



1407 W. North Temple
Salt Lake City, UT 84116

March 1, 2023

***VIA ELECTRONIC FILING
AND OVERNIGHT DELIVERY***

Wyoming Public Service Commission
2515 Warren Avenue, Suite 300
Cheyenne, Wyoming 82002

Attn: John Burbridge, Chief Counsel

Docket No. 20000-__-ER-23
Record No. _____

RE: IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWER FOR AUTHORITY TO INCREASE ITS RETAIL ELECTRIC SERVICE RATES BY APPROXIMATELY \$140.2 MILLION PER YEAR OR 21.6 PERCENT AND TO REVISE THE ENERGY COST ADJUSTMENT MECHANISM

Dear Mr. Burbridge:

Please find enclosed for filing Rocky Mountain Power's (the "Company") application for authority to increase Wyoming retail rates by approximately \$140.2 million per year or 21.6 percent on average.

The Company is providing one hard copy of the application, supporting testimony and exhibits to the Wyoming Public Service Commission ("Commission"). These documents are also being filed electronically on the Commission's docket management system. Confidential and non-confidential testimony, exhibits, workpapers, filing requirements, and a draft notice of application are provided on the enclosed CDs.

It is respectfully requested that all formal correspondence and Staff requests regarding this matter be addressed to:

By E-mail (preferred): datarequest@pacificorp.com

By regular mail: Data Request Response Center
PacifiCorp
825 NE Multnomah, Suite 2000
Portland, Oregon 97232

with copies to: Stacy Splittstoesser
Wyoming Regulatory Affairs Manager
Rocky Mountain Power
315 West 27th Street
Cheyenne, Wyoming 82001
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Wyoming Public Service Commission

March 1, 2023

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Email: adam@mrg-law.com
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Informal inquiries may be addressed to Stacy Splittstoesser, Wyoming Regulatory Affairs Manager, at (307) 632-2677.

Sincerely,



Joelle R. Steward

Senior Vice President, Regulation and Customer/Community Solutions

Enclosures

cc: Wyoming Office of Consumer Advocate
Wyoming Industrial Energy Consumers

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Attorneys for Rocky Mountain Power

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

| | |
|--|---|
| IN THE MATTER OF THE APPLICATION OF) ROCKY MOUNTAIN POWER FOR AUTHORITY) TO INCREASE ITS RETAIL ELECTRIC SERVICE) RATES BY APPROXIMATELY \$140.2 MILLION) PER YEAR OR 21.6 PERCENT AND TO REVISE) THE ENERGY COST ADJUSTMENT MECHANISM))) | Docket No. 20000-__-ER-23 (Record No. _____) |
|--|---|

Rocky Mountain Power (“Company” or “Rocky Mountain Power”) hereby submits its Application to the Wyoming Public Service Commission (“Commission”) requesting: (1) authorization to increase in its retail electric utility service rates in Wyoming of \$140.2 million per annum or an average overall increase of 21.6 percent with rates effective on and after January 1, 2024 and (2) changes to the Energy Cost Adjustment Mechanism (“ECAM”). In support of its Application, Rocky Mountain Power states as follows:

1. PacifiCorp d/b/a Rocky Mountain Power, an Oregon corporation, provides electric service to retail customers as Rocky Mountain Power in the states of Wyoming, Utah, and Idaho, and as Pacific Power in the states of Oregon, California, and Washington.

2. Rocky Mountain Power is a regulated public utility in the state of Wyoming and is subject to the Commission's jurisdiction with respect to its prices and terms of electric service to retail customers in Wyoming. The Company serves approximately 150,000 customers and has over 1,000 employees in Wyoming. Rocky Mountain Power's principal place of business in Wyoming is 2840 East Yellowstone Highway, Casper, Wyoming, 82602.

3. Communications regarding this filing should be addressed to:

Stacy Splittstoesser
Wyoming Regulatory Affairs Manager
Rocky Mountain Power
315 West 27th Street
Cheyenne, Wyoming 82001
E-mail: stacy.splittstoesser@pacificorp.com

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Adam Lowney
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Portland, Oregon 97205
Email: adam@mrg-law.com
katherine@mrg-law.com

In addition, Rocky Mountain Power requests that all data requests regarding this Application be sent in Microsoft Word or plain text format to the following:

By email (preferred): datarequest@pacificorp.com

By regular mail: Data Request Response Center
PacifiCorp
825 NE Multnomah, Suite 2000
Portland, Oregon 97232

Informal questions may be directed to Stacy Splittstoesser, Wyoming Regulatory Affairs Manager at (307) 632-2677.

4. Pursuant to applicable Wyoming law and Commission rules, Rocky Mountain Power hereby requests authority to increase its retail electric utility service rates in Wyoming by \$140.2 million annually or 21.6 percent on an overall average basis. The proposed individual customer and service schedule rate increases may be higher or lower than the average percentage rate increases identified in this case due to differences in load factor, usage characteristics and class cost of service relationships. The Company is also proposing to eliminate the existing 80/20 sharing band and recover 100 percent of prudently-incurred, Wyoming-allocated net power costs (“NPC”) using the existing ECAM in tariff Schedule 95.

5. Rocky Mountain Power’s case is based on historical data for twelve months ending June 30, 2022, adjusted to a forecast test period of January 1, 2024 through December 31, 2024, with known and measurable adjustments using a 13-month average rate base (“Test Period”). In preparing this case, the Company has ensured that all elements of the requested rate increase are necessary for Rocky Mountain Power to operate and maintain its system and to continue to provide safe, adequate and reliable service to its customers.

6. Absent the requested rate increase proposed in this case, Rocky Mountain Power’s overall return on equity (“ROE”) would be approximately 1.32 percent. This is significantly below the currently authorized ROE of 9.5 percent or the proposed ROE of 10.3 percent recommended by Company witness Ms. Ann E. Bulkley. The Company is proposing an overall return on rate

base of 7.60 percent as recommended by Company witness Ms. Nikki L. Kobliha. For comparison purposes, the Commission approved in the 2020 general rate case, Docket No. 20000-578-ER-20 (the “2020 GRC”) an overall return on rate base of 7.192 percent.¹ The requested overall cost of capital and return on rate base of 7.60 percent requested in this case reflects Test Period market circumstances, interest rates, operational risks, and reasonable investor expectations as well as the returns generated by similarly situated or comparable utility companies. The requested ROE in this case is 10.3 percent and the equity component of the capital structure is 51.27 percent.

