

April 4, 2023

VIA ELECTRONIC FILING

Amanda Maxwell
Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

RE: Docket UE-230172—PacifiCorp’s Errata Testimony and Supplemental Exhibits

On March 17, 2023, PacifiCorp dba Pacific Power & Light Company (PacifiCorp or Company) submitted its 2023 general rate case with the Washington Utilities and Transportation Commission (Commission).

The errata testimony and supplemental exhibits do not alter the Company's rate case in any substantive way. The errata sheets are simply to provide URL citations for documents that can otherwise be easily found on the internet. The supplemental exhibits for Ryan D. McGraw, Rick T. Link, and Thomas R. Burns do not change the content of initial testimony in a substantive manner, some of which were initially provided as workpapers instead.

The revised tariff sheets are contained in Exhibit No. RMM-11r accompanying this filing. In accordance with WAC 480-07-510(2), the proposed new tariff sheets are also provided in legislative format. PacifiCorp’s proposed tariff schedules are dated May 4, 2023.

Here is a brief description of the components of this filing:

- Motion for Amended Protective Order
- Errata sheets for the following witness testimonies:
 - o Ann E. Bulkley—Exhibit AEB-1Tr—replacement pages to include full URLs for publicly available documents.
 - o Jayson Branch—Exhibit JB-1CTr—replacement pages to include full URLs for publicly available documents. Please note that the replacement pages do not contain confidential information, and therefore can replace both the confidential and redacted versions.
 - o Nikki L. Koblaha—Exhibit NLK-1Tr—single replacement page to include full URL for a publicly available document.
 - o Ryan D. McGraw—Exhibit RDM-1CTr—replacement table of contents page to include list of supplemental exhibits, replacement pages to include full URLs for publicly available documents, replacement pages to include reference to supplemental exhibits. One page contains confidential information and will be provided in confidential and redacted versions.
 - o Ramon J. Mitchell—Exhibit RJM-1CTr-- single replacement page to clarify another state Commission’s reference and provide one additional citation.

- Rick T. Link—Exhibit RTL-1CTr—replacement table of contents page to include list of one supplemental exhibit, replacement pages to include full URLs for publicly available documents, one replacement page to include reference to the supplemental exhibit, replacement pages for pagination changes.
- Timothy J. Hemstreet—Exhibit TJH-1CTr—single replacement page to include full URL for a publicly available document. This page contains confidential information and will be provided in confidential and redacted versions.
- Thomas R. Burns—Exhibit TRB-1CTr—replacement table of contents page to include list of supplemental exhibits, replacement pages to include full URLs for publicly available documents, one replacement page to include reference to the supplemental exhibits.
- Supplemental exhibits:
 - Exhibit RDM-2C
 - Exhibit RDM-3HC
 - Exhibit RDM-4C
 - Exhibit RDM-5C
 - Exhibit RTL-2
 - Exhibit TRB-2
 - Exhibit TRB-3C
 - Exhibit TRB-4C
 - Exhibit TRB-5
- Revised exhibits:
 - Exhibit RMM-11r
- Workpapers corrected for flattened structure and special characters:
 - Confidential workpapers
 - Non-confidential workpapers
 - Redacted workpapers
 - Workpaper indexes

Many confidential workpapers have been designated confidential in their entirety per WAC 480-07-160(8). These workpapers are large and complex excel spreadsheets that would be either impractical or unduly burdensome to mark as required under WAC 480-07-160(4) through (7).

PacifiCorp has marked certain pages of its filing “DESIGNATED INFORMATION IS CONFIDENTIAL PER WAC 480-07-160.” These documents are protected from any further disclosure by the Commission or the Office of the Attorney General, including their outside experts, under RCW 80.04.095 and WAC 480-07-160.

PacifiCorp requests that the documents contained in the envelopes identified with the cover page marked “DESIGNATED INFORMATION IS CONFIDENTIAL PER WAC 480-07-160,” as well as the files marked “CONFIDENTIAL” or “CONF” on the versions of the USB drives containing confidential materials, be treated as confidential under the provisions of WAC 480-07-160 because they contain sensitive commercial information. In accordance with WAC 480-07-160(5), PacifiCorp has enclosed redacted versions of the documents containing confidential information along with the non-confidential documents in its filing, and has placed unredacted versions of the

documents containing confidential information in separate envelopes with corresponding “DESIGNATED INFORMATION IS CONFIDENTIAL PER WAC 480-07-160” labels on the envelopes. Each page of the unredacted version containing confidential information is printed on yellow paper.

PacifiCorp also has designated Exhibit No. RDM-3HC, which is the Build to Transfer Agreement (BTA) for Rock Creek I and II Wind Projects, highly confidential per WAC 480-07-160(6). The Company has filed simultaneously with this errata filing a motion for amended protective order (Motion). As explained in its Motion, the BTA is commercially sensitive and would provide potential future counterparties a significant commercial advantage at the expense of the Company and its customers.

As required by WAC 480-07-510(4), the Company is providing the supporting workpapers in electronic format on the enclosed USB drives. Certain workpapers and models are being provided as confidential under WAC 480-07-160(3).

