

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Fact Finding Investigation of Potential Manipulation of Electric and Natural Gas Prices)	Docket No. PA02-2-000
)	
)	
San Diego Gas & Electric Company,)	
)	
Complainant,)	
)	
v.)	Docket No. EL00-95-000
)	
Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange,)	
)	
)	
Respondents.)	
)	
Investigation of Practices of the California Independent System Operator and the California Power Exchange)	Docket No. EL00-98-000
)	
)	
Puget Sound Energy, Inc., <u>et al.</u>)	
)	
Complainant,)	
)	
v.)	Docket No. EL01-10-000
)	
All Jurisdictional Sellers of Energy and/or Capacity at Wholesale into Electric Energy and/or Capacity Markets in the Pacific Northwest, Including Parties to the Western Systems Power Pool Agreement)	
)	
)	
Respondent)	(Not Consolidated)

COMMENTS OF PORTLAND GENERAL ELECTRIC COMPANY

Pursuant to the Commission's March 2, 2003 Notice of Intent to Release Information and Opportunity to Comment ("Notice"), Portland General Electric

Company ("Portland") hereby submits its comments on the Commission's intention to release all the documents described in the Notice, other than those obtained from other Federal agencies in accord with the Federal Records Act, 44 U.S.C. § 3510.(b).

1. Portland does not oppose the Commission's intention to release the documents submitted in Docket No. PA02-2. Portland has complied with each of the Commission's requests for documents and in doing so has demonstrated that it did not knowingly engage in the activities that spurred the Docket No. PA02-2 investigation. Portland comments, however, to alert the Commission to one document in Portland's multi-thousand page submission that should remain confidential.

2. In response to a March 5, 2002 subpoena directed only to Enron and its affiliates, Portland submitted a number of documents. Request No. 12 of that subpoena sought information about management guidelines and policies with respect to trading and risk management. In response, Portland submitted several versions of its Energy Trading Policies and Procedures Manual ("the "Manual") on April 19, 2002. The Manual is given to all new Portland trading employees to instruct them about the policies and procedures used by Portland to conduct its trading operations. Its contents include Portland's financial risk limits, transaction and trade execution guidelines, and structured transaction negotiation parameters. In particular, the Appendix to the Manual contains financial limits and specifically identifies the products that Portland will and will not trade. As such, the Manual is a guidebook to how Portland conducts negotiations and executes trades with its counterparties. As we have noted, the request to produce the Manual was directed to Enron and affiliates only. As such, similar manuals were not submitted by other participants in the marketplace. If, through the Commission's release of all documents collected in Docket No. PA02-2, this guidebook became available to

Portland's trading partners, Portland's competitive position would be significantly harmed by divulging to prospective counterparties the positions Portland likely would take in negotiations, especially given that Portland does not have access to similar manuals of others.¹ Moreover, because the Manual is devoid of any information relevant to the investigation, it would not serve the public interest to release it.

For these reasons, Portland requests that the Commission retain confidentiality for all versions of Portland's Energy Trading Policies and Procedures Manual submitted on April 19, 2002 in response to Request No. 12 of the March 5, 2002 subpoena directed to Enron and its affiliates.

Respectfully submitted,

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March 12, 2003

¹ Indeed, the exceptions to the Freedom of Information Act acknowledge that commercially sensitive information should not be released to the public. *See* 5 U.S.C. § 552(b)(4); 18 C.F.R. § 388.107(d).

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing document to be served upon each person designated on the restricted service list established in this proceeding.

Dated at Washington, DC, this 12^h day of March, 2003.

/s/ Richard Brusca
Richard Brusca