

To: PCN 5 Service list  
From: Jim Kreider, STOP B2H Coalition  
Re: STOP B2H Coalition's verbal comment in writing from the 11/16/22 PCN 5 public meeting in La Grande  
Date: 11/22/22

STOP B2H Coalition opening comments for OPUC PCN 5 Idaho Power Condemnation for the B2H

1. **Acknowledge Action Item #1**

This petition and docket, PCN 5 Idaho Power Condemnation for the B2H, should be terminated and refilled at a later date. This is per Idaho Powers 2021 IRP action plan item #1 and the OPUC staffs agreement and recommendation for acknowledgement of this action item to the OPUC Commission:

- a. In IPC's 2021 IRP on page 167 (pdf p 221) in Table 11.9 of the 2021-2027 Action Plan IPC states, "Conduct ongoing B2H permitting activities. Negotiate and execute B2H partner construction agreements. Once the agreements are in place, file for a certificate of public convenience and necessity with state commissions.
- b. On page 1 of staff's 10/28/22 recommendation memo regarding this action item for the Commissions Special meeting on 11/29/22 staff recommends acknowledging this action item. Conduct ongoing Boardman to Hemmingway (B2H) permitting activities. Negotiate and execute B2H partner construction agreements. Once the agreements are in place, file for a certificate of public convenience and necessity with state Commissions. (2022)

STOP totally concurs with the company and staff. Partner construction agreements need to be negotiated and executed and in place BEFORE a certificate of public convenience and necessity is filed.

2. **PAC did not ask for acknowledgement to construct the B2H in their 2021 IRP – application incomplete**

It should also be noted that even if PAC did sign the construction agreement they have not sought acknowledgement to construct the B2H from the commission and have not produced a budget. We just see IPC's unrealistic numbers listing their 45%. Where is PAC's 55%? As we know from PAC and IPC's shared management of the Jim Bridger units their budget numbers (O&M) often do not match do to the companies different accounting methodologies.

In PAC's 2021 IRP action plan item 3c on p 25 it states,

Boardman-to-Hemmingway (500 kV transmission line):

- Continue to support the project under the conditions of the Boardman-to-Hemmingway Transmission Project (B2H) Joint Permit Funding Agreement. **Note: this is not a construction agreement**
- Continue to participate in the development and negotiations of the construction agreement.

- Continue to participate in "pre-construction" activities in support of the 2026 in-service date.
- Continue negotiations for plan of service post B2H for parties to the permitting agreement.

3. **OPUC Commissioner Bloom stated expected to see PAC before the OPUC for construction acknowledgement**

In 2017 OPUC commissioner Bloom stated that he expected to see PacifiCorp's IRP before the OPUC for acknowledgment of B2H. He stated that the action that day was an acknowledgment for Idaho Power and was NOT an acknowledgment for PacifiCorp, a 54% capacity participant of the project. A review of the video of the final 2017 IRP hearing shows Commissioner Bloom at 4:16:18 say:

"My concerns are that Idaho power is the 24% participant and the two big parties, BPA which we can't control, and PAC doesn't even have it in their IRP. So if we acknowledge this IRP for Idaho power this is not an acknowledgment for PAC. They are going to have to do all their own work on this to convince us that it's still in the money.

4. **Landowners do not have a correct procedural schedule – corrected schedules need to be sent**

Idaho Power has sent out 2 letters to landowners with different schedules. After the preconference hearing the ALJ sent out a revised schedule but that had to be modified because of religious holiday conflicts. As of 10/28/22 we have a final schedule after 4 iterations. But who knows about this schedule? Not the landowners impacted since it only goes to the service list and we argue that has not been clearly communicated to all landowners.

Does the company or the PUC have an obligation to send the corrected schedule to all landowners? It seems like a due process question that could come back to haunt the docket? The company in their rush to get the docket going is misinforming landowners thus inhibiting their ability to participate. How can this error be corrected to allow everyone an equal opportunity to participate?

