

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Application of PACIFICORP (U 901 E), an Oregon Company, for an Order Authorizing a General Rate Increase Effective January 1, 2019

Application 18-04-002
(Filed April 12, 2018)

And Related Matter.

I.17-04-019

**MOTION OF PACIFICORP (U 901 E) FOR
CONFIDENTIAL TREATMENT OF INFORMATION
CONTAINED IN ITS REPLY BRIEF; AND PROPOSED
RULING**

PACIFICORP
Matthew McVee
Ajay Kumar
825 NE Multnomah, Suite 1800
Portland, Oregon 97232
Telephone: (503) 813-5585
Facsimile: (503) 813-7252
Email: matthew.mcvee@pacificorp.com
ajay.kumar@pacificorp.com

GOODIN, MACBRIDE,
SQUERI & DAY, LLP
Michael B. Day
Megan Somogyi
505 Sansome Street, Suite 900
San Francisco, California 94111
Telephone: (415) 392-7900
Facsimile: (415) 398-4321
Email: mday@goodinmacbride.com
msomogy@goodinmacbride.com

MCDOWELL RACKNER GIBSON PC
Katherine McDowell
Adam Lowney
419 SW 11th Ave., Suite 400
Portland, Oregon 97205
Telephone: (503) 595-3924
Email: katherine@mrg-law.com
adam@mrg-law.com

Attorneys for PacifiCorp

Dated: February 8, 2019

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Application of PACIFICORP (U 901 E), an Oregon Company, for an Order Authorizing a General Rate Increase Effective January 1, 2019

Application 18-04-002
(Filed April 12, 2018)

And Related Matter.

I.17-04-019

**MOTION OF PACIFICORP (U 901 E) FOR
CONFIDENTIAL TREATMENT OF INFORMATION
CONTAINED IN ITS REPLY BRIEF; AND PROPOSED
RULING**

In accordance with Rule 11.4 of the Commission's Rules of Practice and Procedure, PacifiCorp d/b/a Pacific Power (PacifiCorp) submits this motion for confidential treatment of market-sensitive information contained in its reply brief.

**I. THERE IS A SPECIFIC SUBSTANTIVE BASIS FOR ORDERING
CONFIDENTIAL TREATMENT OF THE INFORMATION CONTAINED IN
PACIFICORP'S REPLY BRIEF**

Under Public Utilities Code section 583, confidential information submitted to the Commission must not be made open to public inspection or otherwise made public. General Order (GO) 66-D, which pertains to the disclosure of information and records in the Commission's possession, recognizes that commercially sensitive information should be protected from public disclosure. Specifically, Section 3.2(b) of GO 66-D allows protection of material designated as confidential where the party requesting confidential treatment shows that

public disclosure is not in the public interest or is otherwise prohibited by state law. PacifiCorp submits that sufficient specific substantive basis exists for the Commission to apply the protective measures set forth in Section 583, GO 66-D, and this motion, and to grant this motion for confidential treatment of the information contained in the testimony and exhibits described herein.

Similar public interest standards are also contained in Section 6255 of the California Public Records Act (CPRA),¹ which provides that records in the possession of a public agency can be withheld if the record in question is exempt under express provisions of the CPRA (such as those contained in Sections 6254(k) and 6254.7(d)) or if the public interest served by not disclosing the record outweighs the public interest served by disclosure. For the reasons stated herein, the documents that are the subject of this motion qualify for protection under these statutory provisions.

A. Negotiated Contract Terms

The gray highlighted portions of page 45 contains specific terms of certain of PacifiCorp's fuel contracts. This information has not been made public.

This information is protected from disclosure under Section 3.2(b) of GO 66-D because public disclosure of contract terms relating to PacifiCorp's fuel purchases and the results of contract negotiations is not in the public interest. Public release of this information would adversely affect PacifiCorp's ability to negotiate pricing, terms, and conditions related to the procurement of fuel required to maintain and operate existing generating plants.

¹ Section 6255 of the California Government Code provides that: "The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record."

The information is also protected under Government Code section 6254.7(d). The confidential information relating to contract negotiations is a trade secret that is not a public record pursuant to Government Code section 6254.7(d).² PacifiCorp uses this information to guide its operations and inform its strategic decisions. The information described above has commercial value because it allows PacifiCorp to make informed decisions that lead to the establishment of competitive prices for its customers.

