BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, Complainant, v. PACIFICORP dba PACIFIC POWER & LIGHT COMPANY, Respondent.	Docket UE-250224 PACIFICORP'S MOTION FOR LEAVE TO FILE A REPLY AND REPLY

I. INTRODUCTION

1 PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company) respectfully moves the Commission for leave to file a reply to Public Counsel's and Alliance for Western Energy Consumer's (AWEC) oppositions to its motion to modify the standard protective order in this proceeding. This motion is made pursuant to WAC 480-07-370(5)(b) and is necessary to address new arguments presented in those oppositions.

II. BACKGROUND

2 On July 29, 2025, pursuant to a request by the Washington Department of Ecology (Ecology), the Company moved to modify the standard protective order currently in place in this proceeding and to replace it with Ecology's requested Amended Protective Order.[1] On August 5 and 6, 2025, Public Counsel and AWEC filed separate oppositions to PacifiCorp's motion, introducing new arguments not addressed in PacifiCorp's original motion. PacifiCorp seeks to file a reply to clarify and respond to

[1] Nixon Decl., ¶¶ 9, 12, 15.

these new points and provide evidence of Ecology's support, ensuring a complete and accurate record for the Commission's consideration.

III. LEGAL STANDARD

3 WAC 480-07-370(5) requires Commission authorization before filing any reply. Under WAC 480-07-370(5)(b), parties must request permission within five business days of service and demonstrate that "the previous pleading raised new material requiring a response or state other reason(s) why a reply is necessary."[2]

4 The Commission has discretionary authority to permit additional briefing when such pleadings would aid understanding of the issues, better explain a party's position, or otherwise benefit the Commission's review.[3] This discretion is particularly appropriate when responding parties raise new arguments, as the moving party otherwise lacks opportunity to respond.[4]

IV. PACIFICORP'S REPLY IS NECESSARY.

5 PacifiCorp's reply serves three essential purposes: (1) clarifies legal and factual issues; (2) responds to new arguments; and (3) provides supporting evidence.

6 First, the oppositions contain mischaracterizations that require clarification to ensure accurate Commission review. Public Counsel asserts that this matter arises from a discovery dispute and is therefore subject to meet-and-confer requirements. PacifiCorp disagrees: although this arises out of a discovery dispute, it is not a part thereof and is not subject to meet and confer requirements.

---

[2] *Pac-W. Telecomm, Inc., Petitioner*, No. 16, 2012 WL 2993152, at *1 (July 17, 2012).
[3] *In the Matter of the Petition of Qwest Corp., for an Alternative Form of Regul. Pursuant to Rcw 80.36.135.*, No. 17, 2008 WL 177724, at *1 (Jan. 17, 2008).
[4] *See, e.g., Pac-W. Telecomm, Inc., Petitioner*, No. 16, 2012 WL 2993152, at *1 (July 17, 2012) (finding the reply was warranted where the requesting party identified statements contained in the relevant "response to its motion to amend that raise new material and require a response").

7 AWEC states that PacifiCorp rejected AWEC's edits to the Amended Protective Order and that "AWEC was not invited to work with the Company, Ecology, and Staff to address concerns regarding disclosure of CCA auction data." In fact, Ecology and Staff first came to PacifiCorp stating that AWEC's edits were insufficiently protective.[5] Furthermore, AWEC itself acknowledges that it met with Ecology, Staff, and PacifiCorp to discuss the Amended Protective Order. AWEC asserts that the process on the protective order "had already been negotiated among" certain parties when it was invited to meet. This is false. The meeting that AWEC missed pertained to the data request response, *not* the modified protective order.[6] It was only after PacifiCorp sent Ecology its data response that Ecology provided an Amended Protective Order.[7] AWEC was informed immediately after PacifiCorp was of the Amended Protective Order.

8 AWEC also states that the Amended Protective Order violates the Public Records Act, Section 42.56.030. The Company disagrees and responds to this and AWEC's other claims in the attached reply.

9 Finally, the attached reply includes Ecology's declaration confirming that (1) it drafted the Amended Protective Order; (2) it continues to support the Amended Protective Order as provided by PacifiCorp in the original motion; and (3) the data request seeks confidential, market-sensitive information, including information subject to Ecology's prohibition against sharing confidential bidding information. Ecology's declaration provides the Commission with the complete information necessary for informed decision-making and supports PacifiCorp's position on the facts.

[5] Nixon Decl., ¶ 14.
[6] *Id.*, at ¶ 5.
[7] *Id.*, at ¶ 8.

10 The proposed reply, attached hereto, directly addresses the points raised by Public Counsel and AWEC, thereby promoting judicial efficiency and fairness.

V. CONCLUSION

11 For the foregoing reasons, PacifiCorp respectfully requests that the Commission grant leave to file the attached reply and declaration to address new arguments raised by Public Counsel and AWEC. The reply and declaration will assist the Commission's review and ensure a complete record.

Respectfully submitted this 12th day of August, 2025.

/s/ Tiffanie A. Ellis

Tiffanie A. Ellis, WSB 56586
Ajay Kumar, OSB# 18390
PacifiCorp
825 NE Multnomah Street, Suite 2000
Portland, OR 97232
(503) 813-5161
tiffanie.ellis@pacificorp.com
ajay.kumar@pacificorp.com;
Attorneys for PacifiCorp