7. Rocky Mountain Power has developed the revenue requirement in this case from the most current available historical data for the 12-months ended June 30, 2022. The historical results have been adjusted for abnormalities and previous regulatory decisions, and then used to forecast costs that the Company will incur during the Test Period. The Company requests that the Commission approve this Test Period and the use of average test period rate base so that the rates approved by the Commission in this case will closely reflect the costs expected to be incurred by the Company during the rate-effective period beginning January 1, 2024. If the rates in this case were based solely upon historical investment levels and costs, the Company would not have an opportunity to earn the authorized ROE.

8. The rate effective date of January 1, 2024, for the requested rate increase in the amount of \$140.2 million, reflects the statutory 10-month time period for notice and Commission and intervenor review of the case after the date of the filing, and matches the Test Period proposed by the Company so that the Test Period reflects actual costs. It is essential that the costs and

¹ *In the Matter of the Application of Rocky Mountain Power for Authority to Increase Its Retail Electric Service Rates by Approximately \$7.1 Million Per Year or 1.1 Percent, to Revise the Energy Cost Adjustment Mechanism, and to Discontinue Operations at Cholla Unit 4*, Docket No. 20000-578-ER-20 (Record No. 15464), Memorandum Opinion, Findings and Order (July 15, 2021).

investments in this case reflect the forecast Test Period, or the Company's financial results will be well below the Commission authorized return, resulting in unjust and unreasonable rates.

Primary Drivers

9. The Company's requested rate increase in this case is primarily driven by: (1) continued capital investments including, the Gateway South, Gateway West Segment D.1 transmission lines and the Rock Creek I wind project, along with the Foote Creek II-IV and Rock River I wind repowering projects, which are required in order for the Company to meet its obligation to serve its customers and includes an associated rate of return of 7.60 percent on all capital investments; and (2) NPC.

10. In this filing, Rocky Mountain Power's system-wide costs are allocated to Wyoming based on the 2020 PacifiCorp Inter-Jurisdictional Allocation Protocol ("2020 Protocol"), that was approved by the Commission.² The Company's system-wide costs include integrated system facilities (such as generation, transmission and common corporate costs), and are allocated to the state jurisdictions on a basis proportional to each state's retail load.

Capital Investments

11. The Company expects to place into service approximately \$6.7 billion of new capital projects on a total-Company basis between July 1, 2022 (the end of the historical base period), and December 31, 2024 (the end of the Test Period in this case). This includes \$2.7 billion on a total-Company basis (\$371.5 million Wyoming-allocated) for the Gateway South and Gateway West Segment D.1 transmission lines and the Rock Creek I Wind Project that were

² *In the Matter of the Application of Rocky Mountain Power for Approval of the 2020 Inter-Jurisdictional Cost Allocation Agreement*, Docket No. 20000-572-EA-19 (Record No. 15400), Memorandum Opinion, Findings and Order (Dec. 3, 2020).

approved by the Commission in Docket No. 20000-588-EN-20³ and Docket No. 20000-623-EN-22.⁴

12. If the increased levels of new capital investment needed to serve customer loads are not included in retail rates when the plants become operational and are serving customer needs, the result will be under-earning that cannot be overcome by Rocky Mountain Power's efficiency measures. In addition, new utility investments have associated fuel costs, financing costs, and operation and maintenance expenses, taxes and depreciation, all of which must be recovered in rates.

Net Power Costs

13. The Commission set base NPC in the 2020 GRC final order at a level of \$1.431 billion on a total-Company basis, or approximately \$221.0 million on a Wyoming-allocated basis. In the current filing, the Company is proposing to establish a new forecast base NPC of approximately \$2.553 billion on a total-Company basis, or approximately \$360.3 million on a Wyoming-allocated basis. The increase in NPC from the 2020 GRC baseline is driven largely by increased market prices for power and natural gas, increased contract prices for coal and coal supply limitations, and thermal generation operational changes due to federal and state environmental compliance requirements, including the Environmental Protection Agency's Ozone Transport Rule as described more fully in the testimony of Company witness Mr. Ramon J. Mitchell.

³ *In the Matter of the Application of Rocky Mountain Power for Situs & Nonsitus Certificates of Public Convenience and Necessity for the Gateway South Transmission Project and the Gateway West Segment D.1 Transmission Project*, Docket No. 20000-588-EN-20 (Record No. 15604), bench decision rendered on May 10, 2022.

⁴ *In the Matter of the Application of Rocky Mountain Power for Certificates of Public Convenience and Necessity for the Rock Creek I and Rock Creek II Wind Projects and the Associated Transmission Infrastructure for Interconnection*, Docket No. 20000-623-EN-22 (Record No. 17154, bench decision rendered on February 28, 2023).

ECAM

14. The Company is proposing, as fully described in the testimony of Mr. Mitchell, modification of the ECAM to eliminate the 80/20 percent sharing band, allowing for 100 percent recovery of the Wyoming NPC.

Cost of Service, Rate Spread, and Rate Design

15. Rocky Mountain Power has prepared the class cost of service study in the 2023 general rate case generally consistent with the methodologies approved by the Commission in the 2020 GRC. The recommended cost of service study incorporated in this case fairly allocates costs among the service Schedules in a manner that reflects the demands and energy usage of the customer classes. In addition, the Company's proposed rate spread (the assignment of rate increases by service Schedule) continues to incorporate a threshold of 99 to 101 percent of the computed cost of service results in order to minimize the effect of cross-class subsidies which has been the rate spread objective since the 2002 general rate case in Docket No. 20000-ER-02-184.⁵

16. The Company proposes to continue its practice of applying increases to rate components consistent with the cost of service study for most classes. For the residential class, the Company proposes to retain the current customer charge⁶ and eliminate the Energy Charge tier differential in two steps. For irrigators, the Company proposes merging and fully eliminating any difference in pricing based on geography. For large non-residential customers on Schedules 46 and 48T, the Company proposes establishing a Load Size Charge for Schedule 48T and increasing the Load Size Charge for Schedule 46 to recover transmission and a portion of fixed production costs.

⁵ *In the Matter of the Application of PacifiCorp for Authority to Increase its Retail Utility Service Rates in Wyoming*, Docket No. 20000-ER-02-184 (Record No. 7475), Stipulation and Agreement at ¶3 adopted by Order at ¶258 (March 6, 2003).

⁶ The Company is proposing no change to the \$20.00 Basic Charge for Single-Phase customers, but an increase to \$27.00, along with an elimination of Demand Charges, for the small number of residential customers that require Three-Phase service.

Finally, the Company proposes reducing line extension contract minimum terms from perpetuity to 15 years in addition to certain minor changes to the Rule 12 tariff.

