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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

In the Matter of PacifiCorp's 2011 Integrated Resource Plan	Docket No. 11-2035-01
	<b>UTAH OFFICE OF CONSUMER SERVICES' MOTION FOR PROTECTIVE ORDER – ADDITIONAL PROTECTIVE MEASURES</b>

The Utah Office of Consumer Services moves the Commission to issue an order in this docket attaching additional protective measures to the standing protective order established by Utah Admin. Code R. 746-100-16.<sup>1</sup> The additional protective measures pertain to the Report on Rocky Mountain Power Fuel Management and Coal Supply (Report) prepared by Energy Ventures Analysis. The Report is referenced by the Office's September 7, 2011 Comments

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<sup>1</sup> The rule states that a party may request confidential treatment "only to the extent a good faith reasonable basis for claiming specific information constitutes a trade secret or is otherwise of such a highly-sensitive or proprietary nature that public disclosure would be inappropriate." *Utah Admin. Code R. 746-100-16 A. 1. a.*

upon PacifiCorp's 2011 Integrated Resource Plan. The additional protective measure would allow the Office to file the Report with the Commission and serve it upon only the Utah Division of Public Utilities and PacifiCorp.

The Office may use confidential information as the Office deems necessary to perform its statutory function, provided that the confidentiality of the information is protected as required by Utah law. *Utah Admin.Code. R. 746-100-16 A. 1. c.* The Report was prepared at the Office's request for the purpose of aiding and supporting an analysis of PacifiCorp's fuel management and coal supply operations, policy and procedure, and strategy. The Office conducted and continues to conduct this analysis as necessary to assess the impact of rate changes and resource planning upon PacifiCorp's Utah residential and small commercial customers, and to take such actions as are necessary to represent such customers. *See Utah Code Ann. § 54-10a-301 (West Supp. 2011).*

However, as explained below, there is in this docket, no Commission order that the Office may rely upon to protect the confidentiality of some of the information contained in the Report. Rule 746-100-16 A. 1. e. allows a party to request additional protective measures before providing confidential information that is highly proprietary, highly sensitive or highly confidential.<sup>2</sup>

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<sup>2</sup> For the purpose of reaching an agreement on the treatment of the materials, this rule requires the party from whom information is requested to "promptly" inform the requesting party of the highly sensitive nature of the information and the proposed additional protective measures. If agreement is not reached, the party must petition the Commission to order such additional measures before enforcing such restrictions. As

The Report is, in part, based upon information provided by PacifiCorp that is claimed to be highly confidential. In Docket No. 10-035-124, the Office requested from PacifiCorp certain information pertaining to fuel management and coal supply issues and requested that Energy Ventures have access to the information. Rather than initiating a request based upon Rule 746-100-16 A. 1. e., PacifiCorp unilaterally imposed upon the Office and Energy Ventures, extraordinary and burdensome access restrictions for all of the requested information, whether highly sensitive, confidential or not confidential.

Because PacifiCorp imposed blanket restrictions upon access and use of the information without distinguishing the different confidential characters of the information, the Office cannot create a public and non-public version of the Report that reliably protects the confidentiality of the information as required by Utah law. Based upon the Office and its counsel's review, the information in part may reasonably be classified as information that if disclosed creates a high risk of competitive disadvantage or other business injury. In other words, the information has independent economic value, actual or potential, from not being generally known to or readily ascertainable by other persons who can obtain economic value from its disclosure or use.

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explained, PacifiCorp imposed measures upon the Office without notice. Accordingly, the Office now petitions the Commission to address use of the information.

Therefore, the Office moves that the Commission order that the Report be filed only with the Commission and be provided to only the Utah Division of Public Utilities and PacifiCorp. The Office also moves that the order provide a means by which other parties to this docket may request that the Commission grant the party access to the Report upon such terms and conditions as the Commission determines will protect the confidentiality of the Report.

RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of September 2011.

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Utah Office of Consumer Services

## CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above Motion for Protective Order – Additional Protective Measures was served upon the following by electronic mail sent on September 12, 2011:

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