

November 13, 2025

Via Email

Public Utility Commission of Oregon

Attn: Filing Center

201 High Street SE, Suite 100

Salem, OR. 97301-3398

Subject: Public Comment UM 2394, Petition for Reconsideration of Certificate of Public Convenience and Necessity for the Boardman-to-Hemingway Transmission Line: Rescinding Order 23-225, **STOP B2H Coalition Public Hearing Testimony for the Record**

**Good morning, Chair Tawney, Commissioner Perkins, and Commissioner Power.**

My name is Jim Kreider, representing The STOP B2H Coalition. We are here today to request that the Commission exercise its authority under **ORS 756.568** to immediately **rescind and revoke the Certificate of Public Convenience and Necessity (CPCN), Order No. 23-225**, for the Boardman-to-Hemingway (B2H) transmission line.

The legal threshold for this action is high: demonstrating a "**material and fundamental deviation**" from the critical factors upon which the Commission's original determination was based. We assert that the actions and omissions of PacifiCorp meet this bar, demanding urgent intervention to protect the public interest and prevent the abuse of eminent domain.

Here are the three key, non-negotiable reasons why this CPCN must be rescinded today.

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## **1. The Fundamental Public Purpose Has Been Abandoned for Private Gain**

The cornerstone of this project's authorization—and the legal justification for taking private land—has been destroyed by PacifiCorp's own actions.

- **The Original Promise:** The Commission granted the CPCN because B2H was demonstrated to be a "**cost-effective system resource**" necessary to serve **PacifiCorp's 800,000 general load customers** in Western Oregon, projecting estimated risk-adjusted net benefits of **\$1.713 billion**.
- **The Material Change:** PacifiCorp has since **explicitly removed B2H from its 2025 Integrated Resource Plan (IRP) preferred portfolio** for general system load. The purpose has shifted to serving a "**single 'new large load customer'**"—a data center—for the "**sole purpose to serve their facilities**". PacifiCorp admitted B2H is "**really not a system resource in the traditional sense**" in this context.
- **Eminent Domain Abuse:** A certified CPCN serves as "**conclusive evidence**" that the transmission line is for a public use. Allowing a project justified for broad public benefit to proceed primarily for the **private commercial gain** of a single corporation fundamentally undermines Oregon's constitutional requirements for eminent domain. This is an unjustified taking of private property under false pretenses.

## **2. The CPCN Rests on Undisclosed and False Factual Premises**

The OPUC's June 2023 Order (No. 23-225) was issued based on information PacifiCorp knew to be critically flawed months earlier.

- **The Factual Breakdown:** PacifiCorp's original business case failed because securing the necessary BPA transmission redirects to serve Western Oregon load "**could not be granted... without study**" in a cluster process. PacifiCorp admitted this was the "**key determinant**" that caused its business case to fail.

- **Concealment Timeline:** PacifiCorp received this critical notification from BPA in **Fall 2022 (specifically, October 24, 2022)**. Yet, PacifiCorp "**did not inform the Public Utility Commission of Oregon (OPUC), or its staff**" of this profound technical failure or the change in purpose until the 2025 IRP was filed in **March 2025**.
- **Violation of the Order:** The Commission stated plainly in Order No. 23-225: "**If updated evidence in the record of this proceeding had demonstrated a material change from the conclusions in the last IRPs, we would be required to consider that in reaching our CPCN decision**". PacifiCorp intentionally withheld this "**material change**", rendering the CPCN a finding "not supported by facts". This suppression of critical information is a **severe breach of regulatory transparency**.

### **3. Financial Instability and Regulatory Inflexibility Jeopardize Ratepayers**

The continued construction of B2H under these altered conditions exposes both landowners and Oregon ratepayers to unacceptable risks.

- **Financial Red Flags:** Recent reporting indicates PacifiCorp has warned of a potential "**liquidity crisis**" tied to extensive wildfire liabilities, coupled with bond rating downgrades. This financial instability heightens the risk of project abandonment and demands enhanced scrutiny of all capital projects, including the B2H.
- **The Legal Necessity of Rescission:** PacifiCorp's removal of B2H from its IRP is an "**indisputable fact**". Legal analysis shows that this IRP change is a "**material change**" that means Idaho Power "**does not have authority to condemn Defendant's property under the existing CPCN**".
- **The Policy Conflict:** PacifiCorp's justification that serving a large customer remains a public use is inconsistent with its concurrent modeling practices in LC 85. The removal of B2H as a system resource creates significant East-to-West transfer constraints, thereby undermining Oregon's ability to utilize Eastern renewables and meet **HB 2021 clean energy mandates**.

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The B2H project, as currently configured, is no longer the project the OPUC authorized. We ask the Commission to defend the principles of public use and regulatory fidelity.

We respectfully request that the Commission: **Find that PacifiCorp's revised purpose constitutes a material and fundamental deviation** from the public interest criteria, and **rescind CPCN Order No. 23-225 for cause**, immediately halting any further condemnation proceedings based on an invalid public justification.

Submitted with great disillusionment at the regulatory capture we just witnessed,

/s/ Jim Kreider

STOP B2H Coalition Co-Chair

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