

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PACIFIC POWER & LIGHT  
COMPANY,

Respondent.

DOCKET UE-161204

ORDER 01

ORDER CLARIFYING ORDER 04

**BACKGROUND**

- 1 On November 14, 2016, Pacific Power & Light Company (Pacific Power or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-75, Rule 1 – General Rules and Regulations; Rule 4 – Application for Electric Service; Rule 6 – Facilities on Customer’s Premises; and Schedule 300 – Charges as Defined by the Rules and Regulations. The Company requests approval of modifications to its permanent disconnection and removal procedures for customers who disconnect service to receive electric service from another energy provider.
- 2 On December 15 and 16, 2016, respectively, the Columbia Rural Electric Association (CREA) and Yakama Power filed petitions to intervene in this proceeding. On January 4, 2017, the Commission entered Order 04, Order Granting Petitions to Intervene. Order 04 found that the parties’ participation will assist the Commission with making a full and fair determination and more fully developing the record, both of which are in the public interest. Order 04 conditioned CREA’s and Yakama Power’s intervention on precluding those companies and their representatives from accessing any confidential information produced in this docket, either in filings with the Commission or through discovery.
- 3 On January 13, 2017, CREA and Yakama Power (Joint Parties) filed a Motion for Clarification of Columbia Rural Electric Association and Yakama Power (Joint Motion). In their Joint Motion, the Joint Parties request the Commission clarify that, to the extent

that parties request confidential information from the Joint Parties, Pacific Power should not be allowed to view it. The Joint Motion also suggests that Order 04's prohibition on the Joint Parties viewing any confidential information may be overbroad, but does not request any relief specific to that issue at this time. Instead, 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 information that is confidential but not commercially sensitive.

### DISCUSSION

- 4 We grant the Joint Motion and clarify that Order 04's prohibition on access to confidential information applies to all competitor parties in this proceeding. Just as the Joint Parties may not access any confidential information produced by Pacific Power, Pacific Power may not access any confidential information produced by the Joint Parties. We modify, by this reference, paragraph 11 of Order 04 as indicated by the underlined text: "To address Pacific Power's concerns about competitive harm, we condition CREA's and Yakama Power's intervention on precluding those companies and their representatives from accessing any confidential information produced in this docket, either in filings with the Commission or through discovery. Pacific Power and its representatives are similarly precluded from accessing any confidential information produced by CREA and Yakama Power."
- 5 We disagree with the Joint Parties' suggestion that the prohibition on accessing confidential information may be overbroad. Order 02, the standard protective order entered in this docket, requires parties to limit confidential designations to "only information that truly might compromise their ability to compete fairly or that otherwise might impose a business risk if disseminated without the protections provided in this Order."<sup>1</sup> This requirement essentially limits the information that may be designated as "confidential" to commercially sensitive information. Accordingly, modifying the existing protective order is unnecessary.

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<sup>1</sup> Order 02 ¶4.

**ORDER**

**THE COMMISSION ORDERS:**

- 6 (1) Columbia Rural Electric Association's and Yakama Power's Joint Motion for  
Clarification is GRANTED.
- 7 (2) Order 04 is modified as set out in paragraph 4, above.

DATED at Olympia, Washington, and effective January 19, 2016

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON  
Administrative Law Judge

**NOTICE TO PARTIES: This is an Interlocutory Order of the Commission.  
Administrative review may be available through a petition for review, filed within  
10 days of the service of this Order pursuant to WAC 480-07-810.**