

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

NORTHWEST NATURAL GAS
COMPANY,

Respondent.

Docket No. UG-181053

NORTHWEST NATURAL GAS
COMPANY'S MOTION FOR
AMENDED PROTECTIVE ORDER
WITH HIGHLY CONFIDENTIAL
PROVISIONS

(Expedited Treatment Requested)

I. INTRODUCTION

1 Northwest Natural Gas Company (“NW Natural” or “Company”) files this Motion for Amended Protective Order with Highly Confidential Provisions pursuant to WAC 480-07-420(2). Until now, the standard protective order issued on January 8, 2019, has been sufficient to govern the discovery and use of proprietary and confidential documents in this proceeding.¹ However, a recent request for information from Public Counsel, described in more detail below, seeks the production of highly confidential information that requires greater protection than the standard protective order provides. NW Natural therefore files this motion for an amended protective order with highly confidential protections so that NW Natural can provide access to and protection of this highly confidential information.

2 To facilitate discovery, NW Natural requests expedited consideration of this motion. NW Natural has conferred with the other parties in this docket and none object either to this

¹ Order 02, Protective Order (Jan. 8, 2019).

motion or to the request for expedited treatment. Service of documents pertaining to this filing should be made to the following representatives:

Lisa Rackner
McDowell Rackner & Gibson PC
419 SW 11th Avenue, Suite 400
Portland, OR 97205
Telephone: (503) 595-3925
Email: dockets@mrg-law.com

Zach Kravitz
Director of Rates and Regulatory Affairs
NW Natural
220 NW 2nd Avenue
Portland, OR 97209
Telephone: (503) 220-2379
Email: Zachary.Kravitz@nwnatural.com

II. RELIEF REQUESTED

3 NW Natural respectfully requests that the Washington Utilities and Transportation Commission (“Commission”) issue a new protective order that includes “highly confidential” provisions.

III. STATEMENT OF FACTS

4 On February 13, 2019, Public Counsel submitted a data request seeking information regarding NW Natural Holding Company.² In order to respond to this request, NW Natural would need to provide information containing highly sensitive financial forecasts. This information, if released to current or potential counterparties or competitors, could cause significant harm to NW Natural by providing competitors with a substantial advantage to NW Natural’s financial detriment.

5 NW Natural anticipates that the Commission’s standard form of protective order will be sufficient to protect materials identified “confidential” and the amended protective order will continue to protect that information.

² See UG-181053 PC DR 3 (Feb. 13, 2019).

IV. AUTHORITY AND ARGUMENT

6 WAC 480-07-420(2) authorizes the Commission to amend a protective order and to
add protections for highly confidential information. In accordance with WAC 480-07-
420(2), it is necessary to create a separate designation in this case and to establish a higher
degree of protection for certain documents, including those documents sought by Public
Counsel.

7 The Commission has previously amended its standard protective order to allow for
the designation of highly confidential documents under the following circumstances: (1) the
information relevant to the case is sensitive competitive information that would be of value to
competitors if released; (2) a significant risk exists that confidential information might
become available to persons who have no legitimate need for such information; (3) a
disclosing party might suffer harm as a result of the information's disclosure; and (4) the
entry of the protective order will facilitate discovery.³

8 The material that NW Natural seeks to protect is precisely the type of information that
is intended to be eligible for protection as "highly confidential" information in WAC 480-07-
420(2). Information relevant to the case contains highly sensitive financial forecasts that
would be valuable to competitors if released and the disclosure of which would harm
NW Natural. Disclosure of this highly sensitive information would provide a distinct
advantage to NW Natural's competitors and would harm NW Natural and, ultimately, its
customers.

³ See *WUTC v. Puget Sound Energy*, Docket UG-151663, Order 02 (Sept. 9, 2015); *WUTC v. Puget Sound Energy*, Docket No. UE-111048 and UE-UG-111049 (consolidated), Order 01 (June 17, 2011); *WUTC v. Puget Sound Energy*, Docket No. UE-090704 and UE-090705 (consolidated), Order 03 (June 23, 2009).

9 The additional protection provided by a “highly confidential” designation will help ensure that the parties receiving highly confidential information treat it with the utmost care, and will limit the forms of duplication and transmission of such information. These enhanced protections will help ensure that highly confidential information does not fall into the possession of market competitors or those who have no legitimate need for such information.

10 NW Natural is not seeking to restrict access to “highly confidential” information by Commission Staff or Public Counsel beyond the protections contained in the Commission’s standard protective order for “confidential” information, provided that experts retained by Commission Staff or Public Counsel certify that they will not use the information to achieve a competitive advantage.

V. CONCLUSION

11 For the reasons set forth above, NW Natural respectfully requests that the Commission enter an amended standard form of protective order in this case with enhanced protection of highly confidential information.

Respectfully submitted this 15th day of March, 2019.



Lisa Rackner, WSBA No. 39969
McDowell Rackner & Gibson PC
419 SW 11th Avenue, Suite 400
Portland, OR 97205
Telephone: (503) 595-3925
Email: dockets@mrg-law.com

Attorney for Northwest Natural Gas Company