

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1374

In the Matter of)	
)	SPECIAL
PACIFICORP, dba PACIFIC POWER)	PROTECTIVE
)	ORDER
Petition for Waiver of the Commission's)	
Competitive Bidding Guidelines.)	

**DISPOSITION: MOTION FOR ADDITIONAL PROTECTION
CONDITIONALLY GRANTED**

On June 12, 2008, PacifiCorp, dba Pacific Power (Pacific Power or the Company) filed, with the Public Utility Commission of Oregon (Commission) a Motion for Additional Protection as provided for under paragraph 16 of the General Protective Order issued in this docket. *See* Order No. 07-741. Pacific Power asks for another Protective Order to be entered—i.e., a Special Protective Order (SPO).

The SPO would allow the Commission, the Independent Evaluator (IE) and non-bidding parties executing the SPO to review commercially sensitive, non-public information, including bid scoring and evaluation results, originally produced by Pacific Power in relation to the Company’s 2012 Request for Proposals (RFP) process in Docket UM 1208, but relied on by the IE in this docket. Observing that negotiations are ongoing with regard to the Company’s 2012 RFP, Pacific Power contends that disclosing information about bid evaluation, bid status and the negotiation process to certain parties in this docket “could provide detrimental to the integrity of the 2012 RFP process and jeopardize the bidders and the Company’s competitive positions.”¹ Pacific Power suggests specific language be included in the SPO.

I find that good cause exists to enter a SPO, attached as Appendix A. Pacific Power’s motion for additional protection is conditionally granted, subject to the timely filings of objections. The SPO shall govern the acquisition and use in this proceeding, of Non-Public Information (as defined within the SPO) originally submitted to the Commission by Pacific Power in relation to Pacific Power’s 2012 RFP. The SPO provides additional protection beyond the General Protective Order, which remains in effect.

All persons who are given access to the Non-Public Information shall have the good faith obligation to monitor their own conduct to ensure their compliance with the SPO, as well as the General Protective Order. If questions exist as to the status of any person to

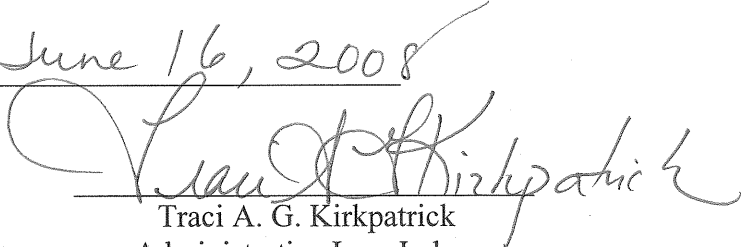
¹ Motion for Additional Protection, p. 2.

receive confidential information, the parties may contact the Administrative Hearings Division at (503) 378-6678.

ORDER

IT IS ORDERED that the Special Protective Order, attached as Appendix A, shall govern the disclosure of confidential information in this case.

Made, entered, and effective on June 16, 2008



Traci A. G. Kirkpatrick
Administrative Law Judge



A party may appeal this order to the Commission pursuant to OAR 860-014-0091.

SPECIAL PROTECTIVE ORDER
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Scope of this Order-

1. This order governs the acquisition and use of “Non-Public Information” which is highly sensitive and confidential and was originally submitted by Pacific Power in Docket UM 1208 as part of its 2012 request for proposal (RFP).

Definitions-

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

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

Designation of Non-Public Information-

4. The Company may designate information as Non-Public Information by placing the following legend on the information:

NON-PUBLIC INFORMATION
SUBJECT TO SPECIAL PROTECTIVE ORDER

Information Given to the Commission-

5. Non-Public Information that is filed with the Public Utility Commission of Oregon (Commission) or given to Commission Staff shall be printed on green paper, separately bound and placed in a sealed envelope or other appropriate container with the following legend on the envelope/container:

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

6. The Commission's Administrative Hearings Division shall store the Non-Public Information in a locked cabinet dedicated to the storage of Non-Public Information.

Disclosure of Confidential Information-

7. A person who is a non-bidding party may become a qualified person under paragraph 3(c) by completing the following:

- a. Read a copy of this Special Protective Order;
- b. Execute a statement acknowledging that the order has been read and agreeing to be bound by the terms of the order;
- c. Date the statement; and
- d. Provide a name, address, employer and job title.

The person shall deliver a copy of the signed statement including the information above to the party desiring confidentiality as well as all parties of record. Such notification may be made via e-mail or facsimile.

8. All qualified persons shall have access to the Non-Public Information, unless the party desiring confidentiality protests as provided in this paragraph. The party desiring to restrict the qualified person(s) from accessing specific Non-Public Information must provide written notice to the qualified person(s) and counsel for the party associated with the qualified person(s) as soon as the party becomes aware of reasons to restrict access. The parties must promptly confer and attempt to resolve any dispute over access to the Non-Public Information on an informal basis before filing a motion with the Administrative Law Judge. If the dispute cannot be resolved informally, either party may file a motion with the Administrative Law Judge for resolution. Either party may also file a motion if the other party does not respond within five days to a request to resolve the dispute. After receipt of the written notice as required in this paragraph, the specific Non-Public Information shall not be disclosed to the qualified person(s) until the issue is resolved.

Use of Non-Public Information-

9. Any use of the Non-Public Information is limited to this waiver proceeding, PacifiCorp's 2012 RFP approval and acknowledgement and to cost recovery proceedings.

Continuing Effect of Order No. 08-191-

10. These additional protective measures are intended to supplement, not supersede, Protective Order No. 08-191.

SIGNATORY PAGE
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I. Consent to be Bound.

This Special Protective Order governs the use of "Non-Public Information" in this proceeding.

_____ (Party) agrees to be bound by its terms of this Special Protective Order.

By: _____
Signature & Printed Date

II. Persons Qualified pursuant to Paragraphs 3(a) through 3(d).

_____ (Party) identifies the following person(s) automatically qualified under paragraph 3(a) through (d).

_____	_____
Printed	Date
_____	_____
Printed	Date
_____	_____
Printed	Date
_____	_____
Printed	Date
_____	_____
Printed	Date
_____	_____
Printed	Date

SIGNATORY PAGE
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III. Persons Qualified pursuant to Paragraph 3(e) and Paragraph 10.

I have read the General Protective Order, agree to be bound by the terms of the order, and will provide the information identified in paragraph 10.

By: _____
Signature & Printed Date

By: _____
Signature & Printed Date

By: _____
Signature & Printed Date

By: _____
Signature & Printed Date