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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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)	DOCKET NO. 07-035- _____
In the Matter of Rocky Mountain Power's)	
Request for Approval of a Generic Protective)	
Order Pursuant to Senate Bill 235)	PETITION FOR APPROVAL OF
)	A GENERIC PROTECTIVE
)	ORDER
)	
)	

Pursuant to Senate Bill 235, as signed into law by the Governor of the state of Utah on March 14, 2007, Rocky Mountain Power ("Rocky Mountain Power" or the "Company"), hereby petitions the Public Service Commission of Utah ("Commission") for approval of a generic protective order to be used by the Commission as the standard form of generic protective order for all proceedings brought before the Commission pursuant to §54-17-501 for a waiver of the requirement that the Company conduct a solicitation process or the requirement that it obtain approval of a significant energy resource decision.

In support of this petition, Rocky Mountain Power states as follows:

**I.
COMPANY INFORMATION**

1. Rocky Mountain Power is a division of PacifiCorp. PacifiCorp is an electrical corporation and public utility operating in the state of Utah and is subject to the

jurisdiction of the Commission with regard to its public utility operations. PacifiCorp has two retail electric service divisions, Rocky Mountain Power and Pacific Power. Rocky Mountain Power provides retail electric service in Utah, Idaho, and Wyoming, and Pacific Power provides retail electric service in California, Oregon, and Washington.

2. This petition is filed pursuant to Senate Bill 235 and §54-17-501(12), which requires the Commission to issue a generic protective order as described in §54-17-501(12) within thirty (30) days of the effective date of Senate Bill 235.

3. Communications regarding this petition should be addressed to:

David L. Taylor Manager, Utah Regulatory Affairs Rocky Mountain Power 201 South Main Street, Suite 2300 Salt Lake City, Utah 84111 E-mail: dave.taylor@pacificorp.com	Justin Lee Brown Senior Counsel Rocky Mountain Power 201 South Main Street, Suite 2300 Salt Lake City, Utah 84111 E-mail: justin.brown@pacificorp.com
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In addition, Rocky Mountain Power requests that all data requests regarding this petition be addressed to:

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| By E-mail (preferred) | datarequest@pacificorp.com |
| By regular mail | Data Request Response Center
PacifiCorp
825 NE Multnomah, Suite 2000
Portland, OR 97232 |
| By facsimile | (503) 813-6060 |

Informal inquiries regarding this filing may be directed to Justin Lee Brown at (801) 220-4050.

II. PROCEEDING TIME PERIOD

4. Pursuant to R746-100-3G.1.c., if a statute, rule, regulation, or other authority requires the Commission to act within a specific time frame for the matter at issue, the pleading shall specifically identify the applicable authority and time frame.

5. In compliance with R746-100-3G.1.c., Senate Bill 235 requires the Commission act within thirty (30) days from the effective date of the bill. Section 5 of Senate Bill 235 states that “this bill takes effect upon approval by the governor . . .” The governor approved the bill on March 14, 2006. Accordingly, the Commission is required to issue a generic protective no later than April 16, 2007.

III. POINTS AND AUTHORITY

6. Senate Bill 235 was signed into law by the governor on March 14, 2007. Senate Bill 235 amends parts 2 and 3 of the Energy Resource Procurement Act (“Act”), and adds a new part to the Act, part 5, Waiver of Energy Resource Procurement Requirements.

7. Part 5 of the Act, Waiver of Energy Resource Procurement Requirements, provides a process by which a utility may obtain a waiver of the requirement that it conduct a solicitation process under part 2 of the Act or the requirement that it obtain approval of a significant energy resource decision under part 3 of Act.

8. Part 5 of the Act also requires that the Commission issue a generic protective order limiting the use of the information contained in or attached to a waiver request, and that the generic protective order govern access to and use of confidential information that is submitted in connection with a request for waiver under part 5 of the Act. §54-17-501(2)(b) and (8)(b).

9. Section 4 of Senate Bill 235 requires the Commission issue the form of generic protective order described in §54-17-501(12) within 30 days of the effective date of Senate Bill 235. Thirty days from the effective date of the bill is April 16, 2007.

10. As a courtesy to the Commission and the other interested parties, Rocky Mountain Power has taken the initiative to prepare a draft form of generic protective

order for the Commission's review and consideration in the form attached hereto as Exhibit A. This proposed form of generic protective order is based upon the Commission's standard form of a protective order that it has historically issued in response to motions for protective orders. This proposed form of protective order has been modified to address certain characteristics of Senate Bill 235 that the Company believes are not sufficiently addressed in the Commission's standard form of protective order. (A copy of the Commission's standard form of protective order is attached hereto as Exhibit B.)

11. The newly enacted §54-17-501 permits any interested party to receive service of a request for a waiver that is filed by the affected electric utility. Section 54-17-501, provides in pertinent part, as follows:

the affected electrical utility shall . . . (a) file a verified application with the commission; and (b) **serve an electronic and paper copy of the verified application, including all associated exhibits and attachments, on each person reflected on a list to be maintained and published by the commission on its internet website** that has requested service of waiver requests and has signed a generic protective order issued by the commission limiting the use of information contained in or attached to a waiver request (emphasis added). §54-17-501(2)(a) and (b).

Since any interested party can receive service of the application filing, it is imperative that, despite the fact the party on the service will have already signed the generic protective order, the Company have the ability to request additional protective measures from the Commission before disclosing information to certain parties on the service list.

12. For instance, some of the interested parties on the service list may be in a position to use the information that is submitted with a request for a waiver to their benefit and for a competitive purpose. Therefore, depending upon the type of energy resource that is the subject of the filing by the Company and the parties who are on the Commission's service list, there should be a process by which the Company can identify

these potential competing interests and a process by which the Company can request additional protective measures from the Commission prior to disclosure, if necessary.

13. To address this concern, Rocky Mountain Power has incorporated into the proposed form of protective order a process to identify potential competing interests and to request additional protective measures. (For the convenience of the Commission and the interested parties, attached hereto as Exhibit C is a copy the proposed form of generic protective order redlined against the Commission's standard form of protective order.)

14. Since the Commission is required to issue a generic protective order no later than April 16, 2007, Rocky Mountain Power requests that the Commission issue a notice and order scheduling a technical conference the week of April 2, 2007. By setting such technical conference, interested parties can timely provide and discuss comments on the proposed form of generic protective order, and hopefully balance the anticipated needs of the interested parties with respect to the scope of the form of generic protective order that will be used for all proceedings that are brought before the Commission pursuant to §54-17-501.

VI. CONCLUSION

Based upon the foregoing, Rocky Mountain Power respectfully requests that in accordance with Senate Bill 235, the Commission issue an order approving the form of generic protective order that is attached hereto as Exhibit A to be used by the Commission in all proceedings that are filed with the Commission pursuant to Utah Code Ann. §54-17-501.

WHEREFORE, Rocky Mountain Power respectfully requests an order from the Commission as follows:

1. Scheduling a technical conference to review, study, and discuss the form

of generic protective order proposed by the Company during the week of April 2, 2007.

2. Granting the Company's petition and approving the form of generic protective order that is attached hereto as Exhibit A as the generic protective order for purposes of §54-17-501(12) by April 16, 2007.

DATED this 26th day of March, 2007.

Respectfully submitted,

ROCKY MOUNTAIN POWER

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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of March, 2007, a true copy of the foregoing **Petition for Approval of Generic Protective Order** was transmitted via electronic mail and mailed, postage prepaid, to the following:

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