

Public Utility Commission of Oregon

May 6, 2023

Filing Center

PO Box 1088

201 High Street S.E., Suite 100

Salem, OR 97308-1088

Re: Docket No. PCN-5 In the Matter of Idaho Power Company's Petition for Certificate of Public Convenience and Necessity

Dear Judge Mellgren:

I understand that petitioners are not able to make formal objections to the requests from Idaho Power and PacifiCorp to exclude Exhibits. Respectfully, I request that you consider the following in making your decision:

1. Throughout this CPCN process brought on by IP, I have been unable to represent myself due stress and health issues that have resulted from the threat of losing my home due to impacts of building the B2H transmission line.
2. I have relied heavily upon Irene Gilbert to develop and write material for me as at this time I lack the resources necessary to pay for an attorney to represent me.
3. Irene Gilbert provided documentation that she developed an acute medical condition starting the week of Cross-Examination. An unknown virus and allergies caused her eyes to burn, have extreme light sensitivity and a discharge. Her condition progressed to be significantly more debilitating with the addition coughing, laryngitis, and extreme exhaustion.
4. Ms. Gilbert was granted a 3 day extension to submit exhibits to support my issues. Unfortunately, the antibiotics did not address her symptoms for the first 3 days of the extension and she was unable to provide additional necessary exhibits or review what had been submitted by the extended due date. The submissions provided were by an individual who had not been involved in developing my documents.
5. Ms. Gilbert continues to deal with the remaining symptoms, the most problematic being a lack of energy and burning eyes, while attempting to

respond to the extensive list of objections to the exhibits that were submitted by Idaho Power.

The following items should be included in making your decision regarding the exhibits which can be included in my Opening Brief:

1. Your honor has indicated a desire to provide for the inclusion of material to provide a full file for this case.
2. Hearsay evidence is evidence, none the less, and should be included in the file.
3. Adhering to a strict interpretation of the rules when dealing with parties without the resources or availability of legal representation to defend themselves is contrary to providing for a full and complete review of the issues.

**Please consider the following in developing your Ruling on Objections to Exhibits which were filed against Greg Larkin by Idaho Power:**

--Pages 7-8 of Idaho Power's Objections to Parties Testimony and Exhibits.

The following Documents do not lack Foundation. They relate to the following issues which have been included in arguments during the course of the Contested Case Process, Idaho Power testimony and in Data Requests to provide documentation regarding the basis for requesting information.

**Noise Impacts of the B2H Transmission Line.**

--Do Negative Ions Affect People? If So, How? (healthline.com)

-- "Aeolian Vibration of Conductors: Theory, Laboratory Simulation and Field Measurement" A question was raised during the Confidential Cross-Examination about this noise issue and included the issue in my Data Requests.'

**Weed Impacts to Property Owners and Costs of a lack of compliance with State Law requiring no noxious weeds be allowed to go to seed.** This issue was included in testimony, the exhibit was provided in support of Data Requests regarding costs and impacts of Noxious Weeds spread by the development of the transmission line.

--GL/403: Union County Weed Control B2H Noxious Weed Plan Comments. --  
GL/404: Economic Impact from Selected Noxious Weeds in Oregon.

**Failure to provide mitigation for increased fire risk created by the transmission line, failure to identify high risk areas for fire along the transmission line route, costs being transferred to property owners and citizens to provide resources to address increased fire risks.** Exhibits were submitted with Data Requests for documentation that increased wildfire potential due to the B2H transmission line that was being mitigated for.

--GL/405: Union County Community Wildfire Protection Plan.

--Larkin/1105: Congressional Research Service—Wildfire Statistics (Mr. 1, 2023; -  
-Larkin/1109 – NWS 2020 Annual Fire Weather.

**Addition of PacifiCorp as major developer with a poor record regarding mitigation and avoidance of transmission line fires increases the liability transferred to electric users and the public.** Developer is not going to provide a bond that would restore the site should a catastrophic fire result in a failure to restore the site or a declaration of bankruptcy. PacifiCorp refused to respond to Data Requests regarding this issue claiming it was confidential. The exhibits document that there has been a record of wildfire issues with PacifiCorp transmission lines.

