

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 209

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY

Schedule 122 Update to Renewable
Resources Automatic Adjustment Clause

**GENERAL
PROTECTIVE
ORDER**

DISPOSITION: MOTION FOR PROTECTIVE ORDER GRANTED

On April 15, 2009, Portland General Electric Company (PGE) filed a Motion for a Protective Order with the Public Utility Commission of Oregon (Commission). PGE states it anticipates filing testimony and workpapers that will contain confidential information, including power market forecasts and information that PGE is contractually obligated to keep confidential. PGE also believes that there may be requests for further confidential information in this docket. PGE states that good cause exists for the issuance of such an order to protect confidential market information and confidential business information, plans, and strategies. PGE concludes that the public release of such information could prejudice PGE and its customers.

I find that good cause exists to issue a General Protective Order, attached as Appendix A. The order permits the broadest possible discovery consistent with the need to protect confidential information. It shields no specific documents and makes no judgment regarding whether any particular document is a trade secret or contains commercially sensitive information. Rather, the order adopts a process for the parties to resolve discovery disputes that involve sensitive information.

Under the terms of the order, any party may designate as confidential any information that it reasonably believes falls within the scope of ORCP 36(C)(7). Any such designation must be made in good faith and be limited to only those portions of the document that qualify as confidential information. Any other party may challenge the designation of any information as confidential. At that point, the designating party bears the burden of showing that the challenged information falls within ORCP 36(C)(7).

Confidential information may be disclosed only to a "qualified person" as defined in paragraph 3 of the General Protective Order. Authors of the confidential material, the Commission or its Staff, and counsel of record for a party or persons directly employed

by counsel are “qualified persons” who may review confidential information with no need to individually sign the General Protective Order. Other persons desiring confidential information must become qualified pursuant to paragraph 10. To receive confidential information, however, all parties—with the general exception of Staff—must sign the Consent to be Bound Form attached as Appendix B. This includes the party seeking the issuance of the General Protective Order because any party may designate information as confidential under this order.

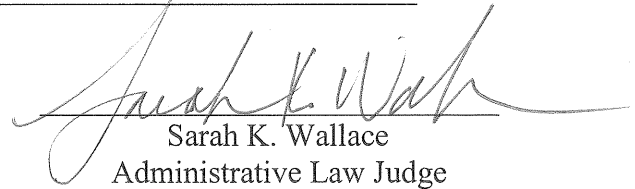
All persons who are given access to confidential information have the good faith obligation to monitor their own conduct to ensure their compliance with the General Protective Order. Such persons must not use or disclose the information for any purpose other than to participate in this proceeding, and must take all reasonable precautions to keep the confidential information secure. If questions exist about whether a person may receive confidential information, the parties may contact the Administrative Hearings Division at (503) 378-6678.

ORDER

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

Made, entered, and effective on APR 16 2009.




Sarah K. Wallace
Administrative Law Judge

GENERAL PROTECTIVE ORDER
DOCKET NO. UE 209

Scope of this Order

1. This order governs the acquisition and use of “Confidential Information” in this proceeding.

Definitions

2. “Confidential Information” is information that falls within the scope of ORCP 36(C)(7) (“a trade secret or other confidential research, development, or commercial information”).

3. A “qualified person” is an individual who is:
- a. An author(s), addressee(s), or originator(s) of the Confidential Information;
 - b. A Commissioner or Commission staff;
 - c. Counsel of record for a party;
 - d. A person employed directly by counsel of record; or
 - e. A person qualified pursuant to paragraph 10. This includes parties and their employees.

Designation of Confidential Information

4. A party providing Confidential Information must inform other parties that the material has been designated confidential by placing the following legend on the information:

CONFIDENTIAL
SUBJECT TO GENERAL PROTECTIVE ORDER

To the extent practicable, the party may designate as confidential only those portions of the document that fall within ORCP 36(C)(7).

5. A party may designate as confidential any information previously provided by giving written notice to the other parties. Parties in possession of newly designated Confidential Information must, when feasible, ensure that all copies of the information bear the above legend to the extent requested by the party desiring confidentiality.

Information Given to the Commission

6. Confidential Information that is: (a) filed with the Commission or its staff; (b) made an exhibit; (c) incorporated into a transcript; or (d) incorporated into a pleading, brief, or other document, must be printed on yellow paper, separately bound, and placed in a sealed envelope or other appropriate container. An original and five copies, each separately

sealed, must be provided to the Commission. **Only the portions of a document that fall within ORCP 36(C)(7) may be placed in the envelope/container.** The envelope/container must bear the legend:

THIS ENVELOPE IS SEALED PURSUANT TO ORDER
NO. _____ AND CONTAINS CONFIDENTIAL
INFORMATION. THE INFORMATION MAY BE SHOWN
ONLY TO QUALIFIED PERSONS AS DEFINED IN THE
ORDER.

