BEFORE THE WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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| In the Matter of  PACIFICORP d/b/a PACIFIC POWER & LIGHT COMPANY  Petition for an Order Approving Deferral of Costs Related to Colstrip Outage | Docket No. UE-131384  PACIFICORP’S MOTION FOR STANDARD PROTECTIVE ORDER  (Expedited Treatment Requested) |

*1* PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp) moves for the entry of the Washington Utilities and Transportation Commission’s (Commission) standard protective order in conjunction with PacifiCorp’s petition for an order approving deferral of costs related to an outage at the Colstrip generating plant, which was filed July 26, 2013. PacifiCorp’s representatives for this proceeding are:

Confidential per WAC 480-07-160

**REDACTED VERSION**

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Confidential per WAC 480-07-160

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# I. RELIEF REQUESTED

*2* PacifiCorp respectfully requests that the Commission issue its standard form of protective order in this proceeding. PacifiCorp is submitting as Exhibit A to this motion a proposed form of protective order.

# II. STATEMENT OF FACTS

*3* On July 26, 2013, PacifiCorp filed its petition for deferral of costs related to an outage at the Colstrip generating plant. Since filing this petition, PacifiCorp has responded to twelve data requests from Commission Staff. One of the attachments to PacifiCorp’s data request responses included information marked confidential under WAC 480-07-160. Public Counsel recently intervened in this proceeding and requested copies of all responses to data requests, including confidential responses, through a data request sent to PacifiCorp on December 13, 2013.

*4* The information that PacifiCorp has marked “confidential” includes commercially sensitive information regarding PacifiCorp’s Colstrip outage rates. Additionally, parties to this proceeding may request other types of information that are commercially valuable to PacifiCorp and that should be protected from public disclosure or disclosure to persons who might make use of such information to PacifiCorp’s detriment outside the scope of this proceeding.

*5* Release of such information to the public, intervenors, or to potential counterparties of future transactions would harm PacifiCorp and its customers because it would compromise PacifiCorp’s ability to compete fairly and impose a business risk to PacifiCorp, *e.g*., compromise PacifiCorp’s subsequent negotiating and litigation positions.

*6* PacifiCorp respects the Commission’s concern that the confidential designation should not be applied lightly. PacifiCorp has been careful in its filing to minimize the amount of information designated confidential. PacifiCorp believes that the public can generally understand and other parties can productively participate in the proceeding without access to the confidential information.

# III. STATEMENT OF ISSUES

*7* This Motion for Protective Order presents the following issue: should the Commission enter its standard protective order to protect commercially sensitive information provided by or submitted to PacifiCorp from disclosure or dissemination to the public or potential counterparties to transactions with PacifiCorp.

# IV. EVIDENCE RELIED UPON

*8* PacifiCorp relies on the pre-filed direct testimony and exhibits in this proceeding. This evidence explicitly shows the content and context of information that PacifiCorp seeks to protect with this motion.

# V. AUTHORITY AND ARGUMENT

*9* Authority for PacifiCorp’s requested relief is found in WAC 480-07-423, which provides for entry of a protective order to protect information that may compromise a company’s ability to compete fairly or that otherwise might impose a business risk if disseminated without the protections provided in the Commission’s protective order. WAC 480-07-423(3)(a).

*10* There is ample Commission precedent for the entry of a protective order, including the protective order the Commission entered in PacifiCorp’s last general rate case, *WUTC v. PacifiCorp,* Docket No. UE-130043, Order 02 (January 25, 2013).

*11* The material PacifiCorp seeks to protect is precisely the type of information that is intended to be eligible for “confidential” protections in WAC 480-07-423(3)(a). The likely result of release of any of the “confidential” information to potential counterparties of PacifiCorp would be increased costs for PacifiCorp and, ultimately, its customers.

# VI. CONCLUSION

*12* For the reasons set forth above, PacifiCorp respectfully requests that the Commission enter its standard form of protective order in this case, provided as Exhibit A to this motion.

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| Respectfully submitted this 6th day of January, 2014.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Sarah K. Wallace, WSBA #30863  Senior Counsel  PacifiCorp d/b/a Pacific Power & Light Company  Attorney for PacifiCorp |