PACIFIC POWER
A DIVISION OF PACIFICORP

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March 8, 2022

VIA ELECTRONIC FILING

Public Utility Commission of Oregon
Attn: Filing Center
201 High Street SE, Suite 100
Salem, OR 97301-3398

RE: LC 77— PacifiCorp's Reply to NewSun's Response to the Request for Certification of ALJ Ruling

PacifiCorp d/b/a Pacific Power encloses for filing its Reply to NewSun's Response to the Request for Certification of ALJ Ruling in the above-referenced docket.

Informal inquiries may be directed to Cathie Allen, Regulatory Affairs Manager, at (503) 813-5934.

Sincerely,

Shelley McCoy
Director, Regulation

Enclosures

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

LC 77

In the Matter of PACIFICORP, dba PACIFIC POWER, 2021 Integrated Resource Plan.	**PACIFICORP'S REPLY TO NEWSUN'S RESPONSE TO THE REQUEST FOR CERTIFICATION OF ALJ RULING**

Pursuant to the Administrative Law Judge (ALJ) Ruling dated February 24, 2022, PacifiCorp d/b/a Pacific Power (PacifiCorp or the Company) respectfully replies to NewSun Energy LLC's (NewSun) Response (NewSun Response) to the Company's request to certify for the Public Utility Commission of Oregon's (Commission) consideration the January 21, 2022, ruling denying PacifiCorp's Objection to NewSun Designation of Qualified Persons under General Protective Order No. 21-271 (Ruling).

I. INTRODUCTION

Setting aside the inflammatory language and unsupported innuendo regarding PacifiCorp's motives and processes, NewSun still has not articulated a legitimate noncompetitive need to access the competitively sensitive information to participate in this proceeding. In fact, NewSun betrays its intent by outright stating that "the public and ratepayers would likely benefit from indicators which better focus the competitiveness of bids in future solicitations if it helped more bidders (which generally otherwise bid in the dark) submit more aggressively priced bids to become competitive in future solicitations, thereby creating a more aggressively competitive procurement."[1] Thus, NewSun believes that an appropriate use of the competitively sensitive information gathered in the Company's

[1] NewSun Response at 11.

2021 Integrated Resource Plan (IRP) proceeding is to refine its bids in future solicitations for energy resources. Not only has NewSun established the harm with which the Company is concerned, it also validates the concerns raised by the developers that filed comments regarding the Ruling, regarding the harm that would be caused if competitively sensitive information were provided to a competitor and the chilling effect the Ruling would have on developer participation in Oregon solicitations for energy resources.[2]

Further, PacifiCorp discovered on March 1, 2022, that NewSun may have had access to the 2021 IRP confidential data disc and all confidential data request responses on the Commission's Huddle system since it filed its signatory pages on December 6, 2021. While there is no evidence that any of the zip files related to the IRP confidential data disc were downloaded; there is evidence that confidential data request responses were accessed and downloaded.[3] The Company contacted the Commission on March 1, 2022, to end such access given the Company's pending objection. At no time did NewSun contact the Company to discuss which confidential data request responses contained competitively sensitive information or even alert the Company that it had access to confidential files on Huddle. Its actions undermining the regulatory process began on December 6, 2021, when it filed signatory pages to the General Protective Order in docket LC 77 to obtain information in docket UM 2011. Now NewSun and Sierra Club seek to profit from NewSun's actions by asking for a stay in this proceeding. PacifiCorp will respond separately to the motion for

[2] On February 7, 2022, comments were filed by Invenergy LLC (Invenergy) and Clearway Energy Group (Clearway). PacifiCorp also attached letters from NextEra Energy Resources LLC (NEER) and Longroad Development Company, LLC (Longroad) to its request for certification as Attachment C.

[3] Attachment A shows that Leslie Schauer, NewSun's Executive Assistant, downloaded a confidential attachment to Staff data request 026 on February 9, 2022. PacifiCorp is currently undertaking a review of confidential data requests responses to see if they contain competitively sensitive information that is the subject of the Company's objection to NewSun's access and whether those documents were downloaded.

stay.

