

McDowell & Rackner PC



LISA F. RACKNER
Direct (503) 595-3925
lisa@mcd-law.com

March 13, 2009

VIA ELECTRONIC FILING

PUC Filing Center
Public Utility Commission of Oregon
PO Box 2148
Salem, OR 97308-2148

Re: Docket LC 41

Enclosed for filing in the above-reference docket are an original and one copy of Idaho Power Company's Answer to Stop Idaho Power's Petition to Intervene.

A copy of this filing has been served on all parties to this proceeding.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lisa Rackner". The signature is fluid and cursive, with a large loop at the end.

Lisa Rackner

Enclosures

cc: Service List

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

LC 41

In the Matter of Idaho Power Company's
Application to Include the Boardman to
Hemingway Transmission Line in its
Acknowledged Integrated Resource Plan
("IRP")

**IDAHO POWER COMPANY'S ANSWER
TO STOP IDAHO POWER'S PETITION TO
INTERVENE**

Pursuant to OAR 860-013-0050(1)(c), Idaho Power Company ("Idaho Power" or
"Company") hereby files its Answer to the Petition to Intervene filed by Stop Idaho Power
("SIP") on March 9, 2009. Idaho Power does not object to the intervention—provided the
scope is limited to issues relevant to the proceeding.

I. Introduction

In its most recent filing in this case, Idaho Power is seeking Commission
acknowledgement of its proposal to construct a new 500 kilovolt ("kV") transmission line
from the Boardman substation to the proposed Hemingway substation ("Boardman to
Hemingway line"). On March 9, 2009, SIP filed a Petition to Intervene ("Petition"). In the
Petition, SIP states that its purpose is "to secure the rerouting of the proposed Boardman-
Hemingway line from E[xclusive] F[arm] U[se] land in Malheur County or, lacking that,
preventing the construction of the line."¹ Prior to filing the Petition to Intervene, SIP filed a
letter and petition with the Commission that stated its express purpose was "to relocate the

¹ *Stop Idaho Power's Petition to Intervene*, Docket LC 41 at 1 (March 9, 2009) ("Petition").

1 Boardman to Hemingway (B2H) 500 kV transmission line.”² As far as Idaho Power knows,
2 the rerouting of the Boardman to Hemingway line is SIP’s *only* goal.

3 The purpose of the integrated resource plan (“IRP”) process is to evaluate the need
4 for and the cost effectiveness of Idaho Power’s proposed resource, as considered in general
5 terms. It is not the Commission’s role to approve or reject the precise routing of a
6 transmission line.

7 The Company acknowledges that SIP has asserted sufficient grounds to intervene.
8 In particular, SIP has stated that it intends to raise issues related to the need for and cost
9 effectiveness of the line, and the Commission’s jurisdiction to hold the proceedings.³ For
10 this reason, the Company does not oppose SIP’s requested intervention and in fact
11 welcomes the organization’s participation. However, given SIP’s stated goal of rerouting the
12 transmission line, the Company is concerned that SIP may improperly seek to enlarge the
13 scope of the proceeding by arguing about the proposed route for the Boardman to
14 Hemingway line. Therefore, the Company asks the Administrative Law Judge to clarify the
15 terms of SIP’s intervention by specifying that (a) the routing of the Boardman to Hemingway
16 line is not an issue in this docket; and (2) intervention is limited to only those issues properly
17 before the Commission and relevant to an IRP proceeding.
18

19

20

21

22

23

24 ² Letter from Roger and Jean Findley for Stop Idaho Power to Matthew Muldoon, Senior Economist,
25 Economic Research & Financial Analysis Division, received by the Commission on December 8, 2008
(emphasis added).

26 ³ The Petition also states that SIP intends to ask the Commission to dismiss the application on
“prudential grounds.” Petition at 1-2.

1 **II. Background**

2 **A. LC 41**

3 On February 5, 2009, the Company filed an Application seeking Commission
4 acknowledgment of the Company's proposal—described in an Addendum to its
5 acknowledged 2006 IRP⁴ ("Addendum")—to build a 500 kV transmission line from
6 Boardman to Hemingway.⁵ This proposed line will provide the Company with critical
7 capacity required to serve its Oregon and Idaho retail customer loads and maintain
8 reliability. Pursuant to Commission Orders Nos. 89-507 and 07-002, the Company seeks
9 acknowledgement from the Commission that the Company's planned transmission line is
10 reasonable, cost effective, and necessary to ensure that Company customers receive
11 adequate services at reasonable rates.⁶ The Company does not request that the
12 Commission review, approve, or acknowledge the actual routing of the line.
13