--Larkin 1117—PAC Labor Day Fires article.

--Larkin 1112 – FERC Orders PAC to Respond to Allegations of Reliability Violations.

--Larkin 1110 – OPB PacifiCorp Liability for Labor Day Fires.

-- Larkin 1106: Article – “Electric Utility PacifiCorp sued, accused of causing deadly McKinney Fire in Siskiyou County”.

**Transmission line costs to Oregon citizens due to negative impacts of line reducing tourism dollars to state.** Provided in support of Data Request 500.

--GL/501 – National Historic Oregon Trail Information Center (NHOTIC) Visitation Numbers, 1992-2015.

II. Objections to inclusion of Data Requests including exhibits supporting the basis for the requests. (Page 11-13 of Idaho Power’s Objections to Parties Testimony and Exhibits) Requests were directly related to objections provided in Greg

Larkin's Testimony during the proceeding. It was intended that the responses to the requests also be included as exhibits, however, Ms. Gilbert was unable to assure that all Exhibits were included (due to her illness) when the material was submitted.

The requests clearly indicate the issue that resulted in the Data Request and the Exhibits supported the legitimacy of the questions related to the issuance of a Certificate of Public Convenience and Necessity.

--Greg Larkin Data Request 100 and Attachments.

--GL/200 Greg Larkin Data Requests and Attachments.

--GL/300 Data Request for Mr. Bastach Questions 26-61 including references provided.

--Greg Larkin/400 Request Nos. 62-84 to Idaho Power.

--GL/500 Lindsey Barretto Data Requests and Exhibits.

--GL/800 Greg Larkin Data Requests to Mr. Bastasch.

--Requests form Greg Larkin to Idaho Power and Pacificorp Including Attachments.

III. Idaho Power objection to inclusion of the EFSC Contested Case Administrative Record. (Page 16 of Idaho Power's objections to parties Testimony and Exhibits) In spite of the fact that the PUC is to make a decision independently of the EFSC decisions, they reference the EFSC record multiple times in their arguments including referencing both broad comments as well as specific ones where the record provides information which contradicts the statements referenced. Absent access to the full record, the petitioners will be unable to utilize information which relates to the fact that the statements and decisions made by EFSC do not apply to the PUC decisions.

IV. Idaho Power objections to inclusion of Briefings Offered as Exhibits. (Page 19 of Idaho Power's Objections to Parties Testimony and Exhibits).

--Greg Larkin/124 and Larkin/704 are the same document. This document was provided due to the fact that it establishes the basis for arguments being offered during the PUC decision without repeating the same information. The documents address two issues (Failure to identify the extent of forest land impacted) and the bond (failure to provide a bond to provide funding for site restoration). Both these issues are related to the costs of the project to citizens and the state of Oregon.

Understating the extent of forest land being taken by the project means that Idaho Power is offering payments to landowners for right of ways that are significantly less than the actual loss of income from the land over the life of the project. The lack of a bond adequate to restore the site means that the obligation to restore the site falls on electric ratepayers and the public as unmitigated costs.

--Greg Larkin 1101 Anne Morrison Amicus Curiae Oregon Supreme Court Case No. 2019-A BC-02833) This document includes the writers sworn statement as to it's accuracy and exhibits documentation that ODOE and EFSC decisions, while can be considered, should not be relied upon in the PUC decision process due to the fact that ODOE's role in their decisions is to support the developer rather than address impacts to the public. This Amicus Curiae is directly related to the weight that the PUC should place on decisions that were made by ODOE and EFSC when evaluating the same development that is the subject of the request for a Certificate of Public Convenience and Necessity. It documents that the PUC needs to require a completed record including the final plans to provide for protection of the public safety, costs they are assuming, and interests being impacted in order to make a decision regarding the issuance of a Certificate.

