



825 NE Multnomah, Suite 2000
Portland, Oregon 97232

October 6, 2021

VIA ELECTRONIC FILING

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

Attn: Filing Center

RE: UM 2059—Response to ALJ Bench Requests 10 and 11

Pursuant to Administrative Law Judge (ALJ) Rowe's Ruling of September 29, 2021, enclosed for filing in this docket are the Responses to ALJ Bench Request Nos. 10 and 11. Also enclosed are Attachments ALJ Bench Request 10-1, 10-2, and 10-3.

Please direct any questions regarding this filing to Cathie Allen at (503) 813-5934.

Sincerely,

Shelley McCoy
Director, Regulation

Enclosures

ALJ Bench Request 10

Please provide the Oregon Commission an unredacted copy of the Confidential Shortlist Report of Merrimack Energy Group, Inc. (the Utah IE Report). PacifiCorp references this report at page 2, footnote 7 of its reply comments filed on September 9, 2021.

Response to ALJ Bench Request 10

Referencing Utah Docket 20-035-05 – 2020 All Source Request for Proposals (2020AS RFP) Merrimack Energy Group, Inc. Independent Evaluator (IE) Final Shortlist Report dated September 2, 2021 (“Final Report”), the Company responds as follows:

Unlike the Oregon Rules regarding the review of request for proposals for resources, the Utah Public Service Commission (UPSC), not the utility, engages the IE. As a result, the Company is not in possession of the unredacted highly confidential version of the Final Report. In accordance with the Notice of the Public Service Commission of Utah dated September 3, 2021 in Docket 20-035-05, PacifiCorp filed a request for a copy of the Final Report from the UPSC. On October 4, 2021, the UPSC issued a Notice of Request and Expedited Period to Respond requesting that parties respond to the Company’s request by October 7, 2021. Copies of the Company’s request and the UPSC’s Notices are provided as Attachments ALJ Bench Request 10-1, 10-2, and 10-3.

The Company will supplement the response to this request when the unredacted highly confidential version of the report is provided to the Company.

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Rocky Mountain Power for
Approval of Solicitation Process for 2020 All
Source Request for Proposals

DOCKET NO. 20-035-05

NOTICE

ISSUED: September 3, 2021

On September 2, 2021, Merrimack Energy Group, Inc., the Independent Evaluator retained by the Public Service Commission (PSC), filed its Final Shortlist Report (“Final Report”) on PacifiCorp’s 2020 All Source Request for Proposals. The redacted version of the Final Report is available to the public via the PSC website. Any party that seeks to obtain a copy of the highly confidential version of the Final Report is required to file a request with the PSC that includes a non-disclosure agreement as described in Utah Admin. Code R746-1-602(1)(b) (“Request”). Any party that opposes another party’s Request is required to file an opposition to the Request and associated rationale no later than two business days after the filing date of the Request.

DATED at Salt Lake City, Utah, September 3, 2021.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#320200

CERTIFICATE OF SERVICE

I CERTIFY that on September 3, 2021, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

Data Request Response Center (datareq@pacificorp.com, utahdockets@pacificorp.com)
PacifiCorp

Jana Saba (jana.saba@pacificorp.com)
Emily Wegener (emily.wegener@pacificorp.com)
Rocky Mountain Power

Phillip J. Russell (prussell@jdrslaw.com)
James Dodge Russell & Stephens, P.C.

