

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2059

In the Matter of

PACIFICORP, dba PACIFIC POWER,

Application for Approval of 2020 All-
Source Request for Proposal.

RULING

DISPOSITION: DEADLINE TO INDICATE INTENT TO ANSWER ESTABLISHED

Pending Petitions to Intervene

Last Thursday and Friday I received petitions to intervene from Tetra Tech, Avangrid Renewables, Intermountain Wind, Renewable NW, and the Alliance of Western Energy Consumers. For these petitions, if any party intends to file an answer to the petitions, they should file an intent to answer by close of business on Tuesday, March 24, 2020. If no intent to answer is filed by COB Tuesday, I will grant the petitions to intervene on Wednesday, March 25, 2020.

Petitions to Intervene Going Forward

Going forward, if a party intends to file an answer to a petition to intervene in this proceeding, a party should file an intent to answer within three business days after the petition to intervene is filed. If I receive an intent to answer I will wait the full ten days allowed by OAR 860-001-0400(4) for an answer. If no intent to answer is filed, I will grant a petition to intervene on an expedited basis.

The Relationship between Intervention and Protective Order Signatory Pages

This proceeding is not a contested case under ORS 183.310(2). In a non-contested case, persons may seek to intervene for the limited purpose of obtaining access to confidential information pursuant to the terms of a protective order. Party status does not confer the general rights and duties as those of parties in contested case proceedings. Persons need not intervene as a party in order to participate in this proceeding, and may attend workshops, submit written comments, and provide oral comments to the Commission at public comment meetings.

The Administrative Hearing Division's (AHD) default process is to first require a petition to intervene, and then once intervention is granted, a party may file a signatory page to a protective order. Under the general protective order, a signatory page is automatically effective for persons qualified under paragraph 12,¹ and there is a 5 day waiting period for persons qualified under paragraph 13.

Under AHD's COVID-19 response, in this docket we are accepting protective order signatory pages to Order No. 20-077 that are simultaneously filed with a petition to intervene. This eliminates the lag between the intervention filing and protective order signatory page. For persons seeking to be qualified under paragraph 13, the five day waiting period will start as soon as the signatory page is filed. If an intent to answer an intervention is filed, then AHD will wait to resolve the intervention before processing the signatory page.

Note on a Modified Protective Order

Currently in this proceeding there is a general protective order. If potential bidders may require access to some protected information (such as system modeling information) but should not have access to other information (such as competitive pricing information), a modified protective may be requested. For reference, the Commission recently addressed this issue in Order No. 20-013:

In adopting these rule changes, we wish to clarify that a modified protective order will be required when the moving party seeks a protective order with any changes, however minor, from the Commission's general protective order. For instance, if a party seeking a protective order believes there will be any potential intervenors or signatories with competitive interests, a modified protective order would be required to address any heightened protection for sensitive information, or restrictions applied to specific information or specific signatories. Such heightened protections and additional restrictions are not available under the terms of the general protective order.²

Dated this 23rd day of March, 2020, at Salem, Oregon



Sarah Rowe
Administrative Law Judge

¹ See General Protective Order 20-077 (Paragraph 12 covers: Counsel for the party; any person employed directly by counsel of record; and an employee of the Regulatory Division at the Citizens' Utility Board of Oregon.).

² *In the Matter of Rulemaking to Amend OAR 860-001-0080, Protective Orders*, Docket No. AR 628, Order No. 20-013 (Jan 14, 2020).