



COMPLETED

CONFIDENTIAL

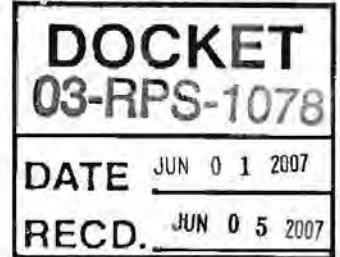
Pacific Power
Rocky Mountain Power
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Portland, OR 97232



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02-REN-1038



June 1, 2007

Mr. B.B. Blevins
Executive Director
California Energy Commission
1516 9th Street
Sacramento, CA 95814

Re: Compliance Submission of PacifiCorp
Docket Nos. 03-RPS-1078 and 02-REN-1038

Dear Mr. Blevins:

Pursuant to the California Energy Commission's (the "Commission") Renewable Portfolio Standard ("RPS") Eligibility Guidebook and the May 8, 2007 letter from Heather Raitt, Technical Director, Renewable Energy Office, to PacifiCorp granting an extension of time for reporting requirements for small and multi-jurisdictional utilities ("SMJUs") and electric service providers subject to California's RPS, PacifiCorp respectfully submits the following: (1) CEC-RPS-Track form for years 2001 through 2006, and (2) CEC-RPS-GEN form for years 2001 through 2006, subject to the Application for Confidential Designation attached hereto.

PacifiCorp submits this information following extensive examination of PacifiCorp's California RPS-eligible renewable resources. To populate the spreadsheets, PacifiCorp considered each eligible unit's annual output (generation), minus (net) green tag sales, and finally adjusted to reflect California's share using a Multi-State Process ("MSP") revised protocol system energy factor, which are as follows:

2001	1.7013%
2002	1.8850%
2003	1.7776%
2004	1.8649%
2005	1.7553%
2006	1.6886%

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PacifiCorp has provided a calculation that allocates a percentage of its system-wide, existing California RPS-eligible renewable resources (within rate-base and/or rates) to California based roughly on the size PacifiCorp's California retail load bears to its system-wide retail load. This approach is consistent with PacifiCorp's current revised protocol and ensures that the renewable energy output and accompanying "green tags" generated by a California RPS-eligible system resource are not claimed (or rate-based) to another state jurisdiction.

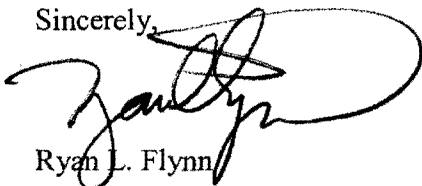
Any variations between this compliance filing and PacifiCorp's March 1, 2007 RPS Compliance Plan, which was filed for informational purposes only with the California Public Utilities Commission ("CPUC") on April 16, 2007, should generally reflect the netting out of green tags sales.

PacifiCorp is also submitting an Application for Confidential Designation pursuant to Cal. Admin. Code tit. 20, § 2505. PacifiCorp is requesting confidential designation for the contents of the CEC-RPS-Track form and CEC-RPS-Gen form as such forms contain information relating to unit-specific monthly generation output information. This data contains sensitive company information and its public availability does not serve the public interest.

Finally, PacifiCorp notes that it is awaiting further guidance from the CPUC on the manner in which SMJUs will participate in the California RPS program. Accordingly, notwithstanding statements to the contrary made in the Commission's May 8, 2007 letter, the regulatory path for SMJUs concerning compliance with the RPS program, including procurement targets, remains to be finalized.¹ PacifiCorp continues to actively work with CPUC staff to achieve successful compliance with RPS program requirements.

For the foregoing reasons, PacifiCorp respectfully submits this information to the Commission, which includes all required and necessary information concerning PacifiCorp's renewable portfolio. PacifiCorp also submits an Application for Confidential Designation along with the required submission. For questions or additional information, please contact me directly at (503) 813-5854.

Sincerely,



Ryan L. Flynn

¹ See Letter from Heather Raitt, Technical Director, Renewable Energy Office, dated May 8, 2007, to PacifiCorp at 2 ("Discussions with CPUC staff clarified that the SMJUs are subject to RPS procurement targets calculated using the same formulas that apply to the investor-owned utilities (IOUs)."). See also *March 1 Compliance Filing of PacifiCorp (U 901-E): Reporting Performance Pursuant to the California Renewables Portfolio Standard*, R.06-05-027 (April 13, 2007).

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Attorney for PacifiCorp

Attachments

Cc: Heather Raitt (hrait@energy.state.ca.us)
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Jason Orta (jorta@energy.state.ca.us)

APPLICATION FOR CONFIDENTIAL DESIGNATION
(Cal. Admin. Code tit. 20, § 2505)



Docket Numbers 03-RPS-1078 and 02-REN-1038

To: Energy Commission Executive Director

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1. (a) Title, date, data, and description of the record for which you request confidential designation.

CEC-RPS-Track form and CEC-RPS-Gen form as such forms relate to monthly generation output data for 2001 through 2006.

(b) Specify the part(s) of the record for which you request confidential designation.

PacifiCorp is requesting confidential designation for the contents of the CEC-RPS-Track form and CEC-RPS-Gen form as such forms contain information relating to monthly generation output information for 2001 through 2006.

