

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,)	DOCKET UE-161204
)	
Complainant,)	
)	
v.)	MOTION FOR CLARIFICATION OF
)	COLUMBIA RURAL ELECTRIC
PACIFIC POWER & LIGHT COMPANY,)	ASSOCIATION AND YAKAMA
)	POWER
)	
Respondent.)	

1 Pursuant to WAC 480-07-835, the Columbia Rural Electric Association and Yakama Power (collectively, the “Joint Parties”) jointly file this Motion for Clarification of Order 04 in the above-referenced docket. This Motion addresses a narrow issue included in Order 04.

2 Specifically, Paragraph 11 of Order 04, in the context of “competitive harm,” prohibits the Joint Parties from viewing “any confidential information produced in this docket” The Joint Parties request that the ALJ clarify that this prohibition applies to PacifiCorp as well with respect to any confidential information produced by the Joint Parties. As noted in Paragraph 13 of Order 04, the Joint Parties have agreed to cooperate with responding to discovery requests propounded by other parties (indeed, as parties to this proceeding, the Joint Parties have an obligation to respond to discovery).^{1/} To the extent parties request information

^{1/} WAC 480-07-405(7).

from the Joint Parties that they consider to be confidential, PacifiCorp, as a competitor of the Joint Parties, should not be allowed to view it.

3

It is also possible that Order 04's prohibition on the Joint Parties viewing "any confidential information produced in this docket" is overbroad. That is, there may be some information that is rightly designated as confidential, but that is not competitively sensitive. Neither the Joint Parties nor PacifiCorp should be barred from viewing such information simply because it is confidential. At this time, it is unclear whether any such information will be produced in this docket. To promote judicial efficiency, therefore, the Joint Parties do not request any relief specific to this issue in this Motion. However, to avoid the possibility that the Joint Parties could be viewed as having waived any such remedy by failing to request it within the time required for filing motions in response to Order 04, the Joint Parties request that the Commission keep open the Joint Parties' right to request that they be allowed to view specific confidential information produced in discovery under a modified protective order that applies to confidential, but non-commercially sensitive information.

Dated in Portland, Oregon, this 13th day of January, 2017.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.



Tyler C. Pepple

333 S.W. Taylor, Suite 400

Portland, Oregon 97204

(503) 241-7242 (telephone)

(503) 241-8160 (facsimile)

E-mail: tcp@dvclaw.com

Of Attorneys for Columbia Rural Electric
Association

WILLIAMS MOSES LP

/s/ J.D. Williams

J.D. Williams

Williams Moses LP

P.O. Box 11024

Portland, Oregon 97211

voice/text: (971) 404-9081

E-mail: jd@williamsmoses.com

Of Attorneys for Yakama Power