

1 **BEFORE THE PUBLIC UTILITY COMMISSION**
2 **OF OREGON**
3 **UM 1208**

4 In the Matter of
5 PACIFCORP Draft 2009 Request for
6 Proposals Pursuant to Order No. 91-1383

STAFF'S MOTION FOR ADDITIONAL
PROTECTION

Expedited Treatment Requested

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8 Comes now staff of the Public Utility Commission of Oregon (staff) and requests the
9 Administrative Law Judge (ALJ) issue additional protection as provided for under paragraph 16
10 of the original Protective Order issued in this docket (Order No. 06-444). Specifically, staff asks
11 the ALJ to issue a second Protective Order that would allow the qualified signatories to review
12 confidential information submitted by persons responding to the Commission's Request for
13 Proposal (RFP) for an Independent Evaluator (IE).

14 ***Background***

15 Pursuant to the Commission's Order No. 06-446 (Order 06-446) issued in UM 1182, staff
16 recently issued a RFP for an IE. The IE will assist in evaluating PacifiCorp's RFP under
17 consideration in UM 1208. Order 06-446 further provides that "non-bidding parties" (i.e. parties
18 that would not be submitting a response to PacifiCorp's RFP) will be allowed to provide input to
19 staff in the selection of the IE:

20 We believe the utility and non-bidders should participate in the process and
21 provide input to Staff. Staff, however, should make a final recommendation to the
 Commission for approval.

22 Order 06-446 at 7.

23 Consistent with Order 06-446, Staff's RFP informed the prospective responders that staff
24 would forward the responses (IE Response) to an Evaluation Committee and that staff would
25 take input on the Responses from the non-bidding intervenors in UM 1208. Staff anticipates that
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1 an IE Response may contain a request that certain material be kept confidential to the extent
2 allowed by law and the RFP (and in accordance with Order 06-446).

3 To best accommodate such a request for confidentiality, staff requests the ALJ issue a
4 second Protective Order in this case. The Protective Order should be modeled on Order 06-444
5 and require each signatory to promise that it will not disclose any material in an IE Response that
6 the responder has requested be kept confidential except as otherwise provided for in the
7 Protective Order.


8 ***Expedited Treatment Requested***

9 The responses to staff's RFP are due on or before October 18, 2006. Staff would like to
10 immediately share the IE Responses with qualified parties as discussed above. As such, staff
11 asks the ALJ to expedite its consideration of this motion and issue the requested Protective Order
12 on or before the morning of October 18, 2006. Staff generally explained the nature of its motion
13 to the parties in UM 1208 approximately 10 days ago and no party has objected as of the date of
14 this motion.

15 DATED this 16th day of October 2006.

16 Respectfully submitted,

17 HARDY MYERS
18 Attorney General

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20 Michael T. Weirich, #82425
21 Assistant Attorney General
22 Of Attorneys for Staff of the Public Utility
23 Commission of Oregon
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1 **CERTIFICATE OF SERVICE**

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3 I certify that on October 16, 2006, I served the foregoing upon all parties of record in this
4 proceeding by delivering a copy by electronic mail and by mailing a copy by postage prepaid
5 first class mail or by hand delivery/shuttle mail to the parties accepting paper service.

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