

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

LC 82

In the Matter of

PacifiCorp, dba Pacific Power,

2023 Integrated Resource Plan and Clean
Energy Plan.

RESPONSE OF NEWSUN ENERGY
TO PACIFICORP’S MOTION FOR
MODIFIED PROTECTIVE ORDER

Pursuant to OAR 860-001-0080(3)(d), NewSun Energy LLC (“NewSun”) hereby submits this response to PacifiCorp’s motion for a modified protective order filed on May 26, 2023. NewSun agrees that a modified protective order is necessary to protect confidential bidder information submitted via PacifiCorp’s request for proposal (“RFP”), but NewSun remains concerned that PacifiCorp over designates data as confidential or highly confidential. Specifically, NewSun is concerned that PacifiCorp will designate underlying modeling assumptions about resource costs, performance, and timelines as confidential or highly confidential limiting the ability of expert parties to review and comment on whether those assumptions are economically or technically feasible, a requirement under Oregon law.¹ In particular, NewSun is concerned that PacifiCorp’s assumptions about its own self-developed or PacifiCorp-owned resource options such as the cost of the Natrium nuclear and additional nuclear facilities² and transmission builds

¹ ORS 469A.420(2)(b).

² See *PacifiCorp 2023 IRP* at 206 (“At this time, the specific cost and performance assumptions for the NatriumTM advanced nuclear demonstration project are confidential and are not summarized in the SSR.”)

will not be made public and transparent. This is particularly concerning given the history of cost and timeline overruns for nuclear resources. If such costs are not made transparent, there is no basis upon which to make claims that the portfolio which includes (or does not include) those selections are the least cost least risk options. Additionally, as a regulated utility PacifiCorp-owned resource options deserve special scrutiny and oversight in order to protect the public interest.

One of NewSun's primary concerns with this 2023 integrated resource plan ("IRP") and inaugural clean energy plan ("CEP") is just that: to ensure that cost, resource performance, and timeline assumptions on which PacifiCorp relies are technically and economically feasible, in compliance with Oregon's new 100% clean electricity standard (Oregon House Bill 2021, 2021 session, i.e., "HB 2021"). As NewSun has articulated in other contexts and before this Commission, not only is there little time to meet the greenhouse gas emissions reduction targets in HB 2021, but it will also take heroic efforts to get there. These inaugural CEP's will set the stage for meeting that first 2030 target and may be the only IRP-CEP-RFP cycle to be able to be fully completed before that date. Therefore, it is critical to get assumptions correct in these plans and to set us on a path to meet those targets.

NewSun has special expertise in these matters, and its input could provide valuable insights to Staff and Stakeholders as we work our way through this docket and to the Oregon Public Utility Commission ("Commission") as it considers whether to acknowledge the IRP and CEP. The Commission's primary regulatory function is to protect utility customers and the public generally from unjust and unreasonable exactions

and practices.³ Shielding relevant information from the public or from expert parties about whether the utility has complied with the law is an unjust and unreasonable practice and should be discouraged. Therefore, while NewSun does not oppose the entering of a modified protective order in this case to protect truly competitively sensitive information, NewSun raises this issue now to put PacifiCorp, Staff, Stakeholders, the Administrative Law Judge, and the Commission on notice that we should all be paying particularly close attention to the designation of data as confidential and highly confidential, that PacifiCorp should also use other means or mechanisms available to make data public as required under the IRP guidelines,⁴ and that NewSun requests specific briefing and/or workshops to review in more detail exactly what information should public, confidential, or highly confidential.

Dated this 12th day of June 2023.

Respectfully submitted,

NEWSUN ENERGY LLC



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³ ORS 756.040.

⁴ *In re Pub. Util. Comm'n of Or. Investigation Into Integrated Resource Planning*, Docket No. UM 1056, Order No. 07-002 (Jan. 8, 2007) corrected by Order No. 07-047 (Feb. 09, 2007).