17. The table below summarizes the proposed price changes by rate Schedule that are supported by the cost of service results in this case. Notably, due to rate design and individual customer load factors and usage characteristics, the percentage rate change to individual customers within each rate Schedule may be higher or lower than the average for the customer class or rate schedule.

| Customer Class | Proposed Percentage Change |
|-----------------------|-----------------------------------|
| Residential | |
| Schedule 2 | 20.3 |
| General Service | |
| Schedule 25 | 23.1 |
| Schedule 28 | 19.6 |
| Large General Service | |
| Schedule 33 | 25.0 |
| Schedule 46 | 20.9 |
| Schedule 48T | 23.5 |
| Irrigation | |
| Schedule 40 | 14.5 |
| Schedule 210 | 8.6 |
| Lighting Schedules | 13.3 |
| Overall | 21.6 |

Witnesses - Prefiled Testimony and Exhibits

18. This Application and the request for rate relief is supported by the pre-filed written direct testimony and exhibits of the following witnesses, all of which are submitted as exhibits to the Application:

- **Gary W. Hoogeveen**, Rocky Mountain Power's President and Chief Executive Officer, provides an overview of Rocky Mountain Power's service area in Wyoming and the Company's current filing.
- **Joelle R. Steward**, PacifiCorp's Senior Vice President of Regulation and Customer/Community Solutions, describes the Company's request and the Company's policy positions in this proceeding in more detail.
- **Nikki L. Koblaha**, PacifiCorp's Vice President, Chief Financial Officer and Treasurer, provides the Company's overall cost of capital recommendation for the Company, including a capital structure to maximize value and minimize risk.
- **Ann E. Bulkley**, Principal at The Brattle Group, provides a comparison of PacifiCorp's business and financial risk compared to peer utilities, recommends a cost of equity, and provides supporting analyses.
- **Rick T. Link**, PacifiCorp's Senior Vice President of Resource Planning, Procurement and Optimization, provides the economic analyses and customer benefits of the Gateway South and Gateway West Segment D.1 transmission projects and the Rock Creek I wind project.
- **Thomas R. Burns**, PacifiCorp's Vice President of Resource Planning and Acquisition, provides economic analyses of repowering the Foote Creek II-IV and

Rock River I wind repowering projects, and the Company's sales and load forecast used to develop the case.

- **Rick A. Vail**, PacifiCorp's Vice President of Transmission Services, discusses the construction status and customer benefits of the Gateway South and Gateway West Segment D.1 transmission lines along with other important transmission system upgrades that will be completed to serve customers.
- **Timothy J. Hemstreet**, PacifiCorp's Vice President of Renewable Energy Development provides an overview of the Foote Creek II-IV and Rock River I repowering projects, the investments in hydroelectric resources to replace the Prospect No. 3 Flowline project and construction of the new Fall Creek Hatchery consistent with the requirements of the Federal Energy Regulatory Commission.
- **Ryan D. McGraw**, Vice President of Project Development with PacifiCorp, provides a development and status update for the Rock Creek I wind project.
- **Ramon J. Mitchell**, PacifiCorp's Manager of Net Power Costs, presents the Company's proposed net power costs for the test period and supports the Company's request to eliminate the ECAM sharing band.
- **Nicholas L. Highsmith**, Manager of Revenue Requirement for PacifiCorp, summarizes the overall test year revenue requirement, pro forma adjustments, and the rate base calculation methodology. He also discusses how the Company's filing meets the standards of the Commission's directive to follow and apply the New Mexico Administrative Code, Part 3, Section 17.1.3.12 through 17.1.3.18.
- **Robert M. Meredith**, PacifiCorp's Director of Pricing and Tariff Policy, provides the Company's allocation and rate design, and discusses how the proposed tariff

changes recover the proposed 2024 revenue requirement to achieve fair, just, and reasonable prices for customers. Finally, he discusses a proposed change to the contract term length for the Contract Minimum Bill within the Company's Line Extension Policy in Rule 12.

Proposed Notice of Application and Procedural Schedule

19. A proposed Notice of Application is included with this Application for the Commission's consideration. In addition, consistent with past practices, the Company is filing a Petition for Confidential Treatment and draft Protective Order concurrently with this Application. The Company has included these documents in both written and electronic format to help facilitate the timely and efficient development of this case, and for the convenience of the Commission. The Company proposes the following Procedural Schedule including a ten-month suspension period, consistent with past Commission practice:

| Date | Subject Matter |
|--------------------|---|
| March 1, 2023 | Application Filed |
| March 10, 2023 | Notice Issued by Commission |
| April 10, 2023 | Deadline for Interventions |
| April 17, 2023 | Scheduling Conference |
| April 27, 2023 | Technical Conference regarding Aurora Model |
| July 17, 2023 | Net Power Cost Update provided by the Company |
| August 11, 2023 | Deadline for all Parties to file discovery on RMP direct testimony. All responses to discovery are due within twenty (20) calendar days of receipt. |
| August 21, 2023 | Deadline for Intervenor to file Pre-filed Direct Testimony. |
| September 22, 2023 | Deadline for all Parties to file Discovery related to Intervenor Pre-Filed Direct Testimony. All responses to discovery are due within fifteen (15) calendar days of receipt. |
| September 27, 2023 | Deadline to file Rebuttal and Cross Answer Testimony. |
| October 12, 2020 | Deadline for all Parties to file discovery on Rebuttal Testimony. All responses to discovery are due within ten (10) calendar days of receipt. |
| October 19, 2023 | Deadline for all Parties to file any Pre-Hearing Motions and Objections to Pre-Filed Testimony and Exhibits |
| October 19, 2023 | Pre-Hearing Procedural Conference |
| November 2, 2023 | Public hearing in Cheyenne |
| January 1, 2024 | Rate effective date |

Conclusion

20. Rocky Mountain Power believes that authorization of the rate increase and implementation of the changes to the ECAM as requested in this Application are in the public interest and will result in just and reasonable rates. Rocky Mountain Power requests that the Commission authorize an increase in its revenue requirement based on the proposed test period in the amount of \$140.2 million per annum or 21.6 percent, which includes recovery of base ECAM of \$320.3 million through Schedule 95, and approval of the filed revisions to its tariffs.

WHEREFORE, by this Application, Rocky Mountain Power respectfully requests that the Commission:

1. Authorize an annual Wyoming retail electric service rate increase in the amount of \$140.2 million annually, effective January 1, 2024, and associated rate design proposals; and
2. Authorize implementation of the proposed modified ECAM effective January 1, 2024.

DATED this 1st day of March, 2023.