7. The Commission's Administrative Hearings Division will store Confidential Information in a locked cabinet dedicated to the storage of Confidential Information.

Disclosure of Confidential Information

8. Parties desiring receipt of Confidential Information must sign the Consent to be Bound Form attached as Appendix B. This requirement does not apply to the Commission staff. Confidential Information must not be disclosed to any person other than a "qualified person" as defined in paragraph 3. When feasible, Confidential Information must be delivered to counsel. In the alternative, Confidential Information may be made available for inspection and review by qualified persons in a place and time agreeable to the parties or as directed by the Administrative Law Judge.

9. Qualified persons may disclose Confidential Information to any other qualified person, unless the party desiring confidentiality protests as provided in Section 11.

10. To become a qualified person under paragraph 3(e), a person must:

- a. Read a copy of this General 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;
- d. Provide a name, address, employer, and job title; and
- e. If the person is a consultant or advisor for a party, provide a description of the nature of the person's consulting or advising practice, including the identity of his/her current, past, and expected clients.

Counsel must deliver a copy of the signed statement including the information in (d) and (e) above to the party desiring confidentiality and to all parties of record. Such notification may be made via e-mail or facsimile. A person qualified under paragraph 3(e) may not have access to Confidential Information sooner than five (5) business days after receipt of a copy of the signed statement including the information in (d) and (e) above by the party desiring confidentiality.

11. All qualified persons must be given access to Confidential Information, unless the party desiring confidentiality protests as provided in this paragraph. The party desiring to restrict the qualified person(s) from accessing specific Confidential 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 Confidential 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. A motion must describe in detail the intermediate measures, including selected redaction, explored by the parties and explain why such measures do not resolve the dispute. After receipt of the written notice as required in this paragraph, the specific Confidential Information may not be disclosed to the qualified person(s) until the issue is resolved.

Preservation of Confidentiality

12. All persons who are given access to Confidential Information by reason of this order must not use or disclose the Confidential Information for any purpose other than the purposes of participating in of this proceeding, and must take all reasonable precautions to keep the Confidential Information secure. Disclosure of Confidential Information for purposes of business competition is strictly prohibited.

Qualified persons may copy, microfilm, microfiche, or otherwise reproduce Confidential Information to the extent necessary to participate in this proceeding. Qualified persons may disclose Confidential Information only to other qualified persons associated with the same party.

Duration of Protection

13. The Commission will preserve the confidentiality of Confidential Information for a period of five years from the date of the final order in this docket, unless extended by the Commission at the request of the party desiring confidentiality. The Commission will notify the party desiring confidentiality at least two weeks prior to the release of Confidential Information.

Destruction After Proceeding

14. Counsel of record may retain Confidential Information to the extent reasonably necessary to maintain a file of this proceeding or to comply with requirements imposed by another governmental agency or court order. The information retained may not be disclosed to any person. Any other person retaining Confidential Information must destroy or return it to the party desiring confidentiality within 90 days after final resolution of this proceeding, unless the party desiring confidentiality consents in writing to retention of the Confidential Information. This paragraph does not apply to the Commission or its Staff.

Appeal to the Administrative Law Judge

15. If a party disagrees with the designation of information as confidential, the party must contact the designating party and attempt to resolve the dispute on an informal basis. If the parties are unable to resolve the dispute, the party desiring to use the information may move for exclusion of the information from the protection conferred by this order. The motion must:

- a. Specifically identify the contested information; and
- b. Explain why the information does not fall within ORCP 36(C)(7).
- c. A detailed description of the intermediate measures, including selective redaction, explored by the parties and why such measures do not resolve the dispute.

The party resisting disclosure has the burden of showing that the challenged information falls within ORCP 36(C)(7). If the party resisting disclosure does not respond to the motion within 10 calendar days, the challenged information will be removed from the protection of this order.

The information may not be disclosed pending a ruling by the Administrative Law Judge on the motion.

Additional Protection

16. The party desiring additional protection may move for any of the remedies set forth in ORCP 36(C). The motion must state:

- a. The parties and persons involved;
- b. The exact nature of the information involved;
- c. The exact nature of the relief requested; and
- d. The specific reasons the requested relief is necessary.

The information may not be disclosed pending the Commission's ruling on the motion.

SIGNATORY PAGE
DOCKET NO. UE 209

I. Consent to be Bound

This General Protective Order governs the use of "Confidential Information" in this proceeding.

_____ (Party) agrees to be bound by its terms of this General 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

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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