Nothing in NewSun's Response, which at times offers inconsistent arguments, changes the fact that there is good cause to certify the Ruling to the Commission. The Ruling may result in substantial detriment to the public interest if not reversed because it requires PacifiCorp to disclose competitively sensitive information from previous energy resource procurements to NewSun that are also notably undergoing contract negotiations.[4] As noted above, NewSun does not refute this and provides justification for PacifiCorp's objection. PacifiCorp urges the Commission to reverse the Ruling. If the Commission reverses the Ruling, despite NewSun's actions regarding confidential discovery, the Company is still willing to work with NewSun to identify a subset of redacted or aggregated files from the confidential IRP data disc that supports the Company's preferred portfolio. Further, the Commission should deny NewSun access to confidential data on Huddle.

The developer comments filed in the proceeding that object to providing access of competitively sensitive information to NewSun should not go unnoticed by the Commission. The comments filed support the Company's recommendation for a rulemaking instead of making a broad policy determination in PacifiCorp's IRP proceeding. Clearly, developers that submit bids into a utility's RFP for energy resources have a position on what data is competitively sensitive. In a rulemaking, Staff, utilities, developers, and other stakeholders can provide input and evaluate issues such as when information from previous procurement cycles becomes stale and no longer has commercial value.

For all the reasons set forth below and in the Company's request for certification, the

[4] The information that NewSun seeks to access is contained in PacifiCorp's 2021 IRP confidential data disc and includes project-specific information related to final shortlist bids acknowledged in the Company's recently concluded 2020AS RFP and previous Company procurements.

Ruling will cause substantial detriment to the public interest and good cause exists for certification.

II. ARGUMENT

A. Release of Project-Specific Information to NewSun Would Cause Irreparable Harm.

When evaluating disputes under a protective order, the Commission considers whether the party seeking the information has a legitimate and non-competitive need to access the information for the purposes of participating in the proceeding in which the information was filed.[5] As part of its consideration, the Commission will also consider the potential harm resulting from such access.[6] In applying this standard, the Commission has acknowledged that ongoing negotiations with counterparties require the utmost confidentiality and considered the harm of sharing the information with parties who could be competitors under *any* type of protective order.[7] The Commission has also considered whether the information in dispute is necessary for the party to advance its arguments.[8]

In its filings, the Company set forth the categories of information at issue and how it can be used to inform a developer's bid.[9] In its 24-page response, NewSun does not respond to the harms the Company has identified or articulate why it needs the information to advance certain arguments regarding the 2021 IRP. Instead, it focuses on the transparency of the process and makes unsupported allegations regarding PacifiCorp protecting its own

[5] Ruling at 4.
[6] Ruling at 4.
[7] *In re PacifiCorp, dba Pac. Power, 2017 Transition Adjustment Mechanism*, Docket No. UE 307, Ruling Sustaining PacifiCorp's Objection to Noble Solutions Request to Designate Kevin C. Higgins as a Qualified Consultant Under Order No. 16-231 at 1 (Aug. 25, 2016).
[8] *Id.*
[9] PacifiCorp Objection at 3-5 and PacifiCorp's Request for Certification at 8-9.

interests, which PacifiCorp addresses further below.[10] NewSun only offers that it "does not necessarily agree, however, that all aspects of bids are acutely sensitive" and that certain operational aspects are "important to public and expert stakeholder knowledge to ensure sunlight and transparency in the IRP process."[11] NewSun's position is directly at odds with the comments filed by other developers.[12] Further, the NewSun Response is at odds with itself, stating on one hand that it is not interested in seeing developer information of ongoing negotiations while at the same time questioning the harm that would result if it could actually refine its bids using the same information.[13]

PacifiCorp has and will continue to act in a manner that protects its customers. As explained in its request for certification, the Company is seeking to protect information that can be used to inform not only a receiving developer's future bids, providing it an edge in tailoring its submitted bids in future procurements, but also provide details about these existing projects, such as location, and renewable resource information that can then be used to unfairly constrain that existing project.[14] The resulting irreparable harm to allowing developers access to competitively sensitive information is to PacifiCorp's competitive

