

Date: 9/15/22

To: PCN-5 docket list

From: Jim Kreider for the STOP B2H Coalition

Re: PCN 5 - Prehearing Conference

The STOP B2H Coalition feels that the October 11 date is too soon to set a procedural schedule for this docket, PCN - 5 for the following reasons:

1. The CPCN rules that this is will be conducted under are unknown. There is no draft out and the commission is going to decide on Tuesday 10/20/22 and the decision might be appealed;
2. Potential interveners (landowners and other interested parties) do not know about this docket because it has not been filed. When filed, potential interveners will need time to:
 - a. Read/understand the CPCN rules,
 - b. Read/understand OPUC contested case rules,
 - c. Organize themselves as a group or individuals,
 - d. Identify and contract with an attorney to represent the group, choose to represent themselves, or a combination of the two,
 - e. File to be interveners,
 - f. [File a consent to be bound for the protective order](#),
 - g. Request huddle access, read all materials, and develop strategies,
 - h. Then a procedural schedule can be discussed when we know who the parties are.
3. Landowners, those to be condemned, are currently very confused. Idaho Power has sent landowners a letter with the subject: [Docket No. PCN-5 – Idaho Power Company’s Notice of Intent to File a Petition for Certificate of Public Convenience and Necessity](#). These actions are very problematic and STOP would suggest unethical; we outline some of the concerns below:
 - a. The list of landowners is unknown. STOP needs a copy of this list to inform landowners of the processes available to them to defend themselves. In IPC’s letter to landowners these are the links given ([Oregon.gov/puc](#) and [Oregon.gov/puc/news-events/Pages/Formal-Proceedings.aspx](#)) to define the process. These links are not very helpful to a person being served these papers. Think: deer in headlights!

STOP has asked staff for this list of landowners and have been told a huddle data request is the method to ask for this information. STOP has requested huddle access but as of this writing that access has not been granted to STOP’s existing huddle account. Once granted it will take 2 weeks from the date of the request to know if IPC will grant that request. Then a mailing has to go out giving it enough time to get to the landowners, time for them to contact STOP to assess their personal situations, then determine their best course of action. This timeframe must be added to 2 a-h before a procedural schedule can be discussed.

- b. In the filing IPC states that, “Because of the need for a Commission order by May 2023, and to aid the Commission in its review of the Company’s upcoming request, Idaho Power has filed its responses to the Standard Data Requests on the Commission’s Huddle site.” STOP cannot review these because its Huddle request has not been granted. In fact we don’t know if this will be a part of the rules. This is very confusing and scary to an individual getting a letter like this for the first time. Another action that can be construed to be unethical.
- c. In the section, The Petition for a CPCN for the B2H Project, the company opens;

“Idaho Power will be submitting its Petition prior to obtaining the outstanding permits and approvals due to scheduling constraints. To begin construction in 2023, the Company will need access to the affected parcels. Idaho Power is currently negotiating with landowners in good faith to obtain options for easements, however, Idaho Power anticipates it may need to

initiate condemnation proceedings to gain access to certain parcels along the B2H project.

Idaho Power must first obtain a CPCN before initiating condemnation.”

Farther down in the section it says, “In addition, the Company has prepared the following proposed schedule for processing of the Petition.” Then lists a detailed contested case schedule with an accelerated timeline. The word “proposed” is only listed once and from the many landowners I’ve talked to since this has gone out that word proposed is lost. They are hearing all the other threatening words that imply this is what we’re going to do to you to take your land.

STOP B2H was formed to assist those wishing to argue that the B2H is unneeded for assorted reasons which are described in our petition to intervene. STOP’s actions in bringing the federal agencies to federal court for their Environmental Impact Statement (EIS) and Record of Decision (ROD), participating in an ongoing contested case with ODOE and the Energy Facilities Siting Council (EFSC) and now this proceeding demonstrate that landowners are a part of this coalition.

STOP and its members need time to assess the situation before a procedural schedule can be discussed much less set. If the topics outlined above, and other issues not enumerated above, are not addressed first, then any Prehearing Conference is pre-mature. STOP recommends the above issues be addressed at this Prehearing Conference. If the agenda is changed, we will be happy to participate on October 11th.