

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

Re: PETITION FOR RECONSIDERATION OF CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY FOR THE BOARDMAN TO
HEMINGWAY TRANSMISSION LINE

COMPLAINT

Irene Gilbert, a person representing herself and the public interest, hereby files this Complaint against PacifiCorp and Idaho Power (hereafter “Defendants”) pursuant to ORS 756.500, seeking reconsideration of the Certificate of Public Convenience and Necessity (CPCN) in PCN 5 granted for the Boardman-to-Hemingway (B2H) transmission Line.

JURISDICTION AND PARTIES

1. This Complaint is filed under the authority granted by ORS 756.500(l) allowing “any person” to file a complaint before the Public Utility Commission of Oregon (OPUC) against a person whose business or activities are regulated by the Commission. PacifiCorp and Idaho Power are electric utilities operating in Oregon which are regulated by the OPUC.

BACKGROUND OF BOARDMAN-TO-HEMINGWAY PROJECT AND CPCN-5

The B2H transmission line is an approximately 290-mile high-voltage 500-KV transmission line. On June 29, 2023, the OPUC granted a Certificate of Public Convenience and Necessity Order No. 23-225, to Idaho Power Company (IPC). IPC is a joint partner in B2H for the construction of the transmission line having a 45.45% interest in the transmission line. The OPUC specifically identified the inclusion of the B2H transmission line in PacifiCorp’s IRP as a basis for finding that the B2H project was “justified in the public interest”.

ORS 758.015 provides that:

When any person..providing electric utility service..., proposes to
construct an overhead transmission line which will necessitate a

condemnation of land or an interest therein, it shall petition the Public Utility Commission for a certificate of public convenience and necessity setting forth a detailed description and the purpose of the proposed transmission line, the estimated cost, the route to be followed, the availability of alternate routes, a description of other transmission lines connecting the same area, and such other information in such form as the commission may reasonably require in determining the public convenience and necessity.

In its public interest determination, the Commission includes such considerations as “the benefits and costs to other Oregon utilities their customers, and all Oregonians, the value of connections to regional and inter-regional grids and to the petitioner’s non-Oregon service territories, and all Oregonians.”

PacifiCorp’s Opening Brief in the proceeding specifically references OAR 860-025-0035(1)(d) providing for consideration of benefits and costs to other Oregon utilities and its customers stating that as “majority owner of B2H once constructed” the impacts to PacifiCorp and its customers are particularly relevant. It has now been determined that the benefits will address a single Oregon Customer rather than all PacifiCorp’s customers. The benefits now fail to justify the losses to property owners and resources of the state of Oregon. Idaho Power only serves approximately 20,000 Oregon Customers.

Removal of PacifiCorp’s 54.55% interest in the transmission line as a public use removes their stated net benefits of \$1.713 billion dollars to their customers. The line will also no longer provide the public benefit of providing the ability to export additional energy generation capacity from its East balancing authority area to its West balancing authority area to support grid reliability. Providing electricity to only one or two large companies through private contract can not be considered a “public need”. The condemnation actions are now primarily an act of condemning private property in order to transfer it to another private business entity. The courts have consistently held that property cannot be taken for private use, even with compensation. PacifiCorp’s 54.55% majority interest in the

transmission line justification can not be included in the determination to approve a CPCN. It seems questionable that this company failed to notice that they lack the capacity to move energy from the B2H line to other transmission routes given the stated purpose of the line and the substantial financial commitment that PacifiCorp has committed to.

The largest user of the B2H transmission line continues to be PacifiCorp for their private use. Idaho Power has not provided justification for the public use of their interest in the line since they assumed the BPA portion of the original plan for construction. The public use by Idaho Power cannot meet a “least cost” determination due to the fact that there are multiple other methods to meet that need including a combination of items such as hardening of existing lines, building or purchasing electricity accessible through their existing infrastructure, conservation, etc.

GROUND FOR COMPLAINT -DEVIATION FROM PUBLIC USE OF THE MAJORITY OF THE TRANSMISSION LINE CAPACITY

The change in use of the transmission line means it cannot be justified based on a finding that it is “necessary for public convenience”, “justified in the public interest” given the limited customers served and other resources available to meet their need. It is not justified based upon a need to “improve system reliability” due to the limited access to resources that would provide the ability for balancing East to West and West to East resources.

RELIEF SOUGHT

Complainant respectfully requests that the Public Utility Commission of Oregon:

1. Open an investigation into PacifiCorp’s stated change in purpose for the Boardman-to Hemingway transmission line.
2. Reconsider or revoke the Certificate of Public Convenience and Necessity for the B2H project, Order No. 23-225, if the Commission finds that PacifiCorp’s revised purpose for the line no longer aligns with the “public use”, “public convenience and necessity,” or “public interest” criteria upon which the CPCN was originally granted.
- 3 Petition for Reconsideration of PCN 5 for the Boardman to Hemingway Transmission Line

3. Issue any other orders or relief as the Commission deems just and appropriate to protect the public interest and ensure proper regulatory oversight of utility infrastructure projects.
4. Construction of the project has not yet commenced, or will have just started when this request is considered. Impacts to the defendants of a reconsideration or revocation of the CPCN compared to the unjustified taking of private property will not justify a failure to make the impacted property owners whole.

Dated this 24 day of June, 2025

Respectfully submitted,

/s/ Irene Gilbert

2310 Adams Ave.

La Grande, Oregon 97850

Email: ott.irene@frontier.com

Phone: 541-805-8446