

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**LC 57**

In the Matter of )  
 ) CITIZENS' UTILITY BOARD  
 ) OF OREGON'S MOTION FOR  
PACIFICORP, dba PACIFIC POWER, ) TAKING OF OFFICIAL NOTICE OF  
 ) CUB'S UM 1707 BRIEF  
2013 Integrated Resource Plan. )  
 ) **Expedited Consideration Requested**  
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1 Citizens' Utility Board of Oregon ("CUB") respectfully requests that Chief  
2 Administrative Law Judge Grant, upon behalf of the Oregon Public Utility Commission, and  
3 pursuant to OAR 860-001- 0460(1)(d),<sup>1</sup> take Official Notice of CUB's Brief filed in the UM  
4 1707 docket.

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<sup>1</sup> **OAR 860-001-0460**

**Official Notice**

(1) The Commission or ALJ may take official notice of the following:

\* \* \* \* \*

(d) Documents and records in the files of the Commission that have been made a part of the files in the regular course of performing the Commission's duties;

(2) The Commission or the ALJ must notify the parties when official notice is taken. The notice may be given on the record during the hearing, in an ALJ ruling, or in a Commission order. A party may object to the fact noticed within 15 days of the hearing during which notice was given, the ALJ ruling, or the Commission order. The objecting party may explain or rebut the noticed fact.

Stat. Auth.: ORS 756.040 & 756.060  
Stats. Implemented: ORS 183.450, 756.040 & 756.500 – 756.575  
Hist.: PUC 5-2010, f. & cert. ef. 10-22-10

1 Pursuant to OAR 860-001-0420, CUB has notified all parties of its intent to file a Motion  
2 requesting that the Commission take Official Notice of its UM 1707 Brief.<sup>2</sup> As of the time of  
3 filing no party has objected. CUB respectfully requests expedited consideration of its Motion  
4 For The Taking Of Official Notice of its UM 1707 Brief. In accordance with its request for  
5 expedited consideration of its Motion, CUB also respectfully requests that the time for responses  
6 and, if applicable, replies, be shortened.

7 CUB's interest in this matter is based upon its active participation in both IRP and rate  
8 case filings in Oregon. The amount of information that is designated as confidential information,  
9 by Oregon utilities, grows exponentially every year. CUB frequently does not have the time to  
10 challenge information individual confidentiality designations and so long as the designation does  
11 not inhibit CUB's ability to review and present the information in question to the Commission,  
12 CUB has over the years, frequently failed to contest sketchy designations.

13 Today the issue of the designation of confidential information by PacifiCorp is squarely  
14 before this Commission and CUB wishes to encourage the Commission to carefully review the  
15 issue of the use of umbrella protective orders for the protection of true "trade secrets" and truly  
16 "commercially sensitive information." It is CUB's belief that much of what the utilities  
17 designate as confidential would, on closer inspection, prove to be possibly embarrassing,  
18 possibly revealing in terms of what a utility knew and when it knew it, but not really a trade  
19 secret or commercially sensitive information. How can ten, five, three or even one year old dates  
20 on contracts be either a trade secret or commercially sensitive? How could the name of a

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<sup>2</sup>Email to all parties with copies to service list dated September 23, 2014.

1 document be confidential? For the above reasons CUB wishes to be heard on the issue of Sierra  
2 Club's challenge to PacifiCorp's designation of confidential information.

3 CUB further wishes to encourage the Commission to pay close attention to any and all  
4 possible consequences of a Commission ruling in this matter that might further limit the ability  
5 of CUB, as an Intervenor, to use both non-confidential information designated by the utility as  
6 confidential information, and actual confidential information designated as confidential  
7 information.

8 CUB believes its UM 1707 brief, and its participation in oral argument, will add value to  
9 the Commission proceedings.

Dated this 23<sup>rd</sup> day of September, 2014,

Respectfully submitted,



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## LC 57 – CERTIFICATE OF SERVICE

I hereby certify that, on this 23<sup>rd</sup> day of September, 2014, I served the foregoing **CITIZENS' UTILITY BOARD OF OREGON'S MOTION FOR TAKING OF OFFICIAL NOTICE OF CUB'S UM 1707 BRIEF** in docket LC 57 upon each party listed in the LC 57 PUC Service List by email and, where paper service is not waived, by U.S. mail, postage prepaid, and upon the Commission by email and by sending one original and two copies by U.S. mail, postage prepaid, to the Commission's Salem offices.

(W denotes waiver of paper service)

(C denotes service of Confidential material authorized)

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