



Portland General Electric Company
Legal Department
121 SW Salmon Street, 1WTC1301
Portland, Oregon 97204
Phone 503-464-7822
Fax 503-464-2200
portlandgeneral.com

David F. White
Managing Assistant General Counsel

June 28, 2023

VIA E-FILING

Public Utility Commission of Oregon
Attention: Filing Center
201 High Street SE, Suite 100
Salem, Oregon 97301

Re: PGE's 2022 Annual Power Cost Adjustment Mechanism

Dear Filing Center:

Enclosed for filing in the above-described docket is PGE's Notice of Use of General Protective Order. As this docket is a new matter, please also assign a docket number.

Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink that reads "David White". The signature is written in a cursive, flowing style.

DW/ld

David F. White
Managing Assistant General Counsel

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE ____

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

2022 Annual Power Cost Adjustment
Mechanism.

NOTICE OF USE OF GENERAL
PROTECTIVE ORDER

Portland General Electric Company (PGE) hereby provides notice that it anticipates designating information to be produced or used in this docket as protected under the Commission’s General Protective Order, No. 23-132 (GPO). PGE plans to file its Annual Power Cost Variance under Tariff Schedule 126. Testimony, exhibits to the testimony and certain work papers PGE plans to file in this docket will include sensitive business information that is protected under ORCP 36(C)(1), including but not limited to PGE’s timing of and prices for electricity purchases and sales, fuel purchases, and other contracts. The GPO is attached as appendix A. Other parties to the proceeding may seek access to the protected information under the terms of the GPO using the attached signatory pages, pre-marked for use in this docket.

The individuals listed in the table below are employees of PGE and are identified for purposes of accessing information designed as protected by PGE within the docket. PGE will provide updates to this table during the course of the proceeding to ensure that it accurately identifies the employees who should have access. PGE includes below a generic email address for purposes of sending and receiving protected information, which can only be accessed by those individuals listed below.

PRINTED NAME	EMAIL	DATE
Stefan Cristea	OPUCDockets@pgn.com	6/28/2023
Danielle McCain	OPUCDockets@pgn.com	6/28/2023
Greg Batzler	OPUCDockets@pgn.com	6/28/2023
Tom Kenny	OPUCDockets@pgn.com	6/28/2023
Kim Burton	OPUCDockets@pgn.com	6/28/2023
Lauren Davis	OPUCDockets@pgn.com	6/28/2023

Megan Billinger	OPUCDockets@pgn.com	6/28/2023
Barbara Parr	OPUCDockets@pgn.com	6/28/2023
Jaki Ferchland	OPUCDockets@pgn.com	6/28/2023
Rob MacFarlane	OPUCDockets@pgn.com	6/28/2023

DATED this 28th day of June, 2023

Respectfully submitted,



David F. White, OSB #011382
Managing Assistant General Counsel
Portland General Electric Company
121 SW Salmon Street, 1 WTC1301
Portland, OR 97204
Phone: 503.464.7701
Email: david.white@pgn.com

GENERAL PROTECTIVE ORDER

Scope of this Order:

1. This order governs the access to and use of Protected Information produced or used by any party to proceedings before the Public Utility Commission of Oregon.

Designation of Protected Information:

2. Any party may designate as Protected Information any information the party reasonably determines:

- a) Falls within the scope of ORCP 36(C)(1) (a trade secret or other confidential research, development, or commercial information); or the exemptions under Oregon Public Records Law, ORS 192.345 and 192.355 (OPRL) and
- b) Is not publicly available.

3. To designate information as Protected Information, a party must place the following legend on the material:

PROTECTED INFORMATION
SUBJECT TO GENERAL PROTECTIVE ORDER

The party may designate a document or a portion of a document as Protected Information. The party should make a good faith effort to designate as Protected Information only the information protected under ORCP 36(C)(1) or OPRL.

4. Protected Information will be provided either through: (a) the Commission's discovery portal; (b) a password protected and encrypted electronic ZIP file distributed electronically; or (c) through physical production.

For materials provided through physical production, each page of a document containing Protected Information filed with the Commission or provided to Qualified Persons under this order must be printed on yellow paper and placed in a sealed envelope or other appropriate container. THIS ENVELOPE IS SEALED UNDER ORDER NO. 23-132 AND CONTAINS PROTECTED INFORMATION. THE INFORMATION MAY BE SHOWN ONLY TO QUALIFIED PERSONS AS DEFINED IN THE ORDER.