II. CONCLUSION

Public disclosure of the market sensitive information contained in PacifiCorp's reply brief and described in this motion would place PacifiCorp at a competitive disadvantage and could harm customers. PacifiCorp therefore requests that the Commission issue an order directing that the confidential information identified in PacifiCorp's reply brief be placed under seal and be afforded confidential treatment under Section 583 and GO 66-D.

² "Trade secrets," as used in section 6254.7(d), may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

Respectfully submitted February 8, 2019, at San Francisco, California.

GOODIN, MACBRIDE,
SQUERI & DAY, LLP
Michael B. Day
Megan Somogyi
505 Sansome Street, Suite 900
San Francisco, California 94111
Telephone: (415) 392-7900
Facsimile: (415) 398-4321
Email: mday@goodinmacbride.com

By /s/Michael B. Day

Michael B. Day

Attorneys for PacifiCorp

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Application of PACIFICORP (U
901 E), an Oregon Company, for an Order Authorizing a
General Rate Increase Effective January 1, 2019

Application 18-04-002
(Filed April 12, 2018)

And Related Matter.

I.17-04-019

**[PROPOSED] ADMINISTRATIVE LAW JUDGE RULING
GRANTING MOTION OF PACIFICORP FOR
CONFIDENTIAL TREATMENT OF INFORMATION
CONTAINED IN ITS REPLY BRIEF**

On February 8, 2019, PacifiCorp submitted a motion for confidential treatment of confidential information contained in its reply brief. In accordance with the Commission's Rules of Practice and Procedure, the Commission has considered PacifiCorp's motion and finds the requested relief appropriate.

Good cause being shown, it is ORDERED that:

1. The confidential information that PacifiCorp seeks to protect from public disclosure is protected by Commission order, General Order 66-D, Public Utilities Code section 583, and Government Code section 6254.7(d).

Dated: _____, 2019, at San Francisco, California.

Administrative Law Judge

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Application of PACIFICORP (U-901-E), an Oregon Company, for an Order Authorizing a General Rate Increase Effective January 1, 2019.

Application No. 18-04-002
(Filed April 12, 2018)

And Related Matter.

I.17-04-019

CERTIFICATE OF SERVICE

I, Wendy Peña, certify that I have on this 8th day of February 2019 caused a copy of the foregoing

**MOTION OF PACIFICORP (U 901 E) FOR
CONFIDENTIAL TREATMENT OF INFORMATION
CONTAINED IN ITS REPLY BRIEF; AND
PROPOSED RULING**

to be served on all known parties to A.18-04-002 & I.17-04-019 listed on the most recently updated service list available on the California Public Utilities Commission website, via email to those listed with email and via U.S. mail to those without email service. I also caused copies to be hand-delivered as follows:

Commissioner Liane Randolph
California Public Utilities Commission
505 Van Ness Avenue, 5th Floor
San Francisco, California 94102

ALJ Eric Wildgrube
California Public Utilities Commission
Division of Administrative Law Judges
505 Van Ness Avenue
San Francisco, California 94102

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 8th day of February 2019 at San Francisco, California.

By /s/ Wendy Peña
Wendy Peña



California
Public Utilities
Commission



CPUC Home

CALIFORNIA PUBLIC UTILITIES COMMISSION Service Lists

**PROCEEDING: A1804002 - PACIFICORP - FOR AN
FILER: PACIFICORP
LIST NAME: LIST
LAST CHANGED: JANUARY 22, 2019**

[Download the Comma-delimited File](#)
[About Comma-delimited Files](#)

[Back to Service Lists Index](#)

Parties

CHARLYN A. HOOK
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 5123
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214
FOR: PUBLIC ADVOCATES OFFICE (FORMERLY
ORA)

MATTHEW FREEDMAN
ATTORNEY
THE UTILITY REFORM NETWORK
785 MARKET STREET, 14TH FL.
SAN FRANCISCO, CA 94103
FOR: TURN

LORI ANNE DOLQUEIST
ATTORNEY
NOSSAMAN LLP
50 CALIFORNIA STREET, 34TH FLR.
SAN FRANCISCO, CA 94111
FOR: COUNTY OF SISKIYOU, THE SISKIYOU
COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT AND THE SISKIYOU
POWER AUTHORITY.

