

# McDowell Rackner & Gibson pc



AMIE JAMIESON  
Direct (503) 595-3927  
amie@mcd-law.com

February 24, 2010

## 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 \_\_\_\_\_ PacifiCorp's 2011 Transition Adjustment Mechanism  
Schedule 200, Cost-Based Supply Service**

Enclosed for filing are an original and one copy of a Motion for Protective Order to Apply in All Transition Adjustment Mechanism Proceedings. This is the initial filing in the Company's 2011 Transition Adjustment Mechanism ("TAM") docket. PacifiCorp will be filing its 2011 TAM on Friday, February 26, 2010, and therefore respectfully requests expedited consideration of this Motion on or before that date.

A copy of this filing has been served on all parties to docket UE 207, the Company's 2010 Transition Adjustment Mechanism, as indicated on the attached Certificate of Service.

Very truly yours,

A handwritten signature in black ink, appearing to read "Amie", followed by a long, horizontal, slightly wavy line extending to the right.

Amie Jamieson

cc: UE 207 Service List


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**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of PacifiCorp's Motion for Protective Order to Apply in All Transition Adjustment Mechanism Proceedings on parties of record in Docket UE 207 as listed below, 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.

G. Catriona McCracken Citizens' Utility Board catriona@oregoncub.org	Robert Jenks Citizens' Utility Board bob@oregoncub.org
Gordon R. Feighner Citizens' Utility Board gordon@oregoncub.org	Jason Jones Assistant Attorney General 1162 Court St. NW Salem, OR 97301-4096 Jason.w.jones@state.or.us
Kelcey Brown Oregon Public Utility Commission P.O. Box 2148 Salem, OR 97301 kelcey.brown@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 - Ste 400 Portland, OR 97204 ias@dvclaw.com	Peter J. Richardson Richardson O'Leary PLLC peter@richardsonandoleary.com
Kevin Higgins Energy Strategies LLC khiggins@energystrat.comtions.com	Greg Bass Sempra Energy Solutions LLC gbass@semprasolutions.com

DATED: February 24, 2010

  
\_\_\_\_\_  
Amie Jamieson  
Of Attorneys for PacifiCorp

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

3                                    **UE \_\_\_\_\_**

4    In the Matter of  
5    PACIFICORP, dba PACIFIC POWER's  
6    2011 Transition Adjustment Mechanism  
7    Schedule 200, Cost-Based Supply  
8    Service

**MOTION FOR PROTECTIVE ORDER TO  
APPLY IN ALL TRANSITION  
ADJUSTMENT MECHANISM  
PROCEEDINGS**

**Expedited Consideration Requested**

9            Pursuant to ORCP 36(C)(7), OAR 860-012-0035(1)(k) and Order No. 09-274,  
10    PacifiCorp d/b/a Pacific Power ("Company") moves for entry of the Commission's standard  
11    protective order to be effective in the Company's 2011 Transition Adjustment Mechanism  
12    ("TAM") proceeding and all future TAM proceedings.

13           The Company is filing this motion as the first pleading in the Company's 2011 TAM  
14    proceeding in order to have a protective order in place and effective in this docket when  
15    the Company files its 2011 TAM on February 26, 2010. To that end, the Company  
16    requests expedited consideration of this Motion in order to allow parties that execute the  
17    protective order to obtain prompt access to the confidential testimony filed in support of the  
18    2011 TAM and to expedite discovery in this proceeding. The Company also requests that  
19    the Commission apply the protective order issued in this proceeding to all future TAM  
20    proceedings in accordance with the TAM Guidelines adopted by the Commission, as  
21    described below. Good cause exists to issue a Protective Order to protect commercially  
22    sensitive and confidential business information related to the Company's TAM filing.

23           In support of this motion, the Company states:

24           1. Pursuant to Commission Order No. 05-1050 in Docket UE 170, PacifiCorp is  
25    required to file its TAM on an annual basis. The purpose of the TAM filing is to update net  
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1 power costs for upcoming year and to set the transition adjustment for Oregon customers  
2 who choose direct access in the November open enrollment window.

3 2. On September 25, 2009, all parties to UE 207,<sup>1</sup> the Company's 2010 TAM,  
4 filed a Stipulation resolving issues among the parties related to the guidelines governing  
5 future TAM filings by PacifiCorp ("TAM Guidelines"). *PacifiCorp 2010 Transition*  
6 *Adjustment Mechanism*, Docket UE 207, Stipulation (Sept. 25, 2009) [hereinafter  
7 "Stipulation"]. The Stipulation, along with the TAM Guidelines, was approved by the  
8 Commission in Order No. 09-274. In the TAM Guidelines, the Parties agreed to "ask the  
9 Commission to make the protective order for the next TAM an ongoing protective order  
10 which will continue to be effective in future TAM proceedings." TAM Guidelines at A.7

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

20 4. The Company anticipates that the parties in this proceeding may request  
21 proprietary cost data and models, commercially-sensitive load and resource projections,  
22 and confidential information regarding contracts for the purchase or sale of electric power,  
23 power services, or fuel. This confidential business information is of significant commercial  
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25 <sup>1</sup> The parties to UE 207 are PacifiCorp, Commission Staff, the Citizens' Utility Board of  
26 Oregon, the Industrial Customers of Northwest Utilities, and Sempra Energy Solutions LLC.

1 value, which could expose the Company and potential bidders to competitive injury if  
2 disclosure is unrestricted.

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

10 6. Due to the Company's annual TAM filing schedule, and in the interest of  
11 administrative efficiency, PacifiCorp requests that the Commission enter its standard  
12 Protective Order on an ongoing basis to be effective in its 2011 TAM proceeding and all  
13 future TAM proceedings.

14 7. The Company requests expedited consideration of this Motion to allow  
15 parties who execute the protective order to obtain access to the confidential workpapers in  
16 support of the Company's 2011 TAM and to expedite discovery in this proceeding.

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1 For the foregoing reasons, PacifiCorp requests entry of the Commission's standard  
2 Protective Order to be effective in this docket and in all future TAM dockets. PacifiCorp  
3 respectfully requests that the Commission issue such an order on or before February 26,  
4 2010, to expedite access to confidential material related to the 2011 TAM, which will be  
5 filed on that date.

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7 DATED: February 24, 2010.

MCDOWELL RACKNER & GIBSON PC

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Katherine A. McDowell  
Amie Jamieson  
Attorneys for PacifiCorp

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PACIFICORP

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

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