

(“Commission”) Rules, requests that the Commission approve the Company’s “confidential” designation of certain exhibits and testimony 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 and exhibits 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 and exhibits of Company witnesses Nikki L. Kobliha, Rick T. Link, Chad A. Teply, Timothy J. Hemstreet, Frank C. Graves, David G. Webb, and Nicholas L. Highsmith 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 and exhibits 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

¹ *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).

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 and exhibits 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 and exhibits of Company witnesses Nikki L. Kobliha, Rick T. Link, Chad A. Teply, Timothy J. Hemstreet, Frank C. Graves, David G. Webb, 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 2nd day of March, 2020.

Respectfully submitted,

ROCKY MOUNTAIN POWER



Matthew McVee
Jacob McDermott
Emily Wegener
Paul Hickey

Attorneys for Rocky Mountain Power

WYOMING PUBLIC SERVICE COMMISSION

IN THE MATTER OF THE APPLICATION OF)
ROCKY MOUNTAIN POWER FOR AUTHORITY) Docket No. 20000-____-ER-20
TO INCREASE ITS RETAIL ELECTRIC SERVICE) Record No. _____
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)

PROTECTIVE ORDER
(Issued March __, 2020)

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 Wyo. Stat. § 37-2-112.

2. On March 2, 2020, 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’s *Petition* was heard by the Commission pursuant to due notice at its open meeting of March __, 2020. 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 __, 2020, 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, and 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 __, 2020.

PUBLIC SERVICE COMMISSION OF WYOMING

KARA B. FORNSTROM, Chairman

MARY A. THRONE, Deputy Chairman

(SEAL)

MICHAEL M. ROBINSON, 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 UTILITY SERVICE RATES IN WYOMING APPROXIMATELY \$7.1 MILLION PER YEAR OR 1.1 PERCENT AND TO REVISE THE ENERGY COST ADJUSTMENT MECHANISM, AND TO DISCONTINUE OPERATIONS AT CHOLLA UNIT 4 – 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 \$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-_____

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 Wyo. Stat. 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 \$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-_____

[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.]