[10] NewSun Response at 11-12, 15-17.
[11] *Id.* at 15-16.
[12] For example, Clearway Comments at 1 states "In the competitive market of renewable energy development, *information on individual project bids – including the structure of products and pricing that a developer proposes for a specific project – is closely held by developers* and not shared with competitors." (emphasis added); Invenergy Comments at 4 states: "*A competitor with access to the project-specific cost, production, and operational data of other projects would have a competitive advantage over Invenergy, or any other competitor*, in advancing its particular projects because it uniquely will have information about other bidders' projects" (emphasis added); Longroad Comments Attachment C to PacifiCorp's request for Certification states: "… among other sensitive data we provided to PacifiCorp, our RFP response materials included *project-specific site, data, generation estimates, contractual terms, and pricing*." (emphasis added); and NEER Comments Attachment C to PacifiCorp's request for Certification states: "the disclosure of the NEER Confidential Information *would provide competitors with an understanding of NEER's proprietary operation and maintenance plans for renewable energy plants,* which were assembled by NEER on a confidential basis, at considerable expense and for NEER's sole use." (emphasis added).
[13] NewSun Response at 11 and 15.
[14] PacifiCorp Request for Certification at 9.

bidding processes, and ultimately harming PacifiCorp and its customers.

The Company's concerns have been supported by developers who filed comments on February 7, 2022, objecting to providing NewSun access to competitively sensitive information. For example, these developers expressed the following concerns:

- "… among other sensitive data we provided to PacifiCorp, our RFP response materials included *project-specific site, data, generation estimates, contractual terms, and pricing*. These confidential data are proprietary and are critical elements of our competitive differentiation."[15]
- "In this regard, if the NEER Confidential Information is publicly disclosed and provided [to] NEER's competitors, would allow NEER's competitors to understand the proprietary building blocks NEER uses to bid renewable projects. Similarly, the disclosure of the NEER Confidential Information *would provide competitors with an understanding of NEER's proprietary operation and maintenance plans for renewable energy plants*, which were assembled by NEER on a confidential basis, at considerable expense and for NEER's sole use."[16]
- "In the competitive market of renewable energy development, information on individual project bids – *including the structure of products and pricing that a developer proposes for a specific project* – is closely held by developers and not shared with competitors."[17]
- *"A competitor with access to the project-specific cost, production, and operational data of other projects would have a competitive advantage over Invenergy*, or any other competitor, in advancing its particular projects because it uniquely will have information about other bidders' projects. *This is the textbook definition of information of commercial value, which, if disclosed, would cause competitive harm*."[18]

While these developers were involved in the 2020AS RFP, these concerns transcend the active negotiations surrounding the 2020AS RFP and apply to all project-specific information contained on the confidential data disc. As PacifiCorp has stated in its request for certification, perhaps this information becomes stale at one point, but an important voice to be heard from are the developers who bid into utilities' procurements for energy resources.

[15] Letter from Longroad, PacifiCorp Request for Certification, Attachment C. (emphasis added)
[16] Letter from NEER, PacifiCorp Request for Certification, Attachment C. (emphasis added)
[17] Clear Comments filed Feb. 7, 2022. (emphasis added)
[18] Invenergy Comments at 4 filed Feb. 7, 2022. (emphasis added)

PacifiCorp's concerns on the chilling effect on the competitiveness of future RFPs is clearly articulated by Invenergy, which states:

> To the extent that participation in an Oregon RFP compromises a bidder's ability to protect its project-specific, commercially sensitive information from disclosure to competitors – affecting a bidder's ability to compete not only in Oregon but in other markets – *Oregon will be a less attractive state in which to participate in RFPs*.[19]

NewSun further claims that production under the General Protective Order in this proceeding is appropriate since the nondisclosure agreements (NDAs) entered into between bidder and PacifiCorp emphasize only price and allow for the production of information under protective orders.[20] NewSun's argument is contrary to basic contract construction. "When considering a written contractual provision, the court's first inquiry is what the words of the contract say, not what the parties say about it."[21] To make this determination, "the court looks at the four corners of a written contract and considers the contract as a whole with emphasis on the provision or provisions in question."[22] In the absence of ambiguity, the court construes the words of a contract as a matter of law.[23] Under the NDA, confidential information is defined as:

> … information made available by one party (the "Disclosing Party") to the other (the "Recipient") on or after the Effective Date, that is in a writing marked conspicuously as "CONFIDENTIAL," and is any of the following in relation to the Bid or PacifiCorp's evaluation of the Bid: (a) non-public financial information of the Disclosing Party or its proposed guarantor, if any, (b) *the specifics of the price and business terms and conditions of the Bid;* or (c) documentation exchanged between the parties pertaining to

[19] Invenergy Comments at 7. (emphasis added)
[20] NewSun Response at 2, 22.
[21] *Eagle Industries Inc. v. Tucker and Tucker,* 321 Or. 398, 404 (1995).
[22] *Id.,* citing *New Zealand Ins. V. Griffith Rubber,* 270 OR. 71, 75 (1974).
[23] *Id., citing OSEA v. Rainier School Dist.13,* 311 Or. 188, 194 (1991); *May v. Chicago Ins. Co.,* 260 Or. 285, 292 (1971).

