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**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

LC 33

|   |   |                          |
|---|---|--------------------------|
| In the Matter of                        | ) |                          |
|   | ) |                          |
| PORTLAND GENERAL ELECTRIC               | ) | FURTHER PROTECTIVE ORDER |
| COMPANY                                 | ) |                          |
|   | ) |                          |
| OAR 860-038-0080, Resource Policies and | ) |                          |
| Plans                                   | ) |                          |

**DISPOSITION: MOTION GRANTED**

**Background.** On August 9, 2002, Portland General Electric Company (PGE) filed its 2002 Integrated Resource Plan with the Commission. On September 27, 2002, PGE also filed a Motion for Approval of Modified Protective Order (MPO Motion). The MPO Motion was granted and the Modified Protective Order issued by Commission Order No. 02-699, entered October 15, 2002.

On February 11, 2004, PGE filed a Motion for Additional Protection Under Protective Order (AP Motion), under paragraph 16 of the MPO.

Specifically, PGE requests that the documents requested by the Oregon Department of Energy (DOE) in DOE Data Request No. 2 be subject to disclosure to the DOE and Commission Staff only and that further use of the documents in this proceeding be permitted only after an additional application to and Order from the ALJ.<sup>1</sup>...

The information that DOE has requested includes information about the PGE and BPA transmission systems and information developed in the course of responding to requests for transmission services. As such, it falls under the prohibitions in the FERC standards of conduct. Accordingly, PGE's transmission Services Department must insure that there are sufficient protections in place to

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<sup>1</sup> AP Motion, p. 1.

prevent information it provides in response to DOE's document request from being disclosed to PGE's marketing or sales employees either directly or indirectly.<sup>2</sup>

None of the parties to the proceeding has interposed any objection to the PGE AP Motion.

**Discussion.** I find the reasons for the additional data protection offered by PGE to be meritorious and the proposed methods for providing the additional protection to be practical and not unduly burdensome. The AP Motion shall be granted.

**ORDER**

The Modified Protective Order 02-699, entered October 15, 2002, is amended by the adoption of the procedures set forth and attached to this Order as Appendix A.

Made, entered, and effective \_\_\_\_\_.

\_\_\_\_\_  
Allan J. Arlow  
Administrative Law Judge

This order may be appealed to the Commission pursuant to OAR 860-014-0091. The appeal should be in the form of a motion. *See* OAR 860-013-0031.

\_\_\_\_\_  
<sup>2</sup> *Id.*, p. 3.

**APPENDIX A**

The Modified Protective Order 02-699, entered October 15, 2002, is amended by the addition of the following:

17. Special treatment as set forth herein shall be accorded to information provided by PGE in response to Oregon Office of Energy Data Request No. 2 (OOE Data 2 Response).

- a. No information contained in the OOE Data 2 Response shall be disclosed without a prior specific, affirmative ruling or order of the Administrative Law Judge or the Commission.
- b. All communications between PGE and any other party concerning the OOE Data 2 Response shall be conducted through PGE's attorneys.
- c. Notwithstanding the provisions of subparagraph a., above, PGE may, without approval of the Commission or the Administrative Law Judge, disclose information contained in the OOE Data 2 Response to the Oregon Office of Energy and the Commission Staff.