Respectfully submitted,

ROCKY MOUNTAIN POWER



Carla Scarsella
Ajay Kumar

Attorneys for Rocky Mountain Power

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Attorneys for Rocky Mountain Power

BEFORE THE WYOMING PUBLIC SERVICE COMMISSION

| | | |
|--|---|----------------------------------|
| IN THE MATTER OF THE APPLICATION OF |) | |
| ROCKY MOUNTAIN POWER FOR |) | DOCKET NO. 20000-__-ER-23 |
| AUTHORITY TO INCREASE ITS RETAIL |) | (Record No. _____) |
| ELECTRIC SERVICE RATES BY |) | |
| APPROXIMATELY \$140.2 MILLION PER |) | PETITION FOR CONFIDENTIAL |
| YEAR OR 21.6 PERCENT AND TO REVISE |) | TREATMENT AND |
| THE ENERGY COST ADJUSTMENT |) | PROTECTIVE ORDER |
| MECHANISM |) | |

Rocky Mountain Power, per Wyoming Statute (“Wyo. Stat.”) §16-4-203(d)(v) and Chapter 2, Section 30 (Confidentiality of Information) of the Wyoming Public Service Commission’s (“Commission”), hereby requests that the Commission approve the Company’s “confidential” designation of certain exhibits, testimony and workpapers and issue an order granting confidential treatment of specific portions of Rocky Mountain Power’s Application in the above captioned matter, based on the explanations set forth below. The testimony, exhibits and workpapers are properly labeled as “confidential” and were provided electronically and in paper form to the

Commission. The Company anticipates that there will be additional data requests from the parties and/or Commission staff that will request confidential information, and potentially, confidential testimony filed by the intervening parties or the Company.

In addition, the Company files with this Petition, as required by Chapter 2, Section 30 of the Commission Rules, a proposed Protective Order, attached hereto, with the appropriate form to be signed by parties who wish to use information that is designated, and approved by the Commission to be treated, as “confidential,” including confidential information that is subsequently designated as “confidential” during the course of the above-captioned case.

Support for Confidentiality Designation

1. The confidential testimony, exhibits, and certain workpapers of Company witnesses: Nikki L. Koblaha (workpapers), Rick T. Link (workpapers), Timothy J. Hemstreet (RMP Confidential Exhibits 8.0, 8.3, and 8.4), Ryan D. McGraw (RMP Confidential Exhibit 9.0), Ramon J. Mitchell (RMP Confidential Exhibit 10.0 and workpapers), and Nicholas L. Highsmith (RMP Exhibits 11.3 and 11.4 and workpapers) filed with the Application contain confidential information, including pricing, contracts, reports and other terms that could be misappropriated by parties for their commercial benefit and to the Company’s and its customers’ detriment if not treated as confidential pursuant to the Commission’s protective order.

2. Wyo. Stat. § 16-4-203 provides for the right of inspection, grounds for denial, access of news media, and orders permitting or restricting disclosure exceptions. This statute provides the legal basis for protection from disclosure of confidential information submitted by a party to a governmental agency (“Custodian”). Wyo. Stat. § 16-4-203(d)(v) identifies categories of records that are exempt from public disclosure: “[t]rade secrets, privileged information and confidential commercial, financial, geological or geophysical data furnished by or obtained from any person.”

3. The Commission's Rules also provide for the protection of confidential data submitted to the Commission. Chapter 2, Section 30(a) of the Commission's Rules provides as follows:

Upon petition, and for good cause shown, the Commission shall deem confidential any information filed with the Commission or in the custody of the Commission or staff which is shown to be of the nature described in [Wyo. Stat.] § 16-4-203(a), (b), (d) or (g). All information for which confidential treatment is requested shall be treated as confidential until the Commission rules whether, and to what extent, the information shall be given confidential treatment.

The information contained in designated testimony, exhibits and workpapers is confidential commercial and financial data, which fits squarely within the protection provided under Chapter 2, Section 30.

4. A review of Commission decisions also demonstrates that Petitions for Confidential Treatment are granted for a variety of reasons, including protection of commercial and financial data in a general rate case proceeding.¹ In this petition, Rocky Mountain Power is seeking similar protection of commercial and financial data included in testimony and exhibits, along with subsequent discovery, in the above-captioned general rate case proceeding.

5. Accordingly, the Company has designated portions of each of the testimony, exhibits and workpapers identified above as "confidential" and respectfully requests that the Commission approve such designation.

WHEREFORE, Rocky Mountain Power respectfully requests the following:

1. That the Commission approve Rocky Mountain Power's Petition.
2. That the Commission designate the indicated portions of the testimony, exhibits

¹ *In the Matter of the Application of Rocky Mountain Power for Authority to Increase Rates*, Docket No. 20000-578-ER-20 (Record No. 15464), Order Granting Petition for Confidential Treatment and Protective Order (July 13, 2020). *See also, In the matter of the Application of Rocky Mountain Power for Approval of a General Rate Increase in Its Retail Electric Utility Service Rates in Wyoming of \$32.4 million Per Year of 4.5 percent*, Docket No. 20000-469-ER-15 (Record No. 14076), Letter Order (Apr. 16, 2015).

and certain workpapers of Company witnesses: Nikki L. Koblaha, Rick T. Link, Timothy J. Hemstreet, Ryan D. McGraw, Ramon J. Mitchell, and Nicholas L. Highsmith as “confidential” and provide that the use of such confidential information must be made pursuant to the protective order.

3. That the Commission issue a protective order in substantially the same form as the proposed protective order attached hereto.

DATED this 1st day of March, 2023.

Respectfully submitted,
ROCKY MOUNTAIN POWER



Carla Scarsella
Ajay Kumar

Attorneys for Rocky Mountain Power

PUBLIC SERVICE COMMISSION OF WYOMING

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|--|-------------------------------|
| IN THE MATTER OF THE APPLICATION OF |) |
| ROCKY MOUNTAIN POWER FOR |) Docket No. 20000-____-ER-23 |
| AUTHORITY TO INCREASE ITS RETAIL |) Record No. _____ |
| ELECTRIC SERVICE RATES BY |) |
| APPROXIMATELY \$140.2 MILLION PER YEAR |) |
| OR 21.6 PERCENT AND TO REVISE THE |) |
| ENERGY COST ADJUSTMENT MECHANISM |) |
| |) |

PROTECTIVE ORDER
(Issued March __, 2023)

This matter is before the Wyoming Public Service Commission (“Commission”) upon *Petition for Confidential Treatment and Protective Order* (“*Petition*”) of Rocky Mountain Power (or the “Company”) in the above-captioned matter. The Commission, having reviewed the *Petition*, Rocky Mountain Power’s application, its files regarding Rocky Mountain Power, applicable Wyoming utility law, and otherwise being fully advised in the premises, FINDS and CONCLUDES:

1. Rocky Mountain Power is a public utility as defined by Wyoming Statute (“Wyo. Stat.”) § 37-1-101(a)(vi)(C) and, as such, is subject to the Commission’s jurisdiction under W.S. § 37-2-112.

