

DOCKETED

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application )  
of UTAH POWER & LIGHT COMPANY and )  
PC/UP&L Merging Corp. (to be Renam- )  
ed PacifiCorp) for an Order Author- )  
izing the Merger of Utah Power & )  
Light and PacifiCorp into PC/UP&L )  
Merging Corp. Authorizing the Is- )  
suanance of Securities, Adoption of )  
Tariffs and Transfer of Certifi- )  
cates of Public Convenience and )  
necessity and Authorities in Con- )  
nection Therewith. )

DOCKET NO. 87-035-27

ORDER ON  
MOTION TO COMPEL

ISSUED: April 14, 1988

SYNOPSIS

The Committee of Consumer Services filed its Motion to Compel requesting certain information from Utah power & Light Company. Following receipt of and agreement from the parties, the Commission grants the Motion pursuant to a Modified Protective Order.

Appearances:

Thomas W. Forsgren	For	Utah Power & Light Company
Robert Reeder	"	Union Carbide, Ideal Basic and Kennecott Copper
Richard Clayton	"	Basic Manufacturing and Technology
Kenneth Hurwitz	"	Nucor Steel
Michael Ginsberg, Assistant Attorney General	"	Division of Public Utilities, Department of Business Regulation, State of Utah
Sandy Mooy, Assistant Attorney General	"	Committee of Consumer Services

By the Commission:

This matter came on for hearing the 28th day of March, 1988, pursuant to notice of hearing on the Motion to Enter Order

Compelling Discovery filed by the Committee of Consumer Services the 25th day of March, 1988.

Counsel for the Committee of Consumer Services indicated, and an affidavit submitted, that agreement had been reached with counsel or management of AMAX, Nuwest, Monsanto and GSLM that the information sought by the Committee of Consumer Services from Utah Power & Light Company, i.e., power sale agreements, could be provided pursuant to the terms of the Protective Order issued herein the 9th day of November, 1987; such information would be deemed "confidential" and would be subject to the restrictions placed upon "confidential" information in that Protective Order.

Counsel appearing at the hearing indicated that agreement had been reached such that Utah Power & Light Company could provide such information regarding their clients to the Committee of Consumer Services pursuant to the terms of the Protective Order, with the minor modifications indicated hereafter.

Based on the foregoing, and good cause appearing therefor, the Commission issues the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that Utah Power & Light Company shall provide the information sought in Committee of Consumer Services Request No. 187. Such information shall be provided and used pursuant the restrictions contained in the terms of this Commission's Protective Order issued November 9, 1987. The information relating to Union Carbide, Ideal Basic, Kennecott, Nucor and Basic Manufacturing and Technology shall be provided and used pursuant to the Protective Order with the following modifications:

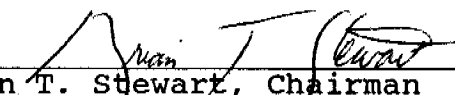
Part 1. (b) shall read as follows: "Use of Confidential Information and Persons Entitled to Review. All Confidential Information made available pursuant to this Order shall be given solely to counsel for the parties and to persons designated by the parties as their experts in this matter and who have executed a nondisclosure agreement pursuant to paragraph 1(c) below. If such expert is an officer, director or employee of any person that is a competitor, customer, supplier or other party, that could use Confidential Information to the detriment of the providing party or the entity which such Confidential Information concerns, such expert may not use the Confidential Information for any purpose other than for the preparation of his or her testimony. Furthermore, such expert shall not disclose to any other officer, director or employee of such party any Confidential Information. Any member of the Public Service Commission or its staff may have access to any Confidential Information made available pursuant to this Order, and shall be bound by the terms of this Order. Any Confidential Information provided to any person shall not be used or disclosed except for purposes of this case."


Part 3. (a) shall read as follows: "Receipt into Evidence. At least five (5) business days prior to the use of or substantive reference to any Confidential Information as evidence, the party intending to use such Confidential Information shall make that intention known to the providing party and entity which such Confidential Information concerns. The requesting party, the providing party and the entity concerned shall make a good faith effort to reach an agreement so the Confidential Information can be used in a manner that will not reveal its confidential nature. If

such effort fails, the providing party and entity concerned shall separately identify, within three (3) business days, which portions, if any, of the documents to be offered or referenced on the record containing Confidential Information shall be placed in the sealed record. Only one (1) copy of documents designated by the providing party and the entity concerned, to be placed in the sealed record, shall be made and only for that purpose. Otherwise, parties shall make only general references to Confidential Information in these proceedings."