Lisa Tormoen Hickey ([lisahickey@newLawgroup.com](mailto:lisahickey@newlawgroup.com))
Tormoen Hickey LLC

Hunter Holman (hunter@utahcleanenergy.org)
Utah Clean Energy

Keli Beard (kelibear@utah.gov)
Mike Johnson (mikejohnson@utah.gov)
Tim Donaldson (timdonaldson@utah.gov)
School and Institutional Trust Lands Administration

Patricia Schmid (pschmid@agutah.gov)
Justin Jetter (jjetter@agutah.gov)
Robert Moore (rmoore@agutah.gov)
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Madison Galt (mgalt@utah.gov)
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Alex Ware (aware@utah.gov)
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Office of Consumer Services

Administrative Assistant



1407 W. North Temple
Salt Lake City, Utah 84116

October 4, 2021

VIA ELECTRONIC FILING

Public Service Commission of Utah
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84114

Attn: Gary Widerburg
Commission Administrator

Re: **Docket No. 20-035-05- Application of Rocky Mountain Power for Approval of Solicitation Process for 2020 All Source Request for Proposals**
Rocky Mountain Power Request for Final Shortlist Report

PacifiCorp, dba Rocky Mountain Power (the "Company"), respectfully submits its request for a copy of the highly confidential version of the Final Shortlist Report on PacifiCorp's 2020 All Source Request for Proposals ("Final Report"), in accordance with the Notice of the Public Service Commission of Utah, dated September 3, 2021.

Please direct informal inquiries related to the filing to Jana Saba at (801) 220-2823.

Very truly yours,

A handwritten signature in blue ink that reads "Joelle Steward".

Joelle Steward
Vice President, Regulation

cc: Service List (Docket No. 20-035-05)

Stephanie Barber-Renteria (8808)
Rocky Mountain Power
1407 W. North Temple, Suite 320
Salt Lake City, Utah 84116
Telephone: (801) 220-2233
Fax: (801) 220-4615
E-mail: stephanie.barber-renteria@pacificorp.com

Attorney for Rocky Mountain Power

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of
Rocky Mountain Power for Approval of
Solicitation Process for 2020 All Source
Request for Proposals

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Docket No. 20-035-05

REQUEST FOR FINAL SHORTLIST REPORT

PacifiCorp, dba Rocky Mountain Power (the “Company”), respectfully requests a copy of the highly confidential version of the Final Shortlist Report on PacifiCorp’s 2020 All Source Request for Proposals (“Final Report”), in accordance with the Notice of the Public Service Commission of Utah, dated September 3, 2021. The Company includes with this request, as Attachment A, a non-disclosure agreement as described in Utah Admin. Code R746-1-602(1)(b).


In addition, pursuant to Utah Admin. Code R746-1-603(2)(a), the Company provides the Commission with notice that the Public Utility Commission of Oregon (“PUC”) issued a Bench Request on September 29, 2021 instructing PacifiCorp to provide the PUC an unredacted copy of the Final Report in Oregon Docket No. UM 2059.¹ See PUC Bench Request dated September 29, 2021, attached hereto as Attachment B. In

¹ PacifiCorp does business as Pacific Power in Oregon.

Oregon Docket No. UM 2059, the PUC has entered a Modified Protective Order in the matter for the protection of highly confidential information, *see* Attachment C, and the Company will submit the Final Report to the PUC as “Highly Protected Information” to ensure the report’s confidentiality, as required by Utah Admin. Code R746-1-603(2)(b). The PUC will be deliberating on the acknowledgement of the Company’s Final Shortlist for its 2020 All-Source Request For Proposal at a Special Public meeting on October 12, 2021.

DATED this 4th day of October, 2021.

Respectfully submitted,
ROCKY MOUNTAIN POWER



Stephanie Barber-Renteria
1407 West North Temple, Suite 320
Salt Lake City, Utah 84116
Telephone No. (801) 220-2233
Facsimile No. (801) 220-3299
stephanie.barber-renteria@pacificorp.com
Attorney for Rocky Mountain Power

Attachment A

ATTACHMENT A

NON-DISCLOSURE AGREEMENT IN DOCKET NO. 20-035-05

I have reviewed the Public Service Commission of Utah Rule R746-1-603 with respect to the review and use of confidential information, and I hereby agree to comply with the terms and conditions of the rule as it applies to the highly confidential version of the Final Shortlist Report on PacifiCorp's 2020 All Source Request for Proposals in Docket No. 20-035-05.

