

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

LC 57

In the Matter of

PACIFICORP, dba PACIFIC POWER,

2013 Integrated Resource Plan.

RULING

**DISPOSITION: MOTION GRANTED; CONFIDENTIAL  
REDESIGNATION ADOPTED**

On August 22, 2014, Sierra Club filed a motion challenging PacifiCorp's confidential designation of information contained in an August 6, 2014 workshop PowerPoint presentation (PowerPoint) in this docket, arguing that PacifiCorp failed to limit its confidential designations to the portions of the presentation that qualify as confidential. PacifiCorp filed a response to Sierra Club's motion on September 5, 2014, and Sierra Club replied on September 16, 2014.

On October 17, 2014, I issued a ruling directing PacifiCorp to file an updated version of its PowerPoint that designated as confidential only those portions of the presentation that the company contended constituted confidential information under our rules. PacifiCorp filed an updated PowerPoint on October 23, 2014, and Sierra Club replied on October 29, 2014. In its reply, Sierra Club included confidential Attachment 1, which further refined PacifiCorp's October 23, 2014 updated PowerPoint by noting the portions of the presentation that Sierra Club argued did not constitute confidential information under our rules.

Parties' Positions

In its October 23 response, PacifiCorp explained that certain information in its presentation was the result of the company's research and internal analysis, the disclosure of which would harm PacifiCorp and its customers. In its reply, Sierra Club agreed that certain information in the presentation was properly designated as confidential, but argued that PacifiCorp was overly broad and did not sufficiently refine its designations of confidential information. In support, Sierra Club cited to publicly available sources for some of the information that PacifiCorp designated as confidential.

In a telephone conference I conducted with counsel for both parties on January 6, 2014, PacifiCorp stated that the company did not oppose adopting Sierra Club's confidential redesignation in Attachment 1 to its October 29 reply (Attachment 1), but that the company requested that in the future, the owner of confidential information have the

opportunity to have the “last word” in confidentiality disputes. Also in its October 29 reply, Sierra Club discussed its more general concerns with our process for resolving disputes regarding confidential designations, particularly in instances when utilities designate information confidential that is publicly available elsewhere.

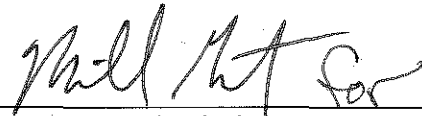
Resolution

Under the terms of our general protective order, a party “may designate information [that it] reasonably believes falls within the scope of ORCP 36(C)(7)” or is exempt from public disclosure under the Public Records Law. Confidential designations must be “made in good faith and be limited to only those portions of the document that qualify as a protected trade secret or other confidential research, development, or commercial information.”<sup>1</sup>

Reviewing the parties’ filings, I find that Sierra Club’s Attachment 1 properly narrows down the confidential designations to PacifiCorp’s PowerPoint presentation. I also note that PacifiCorp does not oppose adoption of the confidential designations in Sierra Club’s Attachment 1. I accept the confidential redesignations identified in Sierra Club’s Attachment 1 to its October 23, 2014 reply into the record in this docket.

Finally, in a ruling issued on January 2, 2015, in docket LC 62, Chief ALJ Michael Grant forwarded to the Commission a request from Sierra Club that the Commission reexamine and clarify our confidentiality dispute resolution process and our form of general protective order. If the Commission moves forward with that request and opens a general policy docket, the parties may raise their concerns in that forum.

Dated this 9<sup>th</sup> day of January, 2015 at Salem, Oregon.



Shani Pines  
Administrative Law Judge

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<sup>1</sup> See OAR 860-001-0080(2).