

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

LC 62

In the Matter of

PACIFICORP, dba PACIFIC POWER's

2015 Integrated Resource Plan.

RULING

DISPOSITION: MOTION FOR CERTIFICATION DENIED

Sierra Club seeks certification of my ruling granting a general protective order in this docket to the Commission for consideration. Sierra Club contends revisions to the general protective order are needed to ensure broad discovery and meaningful public participation in Commission proceedings.

The Citizens' Utility Board of Oregon, the Northwest Energy Coalition, Renewable Northwest, and the Industrial Customers of Northwest Utilities support the request. PacifiCorp, dba Pacific Power, and Portland General Electric Company do not oppose a process to reexamine the terms of the standard protective order, but contend that such a review should not take place in this docket.

Applicable Law

Sierra Club makes its filing under OAR 860-001-0110, which allows a party to seek Commission consideration of a ruling from an Administrative Law Judge (ALJ). Under section (2) of that rule, the ALJ must certify the ruling to the Commission if the ALJ finds that:

- (a) The ruling may result in substantial detriment to the public interest or undue prejudice to a party;
- (b) The ruling denies or terminates a person's participation; or
- (c) Good cause exists for certification.

Ruling

I deny Sierra Club's motion. Although Sierra Club contends that the general protective order is flawed, the motion does not allege that the order will prevent parties from obtaining discovery or participating in this docket. Moreover, Sierra Club's primary claim—that the general protective order “allows parties to designate publically available information as confidential”—is false. The general protective

order allows a party to designate only information that qualifies as a protected trade secret or other confidential information that falls within the scope of ORCP 36(C)(7). By definition, “publically available information” is neither a trade secret nor confidential information. If a party designates publically available information as confidential, the party has violated the terms of the protective order.

I acknowledge Sierra Club’s primary concern that the protective order should be revised to eliminate ambiguous language and to clarify and improve the process to resolve disputes between parties. That reexamination should, however, occur in a general policy docket that involves all Commission stakeholders. I will treat Sierra Club’s motion as a request for such a docket and forward it for Commission consideration.

Dated this 2nd day of January 2015, at Salem, Oregon.



Michael Grant
Chief Administrative Law Judge