



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

**FILED**  
07-16-10  
04:59 PM

In the Matter of the Application of  
PACIFICORP (U 901 E), an Oregon  
Company, for an Order Authorizing a Rate  
Increase Effective January 1, 2011.

Application No. 09-11-015  
(Filed November 20, 2009)

**ALL-PARTY JOINT MOTION OF PACIFICORP, CALIFORNIA FARM BUREAU  
FEDERATION, AND DIVISION OF RATEPAYER ADVOCATES TO SEAL PORTIONS  
OF THE EVIDENTIARY RECORD**

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Attorney for Division of Ratepayer Advocates

Date: July 16, 2010

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

In the Matter of the Application of PACIFICORP (U 901 E), an Oregon Company, for an Order Authorizing a Rate Increase Effective January 1, 2011.

Application No. 09-11-015  
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**I. INTRODUCTION**

Pursuant to assigned Administrative Law Judge Wilson’s e-mail dated July 6, 2010, and in accordance with Rule 11.5, subdivision (b) of the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure (“Rule”), the parties stated below<sup>1</sup> move to seal portions of the evidentiary record in the proceeding stated above. Concurrently with this All-Party Motion, the Parties are filing a separate, related motion under Rule 13.8, subdivision (d), which offers in evidence the Parties’ respectively written, prepared testimonies and related witnesses’ declarations.

The Parties are as follows:

- PacifiCorp, d.b.a. Pacific Power (“PacifiCorp”);
- California Farm Bureau Federation (“CFBF”); and
- Division of Ratepayer Advocates (“DRA”).

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<sup>1</sup> Hereafter collectively referred to as “the Parties.”

## **II. THE PORTIONS OF THE RECORD AFFECTED BY THIS MOTION**

The Parties move that the following portions of the evidentiary record be sealed:

<b>Exhibit No.</b>	<b>Title</b>	<b>Party</b>	<b>Date Served</b>	<b>Witness</b>
PPL/503	Confidential Exhibit Accompanying Direct Testimony of R. Bryce Dalley – Global Insight Indices	PacifiCorp	11/20/2009	R. Dalley
PPL/504	Confidential Exhibit Accompanying Direct Testimony of R. Bryce Dalley – Property Taxes	PacifiCorp	11/20/2009	R. Dalley
PPL/505	Confidential Exhibit Accompanying Direct Testimony of R. Bryce Dalley – Five Years of Data by FERC Account	PacifiCorp	11/20/2009	R. Dalley
PPL/702	Confidential Exhibit Accompanying Direct Testimony of Robert M. Meredith – Marginal Cost of Service Study	PacifiCorp	11/20/2009	R. Meredith
DRA-7 (Confidential)	Report on the Results of Operations for PacifiCorp General Rate Case Test Year 2011 – Plant in Service (Confidential – Un- redacted)	DRA	5/10/2010	M. Loy

## **III. THE LAW AND FACTS SUPPORTING THIS MOTION**

### **A. Background**

On November 20, 2009, PacifiCorp moved to file under seal its Exhibits PPL/503 – 505 and PPL/702.<sup>2</sup> At PacifiCorp’s request, on May 10, 2010, DRA served on PacifiCorp an unredacted version of its Exhibit DRA-7 and on the other Parties, a redacted version of the same. Exhibit DRA-7 used portions of PacifiCorp’s confidential data in its analyses.

On June 23, 2010, the Parties filed an All-Party Motion for Commission Approval and Adoption of Settlement Agreement (as attached thereto). Subsequently, at the Parties’ request, ALJ Wilson removed the scheduled hearing from the Commission’s Calendar.

<sup>2</sup> PacifiCorp Motion to Seal dated Nov. 20, 2009 (“2009 motion”), available on file from DRA.

In an e-mail dated July 6, 2010 at 11:01 a.m., ALJ Wilson directed the Parties to concurrently file two Joint Motions: (i) one under Rule 13.8(d) requesting the admission in evidence the Parties' written prepared testimonies; and (ii) another under Rule 11.5(b) requesting to seal portions of the evidentiary record.

**B. Legal Bases**

In its 2009 motion, PacifiCorp cited California Public Utilities Code section 583, General Order 66-C, and Rule 11.4 as the legal bases for its request. Those legal authorities are incorporated by reference as if fully stated here in support of this Motion. Pursuant to ALJ Wilson's e-mail stated above, the Parties add Rule 11.5(b) as part of its legal bases for this Motion.

**C. Factual Bases**

In its 2009 motion, PacifiCorp cited the following facts in support of its motion:

PacifiCorp's GRC Application includes inflation escalation indices that were developed and provided by Global Insight. The indices are included within Confidential Exhibit PPL 503, Confidential Exhibit PPL 505 and Confidential Exhibit PPL 702. Global Insight considers these indices proprietary and confidential. As such, PacifiCorp's professional service agreement with Global Insight requires PacifiCorp to provide the indices in connection with regulatory filings under terms and conditions that will preserve the confidentiality of the information to the greatest extent possible. PacifiCorp's GRC Application also includes confidential property appraisals and property tax estimation procedures provided as Confidential Exhibit PPL 504, which PacifiCorp also seeks to keep confidential.<sup>3</sup>

For purposes of the Settlement Agreement in this proceeding, the Parties incorporate by reference as if fully stated here the factual bases stated above in support of this All-Party Motion to Seal.

The public interest would be served if this Motion were granted. PacifiCorp has cooperated with DRA's data requests to see this confidential data (e.g., inflation escalation indices developed and proprietary to Global Insight; property appraisals and property tax estimation procedures). DRA analyzed and weighed this data in arriving at the proposed

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<sup>3</sup> *Id.* at p. 4.

Settlement Agreement. The Parties believe that no further disclosure of the testimonies listed in the table stated above is needed.

**IV. CONCLUSION**

Based on the foregoing, the Parties request that the Commission approve this Motion as reasonable, consistent with the law, and in the public interest. DRA, which represents the ratepayers' interest, has scrutinized PacifiCorp's confidential data and given it the appropriate weight in reaching a settlement with PacifiCorp.

As with the Settlement Agreement, the Parties acknowledge that under Rule 12.5 unless the Commission expressly provides otherwise, Commission approval of this Motion does not constitute approval of or precedent for any principle or issue of law or fact regarding this or any other current or prospective proceeding.

Respectfully submitted this 16th day of July, 2010 at Salt Lake City, Utah..

By /s/ Jordan A. White  
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3219/013/X120793.v1  
07/15/10

**CERTIFICATE OF SERVICE**

I, Lisa Chapman, certify that I have on this 16th day of July 2010 caused a copy of the foregoing

**ALL-PARTY JOINT MOTION OF PACIFICORP, CALIFORNIA  
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to be served on all known parties to A. 09-11-015 listed on the most recently updated service list available on the California Public Utilities Commission website, via email to those listed with email and via U.S. mail to those without email service. I also caused courtesy copies to be hand-delivered as follows:

Commissioner John Bohn  
California Public Utilities Commission  
Executive Division  
505 Van Ness Avenue, Room 5200  
San Francisco, CA 94102

ALJ Sean Wilson  
California Public Utilities Commission  
Executive Division  
505 Van Ness Avenue, Room 5022  
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16th day of July 2010 at San Francisco, California.

/s/ Lisa Chapman  
Lisa Chapman

**SERVICE LIST – A.09-11-015  
(Updated May 27, 2010)**

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