

STOP B2H Coalition  
60366 Marvin Rd  
La Grande, OR 97850

January 25, 2023

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

Re: Modified Protective Order PCN 5

Per ALJ Mellgren's memo dated 1/11/23 regarding the modified protective order in PCN 5, STOP respectfully objects to it.

In summary STOP is concerned that:

1. It will be used arbitrarily (see LC 68 DR 116);
2. The order makes no provision for the possibility that STOP will ever be able to see the highly confidential information (see Modified Protective Order-Access to Highly Confidential Information # 13) and;
3. The challenge to the Designation to Highly Confidential Information should occur before the filing of the highly confidential information not afterwards. This creates additional burdens with the filing of assorted motions to fight which is a waste of everyone's time.

Concretely responding to 1-3 above.

1. In LC 68 IPC's 2017 IRP staff in DR 116 asked, "Please provide a one line diagram of B2H and related substation equipment and explain whether any of this equipment is needed for meet regional northwest concerns vs. just Idaho or Oregon needs. Do cost assignments, if any, reflect that division?"

In LC 68 IPC responded with LC 68 - CEII and PROTECTED INFORMATION - IPC's Attachment to Staff DR 116 (00029903xCEFFF).pdf", which provided the requested information for Hemingway and Longhorn stations. Since it is protected by the general protective order those with clearance can view the diagrams in Huddle under LC 68 confidential DR 116.

The LC 68 question is a very similar question to staffs DR 78 in PCN 5 which was, "Please provide one-line diagrams for all the substations that will be part of, or interconnect with the B2H project."

#### IDAHO POWER COMPANY'S RESPONSE TO STAFF'S DATA REQUEST NO. 78.

There are three substations associated with the B2H project: the Midline station, the Longhorn substation, and the Hemingway substation. Idaho Power does not have one-line diagrams for the Midline station and Longhorn substation. The Midline station one-line diagram is still under development and Bonneville Power Administration will own and operate the Longhorn substation and therefore they are the primary party in charge of the one-line diagram. With regard to the remaining substation, Hemingway, while developing its response to this request, Idaho Power determined that the requested information is classified as Critical Electric Infrastructure Information ("CEII"), which is highly confidential information. Therefore, a Modified Protective Order ("MPO") will be required to govern the provision of this highly confidential information. Idaho Power is currently working with Staff and parties and will file a motion for approval of the MPO as soon as possible. The requested information for the

Hemingway substation will be provided upon approval of the MPO.

If the information could be provided in 2017 under the general protective order then what has changed to make it now unavailable under the general protective order? This is an arbitrary decision that needs greater discussion before this modified protective order becomes final.

2. Section 13 as it currently reads provides STOP absolutely no ability to see the highly confidential information. Section 13 says,

13. Persons qualified to access Highly Confidential Information upon signing the Consent to be Bound section of Appendix B are:

- (a) Counsel for a party;
- (b) Any person employed directly by counsel of record; and
- (c) An employee of the Regulatory Division at the Oregon Citizens' Utility Board.

Without this ability how could STOP object to the classification of information as highly confidential. If one cannot see the information to know what it is so one can object? Or agree it has no value to STOP or other interveners in the docket. In most cases we doubt that STOP or other interveners would want to see much of the information but we want to preserve the right to reasonably know what we will not be allowed to see. Given the arbitrary nature of # 1 above we see this as a screen for the utilities to keep information away from STOP and the other interveners. We ask that an addition be made to the qualified persons

3. STOP suggests we find a way to front end this process via a discussion among the parties before a highly confidential filing. This might solve the issue?

Submitted by



Jim Kreider

Co-Chair, STOP B2H Coalition | <http://stopb2h.org/>

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#### DOCKET PCN 5 - CERTIFICATE OF SERVICE

I hereby certify that on 1/25/23 STOP B2H Coalition filed a copy of:

Modified Protective Order PCN 5 was served by hand to said person(s) at his or her last-known address(es) as indicated below:

By Hand:

John C. Williams  
PO Box 1384  
La Grande, OR 97850

DATED: 1/25/23

Submitted by  
/s/ Jim Kreider  
Co-Chair STOP B2H Coalition