**PacificCorp objections to Exhibits provided related to their role as major funders and owners of the B2H transmission line.**

A significant issue in the decision regarding whether or not to issue a Certificate of Public Convenience and Necessity needs to include the role and responsibilities of the primary owner and user of the transmission line, which is PacifiCorp. This company has failed to provide information required by the PUC to support a decision that it is appropriate to issue a Certificate. While there are multiple issues, those addressed by the Exhibits which PacifiCorp objects to, include the following: There is not a bond to assure that in the event that the site is not restored when the line is abandoned, the developer declares bankruptcy, or any other reason the line is no longer in use. This means that the costs of restoring the site will fall onto the electric users, landowners, and citizens of the state of Oregon. This is the first time that a bond of less than the required amount to restore the site has been allowed, and places the public at risk of this huge financial burden.

The burden is further exacerbated by the fact that the new primary owner of the line, PacifiCorp, has a poor record of providing mitigation to assure that there are not fires along the transmission line resulting in financial damages and loss of life due to their development. The documents and responses to Data Requests

document that the developer has a record of problems related to a failure to effectively mitigate for increased fire risks along their transmission line. The exhibits being objected to are based upon documenting this problem and that there is no established plan for what company is being held responsible or accountable for mitigation of fire potential, or responsibility for site restoration if that is necessary.

**The following Exhibits do not lack Foundation or Relevance:**

--Cross-Examination Exhibit Greg Larkin/1104, Commission Order No. 20-393. Docket No. UF 4318.

--Cross-Examination Exhibit Greg Larkin/1106 “Electric Utility PacifiCorp sued, accused of causing deadly McKinney Fire in Siskiyou County.”

--Cross-Examination Exhibit Larkin/1110, OPB News Article dated April 11, 2023, “PacifiCorp’s Labor Day fires through newly found texts, plaintiffs attorneys allege”.

--Cross-Examination Exhibit Larkin/1117, Statesman Journal News Article dated March 1, 2023, “As Labor Day fires exploded, Pacific Power employees worried power lines were at fault”.

--Cross-Examination Exhibit 1207, PacifiCorp responses to Greg Larkin data requests 2 through 7.

--Cross-Examination Statement filed on April 12, 2023, Subpart D on page 3.

--Myers Cross-Examination Statement filed April 12, 2023. PacifiCorp 2013 Major Event Report and extraneous statements concerning the report.

1. The above Exhibits being objected to document the fact that PacifiCorp has inserted a significant additional risk of the public being exposed to substantial uncompensated financial damages and loss of life due to fire risk.
2. The financial risk is increased due to the approval allowing Pacificorp to assume additional financial risk through approval of Commission Order No. 20-393 given the volatile market conditions indicating that the interest rates are not predictable.
3. Any objection to the use of Mr. Link to respond to Data Requests is unfounded. This is the person that PacifiCorp identified to submit testimony and represent the company during the Contested Case process.

4. Included in my concerns were in regarding the fire risk and costs of site restoration being moved from the developers to the public in my testimony and in the Data Requests which PacifiCorp failed to respond to.
5. The Exhibits were provided previously as part of the record regarding the issues of Safety, Costs and the lack of Information necessary for the PUC to determine whether a Certificate of Public Convenience and Necessity was appropriately issued at this time.
6. The exhibits support public concern that PacifiCorp inserts a significant increase in the probability of a financial collapse of the owners of the B2H transmission line resulting in significant financial burdens on the public given the previous and pending compensation for wildfires the company is credited with causing.
7. PacifiCorp refused to respond to Data Requests regarding the risk of fire that their involvement in the B2H project incorporates, stating the information was “Confidential”, necessitating the use of public documents to address the issues this impacts.
8. The parties were provided opportunity and encouraged to respond to the exhibits submitted with Data Requests in their responses.

Please support the inclusion of all Exhibits as they provide for a full picture of the issues before the PUC in their decision process and support a full review of the issues before the PUC regarding the issuance of a Certificate of Public Convenience and Necessity.

/s/Greg Larkin

**Greg Larkin DOCKET PCN 5 – CERTIFICATE OF SERVICE**

I hereby certify that on May 6, 2023 the above Motion to Adjust Opening Briefs Deadline was served in person to the following person:

John C. Williams

PO Box 1384

La Grande, Oregon 97850

/s/ Greg Larkin

Greg Larkin, Petitioner