MICHAEL B. DAY
ATTORNEY
GOODIN, MACBRIDE, SQUERI, & DAY, LLP
505 SANSOME STREET, STE 900
SAN FRANCISCO, CA 94111-3133
FOR: PACIFICORP

TONY MENDOZA
STAFF ATTORNEY
SIERRA CLUB
2101 WEBSTER STREET, 13TH FL.
OAKLAND, CA 94612
FOR: SIERRA CLUB

KAREN NOREEN MILLS
SR. ATTORNEY
CALIFORNIA FARM BUREAU FEDERATION
2300 RIVER PLAZA DRIVE
SACRAMENTO, CA 95833
FOR: CALIFORNIA FARM BUREAU FEDERATION

Information Only

JASON HOUCK
ENERGY ADVISOR - EXECUTIVE DIV.
CPUC
EMAIL ONLY
EMAIL ONLY, CA 00000

LORENE MILLER
EMAIL ONLY
EMAIL ONLY, CA 00000

RICHARD MARSHALL
EMAIL ONLY
EMAIL ONLY, CA 00000

CAMERON-DANIEL, P.C.
EMAIL ONLY
EMAIL ONLY, CA 00000

MRW & ASSOCIATES LLC
EMAIL ONLY
EMAIL ONLY, CA 00000

JESSIE CROZIER
LUMINUS MANAGEMENT
1700 BROADWAY, 26TH FL.
NEW YORK, NY 10019

MARIA BYRNES
LEGAL ASSISTANT
AGUIRRE & SEVERSON LLP
501 WEST BROADWAY, STE. 1050
SAN DIEGO, CA 92101
FOR: IMPERIAL IRRIGATION DISTRICT

MICHAEL J. AGUIRRE, ESQ.
ATTORNEY AT LAW
AGUIRRE & SEVERSON, LLP
501 WEST BROADWAY, SUITE 1050
SAN DIEGO, CA 92101
FOR: IMPERIAL IRRIGATION DISTRICT (IID)

MARIA C. SEVERSON, ESQ.
ATTORNEY
AGUIRRE & SEVERSON LLP
501 WEST BROADWAY, STE. 1050
SAN DIEGO, CA 92101-3591
FOR: IMPERIAL IRRIGATION DISTRICT

CHARLOTTE CHITADJE
CALIF PUBLIC UTILITIES COMMISSION
ENERGY COST OF SERVICE & NATURAL GAS BRA
AREA 3-C
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

CHRISTIAN LAMBERT
CALIF PUBLIC UTILITIES COMMISSION
ENERGY COST OF SERVICE & NATURAL GAS BRA
AREA
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

DAVID ZIZMOR
CALIF PUBLIC UTILITIES COMMISSION
MARKET STRUCTURE, COSTS AND NATURAL GAS
AREA
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JULIA ENDE
CALIF PUBLIC UTILITIES COMMISSION
MARKET STRUCTURE, COSTS AND NATURAL GAS
ROOM 4011
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

LEUWAM TESFAI
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 5137
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

PUI-WA LI
CALIF PUBLIC UTILITIES COMMISSION
ENERGY SAFETY & INFRASTRUCTURE BRANCH
AREA
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

RACHEL PETERSON
CALIF PUBLIC UTILITIES COMMISSION
COMMISSIONER RANDOLPH
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

ROBERT M. POCTA
CALIF PUBLIC UTILITIES COMMISSION
ENERGY COST OF SERVICE & NATURAL GAS BRA
ROOM 4205
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

SUZANNE CASAZZA
CALIF PUBLIC UTILITIES COMMISSION
COMMISSIONER RANDOLPH
AREA
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

VANESSA YOUNG
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 4107
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214
FOR: PUBLIC ADVOCATES OFFICE (ORA)