9/1/22 letter sent to all landowners with schedule

<https://edocs.puc.state.or.us/efdocs/HNA/pcn5hna16436.pdf>

<b>EVENT</b>	<b>DATE</b>
Idaho Power files Notice of Intent to file Petition and Standard Data Requests	9/1/2022
Idaho Power files Petition for CPCN and Testimony (and Request for Waiver if applicable)	9/30/2022
Commission consideration of Request for Waiver (if applicable)	10/4/2022
Prehearing Conference	10/3/2022 - 10/7/2022
Public Comment Hearing	10/7/2022
Petitions to Intervene	10/14/2022
Staff and Intervenor Opening Testimony	11/23/2022
Company Reply Testimony	1/26/2023
Witness List, Cross-Examination Statements and Exhibits	2/2/2023
Evidentiary Hearing	2/14/2023, 2/15/2023
All Party Opening Briefs	3/7/2023
All Party Reply Briefs	3/21/2023
Final Order	5/5/2023

9/30/22 letter sent to all landowners with schedule

<https://edocs.puc.state.or.us/efdocs/HNA/pcn5hna84954.pdf>

<b>EVENT</b>	<b>DATE</b>
Idaho Power files Notice of Intent to file Petition and Standard Data Requests	9/1/2022
Idaho Power files Petition for CPCN and Testimony	9/30/2022
Deadline for Submitting Proposed Schedule	10/7/2022
Prehearing Conference	10/11/2022
Public Comment Hearing	10/11/2022
Petitions to Intervene	10/18/2022
Staff and Intervenor Opening Testimony	11/23/2022
Company Reply Testimony	1/26/2023
Witness List, Cross-Examination Statements and Exhibits	2/2/2023
Evidentiary Hearing	2/14/2023, 2/15/2023
All Party Opening Briefs	3/7/2023
All Party Reply Briefs	3/21/2023
Final Order	5/5/2023

10/20/22 ALJ Scheduling memo with options. Posted to docket not mailed via post

<https://edocs.puc.state.or.us/efdocs/HDA/pcn5hda15939.pdf>

Event	Current Schedule	Option 1	Option 2
Staff/Inv. Opening Testimony	January 9, 2023	January 9, 2023	January 17, 2023
Idaho Power Reply Testimony	February 13, 2023	February 13, 2023	February 21, 2023
Staff/Int. Cross-Answering/Rebuttal Testimony	March 3, 2023	March 3, 2023	March 13, 2023
Idaho Power Surrebuttal Testimony	March 21, 2023	March 15, 2023	March 31, 2023
Witness List and Cross-Exam Statements	March 27, 2023	March 22, 2023	April 10, 2023
Exhibits	March 30, 2023	March 22, 2023	April 10, 2023
Evidentiary Hearing	April 5-6, 2023	March 29-30, 2023	April 19-20, 2023
All Party Opening Briefs	April 27, 2023	April 27, 2023	May 11, 2023
All Party Reply Briefs	May 11, 2023	May 11, 2023	May 25, 2023
Target Date for Commission Decision	June 16, 2023	June 16, 2023	June 30, 2023

10/28/22 ALJ scheduling memo with most recent schedule. Posted to docket not mailed via post

<https://edocs.puc.state.or.us/efdocs/HDA/pcn5hda15428.pdf>

Event	Date
Public Comment Hearing – In-Person, Gilbert Event Center, Eastern Oregon University, La Grande, Oregon	November 16, 2022, 6:00-8:00 p.m.
Staff and Intervenors’ Deadline for Topics for Initial IPC-Led Workshop	November 22, 2022
Public Comment Hearing – Remote via Zoom Video Conference	December 5, 2022, 6:00-7:00 p.m. <sup>1</sup>
Initial IPC-led Workshop	December 8, 2022
Scoping Workshop for Parties to Identify Issues of Concern That They Expect to Raise in Testimony	December 15, 2022
Requested deadline to file Petitions to Intervene <sup>2</sup>	December 16, 2022, 3:00 p.m.
Staff and Intervenor Opening Testimony	January 17, 2023, 3:00 p.m.
Idaho Power Reply Testimony <sup>3</sup>	February 21, 2023, 3:00 p.m.
Staff and Intervenors’ Cross-Answering and Rebuttal Testimony	March 13, 2023, 3:00 p.m.
Idaho Power Surrebuttal Testimony	March 31, 2023, 3:00 p.m.
Witness List, Cross-Exam Statements, and Exhibits	April 10, 2023, 3:00 p.m.
Evidentiary Hearing – Hybrid In-Person/Remote; <b>TENTATIVE</b> In-Person Component at OPUC Office, Salem, Oregon	April 19-20, 2023, 9:30 a.m.-4:30 p.m.
All Party Opening Briefs	May 11, 2023, 3:00 p.m.
All Party Reply Briefs	May 25, 2023, 3:00 p.m.
Target Date for Commission Decision	June 30, 2023

This concluded STOP’s verbal testimony.