Jana Saba
Name

Rocky Mountain Power
Employer or Firm

1407 W. North temple, SLC UT
Business Address

9/30/21
Date

Attachment B

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2059

In the Matter of

PACIFICORP, dba PACIFIC POWER,
Application for Approval of 2020 All-
Source Request for Proposal.

BENCH REQUEST

The below questions seek additional information as follow up to the August 5, 2021 Commission Workshop and to PacifiCorp's reply comments. PacifiCorp is asked to respond to this bench request within seven days of its issuance. Any stakeholder may file a response before the October 12, 2021 Special Public Meeting. The bench request numbers are continued from the first set of bench requests issued on August 10, 2021.

10. Please provide the Oregon Commission an unredacted copy of the Confidential Shortlist Report of Merrimack Energy Group, Inc. (the Utah IE Report). PacifiCorp references this report at page 2, footnote 7 of its reply comments filed on September 9, 2021.
11. Please explain how the project that has a signed 500 MW Transmission Service Agreement with PacifiCorp on the Gateway South path would be able to get on Gateway South in 2024 if the project does not have a signed Large Generator Interconnection Agreement associated with the generator interconnection positions listed on slide 8 of the August 4, 2021 slides.

Dated this 29th day of September, 2021, at Salem, Oregon.

Sarah Rowe
Administrative Law Judge

Attachment C

ORDER NO. 21-202

ENTERED Jun 17 2021

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2059

In the Matter of

PACIFICORP, dba PACIFIC POWER,

Application for Approval of 2020 All
Source Request for Proposals.

MODIFIED
PROTECTIVE
ORDER

DISPOSITION: MOTION FOR MODIFIED PROTECTIVE ORDER GRANTED

On June 15, 2021, PacifiCorp, dba Pacific Power, filed a motion for a modified protective order to provide additional protections for bid information, bid analysis, and modeling based on the bid information in the 2020 All Source Request for Proposals (2020 AS RFP). PacifiCorp explains that it is currently negotiating agreements with bidders in the 2020 AS RFP and that the bid information is highly sensitive, non-public commercial information. PacifiCorp seeks additional protection for bid information because disclosure could impact its ability to negotiate least-cost final agreements.

The modified protective order requested by PacifiCorp allows for bid information and analysis to be designated as highly protected information. Access to highly protected information is restricted to qualified persons, with different level of access for different parties. First, Commission employees (including assigned DOJ attorneys) and employees or counsel of the Oregon Citizens' Utility Board have full access to the highly protected information. Second, parties and persons that are not involved in PacifiCorp's 2020 AS RFP as bidders may sign the signatory page and have access to the information via video-conference and screen sharing technology, until such time as all parties determine it is reasonably safe to review the documents in person at PacifiCorp's offices. Third, persons involved in the RFP as bidders or persons who represent or advise bidders are not eligible to access the highly protected information.

I find that good cause exists to issue the modified protective order, which is attached as Appendix A. The modified protective order will function alongside the existing General Protective Order No. 20-077. The intent of the modified protective order is to prevent PacifiCorp's counter-parties or potential counter-parties from accessing bid

ORDER NO. 21-202

information and injuring PacifiCorp's competitive position, while also allowing non-bidders access to the information following specific procedures.

PacifiCorp did not include the OAR 860-001-0080(3)(a)(F) certification that it conferred with the other parties and whether the parties support the motion. If a party has concerns with the terms of this modified protective order, a response to PacifiCorp's motion may be filed by June 30, 2021 (within 15 days of the filing of the motion) as described in OAR 860-001-0080(3)(d), and I will conduct a *de novo* review as described in OAR 860-001-0080(3)(e). After June 30, 2021, a party may appeal this order to the Commission under OAR 860-001-0720. To challenge PacifiCorp's designation of information as highly protected, a party may follow the process in the modified protective order.

ORDER

IT IS ORDERED that the modified protective order, attached as Appendix A, is adopted.

Made, entered, and effective on Jun 17, 2021.