2. State and justify the length of time the Commission should keep the record confidential.

PacifiCorp requests that the forms for which it requests confidential designation herein be kept confidential indefinitely. PacifiCorp believes that indefinite confidential treatment of monthly generation output is required to ensure that facility data does not reveal PacifiCorp's ongoing and future generation output and strategies, which would enable other market participants to "game" PacifiCorp's load and resource requirements and compromise PacifiCorp's ability to secure the most favorable economics for customers. Market sensitive information remains confidential for the near and long term, even on a historic basis, because of the knowledge it could impart about PacifiCorp's future generation output and patterns.

3. (a) State the provision(s) of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) applies to the record.

Section 6254(e) of the Government Code, which codifies in part the Public Records Act, allows the Commission to keep confidential "plant production data, and similar information relating to utility systems development ... that are obtained in confidence from any person." These records are provided to the Commission in confidence by PacifiCorp, and hence the Commission can use such provision of the Public Records Act to keep the record confidential. Section 6254.15 of the Government Code, which codifies in part the Public Records Act, provides "Nothing in this chapter shall be construed to require the disclosure of records that are ... corporate proprietary information including trade secrets" The material provided to the Commission is corporate proprietary information of PacifiCorp, and hence the Commission can use such provision of the Public Records Act to keep the record confidential. Government Code Section 6276.36 further exempts from disclosure records that are confidential pursuant to Public Utilities Code Section 583, which provides "No information furnished to the commission by a public utility ... except those matters specifically required to be open to public inspection by this part, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. Any present or former officer or employee of the commission who divulges any such information is guilty of a misdemeanor."

Additionally, for purposes of Government Code Section 6255(a), the Commission can justify not only "that the record in question is exempt under the express provisions of this chapter", but also that "on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." To publicly release this information would allow market participants to have access to competitively sensitive information that would normally not be available to them. As a matter of public policy, to ensure that full and open disclosure to the Commission does not cause economic detriment and hence limit disclosure by virtue of self-interest, the Commission should ensure that it does not publish such data. Others should not have available to them information that they might use to the harm of the discloser, or rely upon to their own detriment. Such a situation would expose PacifiCorp and others to potential harm that should be avoided by protecting this information.

Furthermore, as explained above, these forms provide commercially sensitive information. Under the Public Records Act, Govt. Code Section 6254(k), records subject to the privileges established in the Evidence Code are not required to be disclosed. See also Govt. Code Section 6254.7(d). Evidence Code Section 1060 provides a privilege for trade secrets, which is defined in Civil Code Section 3426.1. That definition includes information, including a formula, technique, and process, that derives independent economic value from not being generally known to the public or to other persons who could obtain value from its disclosure.

(b) Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a

competitive advantage, please also state how it would be lost, the value of the information to the Applicant, and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

In addition to the reasons set forth above, PacifiCorp believes that there is a compelling public interest in protecting this information. As noted above, revealing trade secrets can ultimately disadvantage the consumers of California by enabling other parties to use the confidential information to "game" the PacifiCorp system. PacifiCorp's monthly generation output data has the potential to reveal PacifiCorp's fundamental generating capabilities, which can cause customers harm by revealing specific utility operational data to others who will use it to PacifiCorp's, and ultimately PacifiCorp's ratepayer's, detriment. As PacifiCorp participates in the same markets from which the three jumbo California utilities obtain their energy, forcing PacifiCorp into the position of needing to bid up market prices due to the effect of the gaming of its system by marketers can lead to a run up in the prices for many more California ratepayers.

The public interest is served by energy agencies protecting the integrity of markets and information. The CEC should prevent the opportunity that parties might inappropriately use forecast information for a use other than assessing Renewable Portfolio Standard compliance and potentially incur harm as a result.

- 4. State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the Applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if it is aggregated or masked, explain why.**

Annual aggregated data could allow a party to "reverse calculate" monthly and even hourly generation output data, which would be detrimental to customers. Accordingly, PacifiCorp requests that any data relating to generation output, including monthly, or hourly data, be afforded a high degree of protection. Aggregation of data by the CEC on a statewide basis would be acceptable.

- 5. State how the record is kept confidential by the Applicant and whether it has ever been disclosed to a person other than an employee of the Applicant. If it has, explain the circumstances under which disclosure occurred.**

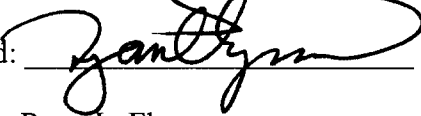
As explained above, PacifiCorp maintains access to this information on a confidential basis. It is only available by hard copy and electronically on a limited basis within certain departments that must have access to the information to conduct their procurement and regulatory activities. Key card access is necessary to enter areas of the Company where the information is available and utilized. PacifiCorp's employees are also generally obligated to protect the Company's trade secrets.

PacifiCorp has not, to the best of its knowledge, previously publicly released this monthly information in precisely this format or for this duration of time. While

certain of the information here may have been released in part previously in various state regulatory filings, PacifiCorp has not, to the best of its knowledge, publicly collated this data from various sources in this manner. In sum, combined with other information from various regulatory proceedings and public sources, PacifiCorp's ability to achieve the best results for customers could be compromised if the data is publicly released.

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge, that the Applicant is a corporation, and that I am authorized to make the application and certification on behalf of the Applicant.

Date: June 1, 2007

Signed: 

Name: Ryan L. Flynn

Title: Legal Counsel

Representing: PacifiCorp