

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1535

In the Matter of

PORTLAND GENERAL ELECTRIC  
COMPANY,

ORDER

Request for Proposals for Capacity Resources.

DISPOSITION: LIMITED WAIVER GRANTED

In this order we find cause to grant Grays Harbor Energy LLC (Grays Harbor) a limited exception to our competitive bidding guidelines, and direct Portland General Electric Company (PGE) to provide certain information to Grays Harbor related to its bid and evaluation.

**I. INTRODUCTION**

On September 10, 2013, Grays Harbor filed an objection to PGE's confidential designation of information provided in its answer to Grays Harbor's request for an investigation. First, Grays Harbor asks that PGE make public the confidential information contained on pages 9, 10, and 13-15 of its answer pertaining to the Carty and Port Westward II sites. Second, Grays Harbor asks that PGE provide, solely to Grays Harbor, information designated as confidential contained on pages 16 and 18 of its answer that pertains to Grays Harbor's bid.

On September 16, 2013, PGE filed a response. PGE agrees that the confidential information that relates to the Carty and Port Westward II sites may be made public, and has refiled its answer disclosing the requested information, as well as related information on page 8 and in appropriate exhibits.

PGE does not believe the confidential information related to Grays Harbor's bid should be provided to Grays Harbor. PGE is concerned that the selective disclosure of confidential comments to one bidder and not others might constitute preferential treatment to Grays Harbor. PGE also questions whether such disclosure is permitted under the Commission's competitive bidding guidelines. PGE adds, however, that its primary objective in responding to Grays Harbor's request is to ensure that it complies with the Commission's rules and guidelines. For that reason, PGE states that it will follow any ruling issued by the Commission on this matter.

## II. DISCUSSION

PGE's confidential designation of information addressing the evaluation of Grays Harbor's bid was proper under Guideline 12 of our competitive bidding guidelines:

Bidding information, including the utility's cost support for any Benchmark Resource, as well as detailed bid scoring and evaluation results will be made available to the utility, Commission staff, and non-bidding parties under protective orders that limit use of the information to RFP approval and acknowledgment and to cost recovery proceedings.<sup>1</sup>

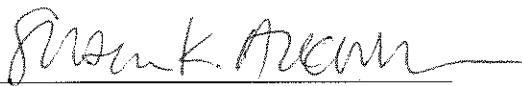
The Commission is willing, however, to grant a limited waiver of this guideline and allow Grays Harbor to see the redacted information. The redacted information does not contain detailed bid scoring or evaluation results that could be used by Grays Harbor to its commercial advantage. Rather, it is limited to three sentences and addresses basic facts about Grays Harbor's bid and its evaluation. We have reviewed the information and conclude that its release to Grays Harbor will not distort or harm the integrity of this or future bidding processes.

We emphasize that this decision is limited to the unique facts presented, and the Commission will not look favorably upon future requests to release bid scoring and evaluation results.

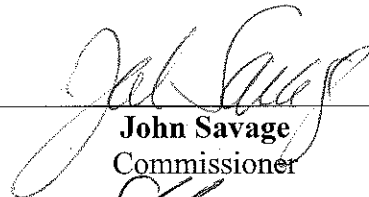
## III. ORDER

IT IS ORDERED that Portland General Electric will provide, no later than noon September 18, 2013, an unredacted copy of pages 16 and 18 of its August 23, 2013, answer to Grays Harbor Energy LLC.

Made, entered, and effective SEP 17 2013.



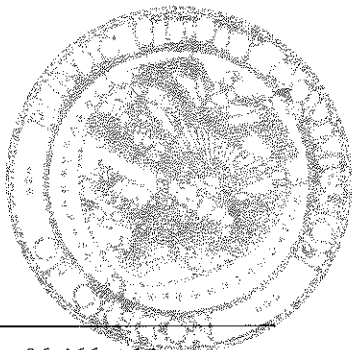
**Susan K. Ackerman**  
Chair



**John Savage**  
Commissioner



**Stephen M. Bloom**  
Commissioner



<sup>1</sup> Order No. 06-466 at 14.