



825 NE Multnomah, Suite 2000  
Portland, Oregon 97232

October 23, 2007

***VIA ELECTRONIC FILING  
AND OVERNIGHT DELIVERY***

Oregon Public Utility Commission  
550 Capitol Street NE, Suite 215  
Salem, OR 97301-2551

Attention: Vikie Bailey-Goggins  
Administrator, Regulatory Operations

Re: Docket No. UM 1208, In the Matter of PacifiCorp's Draft 2012 Request for Proposals  
**PacifiCorp's Motion for Additional Protection**

Enclosed for electronic filing is an original and one copy of PacifiCorp's Motion for Additional Protection in the above-captioned docket. A copy of this filing was served on all parties as indicated on the attached certificate of service.

Sincerely,

A handwritten signature in cursive script that reads "Andrea L. Kelly" followed by a stylized monogram or initials.

Andrea L. Kelly  
Vice President, Regulation  
PacifiCorp

Enclosure  
cc: Service List for Docket No. UM 1208

1 **BEFORE THE PUBLIC UTILITY COMMISSION**  
2 **OF OREGON**

3 **UM 1208**  
4

In the Matter of PACIFICORP's Draft  
2012 Request for Proposals

**PACIFICORP'S MOTION FOR  
ADDITIONAL PROTECTION**

5  
6 Pursuant to paragraph 16 of Protective Order No. 06-444 entered on August 7, 2006  
7 in the above-referenced docket, PacifiCorp (or the Company) hereby moves for an order  
8 granting additional protective measures. Specifically, PacifiCorp requests the Administrative  
9 Law Judge (ALJ) to issue another Protective Order that would allow the qualified signatories  
10 to review commercially sensitive, non-public information, including bid scoring and  
11 evaluation results, submitted by PacifiCorp as part of a justification memorandum supporting  
12 amendment of its 2012 request for proposal (2012 RFP).

13 Background

14 In Order 07-018, the Oregon Public Utility Commission denied PacifiCorp's request  
15 for approval of its 2012 RFP. On April 4, 2007, the Public Service Commission of Utah  
16 (Utah PSC) approved PacifiCorp's 2012 RFP, which was subsequently issued to the market  
17 April 5, 2007, with bid responses submitted June 29, 2007. Since that time, the Company, in  
18 connection with oversight and input from the Oregon and Utah independent evaluators (IEs),  
19 the Utah Division of Public Utilities (Division), and the staff of the Public Utility  
20 Commission of Oregon (Staff), has been evaluating the bids and has been working with the  
21 IEs, the Division and the Staff to ensure that all bids comply with the terms and requirements  
22 established in the RFP.

1           During this same time period, the occurrence of certain events has compelled the  
2 Company to file a motion with the Utah PSC requesting an amendment to the RFP to ensure  
3 that the process remains fair and reasonable, and ultimately meets the public interest criteria  
4 set forth in the Utah Energy Resource Procurement Act, including, that the process will result  
5 in the acquisition, production, and delivery of low risk and reliable electricity at the lowest  
6 reasonable cost to retail customers.

7           On October 2, 2007, PacifiCorp filed a motion with the Utah PSC requesting  
8 approval to amend the 2012 RFP and subsequently provided its highly confidential  
9 justification memorandum to those parties that had signed a Revised Protective Order. In  
10 order to provide the Oregon parties with the same highly confidential information, the  
11 Company is filing this request in Oregon to modify the existing protective order.

12           Request for Additional Protection

13           Pursuant to paragraph 16 of the Protective Order, the Company submits that in order  
14 to maintain the competitive integrity of the 2012 RFP and the bid evaluation process, the  
15 proffered reasons and justification for the request should be kept confidential, and be  
16 disclosed in Oregon only to the Commissioners, the Staff, the IEs and non-bidding parties  
17 who execute a modified protective order. The Company contends that disclosing any of the  
18 information surrounding the bid evaluation process and the status of the bids could prove  
19 detrimental to the integrity of the 2012 RFP process and jeopardize the bidders and the  
20 Company's competitive positions. Moreover, the Commission has already acknowledged in  
21 Order No. 06-446 that any bidding information, including detailed bid scoring and evaluation  
22 results should be limited to the Commission, the Commission Staff and non-bidding parties

1 under protective orders that limit use of the information to RFP approval and  
2 acknowledgement and to cost recovery proceedings. See Order No. 06-446, Guidelines 12  
3 and 11.

4 Consistent with Order No. 06-446 and in accordance with paragraph 16 of the  
5 Protective Order, the Company specifically requests that the order issued by the ALJ include  
6 the following language or language substantially similar to the following:

- 7 • This order governs the acquisition and use of “Non-Public Information”  
8 submitted by PacifiCorp as part of its justification memorandum supporting  
9 amendment of its 2012 request for proposal.
- 10 • “Non-Public Information” is information that falls within the scope of ORCP  
11 36(c)(7) (“a trade secret or other confidential research, development, or  
12 commercial information”) and includes bidding information, as well as  
13 detailed scoring and evaluation results, as discussed in Guidelines 11 and 12  
14 of Order No. 06-446.
- 15 • A “qualified person” is an individual who is:
  - 16 ○ An author(s), addressee(s), or originator(s) of the Non-Public  
17 Information;
  - 18 ○ A Commissioner or Commission Staff;
  - 19 ○ A person qualified pursuant to paragraph \_\_\_\_ who is a non-bidding  
20 party. This includes parties and their employees.
- 21 • The Company may designate information as Non-Public Information by  
22 placing the following legend on the information:

