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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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In the Matter of the Application of PacifiCorp )  
for Approval of a 2009 Request for Proposals ) DOCKET NO. 05-035-47  
for Flexible Resource )  
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**ROCKY MOUNTAIN POWER'S**  
**MOTION FOR ADDITIONAL**  
**PROTECTIVE MEASURES AND**  
**REQUEST FOR EXPEDITED**  
**TREATMENT**

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Pursuant to paragraph 1(D) of the Protective Order issued on October 13, 2006 in the above-referenced docket, PacifiCorp, by and through its Rocky Mountain Power division (“Rocky Mountain Power” or the “Company”), hereby moves the Public Service Commission of Utah (“Commission”) for an order granting additional protective measures.

In support of this Motion, the Company states as follows:

1. On April 4, 2007, the Commission issued its Approval of the Company’s 2012 Request for Proposals for Base Load Resources that was filed by the Company on March 26, 2007 (“RFP”). Since that time, the Company, in connection with oversight and input from the independent evaluator (“IE”) and the Division of Public Utilities (“Division”), has been evaluating the bids and has been working with the IE and the Division to ensure that all bids comply with the terms and requirements established in the RFP.

2. During this same time period, the occurrence of certain events has compelled the Company to file a motion with the Commission requesting an amendment to the RFP to ensure that the process remains fair and reasonable, and ultimately meets the public interest criteria set forth in the Energy Resource Procurement Act, including, that the process will result in the acquisition, production, and delivery of low risk and reliable electricity at the lowest reasonable cost to retail customers.

3. The Company intends to file a motion to amend the RFP, and in its request the Company shall describe the terms of the RFP that it seeks to modify. However, the Company is unable to provide detailed justification in support of its motion due to the concern that the disclosure of certain non-public information that is commercially sensitive to the RFP process may jeopardize the integrity of the RFP process.

4. Accordingly, the Company submits that in order to maintain the competitive integrity of the RFP and the bid evaluation process, the proffered reasons and justification for the request should be kept confidential, only to be disclosed to the Commission, the Division, the IE, and the Utah Committee of Consumer Services (“CCS”). The Company contends that disclosing any of the information surrounding the bid evaluation process and the status of the bids could prove detrimental to the integrity of the RFP process and jeopardize the bidders and the Company’s competitive positions.

5. Pursuant to paragraph 1(D) of the Protective Order a “provider of documents and information may claim that additional protective measures, beyond those required under this Protective Order, are warranted for certain confidential material . . .” In such a case, the provider of such information shall “also petition the Commission for an order granting additional

protective measures which the petitioner believes are warranted for the claimed highly sensitive documents and information . . .”

6. In accordance with paragraph 1(D) of the Protective Order, the Company requests that the Commission issue an order either amending the Protective Order or otherwise issuing an order granting additional protective measures. In this regard, the Company requests the order issued by the Commission include the following language or language substantially similar to the following:

Non-Public Information: Disclosing certain information about the status of a pending request for proposals to members of the public may jeopardize the competitive integrity of the request for proposals bids, and the bid evaluation and bid approval process. If the holder of information believes that the public disclosure of the information in this docket will jeopardize the competitive integrity and fairness of the request for proposals, it may submit such information to the Commission under seal and designate such information as Non-Public Information. If a holder of Non-Public Information submits Non-Public Information to the Commission, it shall also provide a copy of such filing to Rocky Mountain Power, the Utah Division of Public Utilities (“Division”), the Utah Committee of Consumer Services (“CCS”), and to the designated independent evaluator. The Division, CCS, and the independent evaluator shall keep such Non-Public Information secret and confidential. The Company shall not be required to distribute any Non-Public Information to any other party. Any hearing or other proceedings where Non-Public Information will be discussed shall be conducted only in the presence of the party who made the filing, Rocky Mountain Power, the Division, the CCS, and the independent evaluator. A record of such hearing or proceeding shall be kept and maintained by the Commission under seal. Any party may challenge a party’s designation of any information as Non-Public Information pursuant to Section 2 of the Protective Order. These additional protective measures are intended to supplement, not supersede the Protective Order.

Based upon the foregoing, Rocky Mountain Power respectfully requests that the Commission grant its Motion for additional protective measures and issue an order in substantially the same form as the proposed order attached hereto as Exhibit 1.

DATED this 28<sup>th</sup> day of September 2007.

Respectfully submitted,

ROCKY MOUNTAIN POWER

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## CERTIFICATE OF SERVICE

I hereby certify that on this 28<sup>th</sup> day of September 2007, I caused to be e-mailed a true and correct copy of the foregoing Rocky Mountain Power's Motion for Additional Protective Measures, as follows:

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