

# McDowell Rackner & Gibson PC



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October 27, 2010

## VIA ELECTRONIC AND U.S. MAIL

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

**Re: UE 222 - In The Matter of IDAHO POWER COMPANY's 2011 Annual Power Cost Update**

Attention Filing Center:

Enclosed for filing in the above-referenced docket are an original and one copy of Idaho Power's Motion for Protective Order.

Please contact me with any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Wendy McIndoo".

Wendy McIndoo  
Legal Assistant


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**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the foregoing document in  
UE 222 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.

Ed Durrenberger Public Utility Commission of Oregon P.O. Box 2148 Salem, OR 97308-2148 ed.durrenberger@state.or.us	Robert Jenks Citizens' Utility Board of Oregon bob@oregoncub.org
Gordon Feighner Citizens' Utility Board of Oregon gordon@oregoncub.org	Catriona McCracken Citizens' Utility Board of Oregon catriona@oregoncub.org
Raymond Myers Citizens' Utility Board of Oregon ray@oregoncub.org	John Sturm Citizens' Utility Board of Oregon <u>john@oregoncub.org</u>

DATED: October 27, 2010

  
Wendy McIndoo  
Legal Assistant

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

3                                   **UE 222**

4           In the Matter of:  
5           Idaho Power Company's 2011 Annual  
6           Power Cost Update

MOTION FOR PROTECTIVE ORDER

7                   Pursuant to ORCP 36(C)(7) and OAR 860-012-0035(1)(k), Idaho Power Company  
8           ("Idaho Power" or "Company") moves for the entry of the Public Utility Commission of  
9           Oregon's ("Commission") general protective order in this proceeding. Good cause exists to  
10          issue a Protective Order to protect commercially sensitive and confidential business  
11          information related to the Company's 2011 Annual Power Cost Update. In support of this  
12          Motion, the Company states:

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

22                  2.    On October 15, 2010 Idaho Power filed its 2011 Annual Power Cost Update.  
23          Idaho Power has filed testimony regarding the power cost variance, and the 2011 Annual  
24          Power Cost Update to be refunded to customers. The work papers that support the testimony  
25          filed by Idaho Power in this docket include confidential, sensitive business information,  
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1 including Idaho Power's timing of and prices for electricity purchases and sales, fuel  
2 purchases and other contracts. Idaho Power anticipates that there may be requests for  
3 further confidential information during this docket as well. Idaho Power desires to provide the  
4 requested information, but the information is confidential, sensitive business information and  
5 of significant commercial value, and its public disclosure could be detrimental to Idaho Power  
6 and its customers.

7 3. It is substantially likely that Staff and others in this proceeding will seek to  
8 discover confidential business information. "The Commission's standard blanket protective  
9 order is designed to facilitate discovery in cases involving discovery of large numbers of  
10 documents." See *In re Portland Extended Area Service Region*, Docket UM 261, Order No.  
11 91-958 (1991). Issuance of a protective order will facilitate the production of relevant  
12 information and expedite the discovery process.

13 For the foregoing reasons, Idaho Power requests entry of a standard Protective Order  
14 in this docket.

15 DATED: October 27, 2010.

McDOWELL & RACKNER PC



Lisa F. Rackner  
Adam Lowney

**IDAHO POWER COMPANY**

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