

STOP B2H Coalition
60366 Marvin Rd
La Grande, OR 97850

December 12, 2022

VIA ELECTRONIC FILING
Public Utility Commission of Oregon
Attn: Filing Center
201 High Street SE, Suite 100
Salem, OR 97301-3398

Re: AR 638 STOP B2H Coalition's Request to be found eligible for Intervenor Funds

Pursuant to Interim Intervenor Funding Order 22-043 under HB 2475 in UM 2211, the Stop B2H Coalition (STOP) submits this request to become an "Eligible Recipient." STOP's petition will demonstrate that it qualifies under HB 2475, and that it represents the interests of low-income residential customers that are members of environmental justice communities as well as residential customers of the utilities involved in applicable dockets for which we are applying for funding and listed below.

STOP, if approved, will be requesting funds from several dockets that it participated in during 2022. Several of these dockets are ongoing and several are winding down or have concluded. STOP waited until now to apply because this process is so new and no organizations have been through this process. STOP wanted to see how the pre-approved organizations drafted their Notice to Participate, Request for Funding, and request for payment from different utilities since this is a work in progress.

STOP is submitting this petition to be found eligible for Intervenor Funds in the following dockets. STOP hopes this can act as the Notice to Participate. If found eligible we will submit the Request for Funding including a statement of work, budget, and any other information the Commission deems appropriate and necessary.

Docket No: LC 78 Docket Name: IDAHO POWER'S 2021 INTEGRATED RESOURCE PLAN (IRP)
Docket No: PCN 5 Docket Name: IDAHO POWER CERTIFICATION OF PUBLIC CONVENIENCE AND NECESSITY
Docket No: AR 626 Docket Name: CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY RULE UPDATE
Docket No: AR 638 Docket Name: RISK-BASED WILDFIRE PROTECTION PLANS EXEC. ORDER 20-04
Docket No: UM 2209 Docket Name: IDAHO POWER COMPANY WILDFIRE PROTECTION PLAN
Docket No: UM 2210 Docket Name: IDAHO POWER APPLICATION FOR WAIVER OF COMPETITIVE BIDDING RULES
Docket No: UM 2211 Docket Name: IMPLEMENTATION OF HB 2475

Below is our petition for consideration.

Submitted by



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STOP B2H Coalition petition to be recognized as an eligible organization for intervener funds

The STOP B2H Coalition is ...

An all volunteer 501(c)3 organization established in 2017 and managed by a 6 member working Board of Directors. STOP has 7 organizational members and nearly 1,000 individual members. The vast majority of our members live in the rural counties of Malheur, Baker, Union, Umatilla, and Morrow Counties (Northeast Oregon). These are the rural counties where the Boardman to Hemingway transmission line (B2H) is being sited. It could become a de facto utility corridor according to the Bureau of Land Management (BLM) EIS ROD thus potentially creating a cumulative negative effect on the region.

Our Mission is ...

To stop the approval and construction of an unneeded 305 mile transmission line through Eastern Oregon and Western Idaho, thereby: protecting environmental, historical and cultural resources; preventing degradation of agricultural and land assets; promoting energy conservation, and supporting the rapid development of new technologies in energy generation, storage and distribution throughout the western region and the USA.

OPUC Eligibility Criteria

OPUC [Order 22-043](#), Implementation of House Bill 2475, defines an "Eligible Recipient," as having demonstrated in its petition that it qualifies under HB 2475, and that it represents the interests of residential customers of the applicable utility¹. It continues to state that organizations eligible for HB 2475 funding are organizations that either:

1. Represent the interests of residential households that are predominantly at or below 200% of the federal poverty level.² "Low-income household" or "Low-income" means a household with income that is at or below 200% of the federal poverty level.³ See [OAR 813-205-0005](#)
2. Represent the interests of customers that are members of environmental justice communities as described in statute.⁴

"Environmental justice" means equal protection from environmental and health hazards and meaningful public participation in decisions that affect the environment in which people live, work, learn, and practice spirituality and play.

