

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UP 441

In the Matter of

PACIFICORP, dba PACIFIC POWER

Application for an Order Authorizing the  
Sale of Washington-Based Assets.

MODIFIED PROTECTIVE  
ORDER

**DISPOSITION: MOTION FOR MODIFIED PROTECTIVE ORDER GRANTED**

On April 1, 2026, PacifiCorp, dba Pacific Power filed a motion for a modified protective order in this docket.

Under our rules, I am to provide expedited review of any motion for a modified protective order and may issue a modified protective order facilitate the filing of protected information and discovery.<sup>1</sup> In providing expedited review and issuing a modified protective order, it does not preclude parties from filing responses to the motion for a modified protective order.<sup>2</sup> If a response is filed to the motion for a modified protective order, I am to conduct a *de novo* review of the terms of the modified protective order and issue a ruling explaining my determination.<sup>3</sup>

PacifiCorp states the modified protective order is needed to prevent public disclosure of highly confidential information, including highly sensitive proprietary financial and commercial information, and it is possible that highly confidential information may be requested in discovery, including Critical Energy Infrastructure Information (CEII). PacifiCorp asserts that public disclosure of this information could result in substantial negative consequences for the company and its customers.

I find that PacifiCorp's motion meets the requirements of OAR 860-001-0080(3)(a) and that good cause exists to grant it. In doing so, I clarify that the MPO's reference to Huddle shall be interpreted to include any Commission electronic discovery system, including the new system expected to be online later in 2026.

Accordingly, I issue the MPO attached as Appendix A on an expedited basis under OAR 860-001-0080(3)(c) to facilitate the filing of protected information. This expedited action does not foreclose a party from seeking *de novo* review of this MPO under

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<sup>1</sup> OAR 860-001-0080(3)(c).

<sup>2</sup> OAR 860-001-0080(3)(d).

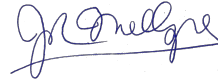
<sup>3</sup> OAR 860-001-0080(3)(e).

OAR 860-001-0080(3)(d)-(e).

**ORDER**

IT IS ORDERED that the modified protective order, attached as Appendix A, is adopted.

Made, entered, and effective on Apr 2, 2026.



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John Mellgren  
Administrative Law Judge



**MODIFIED PROTECTIVE ORDER**

DOCKET NO. UP 441

**Scope of this Order:**

1. This order supplements General Protective Order No. 23-132 and governs the acquisition and use of “Highly Protected Information” produced or used by any party to docket UP 441. Access to Highly Protected Information shall be limited to qualifying persons bound by this Modified Protective Order (“HPI Qualified Persons”).

**Designation of Protected Information and “Highly Protected Information”:**

2. Any party may designate as Highly 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, or is Critical Energy Infrastructure Information;
  - (b) Is not publicly available; and
  - (c) Is not adequately protected by the general protective order.
3. To designate information as Highly Protected Information, a party must place the following legend on the material:

HIGHLY PROTECTED INFORMATION  
SUBJECT TO MODIFIED PROTECTIVE ORDER NO. 26-\_\_\_

The party should make reasonable efforts to designate as Highly Protected Information only the portions of the information that satisfies paragraph 2 of this Modified Protective Order.

4. For a filing containing Highly Protected Information, a Highly Protected version and a public version of the document must be created and filed with the Filing Center. The Highly Protected versions of documents shall be grouped together and should be clearly marked as “Highly Protected” or “Highly Confidential.” All Highly Protected Information disclosed by a designated party to an HPI Qualified Person will be provided either through: (a) Huddle, the Commission’s discovery portal; (b) a password protected and encrypted electronic file made available on a secure platform; or (c) in a manner mutually agreed upon by the requestor and PacifiCorp. The Commission’s Filing Center receives files electronically outside of the Huddle program. For discovery containing Highly Protected Information, the file should be uploaded to a Huddle file folder designated “Highly Protected.”
5. A party may designate as Highly Protected Information any information previously

provided by giving written notice to the Commission and other parties. Parties in possession of newly designated Highly Protected Information must make reasonable efforts to ensure that all copies of the material containing the information bear the above legend if requested by the designating party.

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

**Challenge to Designation of Information as Highly Protected:**

7. A party may informally challenge any designation of Highly Protected Information by notifying the designating party. Once notified, the designating party bears the burden of showing that the challenged information is covered by ORCP 36 C(1) and that the “Highly Protected Information” designation is necessary. Any party may request that the ALJ hold a conference to help resolve disputes about proper designation.
8. If the dispute cannot be resolved informally, the challenging party may file a written objection with the Administrative Law Judge (“ALJ”). The objection need only identify the information in dispute and certify that reasonable efforts to achieve informal resolution have failed.
9. Within five business days of service of the objection, the designating party must either remove the challenged protected designation or file a written response. A written response must identify the factual and legal basis of how the challenged information is protected by paragraph 2. Broad allegations unsubstantiated by specific facts are not sufficient. If the designating party does not timely respond to the objection, the Commission will remove the protected designation from the challenged information.
10. The challenging party may file a written reply to any response within five business days of service of an objection. The designating party may file a sur-reply within three business days of service of a response. The ALJ will make all reasonable efforts to resolve the matter within ten business days of service of the last filing.

