

ISSUED: October 12, 2011

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 228

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY

2012 Annual Power Cost Update Tariff.

RULING

DISPOSITION: MOTION TO CORRECT HEARING TRANSCRIPT DENIED;
MOTION CHALLENGING CONFIDENTIAL DESIGNATION
DENIED

Motion to Correct Hearing Transcript

On September 14, 2011, Portland General Electric Company (PGE) filed a motion to correct the transcript of the hearing that took place on August 30, 2011. PGE notes that the Citizens' Utility Board (CUB) and Staff for the Oregon Public Utility Commission (Staff) object to the motion. For corrections to the testimony of PGE's own witnesses, PGE notes that it consulted with its witnesses and determined that the proposed corrections accurately reflect the witnesses' testimony.

On September 19, 2011, CUB filed a response to PGE's motion. CUB objects to PGE's requested corrections because there is no audio recording of the hearing against which to check PGE's requests, no precedent for PGE's motion, and the requests are not limited to scrivener error requests but are intended to change the substance of the record.

On August 30, 2011, PGE filed a reply in support of its motion. PGE argues that not correcting obvious errors in a transcript would set a dangerous precedent, and that decisions should be made on an accurate record.

RULING

CUB's claim that there is no precedent for PGE's request is incorrect. Parties have filed requests to correct hearings transcripts before the Commission in past dockets.¹ CUB has also failed to demonstrate that PGE's proposed corrections attempt to make material changes to the record. Instead, CUB attaches to its response a list of changes PGE proposed informally to the parties. That list is not before the Commission.

However, I agree with CUB that the lack of an audio recording of the hearing is problematic. While PGE's changes are for the most part minor, two parties object to the proposed changes, and without a recording, the parties have no means to verify that PGE's edits are correct. Because the parties and Commission have no way to compare PGE's edits to the original audio recording, I deny PGE's motion.

Motion Challenging Confidential Designation

On August 29, 2011, the Industrial Customers of Northwest Utilities (ICNU) filed a motion challenging the designation of certain information as confidential. Specifically, ICNU requested to make public the figure for the overall hedging disallowance adjustment ICNU witness Donald Schoenbeck proposes. ICNU argues that stating the precise figure is a necessity for the Commission to draft an order or conduct a public hearing, that it would assist ICNU with funding, and that the proposed adjustment is based in significant measure upon stale data from 2006, 2007, and 2008.

At the hearing that took place on August 30, 2011, ICNU requested the opportunity to develop a factual evidentiary record on its motion, and argued that the facts would demonstrate that the proposed disallowance is not confidential. I granted ICNU's request, but ICNU did not raise the issue of the disallowance's confidentiality later in the hearing, or in subsequent briefing.

PGE did not file a response to ICNU's motion. PGE argued orally at the hearing that disclosure of ICNU's requested disallowance could be used to derive proprietary information, including PGE's current volume of hedges. PGE noted that ICNU's expert's hedging strategy has been designated confidential, precluding PGE from responding to or explaining misunderstandings that could result from the total disallowance's disclosure. Finally, PGE argued that no public good would be served by making the number public.

¹ See, e.g., UE 200, Ruling, August 23, 2008 (granting motion of Industrial Customers of Northwest Utilities to correct the hearing transcript).

RULING

ICNU filed a reply brief on September 26, 2011, in which it appeared to propose modifying its requested disallowance, or at least offering alternatives to the disallowance. As a result, it is unclear at this stage what numerical figure ICNU is proposing to make public. ICNU's motion is denied at this time. ICNU may refile its motion with an updated statement clarifying the precise numerical figure it wishes to reveal (under confidential cover). ICNU may file its motion within seven days of issuance of this ruling. PGE may file a response to ICNU's motion within seven days of filing of ICNU's motion.

Dated at Salem, Oregon, this 12th day of October, 2011.



Shani M. Pines
Administrative Law Judge