> PacifiCorp's evaluation of the Bid or negotiation with Counterparty on a definitive agreement in relation to the Bid. …[24]

No one term is emphasized. Under NewSun's reading, all business terms would need to be listed to be given equal weight as price. This is a nonsensical argument. Based on the four corners of the document, nothing supports such a reading. The NDA states that a disclosing party must in writing conspicuously mark as "confidential" certain information that includes price and other business terms. This makes sense as listing each business term would make the NDA unwieldy and may result in a term being erroneously excluded. Further, as noted above, NewSun's reading is clearly unsupported by the developer comments filed in this proceeding. Furthermore, Section 2.D of the 2020AS RFP provides that "PacifiCorp will attempt to maintain the confidentiality of all bids submitted, to the extent consistent with law or regulatory order, as long as such confidential treatment does not adversely impact a regulatory proceeding." PacifiCorp has a commitment to protect developer project information that the developer has identified as confidential. If developers believe that PacifiCorp will produce their competitively sensitive information to competitors, participation in the Company's procurement processes will dwindle. Furthermore, the protective orders entered in this proceeding do not protect against the harm because the harm is the release of the competitively sensitive information to competitors.

In sum, in weighing whether NewSun has a legitimate and non-competitive need to access the competitively sensitive information at issue for the purposes of participating in the IRP docket, the harm to PacifiCorp, its customers, and the integrity of the procurement process outweighs NewSun's need. As Invenergy succinctly states:

[24] Docket No. UM 2059, Appendix G filed June 26, 2020, and approved with conditions in Order No. 20-228. (emphasis added)

> Once given access to this confidential information, it cannot be 'unseen.' The promotion of a fair and competitive opportunities under an RFP cannot rely on the fiction that employees and executives, once aware of the confidential bidding information of their competitors, will forget it in contexts outside of this particular proceeding.[25]

NewSun's Response should give its competitors no comfort about the intended use of the information gained in this proceeding.

B. NewSun's Right to Participate in the IRP Process Does Not Entitle It to Receive Competitively Sensitive Information.

The protection of competitively sensitive information has always been foundational to the IRP process.[26] The Commission's goal of encouraging "public participation" in IRP proceedings has never been interpreted to require the release of competitively sensitive information to individual developers with a financial interest in competitive project development.

NewSun attempts to deflect the fact that one of the foundational procedural elements of the IRP process is the "protection of competitive secrets" by arguing that PacifiCorp could have sought a modified protective order for the competitively sensitive information. However, again NewSun offers inconsistent arguments. Even though it accuses PacifiCorp of failing to obtain a modified protective order and mishandling information, NewSun claims that a modified protective order is not satisfactory because apparently PacifiCorp would over-designate information.[27]

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[25] Invenergy Comments at 8.

[26] *In re Pub. Util. Comm'n of Or. Investigation into Integrated Resource Planning*, Docket No. UM 1056, Order No. 07-002 at 1-2 (Jan. 8, 2007) (*citing In re Investigation into Least-Cost Planning in Oregon,* Docket No. UM 180, Order No. 89-507 (Apr. 20, 1989)) (emphasis added). The Commission's IRP guidelines were updated over time to specify in more detail the process for protecting confidential information, including "through use of a protective order, through aggregation or shielding of data, or through any other mechanism approved by the Commission." *See id*. at 8.

[27] NewSun Response at 13-15, 18

This appears to be the first time a developer has pursued access to an electric utility's confidential IRP data. In a review of recent IRP dockets for PacifiCorp, Portland General Electric, and Idaho Power Company, developers have generally not signed the general protective orders and when a developer has sought such access it ultimately withdrew its signatory pages.[28] The convention in IRP proceedings has been to provide most information under a general protective order to facilitate participation in the IRP where the identity of the stakeholders raises no issue of competitive harm. It has been PacifiCorp's experience that developers who intervene in IRP proceedings generally do not seek access to confidential data.

