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April 24, 2009

***VIA ELECTRONIC FILING  
AND OVERNIGHT DELIVERY***

Oregon Public Utility Commission  
550 Capitol Street NE, Ste 215  
Salem, OR 97301-2551

Attn: Filing Center

**RE: UM 1368 – Motion for Additional Protection**

PacifiCorp d/b/a Pacific Power (“PacifiCorp or the Company”) encloses for filing a Motion for Additional Protection in the above-referenced docket.

Please contact Joelle Steward, Regulatory Manager, at (503) 813-5542 for questions on this matter.

Sincerely,

  
Andrea L. Kelly  
Vice President, Regulation

Enclosure

cc: Service List – UM 1368

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1368**

In the Matter of PacifiCorp’s Request for  
Approval of a 2008R-1 Solicitation  
Process for New Renewable Resources

**PACIFICORP’S MOTION FOR  
ADDITIONAL PROTECTION**

1 Pursuant to paragraph 16 of Appendix A to Protective Order No. 08-213  
2 (“Protective Order”), entered on April 11, 2008 in the above-referenced docket,  
3 PacifiCorp d/b/a Pacific Power (“PacifiCorp” or “Company”) hereby moves for an order  
4 granting additional protective measures. Specifically, PacifiCorp requests the  
5 Administrative Law Judge (“ALJ”) to issue another protective order that would allow the  
6 qualified signatories to review highly commercially sensitive, non-public information  
7 related to PacifiCorp’s solicitation for new renewable resources (“2008R-1 RFP”),  
8 including the Initial Shortlists and Final Shortlist work papers, bid scoring and evaluation  
9 results, and any other highly sensitive, non-public information submitted by parties and  
10 the Oregon independent evaluator (“IE”) in this proceeding.

**Background**

11  
12 In Order No. 08-476, the Public Utility Commission of Oregon (“Commission”)  
13 approved PacifiCorp’s request for approval of its draft 2008R-1 RFP with conditions.  
14 The 2008R-1 RFP was subsequently issued to the market on October 6, 2008. Bids were  
15 due December 22, 2008. Because the acquisition of a successful resource under the  
16 2008R-1 RFP would not occur until 2009, PacifiCorp was required to amend and re-issue  
17 the 2008R-1 to accommodate Utah resource procurement law. *See* Utah Code Ann. § 54-  
18 17-502(2)(a)(i). PacifiCorp issued the amended 2008R-1 RFP to the market on January

1 26, 2009, after obtaining approval from the Commission on January 21, 2009. *See* Order  
2 No. 09-017. Bids to the amended 2008R-1 RFP were due on February 27, 2009.

3 Since that time, the Company, with oversight and input from the IE and  
4 Commission Staff, has been evaluating bids and has been working with the IE and Staff  
5 to ensure that such bids comply with the terms and requirements established in the  
6 2008R-1 RFP and by the Commission. On April 24, 2009, PacifiCorp filed a Request for  
7 Acknowledgment of Final Shortlist of Bidders in the 2008R-1 RFP. In that Request, the  
8 Company made reference to highly confidential work papers supporting the Initial  
9 Shortlists and Final Shortlist selection decisions. The IE, Commission Staff and  
10 PacifiCorp may be submitting other highly confidential information as part of the 2008R-  
11 1 RFP process.

### 12 **Request for Additional Protection**

13 Pursuant to paragraph 16 of Appendix A of the Protective Order, the Company  
14 submits that in order to maintain the competitive integrity of the 2008R-1 RFP and the  
15 bid evaluation process, the highly sensitive, non-public information should be disclosed  
16 in Oregon only to the Commissioners, Commission Staff, the IE and non-bidding parties  
17 who execute a modified protective order. The Company contends that disclosing any of  
18 the information surrounding the bids or the bid evaluation process could prove  
19 detrimental to the integrity of the 2008R-1 RFP process and jeopardize the bidders and  
20 the Company's competitive positions. Moreover, the Commission has already  
21 acknowledged in Order No. 06-446 that any bidding information, including detailed bid  
22 scoring and evaluation results should be limited to the Commission, the Commission  
23 Staff and non-bidding parties under protective orders that limit use of the information to

1 RFP approval and acknowledgement and to cost recovery proceedings. *See* Order No.  
2 06-446, Guidelines 12 and 11.

3 Consistent with Order No. 06-446 and in accordance with paragraph 16 of the  
4 Protective Order, the Company specifically requests that the order issued by the ALJ  
5 include the following language or language substantially similar to the following:

- 6 • This order governs the acquisition and use of “Non-Public Information”  
7 which is highly sensitive and confidential information submitted by parties  
8 and the IE in this proceeding related to PacifiCorp’s 2008R-1 RFP.
- 9 • “Non-Public Information” is information that falls within the scope of  
10 ORCP 36(c)(7) (“a trade secret or other confidential research,  
11 development, or commercial information”) and includes bidding  
12 information, as well as detailed scoring and evaluation results, as  
13 discussed in Guidelines 11 and 12 of Order No. 06-446.
- 14 • A “qualified person” is an individual who is:
  - 15 ○ An author(s), addressee(s), or originator(s) of the Non-Public  
16 Information;
  - 17 ○ A Commissioner or Commission Staff;
  - 18 ○ A person qualified pursuant to paragraph \_\_\_\_ who is a non-  
19 bidding party. This includes parties and their employees.
- 20 • The Company may designate information as Non-Public Information by  
21 placing the following legend on the information:

22 NON-PUBLIC INFORMATION  
23 SUBJECT TO SPECIAL PROTECTIVE ORDER

- Non-Public Information that is filed with the Commission or its staff shall be printed on green paper, separately bound and placed in a sealed envelope or other appropriate container with the following legend on the envelope/container:

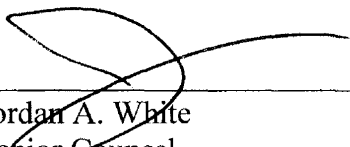
THIS ENVELOPE IS SEALED PURSUANT TO ORDER NO. \_\_\_\_\_ AND CONTAINS NON-PUBLIC INFORMATION. THE INFORMATION MAY BE SHOWN ONLY TO QUALIFIED PERSONS AS DEFINED IN THE SPECIAL PROTECTIVE ORDER.

- Any use of the Non-Public Information is limited to RFP approval and acknowledgement and to cost recovery proceedings.
- These additional protective measures are intended to supplement, not supersede, Protective Order No. 08-213.

**Conclusion**

Based upon the foregoing, PacifiCorp respectfully requests that the ALJ grant its motion for additional protective measures and issue an order containing the additional protective measures set forth herein.

DATED: April 24, 2009.



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Jordan A. White  
Senior Counsel  
Pacific Power  
PacifiCorp

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing document in Docket No. UM 1368 on the following named person(s) below by e-mail and first-class mail addressed to said person(s) at his or her last-known address(es) indicated below:

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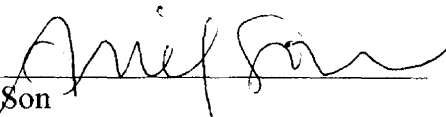
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DATED: April 24, 2009.

  
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