

1 **BEFORE THE PUBLIC UTILITY COMMISSION**

2 **OF OREGON**

3 **UM 1345**

4 In the Matter of

5 PORTLAND GENERAL ELECTRIC  
6 COMPANY

7 Application to Open Docket for Request for  
8 Proposals for Energy Resources.

STAFF'S RESPONSE TO PGE'S MOTION FOR  
MODIFIED PROTECTIVE ORDER

9 Comes now the staff of the Public Utility Commission of Oregon (staff) and responds to  
10 Portland General Electric Company's (PGE) "Motion for Approval of a Modified Protective  
11 Order" (Motion). The Administrative Law Judge (ALJ) issued his Order conditionally granting  
12 the Motion, subject to the timely filing of objections. *See* Order No. 07-440 (entered October 16,  
13 2007).

14 Staff does not object to the entry of the Order with the following clarification to  
15 paragraph 9 of the Modified Protective Order (MPO). As written, paragraph 9 prohibits the  
16 parties' sharing of the Confidential Information among qualified persons unless expressly  
17 allowed by the party desiring confidentiality (i.e. PGE in this case) or by order of the presiding  
18 officer. Staff is concerned that such a clause, if broadly applied, would prevent qualified parties,  
19 who have each properly obtained the Confidential Information under the MPO, from discussing  
20 that information with each other (without first obtaining PGE's permission or obtaining approval  
21 from the ALJ). The need for such discussions could arise in the settlement conference setting, or  
22 simply in private telephonic conversations between two or more qualified parties who have each  
23 independently obtained the Confidential Information under the MPO.

24 Staff counsel has discussed this issue with Richard George, counsel for PGE. Mr.  
25 George stated that it was not PGE's intent to prevent or hinder such discussions between and  
26 among qualified parties and PGE has no objection to such discussions occurring under the

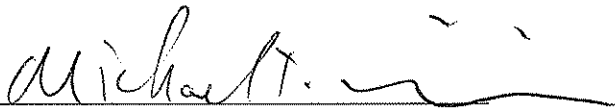
1 circumstances described (i.e. each party to the discussion has independently properly obtained  
2 the Confidential Information under the MPO). According to Mr. George, PGE's intent is to  
3 prevent a qualified party from discussing or distributing Confidential Information with another  
4 qualified party that has not yet obtained the information under the MPO. With this clarification,  
5 which staff requests the ALJ memorialize in a Clarification Order, staff has no objection to the  
6 entry of the MPO.

7 Finally, staff requests permission to submit further comments on, or objections to, the  
8 MPO should experience with it indicate unanticipated issues.

9 DATED this 24<sup>th</sup> day of October 2007.

10 Respectfully submitted,

11 HARDY MYERS  
12 Attorney General

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14 Michael T. Weirich, #82425  
15 Assistant Attorney General  
16 Of Attorneys for the Public Utility Commission  
17 of Oregon  
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1 **CERTIFICATE OF SERVICE**

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3 I certify that on October 24, 2007, I served the foregoing upon all parties of record in this  
4 proceeding by delivering a copy by electronic mail and by mailing a copy by postage prepaid  
5 first class mail or by hand delivery/shuttle mail to the parties accepting paper service.

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