Given the very large and complex nature of the data supporting an IRP, the Company has traditionally provided competitively sensitive information under confidential cover; otherwise workpapers supporting the IRP would not have been provided weeks after filing the IRP but months. In the 2021 IRP workpapers, project-specific data is embedded throughout the over 1,000 files that are included on the confidential data disc. Presenting the information under confidential cover, the transparency of the process has been supported as stakeholders can see the data in an unaggregated manner. However, if developers intend on intervening in PacifiCorp's IRP proceedings and seek access to competitively sensitive information, this will necessitate PacifiCorp to redevelop its reporting templates including how data is reported from the model and presented in IRP proceedings. As noted in earlier response filings, this would necessitate a significant undertaking in time and resources.

[28] *In the Matter of Portland General Electric Company, 2016 Integrated Resource Plan,* Docket No. LC 66; Invenergy LLC and National Grid USA filed and ultimately withdrew signatory pages. *See also In the Matter of Portland General Electric Company, 2019 Integrated Resource Plan,* Docket No. LC 73, where PGE and a stakeholder agreed to restrictions on access to a consultant that represented industrial customers, electric service suppliers, and independent power producers, some of whom are PGE's competitors in the wholesale electric market, *see* Ruling at 1 (June 28, 2019),

PacifiCorp will also need direction from the Commission through a rulemaking on what constitutes competitively sensitive information, which necessitates the participation of all developers whose information is at issue.[29]

Furthermore, once a stakeholder intervenes in a proceeding, it is incumbent on that stakeholder to actively participate if that is its intention. Here, NewSun intervened on September 27, 2021. It did not file opening comments on December 3, 2021, as provided for under the Prehearing Conference Memorandum.[30] In fact, it did not file the signatory pages to the General Protective Order until December 6, 2021. The Company has responded to over 460 data requests, including subparts, in this proceeding, none of which was propounded by NewSun. Furthermore, the intent of discovery in a proceeding is for the purpose of analyzing a filing or an application and to advance arguments in that proceeding. As explained in the General Protective Order, "[w]ithout 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*."[31] However, NewSun has been clear in its intent to use the information in docket UM 2011 and apparently to inform its bids in future energy resource procurements.[32]

Whether speaking of a general protective order or a modified protective order, ultimately neither prevents the harm to competitive procurement process or the developers whose competitively sensitive information is released because the release of the information

[29] NEER, Invenergy, Clearway, and Longroad have already provided comment on providing access to competitively sensitive information to a competitor.
[30] Docket No. LC 77, Prehearing Conference Memorandum (Oct. 4, 2021).
[31] Docket No. LC 77, Order 21-271, Appendix A at 3.
[32] NewSun Response at 11; stating "… the public and ratepayers would likely benefit from indicators which better focus the competitiveness of bids in future solicitations if it helped more bidders (which generally otherwise bid in the dark) submit more aggressively priced bids to become competitive in future solicitations, thereby creating a more aggressively competitive procurement."

to a competitor is the harm. It appears that even if PacifiCorp had designated the information as highly confidential, it would be responding to an objection from NewSun that it has over-designated data as highly confidential.

C. Benchmark Bids Have No Impact on the Commission's Analysis on Whether NewSun is Entitled to Competitively Sensitive Information.

In further attempt to confuse the issue, NewSun alleges a number of unfounded claims about the Company's submission of benchmark bids in an RFP. This is a red herring because it assumes that the Company is a greenfield developer that is in direct competition with other developers. NewSun's argument also ignores the intense scrutiny benchmark bids are given under the Commission's competitive bidding rules.

When an electric utility submits a benchmark bid in an RFP, OAR 860-089-0350(1) provides that the electric company

> … must file with the Commission and submit to the [independent evaluator or IE], for review and comment, a detailed score for any benchmark resource with supporting cost information, and transmission agreements, and all other information necessary to score the benchmark resource. The electric company must apply the same assumptions and bid scoring and evaluation criteria to the benchmark bid that are used to score other bids.