MEGAN SOMOGYI
ATTORNEY
GOODIN, MACBRIDE, SQUERI, & DAY, LLP
505 SANSOME ST., STE. 900
SAN FRANCISCO, CA 94111

ANA BOYD
LEGAL ASSISTANT
SIERRA CLUB
2010 WEBSTER ST., SUITE 1300
OAKLAND, CA 94612

KATHERINE RAMSEY
STAFF ATTORNEY
SIERRA CLUB
2101 WEBSTER STREET, SUITE 1300
OAKLAND, CA 94612
FOR: SIERRA CLUB

KEVIN WOODRUFF
WOODRUFF EXPERT SERVICES
1127 - 11TH STREET, SUITE 514
SACRAMENTO, CA 95814

MICHAEL ZELAZO
CALIF PUBLIC UTILITIES COMMISSION
MARKET STRUCTURE, COSTS AND NATURAL GAS
770 L Street, Suite 1250
Sacramento, CA 95814

VICKI GOLD
2102 TANAGER LANE
MT SHASTA, CA 96067

NATALIE E. REED
DEPUTY COUNTY COUNSEL
COUNTY OF SISKIYOU
205 LANE STREET / PO BOX 659
YREKA, CA 96097

KATHERINE MCDOWELL
MCDOWELL RUCKWER & GIBSON
419 SW 11TH, STE. 400
PORTLAND, OR 97205

CATHIE ALLEN
DIR - REGULATORY AFFAIRS
PACIFICORP
825 NE MULTNOMAH ST., STE 300
PORTLAND, OR 97232

MATTHEW MCVEE
PACIFICORP
825 NE MULTNOMAH, STE. 1800
PORTLAND, OR 97232
FOR: PACIFICORP.

State Service

ERIC WILDGRUBE
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
ROOM 5113
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

[TOP OF PAGE](#)
[BACK TO INDEX OF SERVICE LISTS](#)



California
Public Utilities
Commission



CPUC Home

CALIFORNIA PUBLIC UTILITIES COMMISSION Service Lists

PROCEEDING: I1704019 - CPUC - OII TO DETERM
FILER: CPUC
LIST NAME: LIST
LAST CHANGED: JANUARY 22, 2019

[Download the Comma-delimited File](#)
[About Comma-delimited Files](#)

[Back to Service Lists Index](#)

Parties

CHARLYN A. HOOK
 CALIF PUBLIC UTILITIES COMMISSION
 LEGAL DIVISION
 ROOM 5123
 505 VAN NESS AVENUE
 SAN FRANCISCO, CA 94102-3214
 FOR: PUBLIC ADVOCATES OFFICE (FORMERLY
 ORA)

MATTHEW FREEDMAN
 ATTORNEY
 THE UTILITY REFORM NETWORK
 785 MARKET STREET, 14TH FL.
 SAN FRANCISCO, CA 94103
 FOR: TURN

LORI ANNE DOLQUEIST
 ATTORNEY
 NOSSAMAN LLP
 50 CALIFORNIA STREET, 34TH FLR.
 SAN FRANCISCO, CA 94111
 FOR: COUNTY OF SISKIYOU, THE SISKIYOU
 COUNTY FLOOD CONTROL AND WATER
 CONSERVATION DISTRICT AND THE SISKIYOU
 POWER AUTHORITY.

MICHAEL B. DAY
 ATTORNEY
 GOODIN, MACBRIDE, SQUERI, & DAY, LLP
 505 SANSOME STREET, STE 900
 SAN FRANCISCO, CA 94111-3133
 FOR: PACIFICORP

TONY MENDOZA
 STAFF ATTORNEY
 SIERRA CLUB
 2101 WEBSTER STREET, 13TH FL.
 OAKLAND, CA 94612
 FOR: SIERRA CLUB

KAREN NOREEN MILLS
 SR. ATTORNEY
 CALIFORNIA FARM BUREAU FEDERATION
 2300 RIVER PLAZA DRIVE
 SACRAMENTO, CA 95833
 FOR: CALIFORNIA FARM BUREAU FEDERATION

Information Only

JASON HOUCK
 ENERGY ADVISOR - EXECUTIVE DIV.
 CPUC
 EMAIL ONLY
 EMAIL ONLY, CA 00000

LORENE MILLER
 EMAIL ONLY
 EMAIL ONLY, CA 00000

RICHARD MARSHALL
EMAIL ONLY
EMAIL ONLY, CA 00000

CAMERON-DANIEL, P.C.
EMAIL ONLY
EMAIL ONLY, CA 00000

MRW & ASSOCIATES LLC
EMAIL ONLY
EMAIL ONLY, CA 00000

JESSIE CROZIER
LUMINUS MANAGEMENT
1700 BROADWAY, 26TH FL.
NEW YORK, NY 10019

MARIA BYRNES
LEGAL ASSISTANT
AGUIRRE & SEVERSON LLP
501 WEST BROADWAY, STE. 1050
SAN DIEGO, CA 92101
FOR: IMPERIAL IRRIGATION DISTRICT

