

FILED

AUG 31 2010

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

*Jim Ruby, Executive Secretary
Environmental Quality Council*

In the Matter of the Appeal)	
And Petition for Review of:)	
BART Permit No. MD-6040)	Docket No. 10-2801
(Jim Bridger Power Plant); and)	
BART Permit No. MD-6042)	
(Naughton Power Plant).)	

**SUPPLEMENT TO JOINT MOTION FOR PROTECTIVE ORDER
AND TO FILE CERTAIN DOCUMENTS UNDER SEAL**

The Department of Environmental Quality (DEQ), by and through the Office of the Attorney General, and PacifiCorp, by and through its undersigned counsel, and pursuant to the request of the presiding officer of the Environmental Quality Council, hereby submits this supplement to the parties' Joint Motion for Protective Order and to File Certain Documents Under Seal. This supplement is intended to provide a further explanation for why the contents of the eight (8) envelopes submitted by the DEQ under seal are entitled to nondisclosure.

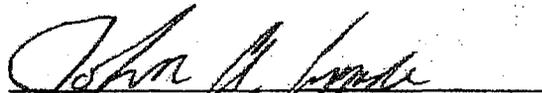
1. The parties are not claiming that the contents of envelopes 1 through 8 are privileged. Instead, the contents of the envelopes at issue are asserted by PacifiCorp – and have been treated by DEQ – as confidential business and trade secret information, and therefore protected from disclosure pursuant to Wyo. Stat. § 16-4-203(d)(v) and § 35-11-1101. The envelope contents revolve around a January 2009 letter submitted by PacifiCorp to DEQ, and related discussions, which DEQ has identified in its Response Opposing PacifiCorp's Motion for Partial Summary Judgment. The letter and associated discussions include what PacifiCorp asserts to be forward-looking construction, operations, resource planning and financial information which

would, if not protected, place PacifiCorp at a competitive disadvantage and result in financial harm. PacifiCorp has kept this information confidential and has provided it to DEQ with the understanding that it would remain confidential pursuant to the cited statutes. The parties accept that the contents of the envelopes may be relevant to DEQ's arguments in this proceeding and so propose that the best way for DEQ to be able to rely on those documents is for the documents to be used under seal.

WHEREFORE, DEQ and PacifiCorp respectfully request the Environmental Quality Council to issue the proposed Order Granting Motion for Protective Order and File Certain Documents Under Seal.

Respectfully submitted this 31 day of August 2010.

FOR PACIFICORP:



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Attorneys for the State of Wyoming
Department of Environmental Quality

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of August, 2010, a true and correct copy of the foregoing **SUPPLEMENT TO JOINT MOTION FOR PROTECTIVE ORDER AND TO FILE CERTAIN DOCUMENTS UNDER SEAL** was served by placing the same in the United States mail, postage pre-paid, addressed to:

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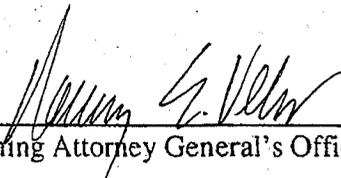
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and via email to:

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and via hand-delivery to:

John Corra, DEQ Director
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