Individuals receiving information by virtue of this Order pursuant to the terms of the Protective Order as modified hereby, shall execute the nondisclosure agreement attached hereto as Exhibit "A".

DATED in Salt Lake City, Utah this 14th day of April, 1988.

  
\_\_\_\_\_  
Brian T. Stewart, Chairman

  
\_\_\_\_\_  
Brent H. Cameron, Commissioner

  
\_\_\_\_\_  
James M. Byrne, Commissioner

Attest:


  
\_\_\_\_\_  
Stephen C. Hewlett  
Commission Secretary

EXHIBIT A

I hereby certify under penalty of perjury that I have reviewed the Protective Order dated November 11, 1987, and the Order on Motion to Compel dated April 14, 1988, in Docket No. 87-035-27 and agree to be bound by the terms and conditions of such Orders. I recognize that my failure to comply with the terms and conditions of the Orders may subject me to being held in contempt and to such sanctions and/or fines as may be imposed by the Commission or a court of competent jurisdiction and to such damages resulting from my failure to comply as may be awarded by a court or competent jurisdiction.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Residence Address

\_\_\_\_\_  
Employer or Firm

\_\_\_\_\_  
Business Address

\_\_\_\_\_  
Party

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

DOCKETED

AFFIDAVIT OF MAILING

In the Matter of the Application )  
of UTAH POWER & LIGHT COMPANY, )  
PC/UP&L MERGING CORP. (to be renam- )  
ed Pacificorp) for an Order Author- )  
izing the Merger of Utah Power & )  
Light Company and Pacificorp into )  
PC/UP&L Merging Corp. and Author- )  
izing the Issuance of Securities, )  
Adoption of Tariffs, and Transfer )  
of Certificates of Public Conve- )  
nience and Necessity and Author- )  
ities in Connection Therewith. )

CASE NO. 87-035-27

ORDER ON  
MOTION TO COMPEL

ORDER SETTING REVISED  
PROCEDURAL SCHEDULE

County of Salt Lake )  
State of Utah ) ss.

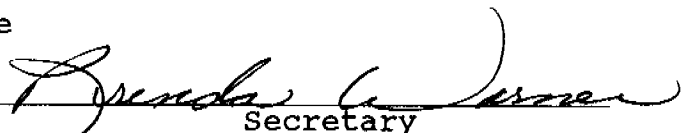
Brenda Warner, being duly sworn, deposes and says that she is a secretary regularly employed in the office of the Public Service Commission of Utah, whose office is located at 160 East 300 South, Fourth Floor, Heber M. Wells State Office Building, Salt Lake City, Utah.

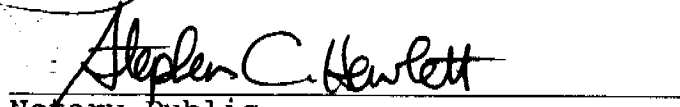
That there is a United States Post Office at Salt Lake City, and at the place of residence or place of business of the persons whose names are set forth below; and between Salt Lake City and residence or places of business, there is a regular communication by mail.

That on the 14th day of April, 1988, affiant served a true copy of the hereto attached ORDER ON MOTION TO COMPEL and ORDER SETTING REVISED PROCEDURAL SCHEDULE on the said persons by mailing such copy on said date in a post office in Salt Lake City, Utah, properly enclosed in a sealed envelope with postage prepaid thereon, legibly addressed to the following persons, at the addresses shown:

See attached mailing list

Subscribed and sworn to before me  
this 14th day of April, 1988.

  
Secretary

  
Notary Public  
Residing at Salt Lake City, Utah

My Commission Expires  
July 15, 1990

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Elder News & Journal  
 Attn: Bruce Keyes  
 Bingham City, UT 84302

At Brown  
 Desert News  
 P.O. Box 1257  
 SLC, UT 84110

Attention: Newsroom  
 Enterprise  
 P.O. Box 11778  
 Pioneer Station  
 SLC, UT 84147-0778

V, INC.  
 5 South 3600 West  
 SLC, UT 84119

Utah Standard Examiner  
 Attn: Mark Shenefeldt  
 23rd Street  
 Box 951  
 SLC, UT 84402

Desk  
 Lake Tribune  
 South Main  
 SLC, UT 84111

United Press International  
 Box 11327  
 SLC, UT 84147-0327

Utah Weeks  
 Utah Mining & Oil Gazette  
 Box 15805  
 SLC, UT 84115

Radio News  
 Robins  
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