

BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON

UM 1050

In the Matter of the Application of  
PACIFICORP for an Investigation of Inter-  
Jurisdictional Issues

MOTION FOR PROTECTIVE ORDER

Expedited Consideration Requested

1 Pursuant to ORCP 36(C)(7) and OAR 860-012-0035(1)(k), PacifiCorp d/b/a  
2 Pacific Power ("Company") moves for the expedited entry of the Public Utility  
3 Commission of Oregon's ("Commission") general protective order in this proceeding.  
4 The Company requests expedited consideration of this Motion to allow parties that  
5 execute the protective order to obtain prompt access to the confidential testimony filed  
6 in support of the Petition and to expedite any discovery in this proceeding. Good cause  
7 exists to issue a Protective Order to protect commercially sensitive and confidential  
8 business information related to the Company's Petition requesting approval of  
9 amendments to the Revised Protocol allocation methodology previously approved by  
10 the Commission in Order No. 05-021. In support of this Motion, the Company states:

11 1. The Commission previously found good cause to issue protective orders in  
12 this proceeding. *See Re Application of PacifiCorp for an Investigation of Inter-*  
13 *Jurisdictional Issues*, Docket UM 1050, Order No. 03-638 (Oct. 31, 2003); Order No.  
14 02-291 (Apr. 22, 2002). The Company's need for a protective order has not changed.  
15 However, the Commission's standard protective order has changed since the  
16 Commission last issued a protective order in this docket, so the Company is requesting  
17 that the Commission issue its current standard protective order.

1           2. The Commission's rules authorize PacifiCorp to seek reasonable  
2 restrictions on discovery of trade secrets and other confidential business information.  
3 See OAR 860-11-0000(3) (adopting Oregon Rules of Civil Procedure ("ORCP");  
4 ORCP 36(C)(7) (providing protection against unrestricted discovery of "trade secrets or  
5 other confidential research, development, or commercial information"). See also *In re*  
6 *Investigation into the Cost of Providing Telecommunication Service*, Docket UM 351,  
7 Order No. 91-500 (1991) (recognizing that protective orders are a reasonable means to  
8 protect "the rights of a party to trade secrets and other confidential commercial  
9 information" and "to facilitate the communication of information between litigants").

10          3. The Company anticipates that parties to this docket may request  
11 proprietary cost data and models, commercially sensitive load and resource projections,  
12 confidential market analyses and business projections, and confidential information  
13 regarding contracts for the purchase or sale of electric power, power services, or fuel.  
14 This confidential business information is of significant commercial value, which could  
15 expose the Company to competitive injury if disclosure is unrestricted.

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

1           5. The Company requests expedited consideration of this Motion to allow  
2 parties who execute the protective order to obtain prompt access to the confidential  
3 workpapers in support of the Company's Petition and to expedite any discovery in this  
4 proceeding.

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

DATED this 15<sup>th</sup> day of September 2010.

Respectfully submitted,

PACIFIC POWER

A handwritten signature in black ink that reads "Ryan Flynn" followed by a stylized flourish.

Ryan Flynn

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