

# McDowell & Rackner PC



KATHERINE MCDOWELL  
Direct (503) 595-3924  
katherine@mcd-law.com

April 1, 2009

## VIA ELECTRONIC FILING AND U.S. MAIL

PUC Filing Center  
Public Utility Commission of Oregon  
PO Box 2148  
Salem, OR 97308-2148

**Re: Docket UE 207**

Enclosed for filing in the above docket is an original and one copy of PacifiCorp's Motion for Protective Order. A copy of this filing has been served on all parties to PacifiCorp's last TAM proceeding, UE 199 as indicated on the attached Certificate of Service.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Katherine McDowell', with a long horizontal flourish extending to the right.

Katherine McDowell

cc: UE 199 Service List

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

3 **UE 207**

4 In the Matter of PacifiCorp d/b/a Pacific  
5 Power's 2010 Transition Adjustment  
6 Mechanism Schedule 200, Cost-Based  
7 Supply Service

MOTION FOR PROTECTIVE ORDER

Expedited Consideration Requested

8 Pursuant to ORCP 36(C)(7) and OAR 860-012-0035(1)(k), PacifiCorp d/b/a Pacific  
9 Power ("Company") moves for the expedited entry of the Public Utility Commission of  
10 Oregon's ("Commission") general protective order in this proceeding. The Company requests  
11 expedited consideration of this Motion in order to allow parties that execute the protective  
12 order to obtain prompt access to the confidential testimony filed in support of the Petition and  
13 to expedite any discovery in this proceeding. Good cause exists to issue a Protective Order to  
14 protect commercially sensitive and confidential business information related to the Company's  
15 Transition Adjustment Mechanism. In support of this Motion, the Company states:

16 1. The Commission's rules authorize PacifiCorp to seek reasonable restrictions on  
17 discovery of trade secrets and other confidential business information. See OAR 860-11-  
18 000(3) (adopting Oregon Rules of Civil Procedure ("ORCP"); ORCP 36(C)(7) (providing  
19 protection against unrestricted discovery of "trade secrets or other confidential research,  
20 development, or commercial information"). See also *In re Investigation into the Cost of*  
21 *Providing Telecommunication Service*, Docket UM 351, Order No. 91-500 (1991) (recognizing  
22 that protective orders are a reasonable means to protect "the rights of a party to trade secrets  
23 and other confidential commercial information" and "to facilitate the communication of  
24 information between litigants").

25 2. The Company anticipates that parties to this docket may request proprietary cost  
26 data and models, commercially sensitive load and resource projections, and confidential

1 information regarding contracts for the purchase or sale of electric power, power services, or  
2 fuel. This confidential business information is of significant commercial value, which could  
3 expose the Company to competitive injury if disclosure is unrestricted.

4 3. It is substantially likely that Staff and others in this proceeding will seek to  
5 discover a large amount of information held by PacifiCorp, including confidential business  
6 information. "The Commission's standard blanket protective order is designed to facilitate  
7 discovery in cases involving discovery of large numbers of documents." See *In re Portland*  
8 *Extended Area Service Region*, Docket UM 261, Order No. 91-958 (1991). Issuance of a  
9 protective order will facilitate the production of relevant information and expedite the discovery  
10 process.

11 4. The Company requests expedited consideration of this Motion to allow parties  
12 who execute the protective order to obtain prompt access to the confidential workpapers in  
13 support of the Company's 2010 Transition Adjustment Mechanism and to expedite any  
14 discovery in this proceeding.

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16 For the foregoing reasons, PacifiCorp requests expedited entry of a standard  
17 Protective Order in this docket.

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DATED: April 1, 2009.

McDOWELL & RACKNER PC

  
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Katherine McDowell  
Attorneys for PacifiCorp

PACIFICORP

Jordan White  
Pacific Power  
Legal Counsel  
Suite 1800  
825 NE Multnomah Street  
Portland, OR 97232-2135

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**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the foregoing document in Docket UE 207 on the following named person(s) on the date indicated below by email and first-class mail addressed to said person(s) at his or her last-known address(es) indicated below.

CUB – OPUC Dockets  
Dockets@OregonCUB.org

Robert Jenks  
Citizens' Utility Board  
bob@oregoncub.org

Kelcey Brown  
P.O. Box 2148  
Salem, OR 97301  
kelcey.brown@state.or.us

Jason Jones  
Assistant Attorney General  
1162 Court St. NW  
Salem, OR 97301-4096  
Jason.w.jones@state.or.us

Randall Falkenberg  
RFI Consulting, Inc.  
PMB 362  
8343 Roswell Road  
Sandy Springs, GA 30350  
consultrfi@aol.com

Irion Sanger  
Davison Van Cleve PC  
333 SW Taylor, Suite 400  
Portland, OR 97204  
ias@dvclaw.com

Ryan Flynn  
PacifiCorp  
ryan.flynn@pacificorp.com

Kevin Higgins  
Energy Strategies LLC  
khiggins@energystrat.com

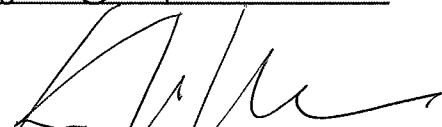
Peter J. Richardson  
Richardson & O'Leary  
peter@richardsonandoleary.com

Oregon Dockets  
PacifiCorp  
oregondockets@pacificorp.com

Alvin Pak  
Sempra Energy Solutions LLC  
apak@semprasolutions.com

Greg Bass  
Sempra Energy Solutions LLC  
gbass@semprasolutions.com

DATED: April 1, 2009

  
\_\_\_\_\_  
Katherine McDowell  
Of Attorneys for PacifiCorp