

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Miscellaneous Correspondence and Reports Regarding Electric Utility Services; 2021	<u>DOCKET NO. 21-999-01</u> <u>SECOND NOTICE OF CONFIDENTIAL</u> <u>TECHNICAL CONFERENCE</u>
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ISSUED: June 30, 2021

On May 11, 2021, the Public Service Commission issued a notice that it would hold a confidential technical conference on May 26, 2021, to allow PacifiCorp to address potential economic or reliability implications to its Utah customers as a result of rule changes the California Independent System Operator (CAISO) approved on April 21, 2021.¹ After receiving written objections or requests to participate from the Utah Association of Energy Users (UAE), Western Resource Advocates (WRA), and Stanley Holmes, the PSC issued a notice on May 19, 2021 that canceled the conference, allowed PacifiCorp an opportunity to respond to the objections, and allowed those who objected to file a reply. The PSC also asked PacifiCorp to describe the types of confidential information it intends to present and address whether any portion of the conference could be kept open to the public without risk of disclosure of confidential information.

On June 3, 2021, PacifiCorp filed a response, explaining the PSC’s request for information about the effect of CAISO’s rule change “require[s] some discussion of [PacifiCorp’s] position heading into the summer peak and the performance of [its] resources, which is highly confidential.” PacifiCorp added that “[d]ivulging this type of information could significantly impact [its] ability to transact in the best interest of [its] customers.” PacifiCorp

¹ At PacifiCorp’s request, the notice made a preliminary determination that it was in the public interest to close the conference to the public and allowed an opportunity for any interested person to file a notice of objection by May 17, 2021.

believes that any meaningful discussion on the subject requires discussion of confidential information and requests the technical conference remain confidential. However, PacifiCorp consents to allow “interested parties who sign a non-disclosure agreement [NDA] to participate.” PacifiCorp represents it communicated with UAE and WRA and “that they agree with [PacifiCorp].”

On June 17, 2021, UAE submitted reply comments, representing “UAE agrees that it is reasonable under these circumstances to close the technical conference to the public and convey confidential information to parties that have signed the NDA.” On June 18, 2021, Mr. Holmes submitted a reply, expressing dissatisfaction with PacifiCorp’s proposed NDA and asking the PSC to require PacifiCorp to conduct a “one-hour general overview session open to [the public]” before closing the technical conference to protect confidential information.

Having reviewed the objections, responses, and replies, and mindful of the apparent consensus among PacifiCorp, UAE, and WRA that a meaningful discussion of this subject requires disclosure of confidential information, the PSC determines it is in the public interest to close the technical conference to allow regulators and other interested stakeholders, who are willing to sign an NDA, to meaningfully discuss these issues and receive confidential information.

No other stakeholder has requested any portion of the technical conference be reserved for discussion of non-confidential information, and we decline to require PacifiCorp and the other participating stakeholders to prepare for and participate in a one-hour public session on the

request of a single customer.² Mr. Holmes is also the only stakeholder to take issue with the form of NDA that PacifiCorp provided, contending “[i]t is not clear” the NDA allows participants the “freedom to create and share non-proprietary” information. Mr. Holmes does not, however, identify the language he finds ambiguous nor does he propose alternative language. Without a clear understanding of what language Mr. Holmes finds problematic or any indication of what revisions might ameliorate his concerns, the PSC declines to unilaterally order revisions to the form.

Accordingly, the PSC gives notice it will hold a confidential, virtual technical conference in this docket on **Monday, July 12, 2021 at 10:00 a.m.** Attendance at the technical conference will be limited to designated representatives of the PSC, PacifiCorp, the Division of Public Utilities, the Office of Consumer Services, and individuals who have executed an NDA provided by PacifiCorp. Those who intend to participate must submit a list of representatives that will attend the technical conference to the PSC no later than **Thursday, July 8, 2021**. The PSC will subsequently provide those individuals with instructions for participation.

In accordance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the technical conference should notify the PSC at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, at least three working days prior to the conference.

² As UAE pointed out, CAISO’s rule changes are a matter of public record and, to the extent they are interested, stakeholders are free to seek information about CAISO’s rules and proceedings from CAISO.

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DATED at Salt Lake City, Utah, June 30, 2021.

/s/ Michael J. Hammer
Presiding Officer

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#319362

CERTIFICATE OF SERVICE

I CERTIFY that on June 30, 2021, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

Data Request Response Center (datareq@pacificorp.com, utahdockets@pacificorp.com)
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