2. On March 1, 2023, Rocky Mountain Power filed a *Petition for Confidential Treatment and Protective Order*, in support whereof it alleged that certain testimony and exhibits in this matter contain confidential information and that parties to this matter might, during discovery, seek the production of trade secrets, commercially sensitive or confidential business information, or information that is otherwise so sensitive in nature that disclosure would jeopardize the interests of the party that has been requested to disclose the information, and the unlimited disclosure of which could result in economic harm to the disclosing party. The Company also asserted that a protective order would facilitate a full and timely review of the above-captioned application.

3. Rocky Mountain Power’s *Petition* was heard by the Commission pursuant to due notice at its open meeting of March __, 2023. Commission Staff recommended the Commission approve Rocky Mountain Power’s *Petition* as being generally compliant with Chapter 2, Rule 30 of the Commission’s Rules.

4. The Commission finds there exists a potential body of information which is of such a sensitive nature that its unlimited disclosure could result in economic harm to Rocky Mountain Power or another disclosing party but which should be shared with the parties to this proceeding. The Commission finds and concludes that Rocky Mountain Power has supported its request for confidential treatment of such documents and information under Chapter 2, Rule 30 of the

Commission's Rules. The Commission also finds and concludes that the Commission's standard form of protective order should be used in this proceeding, there having been no request by Rocky Mountain Power for any modification of its terms. It serves the public interest by providing as a useful and efficient method of dealing with confidential information in this case. The Commission concludes that a *Protective Order* in this case should be issued

IT IS THEREFORE ORDERED THAT:

1. Pursuant to open meeting action taken on March __, 2023, Rocky Mountain Power's *Petition for Confidential Treatment and Protective Order* is granted.

2. The confidential information in this proceeding shall be dealt with according to the terms of the ensuing paragraphs 3 through 16, and the safeguards of this *Protective Order* shall apply generally in this proceeding.

3. The parties to this proceeding shall allow each of the authorized parties, under Chapter 2, Rule 30 of the Commission's Rules and the terms of this *Protective Order*, to have access to and to review data and information claimed by each to be of a confidential nature. The parties have designated or may in the future designate documents filed with the Commission or produced in discovery as confidential for the reason that such documents contain confidential information, trade secrets, proprietary information, or commercially sensitive information.

4. Definitions. For purposes of this *Protective Order*, the following terms shall mean:

a. "Document" or "Documents" shall mean and include all written, recorded or electronic graphic matter of any kind or nature whatsoever within the meaning of Rule 34(a) Wyoming Rules of Civil Procedure ("WRCP"), or Rule 1001 Wyoming Rules of Evidence ("WRE"), and shall extend to any subsequent compilation, summary, quotation, or reproduction thereof prepared at any subsequent time in any subsequent form or proceeding, in whole or in part, and shall include computer software, computer models and information generated by computer software and models. The reference to Rule 1001 WRE is for definitional purposes only and is not intended to suggest that the WRE are applicable to Commission proceedings. Further the reference to WRCP is not intended to suggest that any of the WRCP are applicable to Commission proceedings, except those specifically made applicable to Commission proceedings by the Wyoming Administrative Procedure Act.

b. "Confidential Information" shall mean and include any Documents and all contents thereof which are marked "CONFIDENTIAL" by the party producing the information ("Producing Party"), including information prepared, presented, typed or copied on yellow paper.

c. "Authorized Person(s)" shall mean and be limited to the employees, attorneys and expert witnesses or consultants of the party receiving the information ("Receiving Party") who are necessary to assist counsel in preparation for the proceedings in this docket. "Authorized Person(s)" shall not include individuals responsible for marketing or other competitive activities or who could use the information in the normal course of their employment to the competitive disadvantage of the Producing Party, except upon prior approval of the Commission. No person, with the exception of the Commissioners, members of the Commission

Staff and the Wyoming Office of Consumer Advocate, shall be considered an Authorized Person under this *Protective Order* unless such person is qualified as such under paragraph 5 below.

d. “Authorized Use” shall mean and be limited to use only for purposes of this docket in addressing the issues arising in this proceeding over which the Commission has jurisdiction.

e. “Disclose”, “make disclosure of”, or “disclosure” shall mean and include the dissemination to any person, firm, corporation or other entity of the contents of a Document, whether that dissemination is by means of the transmittal or transfer of the original or a copy of that document or any verbal or other dissemination of the contents of the Document.

5. Restrictions on Disclosure of Confidential Information. All Confidential Information and the disclosure thereof shall be subject to the following restrictions:

a. A Producing Party or Receiving Party may submit Confidential Information to the Commission, the Commission Staff, and the staff of the Wyoming Office of Consumer Advocate for the purposes of this proceeding, provided that the information is submitted, identified and maintained as Confidential Information subject to Chapter 2, Rule 30 of the Commission’s Rules. Other than the disclosures described in the previous sentence, the Receiving Party shall not disclose any Confidential Information to anyone other than its Authorized Person(s) for the sole purpose of the Receiving Party’s review and analysis of this filing.

b. Whether Confidential Information has been produced in hard copy or in some other form, the Receiving Party shall make no copies or reproductions of any kind or nature whatsoever of the Confidential Information so supplied, except that copies or reproductions may be made when necessary for use by Authorized Persons in preparation for the proceedings herein or the presentation of the party’s case.

c. The foregoing notwithstanding and with the exception of the Commission, Commission Staff, or the staff of the Wyoming Office of Consumer Advocate, the Receiving Party may not receive Confidential Information until he or she has signed a Nondisclosure Agreement in the form attached hereto, marked as “Exhibit A” and incorporated herein by reference. Upon execution of “Exhibit A”, the signed original shall be furnished to counsel of record for the Producing Party and copies thereof shall be filed with the Commission. Furthermore, a Receiving Party may not disclose Confidential Information to an Authorized Person unless, prior to the disclosure of such Confidential Information, the Authorized Person has signed and furnished an “Exhibit A” Nondisclosure Agreement as required above.

d. Counsel for the Receiving Party shall be responsible for designating Authorized Persons to whom disclosure of Confidential Information is deemed necessary to assist counsel in the preparation for proceedings in this docket. The names of Authorized Persons shall be provided to the Producing Party at least five (5) business days prior to any disclosure to enable the Producing Party to challenge the right of an individual to review Confidential Information for any reason prior to disclosure to that individual, unless the Producing Party waives this right. In the event the Parties cannot resolve a challenge between themselves, the challenge will be resolved by the Commission. During the pendency of the challenge, no disclosure shall be made to the

individual in question and the Commission shall retain its specific authority to extend or adjust deadlines as, in its opinion, justice may require due to delays caused by the exercise of rights under this provision or otherwise.

