

1 **BEFORE THE PUBLIC UTILITY COMMISSION**  
2 **OF OREGON**

3 **PCN 5**

4 In the Matter of

5 IDAHO POWER COMPANY,

6 Petition for Certificate of Public Convenience  
7 and Necessity.

STAFF RESPONSE TO STOP B2H COALITION  
MOTION FOR PROPER NOTICE

8 In a motion filed December 29, 2022, titled “Motion for proper notification of all persons  
9 who have interests, known or of record, in the land to be physically impacted or traversed by the  
10 proposed route OAR 860-025-0030(2)(f)” (STOP B2H Motion), Intervenor STOP B2H alleges  
11 “that [Idaho Power Company (Idaho Power)] did not comply with OAR 860-025-0030(2)(f)  
12 since they made matters more confusing and misinformed the landowners they were to inform.  
13 This created frustration and un-necessary anxiety, rather than bringing clarity to the situation. In  
14 doing so they took away the landowners’ rights to a fair and just process.” Intervenor STOP  
15 B2H alleges that Idaho Power sent a notice of intent to file a petition for certificate of public  
16 convenience and necessity to landowners that included a proposed schedule for the docket. See  
17 STOP B2H Motion at 1. Intervenor STOP B2H further alleges that Idaho Power sent a notice  
18 filing of the petition for certificate of public convenience and necessity to landowners that also  
19 included a proposed schedule for the docket. The schedule for this docket set by the  
20 Administrative Law Judge (ALJ) differs from the schedule proposed by Idaho Power.

21 Staff of the Public Utility Commission of Oregon (Staff) responds to the STOP B2H  
22 Motion with the following points and authorities.

23 Under OAR 860-025-0030(2)(f), a party filing a petition for a certificate of public  
24 convenience and necessity must include with the petition a certification verifying that notice of  
25 the petition has been mailed to all persons who have interests, known or of record, in the land to  
26 be physically impacted or traversed by the proposed route from whom petitioner has not yet

1 acquired the interest, rights of way or option therefor. STOP B2H does not allege in its motion  
2 that Idaho Power did not certify it had mailed notice of the Petition for Certificate of Public  
3 Convenience and Necessity to affected landowners. STOP B2H merely asserts that that notice  
4 included the utility's proposed schedule for the docket. Staff Idaho Power met the notice  
5 requirement of OAR 860-025-0030(2)(f), and was not required to serve notice of its proposed  
6 schedule.

7 Contrary to what is alleged in STOP B2H Motion, Idaho Power's proposed schedule was  
8 not incorrect. Their Petition filing contained the Company's proposed schedule. That the  
9 procedural schedule later established for the docket is different does not mean the Company's  
10 proposal was incorrect.

11 The procedural schedule and associated changes adopted by the ALJ for this docket were  
12 correctly served on the service list for the docket. The Commission maintains an official service  
13 list for each contested case docket, and service is complete when a filing is made with the  
14 Commission's Filing Center or as may otherwise be required under the Commission's procedural  
15 rules in OAR Chapter 860, Division 1. See OAR 860-001-0170; OAR 860-001-0180. To be  
16 included on the service list, a person may file a petition to intervene or request to be added to the  
17 service list under OAR 860-001-0300. STOP B2H does not allege service was not made to any  
18 person on the Commission's service list. STOP B2H does not state any basis in law for the right  
19 to receive service of filings in the docket by any person who is not on the service list.

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1 For the foregoing reasons, Staff requests the Commission deny the STOP B2H Motion.

2 DATED this 6<sup>th</sup> day of January 2023.

3 Respectfully submitted,

4 ELLEN F. ROSENBLUM  
5 Attorney General

6 */s/ Johanna M. Riemenschneider*

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8 Senior Assistant Attorney General  
9 Of Attorneys for Staff of the Public Utility  
10 Commission of Oregon  
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