Each page of a document containing Protected Information electronically filed with the Commission or provided to Qualified Persons under this order, electronically or through a designated shared workspace must be clearly marked as protected and maintained in a

separate, secured file folder. Any file or folder containing Protected Information must be designated "Protected." If the cells in a spreadsheet or other tabular document include information that has been designated as confidential and that would be impractical or unduly burdensome to mark as required above, the party designating information as confidential need not comply with this requirement but must identify that information in a way that reasonably provides the Commission and Qualified Persons with sufficient identification of the information to be protected.

Only the portions of a document containing information designated as protected may be treated as Protected Information under the terms of this order. Any information not constituting Protected Information contained in such a document may not be afforded the protections under this order and must be separately provided in an unrestricted manner.

5. A party may designate as Protected Information any information previously provided by filing notice with the Commission and other parties. Parties in possession of newly designated Protected Information must make reasonable efforts to ensure that all paper or electronic copies of the material containing the information are treated consistent with the requirements of paragraph 4 once requested by the designating party.

6. A designating party must make reasonable efforts to ensure that information designated as Protected Information continues to warrant protection under this order. If designated information becomes publicly available or is no longer protected under ORCP 36(C)(1) or OPRL, the designating party should make reasonable efforts to remove the protected designation and file notice with the Commission and other parties.

Challenge to Designation of Information as Protected:

7. A party may informally challenge any designation of Protected Information by notifying the designating party. Once notified, the designating party bears the burden of showing that the challenged information is protected under ORCP 36(C)(1) or OPRL. The parties must promptly confer and make every effort to cooperatively resolve disputes themselves. Any party may request that the ALJ hold an informal dispute resolution conference.

8. If a dispute under paragraph 7 cannot be resolved informally, the challenging party may file an objection to seek formal resolution by the ALJ. The objection must identify the information in dispute and certify that reasonable efforts to achieve informal resolution have failed. Within five business days of service of the objection, the designating party must either remove the protected designation or file a response. A response must identify the factual and legal basis of how the challenged information is

protected under ORCP 36(C)(1) or OPRL. Broad allegations unsubstantiated by specific facts are not sufficient. The challenging party may file a reply to any response within five business days of service of the response. The designating party may file a sur-reply within three business days of service of a reply. The ALJ will make all reasonable efforts to resolve the matter within 10 business days of service of the last filing. Pending the ALJ's decision, the disputed information will be treated as Protected Information.

Access to Protected Information:

9. An entity or individual must be a party in order to seek to be qualified under this Protective Order. Only Qualified Persons may access Protected Information designated by another party under this Protective Order. A party must agree to be bound by the Protective Order for its Qualified Persons to be eligible to receive or access Protected Information. Persons automatically bound by this protective order and qualified to access Protected Information are:

- a. Commission employees; and
- b. Assistant Attorneys General assigned to represent the Commission.

10. Persons qualified upon a party signing the Consent to be Bound section of Appendix B are:

- a. Counsel for the party;
- b. Any person employed directly by counsel of record; and
- c. Any employee of the Regulatory Division at the Oregon Citizens' Utility Board.

A party must identify all these persons in section II of Appendix B when consenting to be bound by the order and must update this list throughout the proceeding to ensure it accurately identifies Qualified Persons.

11. A party may seek to qualify other persons to access Protected Information by having those persons complete and sign Appendix C and submitting that information to the Commission and all parties. Persons seeking qualification under Appendix C are subject to a five-business day waiting period, as addressed in paragraph 14. A party may seek to qualify a person under Appendix C on an expedited basis by contacting the other parties and filing a motion certifying that its signatory page is uncontested.

12. A party's own employees need not be qualified under this Protective Order to access that party's Protected Information but must be identified by the designating party for purposes of being provided access within the docket. The designating party must update this list throughout the proceeding to ensure it accurately identifies the employees who should have access.

Objection to Access to Protected Information:

13. All Qualified Persons have access to Protected Information unless the designating party objects as provided in this paragraph. As soon as the designating party becomes aware of reasons to restrict access to an already Qualified Person, the designating party must provide the Qualified Person and his or her counsel notice stating the basis for the objection. The parties must promptly confer and attempt to resolve the dispute on an informal basis.

