ORDER NO. 26-388

ENTERED Oct 19 2026

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

LC 88

In the Matter of PORTLAND GENERAL ELECTRIC COMPANY, 2026 Integrated Resource Plan and Clean Energy Plan.	MODIFIED PROTECTIVE ORDER

DISPOSITION: MOTION FOR MODIFIED PROTECTIVE ORDER GRANTED

On October 15, 2026, Portland General Electric (PGE) 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."[1] 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."[2]

PGE states in its motion that it seeks a modified protective order because it intends to submit standard information request responses with information PGE considers Highly Protected. In particular, PGE states that the standard information requests in this proceeding implicate Highly Protected information related to PGE's existing resource generation characteristics and modeling inputs.

PGE states that it gave notice to counsel for Staff that it intended to seek a modified protective order and that Staff does not take a position on this motion. It does not state whether it conferred with other parties to this proceeding. However, I grant the protective order at this time regardless because, as discussed below, the parties will have an opportunity for *de novo* review.

I find PGE'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). I issue this protective order on an expedited basis pursuant to OAR 860-001-0080(3)(c).

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[1] OAR 860-001-0080(1).
[2] OAR 860-001-0080(3).

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 Oct 19, 2026.

Katharine Mapes
Administrative Law Judge

MODIFIED PROTECTIVE ORDER
LC 88

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 this docket.

Designation of 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 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. _____

4. 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. Each page of a document containing Highly Protected Information filed with the Commission or provided to Qualified Persons under this order, must be clearly marked and maintained in a separate, secure folder. Any file or folder containing Highly Protected Information must be designated "Highly Protected" or "Highly Confidential." If the cells in a spreadsheet or other native document include information that has been designated as highly confidential and that would be impractical or unduly burdensome to mark as required above, the party designating information as highly protected need not comply with this requirement but must identify that information in a way that reasonably provides the Commission and Qualified Persons with sufficient identification of the information to be protected.

5. All Highly Protected Information disclosed by a designated party to a qualified person will be provided either through: (a) the Commission's discovery portal; (b) a password protected and encrypted electronic ZIP file; (c) in a manner mutually agreed upon by the requestor and PGE; or (d) through physical inspection at a place identified by PGE.

6. Highly Protected Information disclosed by a designated party to a person qualified to access Highly Protected Information through informal discovery or by means of Commission's Huddle website will be marked Highly

Protected Information via the Commission's naming conventions and uploaded to a file folder designated "highly protected" in Huddle, if applicable.

7. 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 that all copies of the material containing the information bear the above legend if requested by the designating party.

8. 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:

9. 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.

10. 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.

11. Within five business days of service of the objection, the designating party must either remove the 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 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.

12. 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 10 business days of service of the last filing.

Access to Highly Protected Information:

13. Only Qualified Persons may access Highly Protected Information designated by another party under this Modified Protective Order. Persons automatically bound and qualified to access Highly Protected Information are: (a) Commission employees; (b) Assistant Attorneys General assigned to represent the Commission: and (c) PGE employees or counsel if the Highly Protected information is provided by PGE. PGE 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.

~~14.~~ Persons qualified to immediately access Highly Protected Information upon a signing the Consent to be Bound section of Appendix B are an employee or counsel of PGE or the Citizens Utility Board of Oregon who have a legitimate and non-competitive need for the Highly Protected Information and not simply a general interest in the information.

15. A party in this docket may seek to qualify persons other than those described in Paragraphs 13 and 14 to access Highly Protected Information by having each such person complete and sign Appendix B and submitting the Appendix to the designating party and the Commission. Within 5 business days of receiving a signed copy of Appendix B, the designating party may file an objection under paragraph 17. All persons seeking qualification under Paragraph 15 will have access to Highly Protected Information after 5 business days, unless the designating party objects.

16. 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 15, 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.

Objection to Access to Highly Protected Information:

17. 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 5 business days of service of an objection. The ALJ will make all reasonable efforts to resolve the matter within 10 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 Highly Protected Information:

18. All Qualified Persons must take reasonable precautions to keep Highly Protected Information secure. Qualified Persons may reproduce Highly Protected Information 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 under this order, and only in relation to this proceeding.

19. Without the written permission of the designating party, any person given access to Highly Protected Information under this order may not use or disclose Highly Protected Information for any purpose other than participating

in these proceedings.

20. 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.

21. 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.

22. Highly Protected Information provided by a party shall not be used, copied, reproduced, or submitted by a Qualified Person in any manner through an artificial intelligence (AI) application or tool without the prior consent of the disclosing party.

Duration of Protection:

23. The Commission will preserve the designation of information as Highly Protected Information or Highly Confidential 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 Protected Information or Highly Protected Information.

APPENDIX B: QUALIFICATION OF PERSONS TO RECEIVE HIGHLY PROTECTED INFORMATION DOCKET NO. UE 465

I. Consent to Be Bound—Persons Qualified pursuant to Paragraph 14: Highly Protected Information

I have read the Modified Protective Order and agree to be bound by the terms in the order. 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. I certify that:

(a) I am an employee of PGE or the Citizens Utility Board of Oregon, and have a legitimate and non-competitive need for the Highly Protected Information and not simply a general interest in the information; **or**

(b) I am not an employee of PGE or the Citizens Utility Board of Oregon and have a legitimate and non-competitive need for the Highly Protected Information and not simply a general interest in the information and am requesting to be qualified to receive Highly Protected Information under paragraph 15; **or**

(c) I am not an employee of PGE or the Citizens Utility Board of Oregon, and the Administrative Law Judge has issued a ruling allowing my qualification to receive Highly Protected Information.

I provide the following information.

By: Signature: _____ Date: _____

Printed Name: _____

Employer: _____

Physical Address: _____

Email Address: _____

Job Title: _____

If not employee of party, description of associated party, your practice and clients:

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