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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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In the Matter of the Application of Rocky Mountain Power for Authority To Change its Depreciation Rates Effective January 1, 2008) DOCKET NO. 07-035-13
) UTAH COMMITTEE OF CONSUMER SERVICES' OBJECTION TO MOTION FOR PROTECTIVE ORDER AND REQUEST FOR EXPEDITED TREATMENT and MOTION FOR ALTERNATIVE ORDER

Under the provisions of Utah Public Service Commission Rule R746-100-8(C)(3) and R746-100-4(D), the Utah Committee of Consumer Services responds to Rocky Mountain Power's Motion For Protective Order and Request For Expedited Treatment that was filed with the Commission on June 21, 2007. The Committee objects to certain provisions of Rocky Mountain's proposed order and requests that the Commission enter a

protective order that incorporates the substance of the Committee's alternative provisions described in this pleading. As grounds for the motion, the Committee contends that:

1. The Motion was filed and expedited treatment was requested without Rocky Mountain having first conferred or attempted to confer with the Committee's attorney in an attempt to resolve the terms and conditions of the protective order. *See Utah Rules of Civil Procedure Rule 26(c) and R746-100-1(C)*. Rocky Mountain's request for expedited issuance of the protective order is not justified by the fact that data requests have been submitted and no other need for expedited treatment is stated.

2. The Motion, in part, does not comply with Commission rules or the Utah Rules of Civil Procedure as the proposed order does not sufficiently limit the data and information sought to be protected to that which reasonably compromises a party's ability to fairly compete or reasonably imposes a business risk if the information were to be disseminated. Furthermore, the Motion and the proposed order do not distinguish between private parties who commercially compete or conflict with Rocky Mountain, and government agencies statutorily authorized and required to scrutinize and evaluate applications from regulated utilities such as the application at issue in this docket.

3. With respect to the Committee and the Utah Division of Public Utilities, the Motion and proposed protective order arguably violates the provisions of the Utah Government Records Access & Management Act, Utah Code Title 63, Chapter 2, in that the order does not impose upon the Committee and the Division, the GRAMA classification system and the means to enforce the terms of the protective order by

governing these governmental entities' use, disclosure and records management practices pertaining to "Confidential Information".

4. The proposed protective order is not consistent with protective orders recently submitted to the Commission by Rocky Mountain, or issued by the Commission, that permit to disclosure of protected information directly to the Committee and its staff, eliminating the requirement that such information be provided only to counsel, and eliminating for the Committee and its staff the requirement of signing a non-disclosure agreement. *See In the Matter of Rocky Mountain Power for an Accounting Order, Docket No. 07-035-04; In the Matter of Beehive Telephone, Docket No. 06-051-01.* In addition, the Committee contends that imposing either of these conditions impermissibly restrains the Committee's performance of its statutory mandate.

5. The Committee requests that the following provisions be substituted for Rocky Mountain's proposed provision:

1. (A) Confidential Information. A party may designate as confidential, any documents, data, information, studies and other materials furnished, or made available pursuant to any interrogatories, or requests for information, subpoenas, depositions, or other modes of discovery that the party claims is covered by Utah Rule of Civil Procedure 26(c)(7), a trade secret or other confidential research, development or commercial information. To the extent practicable, parties must scrutinize potentially confidential material and limit the amount designated "Confidential Information" to only information that reasonably compromises a party's ability to fairly compete or reasonably imposes a business risk if disseminated with the protections provided in this Order. Information designated "Confidential Information" shall be furnished pursuant to the terms of this Order, and shall be used or disclosed by all persons accorded access thereto pursuant to this Order only for the purpose of this proceeding, and solely in accordance with this Order. All information claimed to be Confidential Information shall be so marked by the party or its affiliates by stamping the same with the designation, "**CONFIDENTIAL - - SUBJECT TO PROTECTIVE ORDER**" or "**CONFIDENTIAL - - SUBJECT TO PROTECTIVE ORDER IN DOCKET NOS.**

06-051-01, 06-2469-01 and 06-2464-02.” All copies of documents so marked will be made on yellow paper. Parties filing electronically should file both a confidential and non-confidential version clearly marked as such. For purposes hereof, notes made pertaining to or as the result of a review of Confidential Information shall be considered Confidential Information and subject to the terms of this Order.

(B) Application of the Utah Government Records Access & Management Act. The Commission, the Division, and the Committee and the Committee staff shall classify designated “Confidential Information” as “protected records” under the Utah Government Records Access & Management Act, Utah Code Title 63, Chapter 2. The Utah GRAMA classification together with this Protective Order, shall govern these governmental entities’ use, disclosure and records management practices pertaining to “Confidential Information”.

(C) Use of Confidential Information and Persons Entitled to Review. Except as provided for the Public Service Commission of Utah, and for the Division of Public Utilities and the Utah Committee of Consumer Services, whose appearance and participation in this proceeding is statutorily authorized, all Confidential Information made available pursuant to this Order shall be given solely to counsel for the parties and shall not be used nor disclosed except for the purpose of this proceeding; provided, however, that access to any specific Confidential Information may be authorized by counsel, solely for the purpose of this proceeding, to those persons indicated by the parties as being their experts in this matter. Persons designated as experts shall not include persons employed by the parties who could use the information in their normal job functions to the competitive disadvantage of the party providing the Confidential Information. The Public Service Commission, the Division and the Committee, and their respective counsel, and staff, under and pursuant to the applicable provisions of Title 54, Utah Code Ann., the Rules of Civil Procedure and the Rules of the Commission, may have direct access to any Confidential Information made available pursuant to this Order and shall be bound by the terms of this Order, except for the requirement of signing a nondisclosure agreement.

6. The Committee’s response is timely under the Utah Public Service Commission Rule R746-100-4(D) as the Motion was not served upon the Committee’s counsel, but was received by the Committee counsel only on June 27, 2007.

Dated this 28th day of June 2006.

Paul H. Proctor
Assistant Attorney General
Utah Committee of Consumer Services

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Objection to Motion for Protective Order and Motion for Alternative was served upon the following by electronic mail June 28, 2007:

Michael Ginsberg

Patricia Schmid

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/s/ _____

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