MICHAEL J. AGUIRRE, ESQ.
ATTORNEY AT LAW
AGUIRRE & SEVERSON, LLP
501 WEST BROADWAY, SUITE 1050
SAN DIEGO, CA 92101
FOR: IMPERIAL IRRIGATION DISTRICT (IID)

MARIA C. SEVERSON, ESQ.
ATTORNEY
AGUIRRE & SEVERSON LLP
501 WEST BROADWAY, STE. 1050
SAN DIEGO, CA 92101-3591
FOR: IMPERIAL IRRIGATION DISTRICT

CHARLOTTE CHITADJE
CALIF PUBLIC UTILITIES COMMISSION
ENERGY COST OF SERVICE & NATURAL GAS BRA
AREA 3-C
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

CHRISTIAN LAMBERT
CALIF PUBLIC UTILITIES COMMISSION
ENERGY COST OF SERVICE & NATURAL GAS BRA
AREA
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

DAVID ZIZMOR
CALIF PUBLIC UTILITIES COMMISSION
MARKET STRUCTURE, COSTS AND NATURAL GAS
AREA
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JULIA ENDE
CALIF PUBLIC UTILITIES COMMISSION
MARKET STRUCTURE, COSTS AND NATURAL GAS
ROOM 4011
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

LEUWAM TESFAI
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 5137
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

PUI-WA LI
CALIF PUBLIC UTILITIES COMMISSION
ENERGY SAFETY & INFRASTRUCTURE BRANCH
AREA
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

RACHEL PETERSON
CALIF PUBLIC UTILITIES COMMISSION
COMMISSIONER RANDOLPH
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

ROBERT M. POCTA
CALIF PUBLIC UTILITIES COMMISSION
ENERGY COST OF SERVICE & NATURAL GAS BRA
ROOM 4205
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

SUZANNE CASAZZA
CALIF PUBLIC UTILITIES COMMISSION
COMMISSIONER RANDOLPH
AREA
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

VANESSA YOUNG
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 4107
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214
FOR: PUBLIC ADVOCATES OFFICE (ORA)

MEGAN SOMOGYI
ATTORNEY
GOODIN, MACBRIDE, SQUERI, & DAY, LLP
505 SANSOME ST., STE. 900
SAN FRANCISCO, CA 94111

ANA BOYD
LEGAL ASSISTANT
SIERRA CLUB
2010 WEBSTER ST., SUITE 1300
OAKLAND, CA 94612

KATHERINE RAMSEY
STAFF ATTORNEY
SIERRA CLUB
2101 WEBSTER STREET, SUITE 1300
OAKLAND, CA 94612
FOR: SIERRA CLUB

KEVIN WOODRUFF
WOODRUFF EXPERT SERVICES
1127 - 11TH STREET, SUITE 514
SACRAMENTO, CA 95814

MICHAEL ZELAZO
CALIF PUBLIC UTILITIES COMMISSION
MARKET STRUCTURE, COSTS AND NATURAL GAS
770 L Street, Suite 1250
Sacramento, CA 95814

VICKI GOLD
2102 TANAGER LANE
MT SHASTA, CA 96067

NATALIE E. REED
DEPUTY COUNTY COUNSEL
COUNTY OF SISKIYOU
205 LANE STREET / PO BOX 659
YREKA, CA 96097

KATHERINE MCDOWELL
MCDOWELL RUCKWER & GIBSON
419 SW 11TH, STE. 400
PORTLAND, OR 97205

CATHIE ALLEN
DIR - REGULATORY AFFAIRS
PACIFICORP
825 NE MULTNOMAH ST., STE 300
PORTLAND, OR 97232

MATTHEW MCVEE
PACIFICORP
825 NE MULTNOMAH, STE. 1800
PORTLAND, OR 97232
FOR: PACIFICORP.

State Service

ERIC WILDGRUBE
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
ROOM 5113
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

[TOP OF PAGE](#)
[BACK TO INDEX OF SERVICE LISTS](#)