6. Protective measures for Highly Sensitive Confidential Information. A Producing Party may claim that additional protective measures, beyond those otherwise required under this *Protective Order*, are warranted for certain Confidential Information referred to as Highly Sensitive Confidential Information. A Producing Party making such a claim shall identify such Highly Sensitive Confidential Information and shall inform the Receiving Party of its claimed highly sensitive nature as soon as possible.

a. General procedure. As to documents designated as Highly Sensitive Confidential Information, the Producing Party shall have the right, at its option, not to provide copies thereof to other parties, their counsel, experts, or other representatives. In the event a Producing Party does not provide copies of Highly Sensitive Confidential Information, such Highly Sensitive Confidential Information, if discoverable, may be made available for inspection and review by counsel or experts for the Receiving Party at a mutually agreed upon place and time. Inspection may occur at all times during normal business hours upon request made not later than fifteen (15) business days before inspection is to occur, and within such time as is allowed by the Commission under its Rules or the WRCP applicable to responses to discovery requests under the Wyoming Administrative Procedure Act. Failure of the Producing Party to make information available for inspection at the agreed place after timely request has been made shall constitute a waiver of the restrictions contained in this subparagraph and the Receiving Party may demand and shall be provided a copy of the information, subject to Chapter 2, Rule 30 of the Commission's Rules and the other terms of this *Protective Order*. Where copies are not provided, counsel and experts reviewing the Highly Sensitive Confidential Information may make notes regarding the highly sensitive Confidential Information for reference purposes only. Such notes shall not consist of a verbatim or substantive transcript of the highly sensitive Confidential Information and shall be themselves Confidential Information subject to Chapter 2, Rule 30 of the Commission's Rules and the terms of this *Protective Order*.

b. Additional protection. In the event that any party believes a different level of protection than that provided for above in this paragraph is appropriate for any Highly Sensitive Confidential Information, the parties shall first attempt to reach agreement on the appropriate level of protection. If agreement cannot be reached, any party may request that the Commission resolve the disagreement. The concerned party may petition the Commission for an order granting additional protective measures which the petitioner believes are warranted for the claimed Highly Sensitive Confidential Information that is to be produced. The petition shall set forth the particular basis for: the claim, the specific additional protective measures requested, the need therefore, and the reasonableness of the requested additional protection. A party who would otherwise receive the documents and information under the terms of this *Protective Order* may respond to the petition and oppose or propose alternative protective measures to those requested by the provider of the claimed Highly Sensitive Confidential Information. In disputes brought to the Commission for resolution under this subparagraph, the petitioning party shall have the burden to prove that the additional protections it proposes should be approved.

7. Disputes in general. In the event the Receiving Party objects to the Producing Party's designation of a document or its contents as Confidential Information, the materials shall be treated as Confidential Information until a contrary ruling by the Commission, or, if appropriate, a court of competent jurisdiction. Prior to the time any objection to a designation of Confidential Information is brought before the Commission or, if appropriate, a court of competent jurisdiction, for resolution, the parties shall attempt to resolve the objection by agreement. If the parties are unable to reach an agreement, then either of them may bring the objection before the Commission or, if appropriate, a court of competent jurisdiction in accordance with the applicable rules of that forum. In disputes brought to the Commission for resolution under this paragraph, the Producing Party shall have the burden under Chapter 2, Rule 30 of the Commission's Rules to prove that the protections it proposes should be approved. The parties recognize that the Commission has the authority to extend or adjust deadlines as, in its opinion, justice may require due to delays caused by the exercise of rights under this provision or otherwise. For purposes of resolving disputes concerning Highly Sensitive Confidential Information, references in this paragraph to Confidential Information shall include Highly Sensitive Confidential Information. All resolutions shall be made by order of the Commission.

8. General procedures for the use of Confidential Information.

a. Receipt into Evidence. Confidential Information may be received into evidence in this proceeding under seal. Unless the Commission requires or allows a different time period, at least ten (10) days prior to the use of, or substantive reference to any Confidential Information as evidence, the party intending to use such Confidential Information shall provide notice of that intention to the counsel for the Producing Party. The Requesting Party and the Producing Party shall make a good faith effort to reach an agreement so that the information can be used in a manner which will not reveal Confidential Information. If such efforts fail, the concerned parties shall within five (5) days, unless the Commission requires or allows a different time period, designate which portions, if any, of the documents to be offered, or referred to on the record contain Confidential Information. The portions of the documents so designated shall be placed in the sealed record. Only one (1) copy of documents designated by the Producing Party to be placed in the sealed record shall be made and only for that purpose. Any required additional copies of the record shall receive the same treatment. Otherwise, parties shall make only general references to Confidential Information in these proceedings, except as may be provided for in subparagraph c below. Notwithstanding the foregoing, the Commission may make and retain such copies of this Confidential Information as it sees fit for the efficient disposition of the proceeding.

b. Seal. While in the custody of the Commission or any member of its staff, these materials shall be marked "CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER IN DOCKET NO. 20000-_____", and shall be immediately entitled to be treated as Confidential Information under Chapter 2, Rule 30 of the Commission's Rules, pending any further order of the Commission.

c. In Camera Hearing. Any Confidential Information which must be orally disclosed by any person shall be part of the sealed record in this proceeding and shall be offered only in an *in camera* hearing, attended only by persons authorized to have access to the Confidential Information under Chapter 2, Rule 30 of the Commission's rules and this *Protective Order*. Similarly, cross-examination on, or substantive references to, Confidential Information, as

well as that portion of the record containing references thereto, shall be marked and treated as provided herein.

d. Appeal. Sealed portions of the record in this proceeding may be forwarded to any court of competent jurisdiction on appeal in accordance with applicable rules and regulations, but under seal as designated herein, for the information and use of the court only.

e. Return. Unless otherwise ordered, Confidential Information, including transcripts of any depositions to which a claim of confidentiality is made, shall remain under seal, shall continue to be subject to the protection of Chapter 2, Rule 30 of the Commission's Rules and the requirements of this *Protective Order*, and shall, within 30 days after final settlement, or other conclusion of this matter, including any administrative or judicial review thereof, be either [i] returned to counsel for the Producing Party or [ii] destroyed by the Receiving Party. Compliance with this paragraph shall be evidenced by an affidavit of counsel for the Receiving Party in the form attached hereto as Exhibit B. The Commission may retain such Confidential Information as it deems necessary subject to Chapter 2, Rule 30 of the Commission's Rules. Counsel who are provided access to Confidential Information pursuant to the terms of this *Protective Order* may retain their notes, work papers or other documents that would be considered the attorneys' work product created with respect to their use and access to Confidential Information in this docket. An expert witness, accorded access to Confidential Information pursuant to this *Protective Order*, shall provide to counsel for the party on whose behalf the expert was retained or employed, the expert's notes, work papers or other documents pertaining or relating to any Confidential Information. Counsel shall retain these expert's documents with counsel's documents.

f. Redacted public versions of Confidential Information. It is the Commission's policy that its proceedings be as open and transparent as possible, so members of the public may have the greatest possible access to and understanding thereof. Therefore, whenever only a portion of a Document is considered Confidential Information hereunder, the confidential portion shall be clearly identified and treated as such in accordance with this *Protective Order*. However, the Producing Party shall restrict its designation of confidential status to the end that as much of the Document as possible shall remain nonconfidential and open to public inspection. When a Producing Party submits such a partially confidential Document, it shall simultaneously submit a redacted version thereof with the Confidential Information blacked out or otherwise rendered indecipherable. The identification of Confidential Information in any partially confidential Document shall be restricted to those portions thereof which are actually confidential (e.g., if only two pages of a Document contain Confidential Information, only those pages should be reproduced on yellow paper). The public redacted version of any such document shall be clearly marked on its face "Redacted Nonconfidential Public Version".