14 **B. Procedure for Certification of Transmission Line**

15 1. *EFSC Jurisdiction of Transmission Line Routing*

16 Before the Company can begin construction, it must obtain a site certificate issued
17 by Oregon's Energy Facility Siting Council ("EFSC")—a part of the Oregon Department of
18

19
20
21 ⁴ *In the Matter of Idaho Power Company Application for Adoption of its 2006 Integrated Resource Plan, Docket LC 41, Order No. 07-394 (Sept. 12, 2007).*

22 ⁵ *In the Matter of Idaho Power Company Application for Adoption of its 2006 Integrated Resource Plan, Application to Include Boardman to Hemingway Transmission Line in its Acknowledged*
23 *Integrated Resource Plan, Docket LC 41 (Feb. 5, 2009).*

24 ⁶ *Re Least-cost Planning for Resource Acquisitions, Docket UM 180, Order 89-507, 102 P.U.R.4th*
25 *301, 1989 WL 418453 (April 20, 1989) ("Order No. 89-507"); and In the Matter of Public Utility*
26 *Commission Investigation Into Integrated Resource Planning, Docket UM 1056, Order No. 07-002*
(Jan. 8, 2007) ("Order No. 07-002").

1 Administrative Affairs.⁷ This certificate authorizes the construction of the proposed
2 transmission line along the route approved by the EFSC.⁸ Thus, the ultimate decision as to
3 the siting and routing of the proposed Boardman the Hemingway line belongs EFSC—and
4 not to the Commission.

5 Oregon statutes allow extensive public participation in the EFSC siting process. The
6 EFSC is required to hold public meetings in the area affected by the siting proposal and
7 elsewhere as deemed appropriate.⁹ In addition to the public hearings, the EFSC is also
8 required to conduct a public contested case hearing.¹⁰ Any party that participates in the
9 public hearings may be authorized to participate in the contested case proceeding.¹¹

10 2. *Satisfying EFSC "Need" Showing through Commission*
11 *Acknowledgement of Least Cost Plan.*
12

13 The EFSC will issue a site certificate authorizing the construction of a transmission
14 line ("non-generating facility") only after the Company demonstrates a need for the facility in
15 accordance with EFSC's least-cost plan rule.¹² The requirements of the least-cost plan rule
16 can in turn be met through a Commission acknowledgement of the resource in the
17 Company's "least cost plan" or, as currently named, IRP.¹³ In this case, Idaho Power hopes
18

19 _____
⁷ ORS 469.320(1).

20 ⁸ ORS 469.350(1) and ORS 469.401(1).

21 ⁹ ORS 469.370(2).

22 ¹⁰ ORS 469.370(5).

23 ¹¹ *Id.*

24 ¹² OAR 345-023-0005(1).

25 ¹³ OAR 345-023-0020(2).

1 to satisfy EFSC's least cost plan rule's requirement through an acknowledgement of its IRP
2 Addendum in this docket.¹⁴

3 Following the issuance of the siting certificate by the EFSC, the Company must then
4 seek a Certificate of Public Convenience and Necessity ("CPNC") from the Commission.¹⁵

5 **C. Stop Idaho Power**

6 SIP is a non-profit organization whose mission is to alter the proposed route of Idaho
7 Power Company's proposed Boardman to Hemingway transmission line in Malheur County,
8 Oregon.¹⁶ Specifically, as described by SIP in letters to landowners along the proposed
9 route, "Stop Idaho Power's primary goal is to have this line moved from exclusive farm use-
10 zoned land in Malheur County to public land in Malheur County, Oregon, or to Idaho."¹⁷ SIP
11

12
13
14 ¹⁴ If the Commission acknowledges the Company's proposed plan, however, that does not mean that
15 the EFSC will automatically issue a site certificate and authorize construction along the route
16 proposed by the Company. A demonstration of need is only one of many requirements the Company
17 must satisfy before issuance of the site certificate. See ORS 469.310 (siting decisions must be
18 consistent with the health and welfare of the people of Oregon); OAR 345-022-0000 to 345-022-0120
(general standards for siting facilities).

19 ¹⁵ See ORS 758.015.