Further, in response to comments filed by Staff in the Company's 2022AS RFP, docket UM 2193, PacifiCorp has offered a detailed process for the evaluation of benchmark bids.[33] In addition, the Company is required to request approval of the 2022AS RFP in three separate jurisdictions with oversight by three different IEs in addition to the oversight of the staff in three commissions.

Furthermore, the Company's benchmark bids are cost-based; as such there is no incentive to inflate project costs. Customers always receive any net benefits from the

[33] *In re PacifiCorp, dba Pac. Power, Application for Approval of 2022 All-Source Request for Proposals,* Docket No. UM 2193, PacifiCorp Reply Comments at 8-9 (Mar. 4, 2022).

Company's owned assets. Developer's bids are not cost-based, and developers are incented to increase their offer prices so long as they are still getting selected to the final shortlist, resulting in lower net benefits to customers. The Company does not have discretion on resources it procures for customers unlike NewSun, who sets the price.

Finally, if the Company was a greenfield developer and took advantage of the information as NewSun claims, it would be submitting benchmark bids in all RFPs. It does not; for example, in one of its largest procurements, the 2020AS RFP, PacifiCorp submitted no benchmark bids.

D. Redaction of the 2021 IRP Data Disc is Overly Burdensome.

NewSun requests that the Commission direct the Company to produce all the applicable materials to NewSun redacting solely all current 2020AS RFP bidder price information.[34] NewSun characterizes the efforts needed for such a redaction as "dozens of hours," which it claims should not be an issue for a large multi-jurisdictional utility.[35]

To be clear, to undertake such an effort to aggregate the data as requested would take hundreds of hours. As explained in its request for certification, for preparation of just 347 of the over 1,000 files, PacifiCorp estimates it would require over 140 hours and that is not even considering the review and preparation of the over 600 files remaining. Further this work would need to be performed by the same IRP team that is currently in the middle of multiple state commission reviews of the 2021 IRP, where it is responding to discovery and preparing comments. The IRP team is also in the process of completing an update to the 2021 IRP and in the beginning of the stakeholder process for the 2023 IRP. Finally, the same IRP team is providing support to the 2022AS RFP. Therefore, despite NewSun's claims, there is not

[34] NewSun Response at 2.
[35] *Id.* at 6

endless resources for the Company to undertake such an effort especially because it requires an intricate process to prepare the files in a manner that aggregates data as described in the Company's request for certification, which can only be performed by those with knowledge of the documents. Given that the Commission's protective order process requires utilities to make "reasonable efforts" to designate only the portions of information that are confidential, NewSun's request is unreasonable.[36]

NewSun also claims that it "repeatedly offered not only explore specific solutions but proposed specific solutions."[37] To provide context to NewSun's claim, the Company is aware of only three points of contact where a resolution was discussed. First, the Company and NewSun discussed a possible resolution to the issue in December 2021 just prior to the Company's filing of its Objection on December 23, 2021. Second, on February 4, 2022, just prior to the Company's filing of its request for certification on February 7, 2021, the Company offered to provide a list of files to NewSun and work with it to identify files that it wanted the Company to produce, which NewSun rejected.[38] Finally, on February 22, 2022, when it sought an extension of the time allowed to respond to PacifiCorp's request for certification, NewSun told PacifiCorp that it would include a proposal in its response but did not provide details because the Company and NewSun were too far apart.

In addition to reversing the Ruling, PacifiCorp continues to recommend that it would be timely for the Commission to open a rulemaking to evaluate how best to facilitate public participation in an IRP without significantly burdening the already data-intensive process with a requirement to provide two distinct data sets. To prepare a "developers only"

[36] PacifiCorp's Reply at 10.
[37] NewSun Response at 13.
[38] Given its restrained resources, PacifiCorp will not spend time on efforts to resolve the issue at hand when the proposal is outright rejected by NewSun.

confidential data disc would require preparing essentially two sets of files and would be unduly burdensome. Further, given the developer comments filed in this proceeding, it is clear that developers should have a say when their information is turned over to a competitor.

III. CONCLUSION

PacifiCorp respectfully requests that the ALJ certify the ruling denying PacifiCorp's Objection to NewSun's request for confidential information. Good cause exists to grant certification as the Ruling will cause irreparable harm to PacifiCorp's future RFPs, its customers, and other utilities, and developers. The Commission should reverse the Ruling and prevent NewSun from gaining access to its competitors' extremely competitively sensitive information. In reversing the Ruling, the Commission should direct the Company to work with NewSun to identify a subset of redacted or aggregated files from the confidential IRP data disc that supports the Company's preferred portfolio. Further, the Commission should deny NewSun access to confidential data on Huddle.

