

December 19, 2008

***VIA ELECTRONIC FILING
AND OVERNIGHT DELIVERY***

Oregon Public Utility Commission
550 Capitol Street NE, Suite 215
Salem, OR 97310-2551

Attn: Vikie Bailey-Goggins, Administrator
Regulatory and Technical Support

RE: **UM 1360** – PacifiCorp's Motion for Additional Protection

Enclosed for filing by PacifiCorp d.b.a. Pacific Power is a Motion for Additional Protection.

Questions on this matter may be directed to Joelle Steward, Regulatory Manager, at 503-813-5542.

Very truly yours,



Andrea L. Kelly
Vice President, Regulation

Enclosure

Cc: UM 1360 Service List

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1360

In the Matter of
PACIFICORP, dba Pacific Power
Request for Approval of Draft 2008
Request for Proposal

**PACIFICORP'S MOTION FOR
ADDITIONAL PROTECTION**

1 Pursuant to paragraph 16 of Protective Order No. 08-212 (“Protective Order”)
2 entered on April 11, 2008 in the above-referenced docket, PacifiCorp (or the “Company”)
3 hereby moves for an order granting additional protective measures. Specifically,
4 PacifiCorp requests the Administrative Law Judge (“ALJ”) to issue another protective
5 order that would allow the qualified signatories to review highly commercially sensitive,
6 non-public information, including: the Oregon Independent Evaluator’s December 15,
7 2008 memorandum, which analyzes the assumptions, inputs and calculations of
8 PacifiCorp’s self build (“Benchmark”) resources and bids; bid scoring and evaluation
9 results, and any other highly sensitive, non-public information submitted by parties and
10 the IEs in this proceeding related to PacifiCorp’s 2008 Request for Proposal (“2008 RFP”).

11 **Background**

12 In Order 08-310, the Oregon Public Utility Commission (Commission) approved
13 PacifiCorp’s request for approval of its 2008 RFP with conditions. On October 2, 2008
14 PacifiCorp issued the 2008 RFP to market, with bid responses submitted December 16,
15 2008. Since that time, the Company, in connection with oversight and input from the
16 Oregon independent evaluators (“IEs”) and the staff of the Public Utility Commission of
17 Oregon (“Staff”), has been evaluating the bids, including Benchmark bids, and has been
18 working with the IEs and Staff to ensure that such bids comply with the terms and
19 requirements established in the RFP and by the Commission. On December 15, 2008, the

1 IEs submitted a highly confidential memorandum to Staff, which analyzes PacifiCorp's
2 Benchmark bids. The IEs will be submitting other highly confidential reports to Staff as
3 part of the 2008 RFP process.

4 **Request for Additional Protection**

5 Pursuant to paragraph 16 of the Protective Order, the Company submits that in
6 order to maintain the competitive integrity of the 2008 RFP and the bid evaluation
7 process, the highly sensitive, non-public information should be disclosed in Oregon only
8 to the Commissioners, the Staff, the IEs and non-bidding parties who execute a modified
9 protective order. The Company contends that disclosing any of the information
10 surrounding the benchmarks, the bids or the bid evaluation process could prove
11 detrimental to the integrity of the 2008 RFP process and jeopardize the bidders' and the
12 Company's competitive positions. Moreover, the Commission has already acknowledged
13 in Order No. 06-446 that any bidding information, including detailed bid scoring and
14 evaluation results should be limited to the Commission, the Commission Staff and non-
15 bidding parties under protective orders that limit use of the information to RFP approval
16 and acknowledgement and to cost recovery proceedings. *See* Order No. 06-446,
17 Guidelines 12 and 11.

18 Consistent with Order No. 06-446 and in accordance with paragraph 16 of the
19 Protective Order, the Company specifically requests that the order issued by the ALJ
20 include the following language or language substantially similar to the following:

- 21 • This order governs the acquisition and use of "Non-Public Information"
22 which is highly sensitive and confidential information submitted by parties
23 and the IEs in this proceeding related to PacifiCorp's 2008 RFP.

1 • “Non-Public Information” is information that falls within the scope of
2 ORCP 36(c)(7) (“a trade secret or other confidential research,
3 development, or commercial information”) and includes bidding
4 information, as well as detailed scoring and evaluation results, as
5 discussed in Guidelines 11 and 12 of Order No. 06-446.

- 6 • A “qualified person” is an individual who is:
- 7 ○ An author(s), addressee(s), or originator(s) of the Non-Public
8 Information;
 - 9 ○ A Commissioner or Commission Staff;
 - 10 ○ A person qualified pursuant to paragraph _____ who is a non-
11 bidding party. This includes parties and their employees.

12 • The Company may designate information as Non-Public Information by
13 placing the following legend on the information:

14 NON-PUBLIC INFORMATION
15 SUBJECT TO SPECIAL PROTECTIVE ORDER

16 • Non-Public Information that is filed with the Commission or its staff shall
17 be printed on green paper, separately bound and placed in a sealed
18 envelope or other appropriate container with the following legend on the
19 envelope/container:

20 THIS ENVELOPE IS SEALED PURSUANT TO ORDER NO. _____
21 AND CONTAINS NON-PUBLIC INFORMATION. THE INFORMATION
22 MAY BE SHOWN ONLY TO QUALIFIED PERSONS AS DEFINED IN
23 THE SPECIAL PROTECTIVE ORDER.

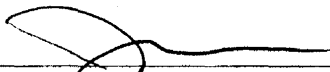
24 • Any use of the Non-Public Information is limited to RFP approval and
25 acknowledgement and to cost recovery proceedings.

1 • These additional protective measures are intended to supplement, not
2 supersede, Protective Order No. 08-212.

3 **Conclusion**

4 Based upon the foregoing, PacifiCorp respectfully requests that the
5 ALJ grant its motion for additional protective measures and issue an order
6 containing the additional protective measures set forth herein.

DATED: December 19, 2008.



Jordan A. White
Senior Counsel
Pacific Power
PacifiCorp

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of December, 2008, I caused to be served, via E-Mail and US Mail (to those parties who have not waived paper service), a true and correct copy of the foregoing document on the following named person(s) at his or her last-known address(es) indicated below.

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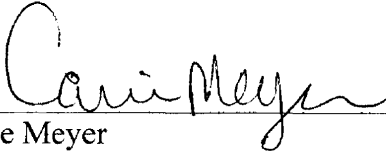
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