14. A designating party may object to a person who seeks to become a Qualified Person under Appendix C. Within five business days of receiving a copy of Appendix C, the designating party must either provide the requested access to Protected Information or notify the PUC Filing Center and the party seeking to be qualified of its objection. The notice of objection must explain the basis for the objection. The parties must promptly confer and attempt to resolve the dispute on an informal basis. The parties must notify the PUC Filing Center of any informal resolution as soon as possible.

15. If a dispute under paragraphs 13 or 14 cannot be resolved informally, either party may file an objection to seek formal resolution by the ALJ. The objection must describe the dispute and certify that reasonable efforts to achieve informal resolution have failed. The other party may file a response to the objection within 5 business days of service of an objection. The ALJ will make all reasonable efforts to resolve the matter within 10 business days of the last filing. Pending the ALJ's decision, Protected Information may not be disclosed to the person subject to the objection.

Use of Protected Information:

16. All Qualified Persons must take reasonable precautions to keep Protected Information secure. A Qualified Person may reproduce Protected Information to the extent necessary to participate in these proceedings. A Qualified Person may discuss Protected Information obtained under this order only with other Qualified Persons who have obtained the same information.

17. Without the written permission of the designating party, any Qualified Person given access to Protected Information under this order may not use or disclose Protected Information for any purpose other than participating in these proceedings. Nothing in this protective order precludes any party from independently seeking through discovery in any other administrative or judicial proceeding information or materials produced in this proceeding under this protective order.

18. Counsel of record may retain memoranda, pleadings, testimony, discovery, or other documents containing Protected Information to the extent reasonably necessary to maintain a file of these proceedings or to comply with requirements imposed by another governmental agency or court order. The information retained may only be disclosed to Qualified Persons under this order. Any other person retaining Protected Information must destroy or return it to the designating party within 90 days after final resolution of these proceedings unless the designating party consents in writing to retention of the Protected Information. This paragraph does not apply to the Commission or its Staff.

Duration of Protection:

19. The Commission will preserve the designation of information as protected for a period of five years from the date of the final order in these proceedings, unless extended by the Commission at the request of the designating party. The Commission will notify the designating party at least two weeks prior to the release of Protected Information.

**CONSENT TO BE BOUND
QUALIFICATION OF COUNSEL AND OREGON CITIZENS' UTILITY BOARD**

I. Eligibility

Under paragraph 10, persons qualified under the Commission's general protective order upon a party signing this Appendix are:

Counsel for the party;
Any person employed directly by counsel of record; and
Any employee of the Regulatory Division at the Oregon Citizens' Utility Board.

A party must identify all Qualified Persons in section III below when consenting to be bound by the order, and must update this list throughout the proceeding to ensure it accurately identifies Qualified Persons.

Consent to be Bound:

The general protective order governs the use of Protected Information in these proceedings. Without the written permission of the designating party, any Qualified Person given access to Protected Information under this order may not use or disclose Protected Information for any purpose other than participating in these proceedings.

_____ (Party) agrees to be bound by the terms of the general protective order, Order No. 23-132, and certifies that it has an interest in these proceedings that is not adequately represented by other parties to the proceedings.

Signature:

Printed Name:

Date:

II. Additional Persons Qualified under Paragraph 10:

_____ (Party) identifies the following person(s) as qualified under paragraph 12. The party's signatory, as identified immediately above, is a Qualified Person under paragraph 10 without also being listed separately below.

PRINTED NAME	DATE

QUALIFICATION OF OTHER PERSONS**I. Eligibility**

Under paragraph 11, a party may seek to qualify persons other than those eligible under Appendix B (i.e., paragraph 10) to access Protected Information by having those persons complete and sign this appendix. The signed appendix must be, submitted to the Commission and all parties. After a five-day waiting period, if no party has objected, the persons identified below will be considered Qualified Persons.

II. Consent to be Bound

The general protective order governs the use of Protected Information in these proceedings. Without the written permission of the designating party, any Qualified Person given access to Protected Information under this order may not use or disclose Protected Information for any purpose other than participating in these proceedings.

I have read the terms of the general protective order, Order No. 23-132, and agree to be bound by the terms of the order and provide the following information.

Signature:		Date:
Printed Name:		
Physical Address:		
Email Address:		
Employer:		
Associated Party:		
Job Title:		

ORDER NO. 23-132

If not employee of party, description of practice and clients:	
---	--