

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1345

In the Matter of)	
)	
PORTLAND GENERAL ELECTRIC)	ORDER
COMPANY)	
)	
Application to Open Docket for Request for)	
Proposals for Energy Resources.)	

DISPOSITION: MODIFIED PROTECTIVE ORDER CLARIFIED

In Order No. 07-440, I granted a request for a modified protective order (MPO) requested by Portland General Electric Company (PGE). I issued the MPO conditionally, subject to the timely filing of objections.

On October 24, 2007, the Commission Staff (Staff) filed a response to PGE’s request. Staff does not object to the MPO, but seeks clarification of language contained in paragraph 9 governing the sharing of confidential information. That language prohibits any sharing of information between qualified persons “except as expressly allowed by the party desiring confidentiality or by order of the presiding officer.”


Staff is concerned that such language, if broadly applied, would prevent qualified persons, who have each properly obtained the confidential information under the MPO, from discussing that information with each other without PGE’s permission to do so. Staff explains that the need for such discussions might arise in a settlement conference or private telephone conversations.

Staff discussed this concern with counsel for PGE, who explained that it was not PGE’s intent to prevent or hinder such discussions between qualified persons and that the company has no objection to such discussions under the circumstances described. PGE’s counsel clarified that the intent of the language in paragraph 9 was to prevent a qualified person from discussing or distributing confidential information with another qualified person who has not yet obtained the protected information under the MPO. Staff seeks an order clarifying this interpretation of the MPO.

Staff's request for clarification is granted. Paragraph 9 of the MPO shall be interpreted consistent with the statements above.

IT IS SO ORDERED.

Made, entered, and effective on OCT 29 2007.



Michael Grant
Chief Administrative Law Judge



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