

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

In the Matter of the Application of PacifiCorp for Approval of a 2009 Request for Proposals for Flexible Resource)))))))	<u>DOCKET NO. 05-035-47</u> <u>PROTECTIVE ORDER FOR UTAH IE</u> <u>AUGUST 27, 2007, STATUS REPORT</u>
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ISSUED: November 21, 2007

By the Commission:

Pursuant to Utah Code 54-17-203, the Commission has retained an Independent Evaluator (IE) to assist in the deliberations associated with this docket. Subsection 54-17-203(3)(b)(ii)(B) permits reports prepared by the IE for the Commission to be provided to others, as directed by the Commission. The Committee of Consumer Services has requested the Commission release a non-redacted version of the August 27, 2007, Pacificorp 2012 RFP Status Report (August 27, 2007, IE Report) prepared by Merrimack Energy Group, the Utah IE. The Protective Orders issued in this docket do not clearly cover the August 27, 2007, IE Report, as it is not a document prepared by the parties or participants of this docket or the type of document falling within the specific terms of the Protective Orders. The Commission has concluded that access to the August 27, 2007, IE Report may be extended. However, some contents of the report have the potential to harm the RFP process integrity, similar to material which is intended to be covered by Part 1 (E) of the October 5, 2007 Revised Protective Order. The Commission finds that sufficient grounds exist for entry of this Protective Order to provide that access to and use of the August 27, 2007, IE Report will be governed by the provisions of the October 5, 2007,

Revised Protective Order, with specific application of the terms contained in Part 1 (E) dealing with Highly Sensitive Non-Public Information. These shall be applied as follows:

The August 27, 2007, IE Report shall be treated as Highly Sensitive Non-Public Information, individuals who are given access to it shall keep it secret and confidential in accordance with the terms of the October 5, 2007, Revised Protective Order. A non-redacted copy of the August 27, 2007, IE Report may be provided to counsel to participants in this docket (the "Recipients"), to the extent that they establish, to the best of their knowledge after reasonable inquiry, that they do not now represent, do not intend to represent, and will refrain during the pendency of Pacificorp's 2012 RFP from representing, any current bidder or any person or entity that, to their reasonable knowledge, may bid into the 2012 RFP. Pacificorp, if receiving a copy of the August 27, 2007, IE Report, must insure that the report will not be knowingly disclosed to any member of its benchmark team so long as it remains classified as Highly Sensitive Non-Public Information. Each Recipient shall treat the report as Highly Sensitive Non-Public Information in all respects in compliance with the requirements of the Revised Protective Order and, in addition, shall not provide or disclose the Highly Sensitive Non-Public Information to any client, consultant, expert, or other person or entity, except as specifically provided for in the protective order. All individuals, beyond counsel, who are granted access to the August 27, 2007, IE Report shall execute a non-disclosure agreement, Appendix B, and otherwise comply with the Revised Protective Order.

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DATED at Salt Lake City, Utah, this 21st day of November, 2007.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#55409