion, PGE states:

1. The Commission's rules authorize Portland General Electric Company to seek reasonable restrictions on discovery of trade secrets and other confidential business information. *See* OAR 860-001-0000 (adopting Oregon Rules of Civil Procedure ("ORCP")); ORCP 36 (C)(7) (providing protection against unrestricted discovery of trade secrets or other confidential research, development or commercial information"). *See also In re Investigation into the cost of Providing Telecommunication Service* (UM 351) Order No. 91-500 (1991) recognizing that protective orders are a reasonable means to protect "the rights of a part to trade secrets and other confidential commercial information" and to "facilitate the communication of information between litigants").

2. On December 31, 2013, PGE filed its 2013 Renewable Portfolio Standard Implementation Plan with the Commission.

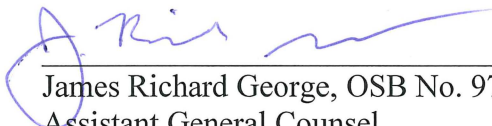
3. PGE anticipates receiving data requests for the work papers supporting the Plan. Some of the work papers contain confidential business information, including confidential plant operation data, load and resource projections, and proprietary cost data and models. While PGE desires to provide the work papers, their public disclosure 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 2nd day of January, 2014.

Respectfully submitted,



James Richard George, OSB No. 974691
Assistant General Counsel
Portland General Electric Company
121 SW Salmon Street, 1WTC1301
Portland, Oregon 97204
(503) 464-7611 phone
(503) 464-2200 fax
Richard.george@pgn.com

ORDER NO.

ENTERED

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UM XXXX

In the Matter of

PUBLIC UTILITY COMMISSION OF OREGON

Portland General Electric 2013 Renewable
Portfolio Standards Plan

**GENERAL
PROTECTIVE
ORDER**

DISPOSITION: MOTION FOR PROTECTIVE ORDER GRANTED

On January 2, 2014, Portland General Electric Company ("PGE") filed a Motion for a general protective order with the Public Utility Commission of Oregon ("Commission"). PGE states that good cause exists for the issuance of such an order to protect confidential business information, plans, and strategies. Specifically, PGE states that work papers and supporting documents to be provided in response to data requests contain confidential information, the public release of which could prejudice PGE and its customers. PGE further adds that the protective order will facilitate the production of relevant information and expedite the discovery process in this docket.

I find that good cause exists to issue a general protective order, which is attached as Appendix A. The order permits the broadest possible discovery consistent with the need to protect confidential information. It shields no specific documents and makes no judgment about whether any particular document contains a trade secret or commercially sensitive information. Rather, the order adopts a process for resolving discovery disputes that include sensitive information.

The order permits any party to designate information as confidential if the party reasonably believes that the information falls within the scope of ORCP 36(C)(7). The confidential designation must be made in good faith and be limited to only those portions of the document that qualify as a protected trade secret or other confidential research, development, or commercial information. Any other party may challenge the designation of information as confidential. The designating party bears the burden of showing that the challenged information is covered by ORCP 36(C)(7).

Confidential information may be disclosed only to a "qualified person" as defined in paragraph 3 of the general protective order. The authors of the confidential material, the

ORDER NO.

Commission, Administrative Law Judges, Commission Staff, and counsel of record for a party or persons directly employed by counsel are "qualified persons" and may review confidential information without individually signing the general protective order. Other persons wanting access to confidential information must become qualified under paragraph 10.

To receive confidential information, all parties except Commission Staff must sign the "consent to be bound" in section I of Appendix B. This includes the party that moved for issuance of the general protective order because any party may designate information as confidential under the order. By signing the "consent to be bound," a party agrees to be bound by the terms of the general protective order and certifies that it has an interest in the proceedings that is not adequately represented by other parties to the proceedings.

Any person given access to confidential information must ensure compliance with the general protective order and must take reasonable precautions to keep confidential information secure. Without the written permission of the designating party, no person may use or disclose the information for any purpose other than participating in these proceedings. Questions regarding whether a particular person is a "qualified person" under the general protective order may be directed to 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 860-001-0720.

PROTECTIVE ORDER

DOCKET NO. 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

DOCKET NO. 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

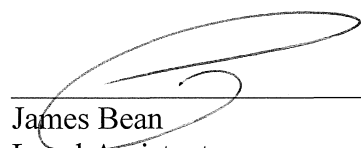
By: _____
Signature & Printed Date

By: _____
Signature & Printed Date

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused **PORTLAND GENERAL ELECTRIC COMPANY'S MOTION FOR GENERAL PROTECTIVE ORDER** to be served by electronic mail to those parties whose email addresses appear on the attached service list for OPUC Docket No. UM XXXX.

DATED this 2nd day of January 2014.



James Bean
Legal Assistant
Portland General Electric Company
121 SW Salmon St., 1WTC1301
Portland, OR 97204
(503) 464-7177 (telephone)
(503) 464-2200 (fax)
james.bean@pgn.com

**SERVICE LIST 01/02/14
OPUC DOCKET # UM 1568**

Renee M France DEPARTMENT OF JUSTICE renee.m.france@doj.state.or.us	Vijay Satyal OREGON DEPARTMENT OF ENERGY vijay.satyal@state.or.us
Rebecca O'Neil OREGON DEPARTMENT OF ENERGY rebecca.oneil@state.or.us	OPUC Dockets CITIZENS' UTILITY BOARD dockets@oregoncub.org
Robert Jenks CITIZENS' UTILITY BOARD bob@oregoncub.org	G. Catriona McCracken CITIZENS' UTILITY BOARD catriona@oregoncub.org
Irion Sanger DAVISON VAN CLEVE, P.C. ias@dvclaw.com	S. Bradley Van Cleve DAVISON VAN CLEVE, P.C. bvc@dvclaw.com
Erik Colville PUBLIC UTILITY COMMISSION OF OREGON erik.colville@state.or.us	Michael Deen REGULATORY & COGENERATION SERVICES, INC. mdeen@r-c-s-inc.com
John W Stephens ESLER STEPHENS & BUCKLEY mec@eslerstephens.com	PGE Rates & Regulatory Affairs pge.opuc.filingss@pgn.com
J Richard George PORTLAND GENERAL ELECTRIC COMPANY richard.george@pgn.com	Jason Jones PUC STAFF – DEPARTMENT OF JUSTICE jason.w.jones@state.or.us
Megan Walseth Decker RENEWABLE NORTHWEST PROJECT megan@rnp.com	