As provided in the non-confidential workpaper titled, “RMM-6-PricingWkpps.xlsx”, a typical residential customer using 1,200 kwhs per month will see a bill increase of \$13.39 (or 10.7 percent), effective March 4, 2023, and a bill increase of \$10.20 (or 7.4 percent), effective March 1, 2025. The previous bill impact estimates provided in the Company’s initial filing were calculated using a revenue-based method, but the Company is providing updated numbers to reflect total bill impact per guidance from Commission Staff.

Please direct all service and correspondence related to this filing to:

Carla Scarsella
Ajay Kumar
Zachary Rogala
Joseph Dallas
PacifiCorp
825 NE Multnomah St., Suite 2000
Portland, OR 97232
Email:

carla.scarsella@pacificorp.com
ajay.kumar@pacificorp.com
zachary.rogala@pacificorp.com
joseph.dallas@pacificorp.com

Jocelyn Pease
Katherine McDowell
McDowell, Rackner & Gibson PC
419 S.W. Eleventh Avenue, Suite 400
Portland, OR 97205
Email:
jocelyn@mrg-law.com
katherine@mrg-law.com

Washington Dockets
PacifiCorp
825 NE Multnomah St., Suite 2000
Portland, OR 97232
Email: washingtondockets@pacificorp.com

In addition, the Company respectfully requests that all data requests regarding this matter be addressed to:

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PACIFICORP dba
PACIFIC POWER & LIGHT COMPANY,

Respondent.

Docket UE-230172

PACIFICORP’S MOTION FOR
AMENDED PROTECTIVE ORDER
WITH HIGHLY CONFIDENTIAL
PROVISIONS

I. INTRODUCTION

1 In accordance with WAC 480-07-420(2), PacifiCorp dba Pacific Power & Light Company (PacifiCorp or Company) files this Motion for Amended Protective Order with Highly Confidential Provisions. On March 17, 2023, PacifiCorp filed a motion for standard protective order in docket UE-230172 to govern the discovery and use of proprietary and confidential documents in this proceeding. As described in more detail below, however, in order for PacifiCorp to file a supplemental exhibit to its direct filing, the Company must provide highly confidential information that requires greater protection than the standard protective order provides. PacifiCorp therefore files this motion for an amended protective order with highly confidential protections so that the Company can provide this exhibit. Furthermore, an amended protective order will facilitate any future responses to discovery that require highly confidential information.

2 PacifiCorp respectfully requests that the Washington Utilities and Transportation Commission (Commission) (1) issue an amended protective order in docket UE-230172

that includes “highly confidential” provisions; and (2) permit PacifiCorp to serve highly confidential responses to discovery subject to the protection of the amended protective order.

II. STATEMENT OF FACTS

3 On March 17, 2023, PacifiCorp filed a general rate case that initiated this proceeding. The Company is filing an errata to its direct filing with supplemental exhibits in part to provide documents as exhibits to three testimonies, including the direct testimony of Ryan D. McGraw. In particular, PacifiCorp is providing the Build to Transfer Agreement (BTA) for the Rock Creek I and II Wind Projects referred to in Mr. McGraw’s testimony as a supplemental exhibit. The BTA is highly commercially sensitive information, which, if released, would result in unfair competitive injury to the Company, and therefore to customers.

4 Disclosure of the terms of the BTA would provide potential future counterparties a significant commercial advantage at the expense of the Company and its customers because the Company may be engaging in other similar transactions in the near future. Specifically, public disclosure of the BTA could damage the future negotiations by informing counterparties participating in the Company’s 2022 All-Source Request for Proposals of the Company’s position, resulting in the reduced likelihood that future negotiations result in the least-cost, least-risk resources for customers.

5 PacifiCorp 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.

III. 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 the BTA.

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.¹

8 The material that PacifiCorp 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
information regarding highly commercially sensitive information that would be valuable
to future counterparties if released and the disclosure of which would harm PacifiCorp.
Disclosure of this highly sensitive information would provide a distinct advantage to
future counterparties and would harm PacifiCorp and, ultimately, its customers.

9 The additional protection provided by a "highly confidential" designation will
help ensure that parties receiving highly confidential information treat it with the utmost

¹ See *WUTC v. Northwest Natural Gas Co.*, Docket No. UG-181053, Order 04 (Mar. 19, 2019); *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).

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 PacifiCorp 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.

IV. CONCLUSION

11 For the reasons set forth above, PacifiCorp respectfully requests that the Commission enter an amended, standard form of protective order in docket UE-230172 with enhanced protection of highly confidential information.

Respectfully submitted this 4th day of April, 2023.



Carla Scarsella
Ajay Kumar
825 NE Multnomah Street, Suite 2000
Portland, OR 97232
Phone: (503) 813-6338 (Scarsella)
(503) 813-5161 (Kumar)
Email: carla.scarsella@pacificorp.com
ajay.kumar@pacificorp.com

Attorneys for PacifiCorp