

To: Public Utilities Commission

From: Greg D. Larkin, 59655 Morgan Lake Rd, La Grande, OR 97850

Subject: Objection to issuing Idaho Power a Certificate of Public Convenience regarding the Boardman to Hemingway Transmission Line.

My name is Greg Larkin. My home is located less than 650 feet from the planned transmission line and entering and exiting my property I will have to parallel the transmission line for 0.8 miles and at one point, drive right under it.

I object to the issuance of this certificate due to a failure of Idaho Power to meet the requirements of ORS 758.015 for the following reasons:

**758.015 Certificate of public convenience and necessity. Requires; “a detailed description and the purpose of the proposed transmission line, the estimated cost, the availability of alternate routes, a description of other transmission lines connecting the same areas, and such other information in such form as the commission may reasonably require in determining the public convenience and necessity.**

(2) The commission shall **“make the commission’s own investigation to determine the necessity, safety, practicability and justification in the public interest for the proposed transmission line and shall enter an order accordingly.”**

Regarding transmission lines that are approved by the Energy Facility Siting Council for the same transmission line, the statute states “In any proceeding for condemnation, a certified copy of such order shall be conclusive evidence that the

transmission line for which the land is required is a public use and necessary for public convenience.”

Idaho Power is under-estimating the cost of the transmission line due to the following:

1. They are claiming that the cost of the transmission line is the same now as it was in 2016 in spite of the fact that inflation has significantly increased the cost of every part of the development and will continue to rise. Raw materials including fuel, metals, transmission line, labor and permitting have all gone up. For example, Idaho Power has spent over 4 million dollars just in processing their application for a site certificate and multiple items required remain undone. There are several planned appeals to the Oregon Supreme Court which will be forthcoming; estimates for the compensation to landowners for the right of way are severely underestimated and the cost estimates appear to have been developed with the outcome being the focus rather than the actual projected costs based upon the real world impacts of the economic situation currently being faced.
2. They value the “forest land” they claim will be crossed in Union County at \$97,000 (all total). The Energy Facility Siting Council has established a value for purposes of obtaining a right of way at \$23.1 million dollars under eminent domain statutes.

The amount of forest land that is being claimed by Idaho Power is significantly less than the actual amount due to Idaho Power failing to follow state Land Use statutes and court decisions to identify forest land by identifying the ability of the soil to produce trees. Land that is designated as agricultural land requires a much smaller amount of mitigation than forest land where the statutes require a minimum

amount of compensation that must be ordered if land is obtained through eminent domain. The methods used to decide what was agricultural and what was forest land by Idaho Power is being appealed to the Oregon Supreme Court. In addition, an action to Initiate an LCDC investigation and requirement to use the state statutes rather than the county rules to decide what is forest land has been started on behalf of landowners in Union County. These actions, if successful, will significantly increase the amount of land that needs to receive the approximately \$40,100.00 per acre that the Oregon Department of Energy Identified as the actual value being taken. Idaho Power has also under valued the forest land in Umatilla County in a similar fashion.

2. Idaho Power is relying upon an exemption from the DEQ noise rules to allow them to exceed the noise standards for purposes of approval of the site certificate. Even if this exemption survives the supreme court appeal, I still have the right to initiate civil proceedings due to the damages to my health and property as a result of the noise exceedences which will damage my health and reduce the value of all my land according to a multiple page report of property value changes after a transmission line is placed across property. Idaho Power is predicting that at least 41 residences along the transmission line route will exceed the noise limit. I have every intention of initiating a civil suit against Idaho Power due to the fact that the noise levels predicted will exacerbate my tinnitus to the extent that I will not be able to reside anywhere upon my property. I understand that there will be many other land owners who will be pursuing litigation due to the noise exceedences in the event that the appeal allowing an exception is not won.

3. My home is located in what is called the Morgan Lake, Glass Hill Wildland-Urban Interface Zone. This zone is ranked Number One for fire risk compared to all other

zones in Union County, but Idaho Power is claiming the area is not subject to extreme fire risk even though the rating given is 134.5 out of 150 points for wildfire risk. The transmission line will increase the fire risk from both human and lightning caused fires, but the most important issue is that there is only one way to escape my home, along with 24 other residences. The fire escape route is a gravel road that is very steep, narrow, and winding. Attempting to escape a fire when fire trucks and personnel are racing up the hill for initial attack will be extremely dangerous for the residents and fire fighters.

4. The site certificate also transfers the risk of expenses related to unforeseen circumstances resulting in Idaho Power not restoring the site if the line is abandoned or destroyed to the ratepayers. Idaho Power is only going to be required to maintain a bond of \$1.00 for restoration of the site for at least the next 50 years unless the EFSC decides to raise the amount because they are predicting that there will be some catastrophic or other event that is likely to require restoration of the site. Idaho Power successfully argued that in the event the site had to be restored due to unforeseen events and they did not do it, the PUC could require the ratepayers to pay for the restoration and it would not result in a risk to the state of Oregon or others to restore the site.

## SUMMARY

To issue a Certificate of Public Convenience the Public Utility Commission is to do their own evaluation of the issues identified in the above statute which needs to

include documenting that the statements of Idaho Power are actually true. This certificate of public convenience should not be issued due to the multiple financial costs that are being assumed by electricity users due to such things as:

- The significant risks of injury and death due to fires.
- Understated costs to electricity customers due to purchase of materials, labor, right of ways.
- The understated amount of forest land being crossed.
- Litigation and damage awards for noise exceedances.
- The huge liability being transferred to customers due to not having a bond adequate to restore the site.

The failure to address the disproportionate damages being inflicted on economically and social disadvantaged areas of the state being significantly understated. I can predict with a high level of certainty that the PUC will receive request after request to increase rates to customers due to the millions of dollars of unstated or understated expenses that will result from this transmission line if it is built.

I am retired due to job related tinnitus and heart problems. I have had to wear a heart monitor during part of the EFSC process due to the stress that Idaho Power has caused me (for over a decade). In spite of the fact that the Noise rules require consideration of the noise impacts to the health and safety of residences impacted, no review was done. According to the Oregon Health Department study on noise from wind developments, it is shown that noise and the impacts it has on sleep are responsible for multiple mental and physical health problems. Litigation regarding

noise alone will no doubt extend for years into the future since people like me are not able to initiate civil action against the owner of this transmission line until after it is built and the damages are occurring.

The idea of allowing this transmission line given the damages it will cause when there are so many other options available is impossible for me to understand.

At least once a week it seems there is some comment about how much electricity can be saved by conservation, or how microgrids are avoiding blackouts when utility lines go down, or the benefits of rooftop solar, or advances in new small capacity nuclear devices, or improved battery storage. The Wheatridge renewable energy development supposedly could provide reliable electricity to a town without having to use the grid at all. All these things make it increasingly likely that this utility line will have a limited lifespan and the ones paying for it will be the people who do not want it nor have the income to purchase other ways of getting their electricity.