BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

|  |  |
| --- | --- |
| WASHINGTON UTILITIES ANDTRANSPORTATION COMMISSION, Complainant, v.PACIFIC POWER & LIGHT COMPANY, a division of PacifiCorp. Respondent. | Docket No. UE-14\_\_\_\_PACIFIC POWER & LIGHT COMPANY’S MOTION FOR STANDARD PROTECTIVE ORDER (**Expedited Treatment Requested**) |

# I. RELIEF REQUESTED

*1* In conjunction with the general rate case filed by Pacific Power & Light Company, a division of PacifiCorp (collectively, Pacific Power or Company), on May 1, 2014, Pacific Power moves for the entry of the standard protective order by the Washington Utilities and Transportation Commission (Commission) under WAC 480-07-420(1). Pacific Power seeks expedited treatment of this motion to ensure that its confidential information is covered by a standard protective order as promptly as possible. Pacific Power’s representatives in this proceeding are:

Confidential per WAC 480-07-160

**REDACTED VERSION**

**REDACTED VERSION**

**REDACTED VERSION**

Confidential per WAC 480-07-160

**REDACTED VERSION**

**REDACTED VERSION**

**REDACTED VERSION**

|  |  |
| --- | --- |
| Washington DocketsPacific Power & Light Company825 NE Multnomah, Suite 2000Portland, OR 97232Email: washingtondockets@pacificorp.com Katherine A. McDowellMcDowell, Rackner & Gibson PC419 S.W. Eleventh Avenue, Suite 400Portland, OR 97205Telephone: (503) 595-3924Email: katherine@mcd-law.com | Sarah K. Wallace, WSBA #30863Assistant General CounselPacific Power & Light Company825 NE Multnomah, Suite 1800Portland, OR 97232Telephone: (503) 813-5865Email: sarah.wallace@pacificorp.com |

# II. BACKGROUND AND AUTHORITIES IN SUPPORT

*2* On May 1, 2014, Pacific Power filed revised tariff schedules to increase base rates for its Washington customers, along with pre-filed direct testimony and exhibits in support of the proposed tariff revisions. Pacific Power marked information contained on certain pages of these testimonies and exhibits as confidential. Under WAC 480-07-510(3), the Company provided workpapers in support of its filing, some portions of which are also marked confidential. Pending entry of the Commission’s standard protective order, the Company designated this information as confidential under the Commission’s general rule on confidentiality, WAC 480-07-160, and under RCW 80.04.095.

*3* The information that Pacific Power marked “confidential” includes commercially sensitive information regarding the Company’s fuel costs, embedded costs of long-term debt, and confidential inputs to net power cost modeling (such as contract terms, heat rate coefficients, and forward price curves). In discovery, parties to this proceeding may request other types of information that is commercially valuable to the Company or involves confidential information of customers, employees, business counter-parties or other third-parties. Pacific Power has minimized the amount of information it designated as confidential to promote the ability of the public to review the filing and participate in this case.

*4* The Commission has authority to grant Pacific Power’s motion under WAC 480-07-420(1), which allows the Commission to enter “a standard form of protective order to promote the free exchange of information when parties reasonably anticipate that discovery in a proceeding will call for the production of confidential information.” Under WAC 480-07-0423(3)(a), a protective order “is intended to protect information that might compromise a company’s ability to compete fairly or that otherwise might impose a business risk if disseminated” publicly. There is ample Commission precedent for the entry of protective orders in general rate cases, including the protective order the Commission entered in Pacific Power’s 2013 general rate case.[[1]](#footnote-1)

*5* The material Pacific Power seeks to protect in this case is the type of information that is intended to be eligible for confidential protections under WAC 480-07-423(3)(a). Public release of any of the confidential information could compromise the Company’s ability to compete fairly and impose a business risk to the Company. The result would be increased costs for Pacific Power and, ultimately, its customers.

# III. CONCLUSION

*6* For the reasons set forth above, Pacific Power respectfully requests that the Commission enter its standard form of protective order in this case.

|  |
| --- |
| Respectfully submitted this 1st day of May 2014.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Sarah K. Wallace, WSBA #30863Assistant General CounselPacific Power & Light CompanyKatherine McDowellMcDowell, Rackner & Gibson PC419 S.W. Eleventh Avenue, Suite 400Portland, OR 97205Telephone: (503) 595-3924Email: Katherine@mcd-law.comAttorneys for Pacific Power & Light Company |
|  |

1. *Washington Utils. & Trans. Comm. v. PacifiCorp d/b/a Pacific Power & Light Company,* Docket
UE-130043, Order 02 (Jan. 25, 2013). [↑](#footnote-ref-1)