

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 2383

In the Matter of

PACIFICORP, dba PACIFIC POWER,

PacifiCorp Application for Partial Waiver  
Draft RFP.

MODIFIED  
PROTECTIVE  
ORDER

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

On June 1, 2026, PacifiCorp, dba Pacific Power, filed a motion for a modified protective order. In Commission proceedings, a party may seek a modified protective order to impose “specialized restrictions on access to certain highly confidential information.”<sup>1</sup> A modified protective order “may limit the persons that may access the highly protected information, or designate the time or place or special handling for highly protected information.”<sup>2</sup>

PacifiCorp states in its motion that it seeks a modified protective order to protect highly confidential information consisting of bid information, analysis, and modeling that relies on bid information, and reports by independent evaluators that rely on and refer to bid information. PacifiCorp states that the bid information and analysis and modeling based on that bid information is highly sensitive, non-public commercial information that, if disclosed, would harm third party bidders, customers, and PacifiCorp by compromising ability to successfully negotiate final agreements.

PacifiCorp states that it conferred with parties regarding the motion. Following discussions with the Northwest & Intermountain Power Producers Coalition, PacifiCorp made certain modifications to the proposed modified protective order.

I find PacifiCorp’s filing includes the elements required by OAR 860-001-0080(3) and that it has established a legal basis for additional protections under OAR 860-001-0080(3), with the modifications addressed below. Thus, I will issue the modified protective order, which is attached as Appendix A.

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

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

As requested, I issue this protective order on an expedited basis pursuant to OAR 860-001-0080(3)(c). This expedited action does not foreclose a party from seeking *de novo* review of this modified protective order under OAR 860-001-0080(3)(d)&(e). No information that was produced under the modified protective order in the interim will be released publicly without going through the process for objections to designations specified in the order itself.

Made, entered, and effective Jun 1, 2026.

*Katharine Mapes*

Katharine Mapes  
Administrative Law Judge



**MODIFIED PROTECTIVE ORDER**

DOCKET NO. UM 2383

**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 UM 2383.

**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 (OPRL);
  - (b) Is not publicly available; and
  - (c) Is extremely commercially sensitive and requires additional restrictions on who may access the information than that provided under the Commission's general protective order; and
  - (d) Includes third-party bid information, associated evaluation, scoring, and modeling, and results, which may include highly commercially sensitive information. regarding existing resources.
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 Confidential. 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.
8. If the dispute cannot be resolved informally, the challenging party may file a written objection with the 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 under the Oregon Public Records Act, ORS 192.311 et seq, or the Uniform Trade Secrets Act, ORS 646.461(4). 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 surreply 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 Qualified Persons may access Highly Protected Information and designated by another party under this Modified Protective Order. Persons automatically bound by this protective order and qualified to access Highly Protected Information are:
  - (a) Commission employees; and
  - (b) Assistant Attorneys General assigned to represent the Commission.

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 the Regulatory Division at the Oregon Citizens' Utility Board;
  - (b) Counsel for a party;
  - (c) Any other party or party representative, upon the mutual agreement of that party and PacifiCorp, and subject to any additional restrictions mutually agreed upon;
  - (d) Developers of energy resources that bid into utility RFPs do not qualify as Qualified Persons in this proceeding; and
  - (e) Attorneys who represented developers in PacifiCorp's 2022 RFP and/or who are representing developers in PacifiCorp's current 2025 RFP to prepare a bid, or developers in the bi-lateral negotiation with PacifiCorp for an energy resource directly related to a bid into the PacifiCorp's 2022 RFP or PacifiCorp's current 2025 RFP, do not qualify as Qualified Persons in this proceeding;
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 15 or access will be provided.

**Objection to Access to Protected Information:**

14. All persons qualified to have access to Highly Protected Information 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 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.

**Use of Protected Information:**

16. All Qualified Persons must take reasonable precautions to keep Highly Protected Information secure. Qualified Persons may reproduce Highly Protected Information only to the extent necessary to participate in these proceedings. A Qualified Person may discuss Highly 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 person given access to Highly Protected Information under this order may not disclose Highly Protected Information for any purpose other than participating in these proceedings.
18. 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.
19. 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 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.

**Duration of Protection:**

21. 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. UM 2383

**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 Confidential Information for this proceeding and not simply a general interest in the information.

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

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

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

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

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

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 Confidential 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>		