9. Use by Parties. Where reference to Confidential Information in the sealed record is required in pleadings, cross-examinations, briefs, argument, motions or otherwise, it shall be, to the extent possible, only by citation or title, or exhibit number, or by some other non-confidential description. Any other use of, or substantive references to, Confidential Information, shall be placed in a separate section of the pleading or brief and submitted to the Commission under seal, on yellow paper, and identified as provided for in paragraph 8b above. This sealed section shall be served only on counsel of record (one copy each), who have signed a Nondisclosure Agreement (Exhibit A). All the protections afforded by this *Protective Order*, the Commission's Rules and

its orders with respect thereto shall apply to materials prepared and distributed under this paragraph.

10. Use in Decisions and Orders. The Commission will attempt to refer to Confidential Information in only a general or conclusory manner and will avoid reproduction in any decision of Confidential Information to the greatest possible extent. If the Commission deems it necessary to discuss Confidential Information specifically, it will treat the Confidential Information in a manner consistent with the treatment of Confidential Information in paragraph 9 above.

11. Removal of confidential status.

a. Voluntary disclosure. Nothing in this *Protective Order* shall preclude a Producing Party from using or disclosing any of its own Confidential Information for any purpose or to any person. If any information for which Confidential Information status is sought in this case has been previously filed by a party as public information with a court or any federal or state agency, the party seeking to have the designation continue to apply thereto shall petition the Commission for such a designation.

b. Petition for removal of confidential status. Any party at any time upon ten (10) days prior notice may seek by appropriate pleading to the Commission to have documents that have been designated as Confidential Information or Highly Sensitive Confidential Information, or which were accepted into the sealed record in accordance with this *Protective Order*, removed from the protective requirements of this *Protective Order*, or from the sealed record and placed in the public record. If the confidential nature of such information is challenged, the Commission will resolve the issue in an *in camera* hearing at which only those persons duly authorized hereunder to have access to such Confidential Information or Highly Sensitive Confidential Information shall be present. If the Commission finds that no party would be prejudiced thereby and the case continues to proceed in an orderly manner, it may provide in such order that its decision will not take effect for a period of ten (10) days or such other time period as may be deemed advisable by the Commission to protect the rights of parties to seek further relief and to provide for the efficient and orderly conduct of the case.

12. Limitations. Nothing in this *Protective Order* shall prohibit or limit any party as to any objections it may otherwise have to the disclosure of any Confidential Information to which this *Protective Order* applies.

13. Filing of Discovery Requests and Responses. In dealing with Confidential Information, the parties are reminded of Chapter 2, Section 17 of the Commission's Rules regarding discovery-related filings which states:

(a) The taking of depositions and discovery shall be in accordance with Wyoming Statute § 16-3-107(g).

(b) Unless the hearing officer or adjudicative agency orders otherwise, parties shall not file discovery requests, answers, and deposition notices with the hearing officer or adjudicative agency.

14. Protection to survive after end of proceeding. The provisions of this *Protective Order*, insofar as they restrict the disclosure and use of Confidential Information governed by this *Protective Order*, shall, without the written agreement of the parties or further order of the Commission, or if appropriate, a court of competent jurisdiction, continue to be binding after the

conclusion of the case.

15. Commission authority retained. This *Protective Order* does not diminish or limit the Commission's authority to deal with Confidential Information in this case under applicable Wyoming laws and rules, including, without limitation, Chapter 2, Rule 30 of the Commission's Rules. Nothing in this *Protective Order* shall prevent a party from placing before the Commission its desire for relief with respect to any issue arising with regard to any information alleged to be covered by this *Protective Order*, including disputes arising in the event that information is not disclosed to a party under this *Protective Order*.

16. Commission jurisdiction not limited hereby. Nothing in this *Protective Order* shall be construed as limiting the Commission's jurisdiction in this case or the prerogatives of the Commission regarding the orderly governance and disposition of this case, the use and disposition of Confidential Information or its prerogatives to make and enter all orders it deems necessary in the public interest, giving careful regard to the interests of the parties and the commercially sensitive nature of the information involved.

17. This *Protective Order* is effective immediately.

MADE and ENTERED at Cheyenne, Wyoming, on March __, 2023.

PUBLIC SERVICE COMMISSION OF WYOMING

Christopher B. Petrie, Chairman

Michael M. Robinson, Deputy Chairman

(SEAL)

Mary A. Throne, Commissioner

Attest:

EXHIBIT A TO PROTECTIVE ORDER

NONDISCLOSURE AGREEMENT:

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWER FOR AUTHORITY TO INCREASE ITS RETAIL ELECTRIC SERVICE RATES BY APPROXIMATELY \$140.2 MILLION PER YEAR OR 21.6 PERCENT AND TO REVISE THE ENERGY COST ADJUSTMENT MECHANISM – DOCKET NO. 20000-_____

I hereby agree that I have been furnished a copy of and have read and understand the *Protective Order* issued by the Wyoming Public Service Commission in Docket No. 20000-_____ with respect to the review and use of Confidential Information. I understand the *Protective Order* and the definition of Confidential Information contained herein, and agree to comply with the terms and conditions of the *Protective Order* with respect to all Confidential Information covered thereby. I also have read, understand and agree to be bound by and to comply with Chapter 2, Rule 30 of the Commission’s Rules, a copy of which is attached hereto.

Name

Employer or Firm

Business Address

Party With Whom Associated

Date

Signature

ATTACHMENT TO EXHIBIT A -- NONDISCLOSURE AGREEMENT:
IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWER FOR
AUTHORITY TO INCREASE ITS RETAIL ELECTRIC SERVICE RATES BY
APPROXIMATELY \$140.2 MILLION PER YEAR OR 21.6 PERCENT AND TO REVISE THE
ENERGY COST ADJUSTMENT MECHANISM – DOCKET NO. 20000-_____

Commission Rule Chapter 2, Rule 30: Confidentiality of Information.

