PACIFIC POWER
A DIVISION OF PACIFICORP

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March 9, 2021

VIA ELECTRONIC FILING

Public Utility Commission of Oregon
Attn: Filing Center
201 High Street SE, Suite 100
Salem, OR 97301-3398

RE: AR 641—PacifiCorp's Initial Comments

I. INTRODUCTION

PacifiCorp d/b/a Pacific Power (PacifiCorp or the Company) appreciates the opportunity to provide initial comments in this rulemaking to update and refine the Public Utility Commission of Oregon's (Commission) Division 001 procedural rules. These opening comments do not represent PacifiCorp's final concerns on the identified topics, and PacifiCorp looks forward to working with the Commission and stakeholders to further develop and discuss these topics.

Generally, the Company has found that the COVID-19 public health crisis and ensuing change to working from home has allowed the opportunity to work more flexibly and drop some outdated practices. PacifiCorp has found that sending filings electronically has worked well, including sending encrypted confidential information, and would encourage the Commission to continue to move forward to update its procedures to accommodate technological developments that allow for an easier streamlined electronic exchange of information.

II. COMMENTS

A. Confidential Information OAR 860-001-0070

The Company believes that the current rules generally work well and are fit for purpose. Maintaining confidentiality of proprietary information is crucial to protecting customers' interests and keeping rates stable. Lessening any protections for confidential information would risk higher costs for customers through disclosure of utility positions or strategy with vendors and in bilateral or organized markets. While the COVID-19 public health crisis has provided an opportunity to evaluate changes to the sharing of confidential information, protection from disclosure is still critically important. Accordingly, even if distributed electronically, PacifiCorp supports maintaining the current requirements for identifying confidential information, through color-coding or other clear markings, as still necessary for the protection of such information.

PacifiCorp, however, encourages the Commission to further develop its rules relating to the protection of customer-specific information. Customers are increasingly interested in products that meet their individual corporate goals, be it cost or carbon reduction. While this information may necessitate review during regulatory proceedings to determine prudence and just and reasonable rates, customers, rightfully, are concerned that public disclosure would harm their competitive position. Similarly, recent Commission initiatives will involve the identification of specific customer usage. The Commission should carefully consider the protections required to

protect detailed customer information and whether those protections should be formally articulated in the regulations.

B. Discovery in Contested Case Proceedings 860-001-0500

The Company has found that the current process works well for parties seeking discovery in Commission proceedings. In PacifiCorp's experience, parties adhere to the rules and nearly all discovery disputes are resolved informally. In rare occurrences, parties have filed motions to compel. On more rare occurrences, parties have used the option of enlisting the Administrative Law Judge to assist in informal resolution under OAR 860-001-0500(6). PacifiCorp urges the Commission to maintain that option to avoid unnecessary motions to compel when an alternative discovery request may be sufficient.

C. Data Requests 860-001-0540

Again, PacifiCorp has found that data requests have proven to be an effective process to exchange information in contested Commission proceedings. Further, PacifiCorp has found Huddle to be a useful tool for the exchange of information, but would support updates to align to Commission changes to its electronic delivery system if the Commission replaces Huddle. The Company, however, requests that any replacement for Huddle allow for additional users beyond the current practice of allowing two or three per company. Given the length of proceedings, volume of discovery, and production deadlines, increasing access would ensure documents can be accessed when the two primary users are unavailable.

PacifiCorp supports the principle that parties should provide discovery responses within two weeks, but requests that the rules should be modified from 14 calendar days to 10 business days. The current requirement can be burdensome when the the data request response time includes state or federal holidays, leaving the responding party only 8-9 business days to review the request, seek any necessary clarifications, pull together the data sought, and draft the response. This issue is important for consideration for two primary reasons. First, response production concerns are often exacerbated around holidays given the likelihood staffing will be impacted by prescheduled vacations around those holidays. Second, PacifiCorp has witnessed increasing requests for voluminous raw data from parties. This data may not be easily accessible in the format requested. If the employee responsible for maintaining the specific data is not available, the information produced may be delayed or require subsequent correction or supplementation. This only delays the requesting parties' review.

D. Filing Requirements in Contested Case and Declaratory Ruling Proceedings 860-001-0170

As stated in the Introduction, PacifiCorp supports updating the Commission's procedures to address technological developments that provide for easier exchange of information through encryption or Commission process technology. In 2020-2021, PacifiCorp has used several options to accommodate remote work environments and has found that electronic communication with parties has been, in some ways, more effective. Going forward, PacifiCorp

would support removing the requirement to provide physical copies of documents. Electronic transmission provides faster access to filed documents and reduces resource waste and cost to utility customers. If the Commission were to retain the requirement to serve physical copies of documents, PacifiCorp would suggest an 'opt-in' rather than an 'opt-out' approach, where parties would specify if electronic communication would not be sufficient. To support this change, PacifiCorp would encourage the Commission to look for technology improvements that would accommodate the electronic submission of filings and documents greater than 20 megabytes.

E. General Rate Revision 860-022-0019

Regarding the standard data requests (SDR), PacifiCorp suggests providing additional process options to address concerns over the availability of data. In PacifiCorp's recent general rate case, the Company and Commission Staff met several times to discuss PacifiCorp's responses to the SDRs. As a multi-state utility, PacifiCorp could not provide all of the information in the SDRs in the format requested by Staff. This led to miscommunications and delayed review of the filed case. Identifying an alternative process to address these issues could prove beneficial.

Similarly, PacifiCorp further recommends that the SDRs not be formalized into a filing requirement, but continue to be considered as part of discovery. This avoids the risk of a dispute regarding whether the filing is complete, and provides the utility an opportunity to work with Staff to address any concerns.

III. CONCLUSION

PacifiCorp appreciates the opportunity to comment on this rulemaking and looks forward to working with the Commission and parties going forward.

Sincerely,

Etta Lockey
Vice President, Regulation