Sarah Rowe
Administrative Law Judge



MODIFIED PROTECTIVE ORDER

UM 2059

Scope of this Order:

1. This order governs the acquisition and use of “Highly Protected Information” produced or used by any party to these proceedings. General Protective Order No. 20-077 governs the acquisition and use of “Protected Information.”

Designation of “Highly Protected Information”:

2. Any party may designate as Highly Protected Information any information the party reasonably determines:
 - (a) Falls within the scope of ORCP 36(C)(1) (a trade secret or other confidential research, development, or commercial information); and
 - (b) Is not publicly available; and
 - (c) Is extremely commercially sensitive and requires additional restrictions on who may access the information than that provided under the Commission’s general protective order.
3. To designate information as Highly Protected Information, a party must place the following legend on the material:

HIGHLY PROTECTED INFORMATION
SUBJECT TO GENERAL PROTECTIVE ORDER NO. 21 - ____

The party should make reasonable efforts to designate as Highly Protected Information only the portions of the information covered by the above definitions.

4. For a filing containing Highly Protected information, a Highly Protected version and a public version of the document must be created and filed with the Filing Center. The Highly Protected versions of documents shall be grouped together and should be clearly marked as Highly Confidential. The Commission’s Filing Center receives files electronically outside of the Huddle program. For discovery containing Highly Protected Information, the file should be uploaded to a Huddle file folder designated “Highly Protected.”
5. A party may designate as Highly Protected Information any information previously provided by giving written notice to the Commission and other parties. Parties in possession of newly designated Highly Protected Information must make reasonable efforts to ensure that all copies of the material containing the information bear the above legend if requested by the designating party.
6. A designating party must make reasonable efforts to ensure that information designated as Highly Protected Information continues to warrant protection under this order. If designated information becomes publicly available or no longer falls within the scope of ORCP 36(C)(1), the designating party should make reasonable efforts to remove the protected designation and provide written notice to the Commission and other parties.

Challenge to Designation of Information as Highly Protected:

7. A party may informally challenge any designation of Highly Protected Information by notifying the designating party. Once notified, the designating party bears the burden of showing that the challenged information is covered by ORCP 36(C)(1) and bears the burden of showing that the “Highly Protected Information” designation is necessary.
8. If the dispute cannot be resolved informally, the challenging party may file a written objection with the ALJ. The objection need only identify the information in dispute and certify that reasonable efforts to achieve informal resolution have failed.
9. Within five business days of service of the objection, the designating party must either remove the challenged protected designation or file a written response. A written response must identify the factual and legal basis of how the challenged information is protected under the Oregon Public Records Act, ORS 192.410 *et seq.*, or the Uniform Trade Secrets Act, ORS 646.461(4). Broad allegations unsubstantiated by specific facts are not sufficient. If the designating party does not timely respond to the objection, the Commission will remove the protected designation from the challenged information.
10. The challenging party may file a written reply to any response within five business days of service of an objection. The designating party may file a sur-reply within three business days of service of a response. The ALJ will make all reasonable efforts to resolve the matter within 10 business days of service of the last filing.

Access to Highly Protected Information:

11. Only Qualified Persons may access Highly Protected Information designated by another party under this Modified Protective Order. Persons automatically bound by this protective order and qualified to access Highly Protected Information are:
 - (a) Commission employees; and
 - (b) Assistant Attorneys General assigned to represent the Commission.
12. Persons qualified to access Highly Protected Information upon a party signing the Signatory Page for Highly Protected Information, Appendix B, are:
 - (a) An employee or counsel of the Regulatory Division at the Oregon Citizens’ Utility Board; and
 - (b) Persons (including attorneys) that are not involved in PacifiCorp’s ongoing 2020AS RFP solicitation process as bidders.
13. Access to Highly Protected Information will be provided to all persons qualified under paragraph 13(b) only at PacifiCorp’s offices. During the COVID-19 pandemic, PacifiCorp will facilitate access to the Highly Protected Information using video-conference and screen-sharing technology until such time as all parties determine that it is reasonably safe to review the documents in person. PacifiCorp will distribute

Highly Protected Information to only those persons qualified under paragraphs 12 and 13(a).