1 NON-PUBLIC INFORMATION

2 SUBJECT TO SPECIAL PROTECTIVE ORDER

- 3 • Non-Public Information that is filed with the Commission or its staff shall be  
4 printed on green paper, separately bound and placed in a sealed envelope or  
5 other appropriate container with the following legend on the  
6 envelope/container:

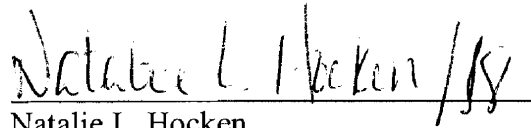
7 THIS ENVELOPE IS SEALED PURSUANT TO ORDER NO. \_\_\_\_\_ AND  
8 CONTAINS NON-PUBLIC INFORMATION. THE INFORMATION MAY BE  
9 SHOWN ONLY TO QUALIFIED PERSONS AS DEFINED IN THE SPECIAL  
10 PROTECTIVE ORDER.

- 11 • Any use of the Non-Public Information is limited to RFP approval and  
12 acknowledgement and to cost recovery proceedings.
- 13 • These additional protective measures are intended to supplement, not  
14 supersede, Protective Order No. 06-444.

1            Conclusion

2            Based upon the foregoing, Pacific Power respectfully requests that the  
3 ALJ grant its motion for additional protective measures and issue an order  
4 containing the additional protective measures set forth herein.

DATED: October 23, 2007.


A handwritten signature in black ink that reads "Natalie L. Hocken" followed by a stylized flourish or initials.

Natalie L. Hocken  
Vice President & General Counsel,  
Pacific Power  
PacifiCorp

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing document in Docket No. UM 1208 on the following named person(s) below by e-mail and U.S. mail addressed to said person(s) at his or her last-known address(es) indicated below:

DATED: October 23, 2007.



Debbie DePetris  
Supervisor, Regulatory Administration

SERVICE LIST  
UM 1208

Susan K. Ackerman  
Attorney  
9883 NW Nottage Dr.  
Portland, OR 97229  
[Susan.k.ackerman@comcast.net](mailto:Susan.k.ackerman@comcast.net)

Alan Kessler  
Accion Group Inc.  
5241 Strathmore Ave.  
Kensington, MD 20895  
[akessler@acciongroup.com](mailto:akessler@acciongroup.com)

Harold T. Judd  
Accion Group Inc.  
244 North Main St.  
Concord, NH 03301  
[hjudd@acciongroup.com](mailto:hjudd@acciongroup.com)

Andrew Ludwig  
Craig Roach  
Boston Pacific Company, Inc.  
1100 New York Avenue NW  
Suite 490 East  
Washington DC 20005  
[aludwig@bostonpacific.com](mailto:aludwig@bostonpacific.com)  
[croach@bostonpacific.com](mailto:croach@bostonpacific.com)

Jason Eisdorfer  
Energy Program Director  
Citizens' Utility Board of Oregon  
610 SW Broadway Ste. 308  
Portland, OR 97205  
[Jason@oregoncub.org](mailto:Jason@oregoncub.org)

OPUC Dockets  
Citizens' Utility Board of Oregon  
610 SW Broadway Ste. 308  
Portland, OR 97205  
[dockets@oregoncub.org](mailto:dockets@oregoncub.org)

Melinda J. Davison  
Davison Van Cleve PC  
333 SW Taylor Ste. 400  
Portland, OR 97204  
[Mail@dvclaw.com](mailto:Mail@dvclaw.com)

Janet L. Prewitt  
Assistant Attorney General  
1162 Court St. NE  
Salem, OR 97301-4096  
[Janet.prewitt@doj.state.or.us](mailto:Janet.prewitt@doj.state.or.us)

Michael T. Weirich  
Assistant Attorney General  
1162 Court St. NE  
Salem, OR 97301-4096  
[michael.weirich@doj.state.or.us](mailto:michael.weirich@doj.state.or.us)

Steven Weiss  
Sr. Policy Associate  
Northwest Energy Coalition  
4422 Oregon Trail Ct. NE  
Salem, Or 97305  
[Steve@nwenergy.org](mailto:Steve@nwenergy.org)

Philip H. Carver  
Senior Policy Analyst  
Oregon Department of Energy  
625 Marion St. NE Ste. 1  
Salem, OR 97301-3742  
[Philip.h.carver@state.or.us](mailto:Philip.h.carver@state.or.us)

Jeremiah Bauman  
Oregon State Public Interest Research Grp  
1536 SE 11<sup>th</sup> Ave.  
Portland, OR 97214  
[jeremiah@ospirg.org](mailto:jeremiah@ospirg.org)

Randall J. Falkenberg  
RFI Consulting, Inc.  
PMB 362  
Sandy Springs, GA 30350  
[Consultrfi@aol.com](mailto:Consultrfi@aol.com)

James Edelson  
Ecumenical Ministries of Oregon  
415 NE Miramar Pl.  
Portland, OR 97232  
[Edelson8@comcast.net](mailto:Edelson8@comcast.net)

Robert D. Kahn  
Executive Director  
NW Independent Power Producers  
7900 SE 28<sup>th</sup> St. Ste 200  
Mercer Island, WA 98040  
[rkahn@nippc.org](mailto:rkahn@nippc.org)

Lisa C. Schwartz  
Oregon Public Utility Commission  
PO Box 2148  
Salem, OR 97308-2148  
[Lisa.c.schwartz@state.or.us](mailto:Lisa.c.schwartz@state.or.us)

Ann English Gravatt  
Renewable Northwest Project  
917 SW Oak Ste. 303  
Portland, OR 97205  
[ann@rnp.org](mailto:ann@rnp.org)