20 ¹⁶ See Petition ("purpose is to secure the rerouting of the proposed Boardman-Hemingway line") and
21 Letter from Thomas H. Nelson to Administrative Law Judge Alan Arlow, dated February 17, 2009 ("an
22 Oregon nonprofit organization that seeks to alter the proposed route of Idaho Power Company's
23 proposed Boardman to Hemingway transmission line in Malheur County, Oregon").

24 ¹⁷ Letter from Stop Idaho Power to Neighbors for 8 Groups (Dec. 2008-Jan. 2009) <http://www.kenningtons.com/blm/Lettertoneighbor12_08.doc>. In addition, in November 2008, SIP sent identical
25 letters to the Oregon Department of Energy, Bureau of Land Management, and Idaho Power. Those
26 letters objected to the route of the proposed line stating, "The proposed line is simply not needed *in that location*." Letter from Stop Idaho Power to Adam Bless, Energy Facility Analyst, Oregon Dept. of
Energy (Nov. 2008) <http://www.kenningtons.com/blm/ODOE_Letter.pdf>; and Letter from Stop
Idaho Power to Lucas Lucero, Project Manager, Bureau of Land Management (Nov. 2008)
<http://www.kenningtons.com/blm/BLM_letter.pdf>; and Letter from Stop Idaho Power to Eric
Hackett, Project Manager, Idaho Power Company (Nov. 2008) <http://www.kenningtons.com/blm/Idaho_Power_Letter.pdf> (emphasis added).

1 has also drafted a petition to request "Idaho Power to *reroute* its proposed 500 kV
2 transmission corridors."¹⁸

3

4

III. Argument

5

6

7

8

The Commission should accept SIP's Petition to Intervene. However, in so doing,
the Commission should clarify that (1) the routing of the Boardman to Hemingway line is not
an issue in this docket; and (2) SIP's intervention is limited to only those issues properly
before the Commission in an IRP docket.

9

10

11

12

13

14

15

16

In allowing a party to intervene in a docket, the Commission may do so subject to
appropriate conditions.¹⁹ For instance, the Commission may limit intervention—or deny it
outright—if granting the intervention unreasonably (1) broadens the issues; (2) burdens the
record; or (3) delays the proceedings.²⁰ Here, SIP's Petition states it does not intend to
broaden the issues in the docket. However, the Petition also states that SIP's primary
purpose is to reroute the Boardman to Hemingway line—an issue not before the
Commission in this docket.

17

18

19

20

21

22

23

24

25

26

The purpose of an IRP proceeding is to "assure an adequate and reliable supply of
energy at the least cost to the utility and its customers consistent with the long-run public
interest."²¹ To accomplish this goal, utilities are required to file plans that include specific
procedural and substantive elements outlined in Order No. 07-002. In that Order the

¹⁸ *IP Petition to Reroute Boardman to Hemingway* <http://www.kenningtons.com/blm/Petition_to_Reroute_B2H.doc> (emphasis added).

¹⁹ ORS 756.525(2) and OAR 869-012-0001(2).

²⁰ ORS 756.525(2) and OAR 860-012-0001(3).

²¹ Order No. 89-507 at 8.

1 Commission adopted thirteen guidelines utilities must follow when filing an IRP. In
2 describing IRP requirements for transmission projects, the Commission's guidelines state
3 that the utility must include cost information for the proposed transmission project, as well
4 as, possible alternatives to the proposed project.²² The Commission's orders do not require
5 detailed routing information nor is a determination of the route appropriate for an IRP
6 proceeding. In fact, the Commission noted that "To keep the IRP process separate from the
7 procurement process, we prefer to acknowledge general, not specific, resources in the IRP
8 process."²³

9
10 On the other hand, the EFSC is specifically tasked with determining the appropriate
11 route for any new transmission project.²⁴ The Company will initiate the EFSC proceeding
12 once the IRP addendum is acknowledged.²⁵ That proceeding is the proper forum for SIP to
13 challenge the proposed route.

14 The Commission has recognized that routing determinations are not proper issues
15 for IRP proceedings. In a NW Natural IRP docket, several property owners intervened and
16 objected to the South Mist Pipeline Extension included in the proposed IRP.²⁶ The
17 intervenors argued the extension was a wrong choice for resource acquisition and raised
18 several issues regarding the EFSC process and the proposed route for the pipeline.²⁷ In

19 _____
20 ²² Order No. 07-002 at 13.

21 ²³ Order No. 07-002 at 25.

22 ²⁴ See generally ORS 469.300-469.563, 469.590-469.619, and 469.930-469.992.