Objection to Access to Protected Information:

14. All persons qualified to have access to Highly Protected Information will have access to Highly Protected Information unless the designating party objects as provided in this paragraph. As soon as the designating party becomes aware of reasons to restrict access to a Qualified Person, the designating party must provide the Qualified Person and his or her counsel notice stating the basis for the objection. The parties must promptly confer and attempt to resolve the dispute on an informal basis.
15. If the parties are unable to resolve the matter informally, the designating party must file a written objection with the ALJ. The requesting party may file a response to the motion within 5 business days of service of an objection. The ALJ will make all reasonable efforts to resolve the matter within 10 business days of the last filing. Pending the ALJ's decision, the specific Highly Protected Information may not be disclosed to the person subject to the objection.

Use of Highly Protected Information:

16. All Qualified Persons must take reasonable precautions to keep Highly Protected Information, secure. Qualified Persons may reproduce Highly Protected Information only to the extent necessary to participate in these proceedings. A Qualified Person may discuss Highly Protected Information obtained under this order only with other Qualified Persons who have obtained the same information.
17. Without the written permission of the designating party, any person given access to Highly Protected Information under this order may not disclose Highly Protected Information for any purpose other than participating in these proceedings.
18. Nothing in this protective order precludes any party from independently seeking through discovery in any other administrative or judicial proceeding information or materials produced in this proceeding under this protective order.
19. Counsel of record may retain memoranda, pleadings, testimony, discovery, or other documents containing Highly Protected Information to the extent reasonably necessary to maintain a file of these proceedings or to comply with requirements imposed by another governmental agency or court order.

Duration of Protection:

20. The Commission will preserve the designation of information as Highly Protected Information for a period of five years from the date of the final order in these proceedings, unless extended by the Commission at the request of the designating party. The Commission will notify the designating party at least two weeks prior to the release of Highly Protected Information.

UM 2059

I. Persons Qualified pursuant to Paragraph 13: Highly Protected Information:

I have read the Modified Protective Order and agree to be bound by the terms of the order.

I certify that:

I understand that ORS 756.990(2) allows the Commission to impose monetary sanctions if a party subject to the jurisdiction of the Commission violates an order of the Commission.

The party I am associated with has a legitimate and non-competitive need for the Highly Protected Information for this proceeding and not simply a general interest in the information.

By: Signature: _____ Date: _____

Printed Name: _____

Address: _____

Employer: _____

Job Title: _____

By: Signature: _____ Date: _____

Printed Name: _____

Address: _____

Employer: _____

Job Title: _____

By: Signature: _____ Date: _____

Printed Name: _____

Address: _____

Employer: _____

Job Title: _____

CERTIFICATE OF SERVICE

Docket No. 20-035-05

I hereby certify that on October 4, 2021, a true and correct copy of the foregoing was served by electronic mail to the following:

Utah Office of Consumer Services

Michele Beck mbeck@utah.gov
ocs@utah.gov

Division of Public Utilities

dpudatarequest@utah.gov

Assistant Attorney General

Patricia Schmid pschmid@agutah.gov
Justin Jetter jjetter@agutah.gov
Robert Moore rmoore@agutah.gov
Victor Copeland vcopeland@agutah.gov

Utah Association of Energy Users

Phillip J. Russell prussell@jdrsllaw.com

Interwest Energy Alliance

Lisa Tormoen Hickey [lisahickey@newLawgroup.com](mailto:lisahickey@newlawgroup.com)

Utah Clean Energy

Hunter Holman hunter@utahcleanenergy.org

Rocky Mountain Power

Data Request Response Center datarequest@pacificorp.com
Jana Saba jana.saba@pacificorp.com
utahdockets@pacificorp.com
Stephanie Barber-Renteria stephanie.barber-renteria@pacificorp.com
Emily Wegener Emily.wegener@pacificorp.com



