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Partner

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IDAHO PUBLIC
UTILITIES COMMISSION

October 27, 2005

Ms. Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
472 W. Washington
Boise, ID 83702-5983

Via Federal Express

**Re: Thompson River Co-Gen, LLC vs. Avista Corporation
Idaho Public Utilities Commission Case No.: AVU-E-05-07**

Dear Ms. Jewell:

Enclosed please find for filing an original and seven copies of Certificate and Claim of Confidentiality Relating to Avista's Response to First Production Request of Staff in the above referenced matter. Please conform and return our copy in the self-addressed, stamped envelope provided.

Should you have any questions, please do not hesitate to contact our office.

Very truly yours,

PAINE, HAMBLLEN, COFFIN,
BROOKE & MILLER LLP



R. Blair Strong

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Enclosures

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 IDAHO PUBLIC
 UTILITIES COMMISSION

David J. Meyer
 Vice President and Chief Counsel for
 Regulatory & Governmental Affairs
 Avista Corporation
 1411 E. Mission Avenue, MSC-13
 PO Box 3727
 Spokane, WA 99220-3727
 (509) 495-4316

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

THOMPSON RIVER CO-GEN, a)	
Colorado Company,)	
)	
Complainant,)	
)	CASE NO. AVU-E-05-07
vs.)	
)	CERTIFICATE AND CLAIM OF
AVISTA CORPORATION, a)	CONFIDENTIALITY RELATING TO
Washington Corporation,)	AVISTA'S RESPONSE TO FIRST
)	PRODUCTION REQUEST OF STAFF
Respondent.)	
)	

I, David J. Meyer, represent Avista Corporation in this proceeding. I make this certification and claim of confidentiality pursuant to IDAPA 31.01.01.067 and 31.01.01.233.

1. As a response to Staff Production Request No. 1, Avista Corporation ("Avista" or "Company") is disclosing pursuant to the Protective Agreement Between Avista Corporation and Idaho Public Utilities Commission Staff executable data input and output files related to AURORA software.

2. The license agreement between Avista Corporation and EPIS, Inc. represents that the AURORA software is the proprietary property and trade secret of

EPIS, Inc. and embodies substantial creative efforts and confidential information, ideas and expressions. Avista is authorized by the license agreement to operate the AURORA software subject to an obligation to keep such software confidential. Based upon the license agreement, I am of the opinion that the AURORA software is a "Trade Secret" as defined by Idaho Code Sections 9-340D and 48-801 and therefore is protected by law from public disclosure.

3. I am informed that embedded within the data files associated with the AURORA software are forecasted electric load estimates as measured over various duration of time, electric load shapes as measured over various durations of time, the Company's assumptions regarding forecasted fuel for obligations to purchase and sell electricity. I am also informed that such information represents a comprehensive compilation of the Company's competitive position in the electric energy market in western North America and would be extremely useful to competitive buyers and sellers of electric power in western North America. Further, I am informed that the information furnished as a response to Staff Production Request No. 1 includes an AURORA model run, and attached results. Based on this information, I am of the opinion that the compilation in the response to Staff Production Request No. 1 is a "Trade Secret" as defined by Idaho Code Sections 9-340D and 48-801 and, therefore is protected by law from public disclosure.

4. In response to Staff Production Request Nos. 1 Avista is disclosing pursuant to the Protective Agreement Between Avista Corporation and Idaho Public Utilities Commission Staff forward price curve data for the months of January 2007

through December 2026 which is contained on computer diskettes (“Confidential Diskettes”) marked with the following:

STAFF DR. NO. 1(c)
THE INFORMATION ON THIS DISKETTE
IS CLASSIFIED
TRADE SECRET/PROPRIETARY
AND IS PROTECTED
UNDER IDAPA 31.01.01.067 AND 31.01.233.

5. I am advised that contained within the Confidential Diskettes is a forward projection by Avista of future electric power prices for the forward months of January 2007 through December 2026. From such projection, it would be possible to derive Avista’s methodology used to derive its projections of future power prices (“forward price curves”). Such would be extremely useful to competitive buyers and sellers of electric power in western North America who also develop their own proprietary forward price curves upon which, in part they base their buying and selling decisions. Based on this information, I am of the opinion that the compilation in the responses is a “Trade Secret” as defined by Idaho Code Sections 9-340D and 48-801 and, therefore is protected by law from public disclosure.

6. The Company herein asserts that the foregoing executable data input and output files related to AURORA software contained on the Confidential Diskettes and the forward price curve information contained on the Confidential Diskettes are proprietary and confidential information and should be protected from public inspection, examination and copying, and should be utilized only in accordance with the terms of the PROTECTIVE AGREEMENT BETWEEN AVISTA CORPORATION AND IDAHO PUBLIC UTILITIES COMMISSION STAFF, entered on or about October 26, 2005.

RESPECTFULLY SUBMITTED this 26th day of October 26, 2005.

A handwritten signature in black ink, appearing to read "D. J. Meyer", is written over a horizontal line.

David J. Meyer
Vice President, Chief Counsel For
Regulatory and Governmental Affairs