(a) Upon application, and for good cause shown, the Commission shall deem confidential any information filed with the Commission or in the custody of the Commission or staff which is shown to be of such sensitive nature that disclosure of the information would jeopardize the interests of the person or entity filing the application. Such information shall not be disclosed by, or discussed by, the Commission or Commission staff with any other person or entity except upon written notice to the person or entity filing such application, affording that person or entity the right to a hearing prior to any such disclosure and an opportunity to be heard upon the reasons for maintaining the confidentiality of such information.

(b) Procedure for confidential treatment of information filed in Commission docketed cases initiated by a regulated utility.

(i) Any person or entity filing for confidential treatment of information (except as directed by the Commission in investigative and discovery matters) shall file a separate petition which must include the following information.

(A) The assigned Docket, if applicable.

(B) Title the filing as: Petition for Confidential Treatment of _____.

(C) The petition shall include numbered listings and explanations in adequate detail to support why confidentiality should be authorized for each item, category, page, document or testimony. Each item, category or page of proposed confidential information shall be attached to the Petition and numbered in the right hand margin so that numbering corresponds with the numbering and detailed explanation(s) in the Petition. If only part of a page, or intermittent parts of pages, are requested to be kept confidential, these should be set off by brackets identified with an item number or numbers. Each page containing information for which confidential treatment is requested shall be printed on yellow paper and marked or stamped at the top in capital letters: CONFIDENTIAL INFORMATION.

(D) The petition may request return or other final disposition of the information. The Commission may, as it sees fit, retain file copies of the information at the close of the case.

(ii) All information authorized to be filed under this rule, including information, testimony or evidence permitted by the Commission to be taken in camera, shall be sealed and retained in secure areas of the Commission's offices. All information for which confidential treatment is requested shall be treated as confidential until the Commission rules whether, and to what extent, the information shall be given confidential treatment.

(iii) If the person or entity petitioning for confidential treatment of information intends that parties in a case may have access thereto upon signing a statement that the information shall be treated as confidential, the petitioner shall prepare a proposed order for the Commission's approval and signatures with an attached form to be signed by the parties and made part of the Commission's permanent file in that case.

(iv) Information in the Commission's confidential files shall be retained for the period of the time requested, returned or destroyed, as determined by the Commission, unless otherwise requested by the petitioner and authorized by the Commission. On an appeal of a Commission final order, the confidential

information or record shall be sealed and delivered to the court as a part of the record file pursuant to W.S. 16-3-107, 16-3-114 and 16-3-115 of the Wyoming Administrative Procedure Act.

(c) Special procedure for confidential treatment of other.

(i) The Commission may require or authorize other persons or entities in discovery, investigation or other proceedings to file information, for which confidential treatment is requested, or to submit such information directly and exclusively to Commission staff or other persons or entities who have.

(ii) The Commission may require or authorize Commission staff and other persons or entities to enter into agreements to treat information as confidential. Any filing confidential information provided to Commission staff or other authorized person or entity, shall be treated as confidential unless otherwise ordered by the Commission.

(iii) Confidential information filed or submitted directly to Commission staff pursuant to this section shall be printed on yellow paper and accompanied by a cover letter, with an original and five copies to the Commission, which generally identifies that information in the filing or submission for which confidential treatment is requested. A person or entity seeking to introduce any confidential information filed or submitted pursuant to this section as evidence in a public hearing must first file a petition in the form and detail set forth in subsection (b) of this Rule. Any other person or entity seeking to introduce such confidential information as evidence shall obtain Commission approval before doing so, and shall observe all proceedings and employ such precautions as are necessary to preserve the confidentiality of such information.

(iv) The Commission may consider oral petitions for confidential treatment of information when the public interest requires.

(d) Procedural hearing on protests of confidential treatment of information.

(i) The Commission will set a hearing if any person or entity contests the Commission's authorization or denial of the confidential treatment of any information.

(e) Burden of Proof. The burden of proof is upon the person or entity seeking confidential treatment. The original supplier of information (if different than the person or entity petitioning for confidential treatment) may be directed by the Commission to share the burden of proof.

(f) Medical and financial records. The medical and financial records of any utility customer shall be treated as confidential under this rule except as otherwise directed by the Commission.

EXHIBIT B TO PROTECTIVE ORDER

AFFIDAVIT OF COUNSEL:

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWER FOR AUTHORITY TO INCREASE ITS RETAIL ELECTRIC SERVICE RATES BY APPROXIMATELY \$140.2 MILLION PER YEAR OR 21.6 PERCENT AND TO REVISE THE ENERGY COST ADJUSTMENT MECHANISM – DOCKET NO. 20000-_____

[Counsel] being of lawful age and being first duly sworn, hereby deposes and says that:

Alternative ¶1 (to be used if documents returned). I have obtained the original copies of all Confidential Information provided to [Receiving Party] by [Producing Party] in the Wyoming Public Service Commission's proceedings in **Docket No. 20000-_____** concerning Rocky Mountain Power and all such documents are being returned to [Producing Party] together with this Affidavit. Furthermore, I have obtained all copies and reproductions of such Confidential Information known to me to exist in the custody or control of [Receiving Party], its employees, attorneys, experts, consultants and agents and all such documents are being returned to [Producing Party] together with this Affidavit.

Alternative ¶1 (to be used if documents destroyed). I have obtained the original copies of all Confidential Information provided to [Receiving Party] by [Producing Party] in the Wyoming Public Service Commission's proceedings in **Docket No. 20000-_____** concerning Rocky Mountain Power and all such documents have been destroyed. Furthermore, I have obtained all copies and reproductions of such Confidential Information known to me to exist in the custody or control of [Receiving Party], its employees, attorneys, experts, consultants and agents and all such documents have been destroyed.

2. I have made diligent inquiry of all persons known to me to have had access to the Confidential Information received from [Producing Party] in the captioned proceeding and have otherwise diligently endeavored to identify and locate all copies of such Confidential Information in the custody or control of [Receiving Party], its employees, attorneys, experts, consultants and agents. Other than myself, the employees' attorney, experts, consultants, and agents who have had access to the Confidential Information together with their current address are listed below.

[LIST PERSONS WHO HAVE HAD ACCESS.]

Alternative ¶3 (to be used if documents returned). I am not aware of the existence of any copies or reproductions of the Confidential Information provided to [Receiving Party] by [Producing Party] in the captioned proceeding that are not included and returned to [Producing Party] with this Affidavit.

Alternative ¶3 (to be used if documents destroyed). I am not aware of the existence of any copies or reproductions of the Confidential Information provided to [Receiving Party] by [Producing Party] in the captioned proceeding that have not been destroyed.