Katie Savarin
Coordinator, Regulatory Operations

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Rocky Mountain Power for Approval of Solicitation Process for 2020 All Source Request for Proposals	<u>DOCKET NO. 20-035-05</u> <u>NOTICE OF REQUEST AND</u> <u>EXPEDITED PERIOD TO RESPOND</u>
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ISSUED: October 4, 2021

On October 4, 2021, Rocky Mountain Power (RMP) filed a Request for Final Shortlist Report (“Request”). RMP requests a copy of the highly confidential version of the Final Shortlist Report on PacifiCorp’s 2020 All Source Request for Proposals (“Final Report”) referenced in the Public Service Commission of Utah’s (PSC) Notice, dated September 3, 2021. RMP represents the Public Utility Commission of Oregon (“Oregon PUC”) issued a bench request on September 29, 2021, instructing PacifiCorp to provide the Oregon PUC with an unredacted copy of the Final Report. If the PSC grants the Request, RMP represents it will submit the Final Report as “Highly Protected Information” consistent with a Modified Protective Order issued by the Oregon PUC.

RMP represents the Oregon PUC will be deliberating acknowledgment of the Final Shortlist for its 2020 All-Source Request for Proposal at a special public meeting on October 12, 2021.

Because circumstances appear to be exigent, any interested person may file a response to the Request no later than **Thursday, October 7, 2021.**

DATED at Salt Lake City, Utah, October 4, 2021.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#320588

CERTIFICATE OF SERVICE

I CERTIFY that on October 4, 2021, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

Data Request Response Center (datareq@pacificorp.com, utahdockets@pacificorp.com)
PacifiCorp

Jana Saba (jana.saba@pacificorp.com)
Emily Wegener (emily.wegener@pacificorp.com)
Rocky Mountain Power

Phillip J. Russell (prussell@jdrslaw.com)
James Dodge Russell & Stephens, P.C.

Lisa Tormoen Hickey ([lisahickey@newLawgroup.com](mailto:lisahickey@newlawgroup.com))
Tormoen Hickey LLC

Hunter Holman (hunter@utahcleanenergy.org)
Utah Clean Energy

Keli Beard (kelibeard@utah.gov)
Mike Johnson (mikejohnson@utah.gov)
Tim Donaldson (timdonaldson@utah.gov)
School and Institutional Trust Lands Administration

Patricia Schmid (pschmid@agutah.gov)
Justin Jetter (jjetter@agutah.gov)
Robert Moore (rmoore@agutah.gov)
Assistant Utah Attorneys General

Madison Galt (mgalt@utah.gov)
Division of Public Utilities

Alyson Anderson (akanderson@utah.gov)
Bela Vastag (bvastag@utah.gov)
Alex Ware (aware@utah.gov)
(ocs@utah.gov)
Office of Consumer Services

Administrative Assistant

ALJ Bench Request 11

Please explain how the project that has a signed 500 MW Transmission Service Agreement with PacifiCorp on the Gateway South path would be able to get on Gateway South in 2024 if the project does not have a signed Large Generator Interconnection Agreement associated with the generator interconnection positions listed on slide 8 of the August 4, 2021 slides.

Response to ALJ Bench Request 11

Per PacifiCorp's Open Access Transmission Tariff (OATT), a customer requesting transmission service is not required to have a resource that is interconnected to PacifiCorp's transmission system. A request for transmission service on PacifiCorp's system can be made for resources connected to another transmission provider's system where the customer wishes to wheel that resource off the other provider's system, across PacifiCorp's system to a specified load point.

Please refer to PacifiCorp's OATT Section II Point-to-Point Transmission Service, specifically the following paragraphs:

- OATT Section II 16.1 Conditions Required of Transmission Customers, lists the conditions required to be met by the transmission service requester.
- OATT Section II 17.2 Completed Application, lists the data required to be submitted by the transmission service requester.