

Heinz Frozen Food Company



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IDAHO PUBLIC
UTILITIES COMMISSION

Affiliate of H. J. Heinz Company

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Idaho Public Utilities Commission
P.O. Box 83720
Boise, Idaho 83720-0074

Re: Motion to Protect Trade Secret and Confidential Information
of a Non-Party in Case No. IPC-E-06-9

Dear Sir or Madam:

Earlier this week, H. J. Heinz Company, L.P. ("Heinz") was notified by Idaho Power Company that information, materials, correspondence and data from Heinz relating to a possible combined heat and power facility ("CHP") at Heinz's Ontario, Oregon factory site (the "Possible Project") would be released by Idaho Power to the Industrial Customers of Idaho Power ("ICIP"), which have petitioned to intervene in the above-captioned case. Heinz objects to providing ICIP with such information concerning the Possible Project.

Information about the Possible Project is sensitive propriety commercial information of Heinz which should not be provided to the ICIP, which includes direct competitors of Heinz. Information provided by Heinz to Idaho Power relating to the Possible Project includes information about Heinz's factory requirements, projected growth and cost efficiencies, all of which is highly sensitive information.

When Heinz disclosed this information to Idaho Power it was subject to a mutual understanding that such submissions would be maintained as confidential and not disclosed to direct competitors or others of the public. In fact, such disclosures of sensitive, propriety information about Heinz's plans and costs at the Ontario facility to direct competitors would be in violation of Federal and State laws governing antitrust, unfair competition and unlawful disclosure of trade secrets. Failure to honor the reasonable expectations of Heinz for confidentiality of its sensitive propriety commercial information would also be to the detriment of the public at large, who have an interest in providing Idaho Power Company with confidential information about projected future energy needs and plans.

The prejudice to Heinz in providing sensitive propriety information to ICIP should be evaluated in light of its negligible or no value to ICIP in relation to its

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intervention in the above-captioned case. Heinz has not made any final decision to undertake the Possible Project and a project of this nature could be initiated by any Idaho Power customer at any time. The potential for energy savings by Idaho Power customers through CHP may be explored without having data regarding a particular proposed project which may or may not proceed, and if it proceeds, could have an entirely different character than as outlined in the sensitive propriety information of Heinz in the files of Idaho Power.

Additionally, Heinz is not persuaded by restrictions on the extent or breadth of the disclosures to ICIP. Such restrictions do not allow Heinz's legitimate commercial concerns nor the antitrust, unfair competition or trade secret law problems posed by disclosure.

In summary, Heinz requests that the Idaho Public Utilities Commission and Idaho Power Company withhold all information received from Heinz with respect to the Possible Project as the potential violation of antitrust, unfair competition and trade secret laws and damage to Heinz's legitimate commercial interests is substantial and the benefit to ICIP in its intervention in the above-captioned case is very small and probably non-existent.

Respectfully,

H. J. Heinz Company, L.P.

By: Carl B. Krueger, Jr.

Name: Carl B. Krueger, Jr.

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