23 ²⁵ Commission acknowledgment of a transmission project in an IRP proceeding is sufficient to satisfy
24 the showing of need required for routing approval by the EFSC. OAR 345-023-0005(1) and 345-023-
0020(2).

25 ²⁶ *In re NW Natural*, Docket LC 29, Order No. 00-782 (Dec. 11, 2000) ("Order No. 00-782").

26 ²⁷ Order No. 00-782 at 5-6.

1 addressing the issues raised by those intervenors, the Commission ruled that their
2 comments reflected “arguments more appropriately raised in the EFSC site certification
3 process” and not the IRP proceeding.²⁸

4 Here, SIP’s primary—if not only—purpose is to reroute the transmission line and it
5 has already raised this issue in its first Commission filing in this docket.²⁹ Because this IRP
6 proceeding is focused on the determination of the need for the Boardman to Hemingway line
7 and not its route, intervention should be properly limited to the issue of the necessity for the
8 transmission line and not to its route.

9 If SIP is allowed to intervene without the clarification the Company seeks, the scope
10 of the proceeding may be unreasonably broadened to include issues not relevant to an IRP
11 proceeding, thus burdening the record and delaying the proceeding. Moreover, SIP and its
12 members may participate in the routing decision through the Company’s EFSC proceeding.
13 For this reason, limiting SIP’s participation to the IRP issues will not foreclose the
14 organization from challenging the routing decision; it will simply require it to do so in the
15 proper forum.
16

17 18 **IV. Conclusion**

19 Idaho Power welcomes SIP’s participation in this docket on all issues relevant to the
20 Commission’s investigation. The integrity of the IRP process, however, requires that the
21 scope of the proceeding be limited to relevant issues properly before the Commission. For
22 this reason the Company requests that the ALJ clarify that, by accepting SIP’s intervention it
23

24 ²⁸ Order No. 00-782 at 8.

25 ²⁹ Letter from Roger and Jean Findley for Stop Idaho Power to Matthew Muldoon, Senior Economist,
26 Economic Research & Financial Analysis Division, received by the Commission on December 8,
2008.

1 is not agreeing that the routing of the Boardman to Hemingway line is properly before the
2 Commission, and further that the Commission will entertain only those issues that are
3 properly before it in this IRP docket.

4
5 Respectfully submitted this 13th day of March, 2009.

6
7 **MCDOWELL & RACKNER PC**

8 

9
10
11
12 Lisa F. Rackner

13
14
15 **IDAHO POWER COMPANY**

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

Barton L. Kline
Corporate Counsel
1221 West Idaho Street
P.O. Box 70
Boise, Idaho 83707

Attorneys for Idaho Power Company

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing document in Docket LC 41 on the following named persons on the date indicated below by e-mail addressed to said persons at his or her last-known address indicated below.

Robert Jenks Citizens' Utility Board of Oregon 610 SW Broadway, Suite 308 Portland, OR 97205 bob@oregoncub.org	G. Catriona McCracken Citizens' Utility Board of Oregon 610 SW Broadway, Suite 308 Portland, OR 97205 catriona@oregoncub.org
Gordon Feighner Citizens' Utility Board of Oregon 610 SW Broadway, Suite 308 Portland, OR 97205 Gordon@oregoncub.org	Stop Idaho Power 3535 Butte Drive Ontario OR 97914 rogerfindley@q.com
Adam Bless Senior Facility Analyst Oregon Department Of Energy 625 Marion St NE Salem OR 97301 adam.bless@state.or.us	Vijay A Satyal Senior Policy Analyst Oregon Department Of Energy 625 Marion St NE Salem OR 97301 vijay.a.satyal@state.or.us
Janet L Prewitt Assistant Ag Department of Justice Natural Resources Section 1162 Court St NE Salem OR 97301-4096 janet.prewitt@doj.state.or.us	Jason W. Jones Assistant Attorney General Department of Justice Regulated Utility & Business Section 1162 Court St NE Salem OR 97301-4096 jason.w.jones@state.or.us
Thomas H. Nelson PO Box 1211 24525 E. Welches Road, Suite 7 Welches, OR 97067-1211 nelson@thnelson.com	Charles H. Combs Bonneville Power Administration chcombs@bpa.gov
Brian Silverstein Bonneville Power Administration blsilverstein@bpa.gov	Julie Fulgate 2320 Hwy 201 Nyssa OR 97913
Susan A Carlson PO Box 294 Ontario OR 97914	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DATED: March 13, 2009



Lisa Rackner
Attorney for Idaho Power Company