Respectfully submitted this 8th day of March, 2022.

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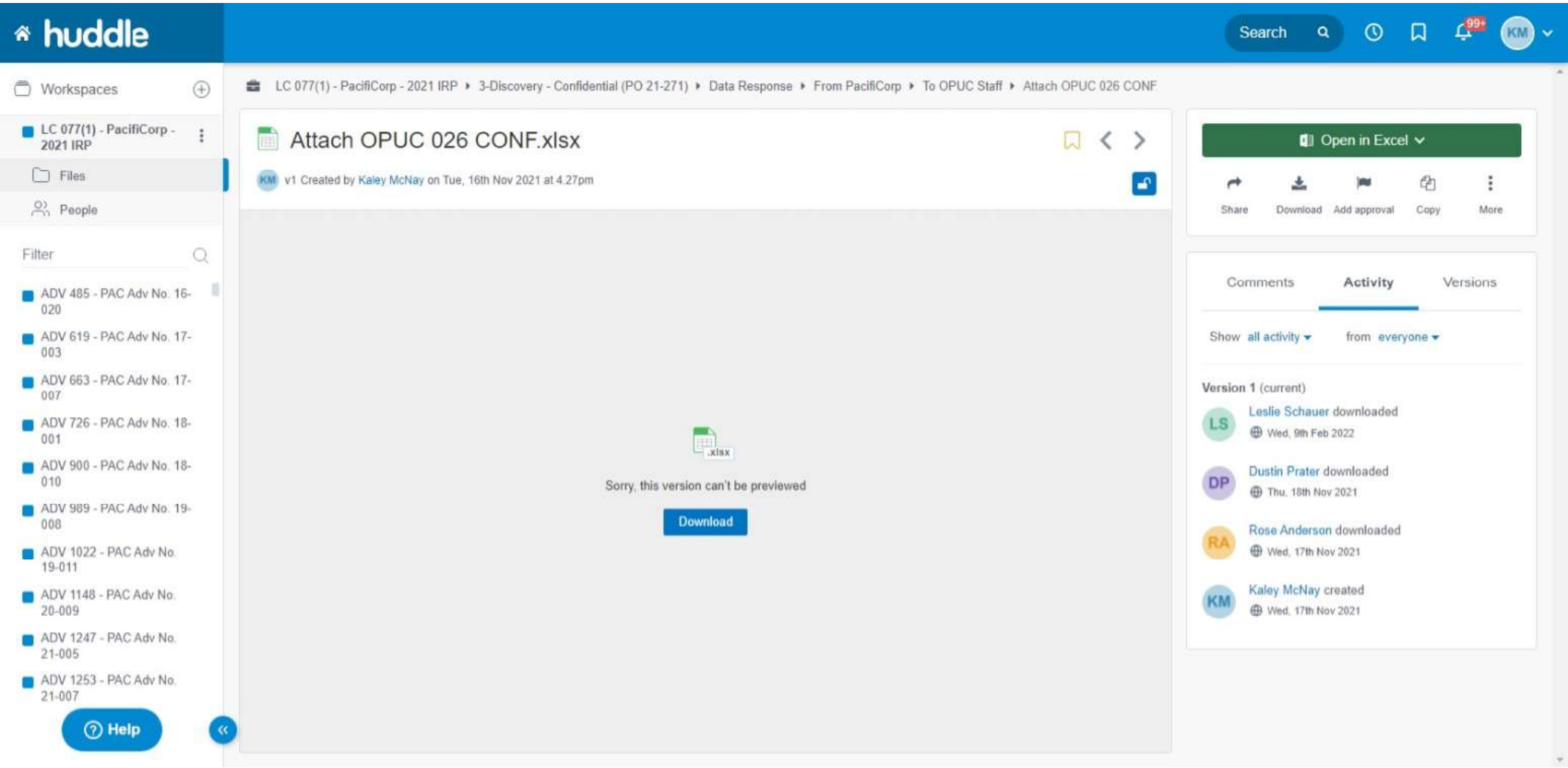
Attachment A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