**Access to Highly Protected Information:**

11. Only HPI Qualified Persons may access Highly Protected Information designated by another party under this Modified Protective Order. Qualified Persons under General Protective Order No. 23-132 are not HPI Qualified Persons under this Modified Protective Order except as provided in paragraphs 11 to 13 herein.

Persons automatically bound by this protective order and qualified to access Highly Protected Information are:

- (a) Commission employees;
  - (b) Assistant Attorneys General assigned to represent the Commission; and
  - (c) PacifiCorp employees or counsel if the Highly Protected Information is provided by PacifiCorp. PacifiCorp must identify any employees it designates to receive Highly Protected Information via the service list or Huddle access and must update the list throughout the proceeding to ensure it accurately identifies the employees who should have access.
12. Persons qualified to access Highly Protected Information upon a party signing the Signatory Page for Highly Protective Information, Appendix B, are:
- (a) An employee or counsel of PacifiCorp; and
  - (b) An employee or counsel of the Regulatory Division at the Oregon Citizens' Utility Board.
13. A party bound by the General Protective Order No. 23-132 may seek to qualify other persons to access certain specific Highly Protected Information by having those persons complete and sign Appendix C, and submitting that information to the designating party and the Commission. Within five business days of receiving a copy of Appendix C, the designating party must file an objection under paragraph 14 or access will be provided.

**Objection to Access to Protected Information:**

14. All HPI Qualified Persons will have access to Highly 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 a HPI Qualified Person, or objects to a person seeking qualification under paragraph 13, the designating party must provide the 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.
15. If the parties are unable to resolve the matter informally, the designating party must file a written objection with the ALJ. The requesting party may file a response to the motion within five business days of service of an objection. The ALJ will make all reasonable efforts to resolve the matter within ten business days of the last filing. Pending the ALJ's decision, the specific Highly Protected Information may not be disclosed to the person subject to the objection.
16. Access to Highly Protected versions of filings or Highly Protected Information that has been previously filed or exchanged shall be provided to HPI Qualified Persons as described in paragraph 4.

**Use of Protected Information:**

17. All HPI Qualified Persons must take reasonable precautions to keep Highly Protected Information secure. HPI Qualified Persons may reproduce Highly Protected Information

only to the extent necessary to participate in these proceedings. A HPI Qualified Person may discuss Highly Protected Information obtained under this order only with other HPI Qualified Persons who have obtained the same information under this order and only in relation to this proceeding.

18. Without the written permission of the designating party, any HPI Qualified Person may not disclose Highly Protected Information for any purpose other than participating in these proceedings.
19. 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.
20. Counsel of record may retain memoranda, pleadings, testimony, discovery, or other documents containing Highly 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. Any other person retaining Highly Protected Information must destroy it 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 Highly Protected Information. This paragraph does not apply to the Commission or its Staff.
21. Highly Protected Information provided by a party shall not be used, copied, reproduced, or submitted by a HPI Qualified Person in any manner through an artificial intelligence (AI) application or tool without prior consent of the disclosing party.

**Duration of Protection:**

22. The Commission will preserve the designation of information as Highly Protected Information 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 Highly Protected Information.

**CONSENT TO BE BOUND AND SIGNATORY PAGE**  
DOCKET NO. UP 441

**I. Consent to be Bound:**

\_\_\_\_\_ (Party) agrees to be bound by the terms of this Modified Protective Order.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

**II. Persons Qualified pursuant to Paragraph 12: Highly Protected Information**

I have read the Modified Protective Order and agree to be bound by the terms of the order.

I certify that:

I understand that ORS 756.990(2) allows the Commission to impose monetary sanctions if a party subject to the jurisdiction of the Commission violates an order of the Commission.

The party I am associated with has a legitimate and non-competitive need for the Highly Protected Information for this proceeding and not simply a general interest in the information.

By: Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

Employer: \_\_\_\_\_

Job Title: \_\_\_\_\_

**III. PERSONS SEEKING QUALIFICATION UNDER PARAGRAPH 13:**

I have read the Modified Protective Order, agree to be bound by the terms of the order, and provide the following information to seek access to certain specific information designated as Highly Protected Information.

<b>Signature:</b>		<b>Date:</b>
<b>Printed Name:</b>		
<b>Physical Address:</b>		
<b>Email Address:</b>		
<b>Employer:</b>		
<b>Associated Party:</b>		
<b>Job Title:</b>		
<b>If not employee of party, description of practice and clients:</b>		
<b>I seek access to the following specific information designated as Highly Protected Information for the following reasons:</b>		