"Environmental justice communities" includes communities of color, communities experiencing lower incomes, tribal communities, rural communities, coastal communities, communities with limited infrastructure and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including but not limited to seniors, youth and persons with disabilities⁵.

¹ [Order No. 22-043](#) pdf p 6

² [Order No. 22-043](#) pdf p 3

³ [Order No. 22-043](#) pdf p 8

⁴ [Order No. 22-043](#) pdf p 3

⁵ [Order No. 22-043](#) pdf p 3

STOP B2H's Eligibility Statement

I. Representing low income households

The five Oregon counties we represent are [east to west]: Malheur, Baker, Union, Umatilla, and Morrow. These counties have:

- 1) A large percentage of the population is at or below 200% of the federal poverty level and;
- 2) Are "Environmental justice communities" because of:
 - a) their rural or frontier county designation by the state,
 - b) limited infrastructure regarding broadband connectivity, transportation, education, and health care,
 - c) suffer from the urban-rural divide that generally leaves these counties underrepresented in public processes due to lower educational levels⁶ with distance to and the time(s) of the meetings being significant obstacles, and
 - d) the Boardman to Hemingway Transmission line which will be an environmental health and public safety hazard that will adversely harm the environment and regional economies of Eastern Oregon.

These counties meet the low income definition because they are at or below 200% of the federal poverty level. We surveyed poverty and Environmental Justice communities from the [EPA EJ screening tool](#), the [Oregon Poverty Population Characteristics](#) from [Oregon Housing and Community Services](#), and the Rural Health Profiles from the [Oregon Office of Rural Health](#). The full set of data gathered will be available on our Google drive⁷. We summarize the pertinent data from the Rural Health Profiles below since they provide the most current data and best synthesized the data available to complete this application.

We chose to select the largest city in each county and compared the city, county, and state data of socioeconomic indicators for documentation of the low income definition. As seen below all counties have a "population below 200% of poverty level" that is higher than the state rate (30.8%) and rural counties in general (35.2%).

The counties rates of their population below 200% of poverty level are:

Malheur Co (48.3), Baker Co (36.9%), Union Co (35.9%), Umatilla Co (41%), and Morrow Co (41.4%).

The "Service Area" column is the largest city within that county.

SOCIOECONOMICS (2015 - 2019 American Community Survey)

Malheur/Ontario

	<u>Service Area</u>	<u>County</u>	<u>Rural</u>	<u>Oregon</u>
Population below Poverty Level (\$20,578 per year for 2 adults + 1 child<18 in 2019)	23.6%	21.8%	14.2%	13.2%
Population below 200% of Poverty Level	50.7%	48.3%	35.2%	30.8%

Baker/Baker City

	<u>Service Area</u>	<u>County</u>	<u>Rural</u>	<u>Oregon</u>
Population below Poverty Level (\$20,578 per year for 2 adults + 1 child<18 in 2019)	12.1%	12.4%	14.2%	13.2%
Population below 200% of Poverty Level	36.3%	36.9%	35.2%	30.8%

⁶ making it difficult to represent themselves and their communities in quasi-legal and technical process

⁷ <https://drive.google.com/drive/folders/1KvrSgaRq-5heK4E6MMYlgUeG11A9jvnn?usp=sharing>

Union/La Grande

	<u>Service Area</u>	<u>County</u>	<u>Rural</u>	<u>Oregon</u>
Population below Poverty Level (\$20,578 per year for 2 adults + 1 child<18 in 2019)	14.9%	13.9%	14.2%	13.2%
Population below 200% of Poverty Level	37.5%	35.9%	35.2%	30.8%

Umatilla/Pendleton

	<u>Service Area</u>	<u>County</u>	<u>Rural</u>	<u>Oregon</u>
Population below Poverty Level (\$20,578 per year for 2 adults + 1 child<18 in 2019)	15.8%	17.9%	14.2%	13.2%
Population below 200% of Poverty Level	35.5%	41.0%	35.2%	30.8%

Morrow/Boardman

	<u>Service Area</u>	<u>County</u>	<u>Rural</u>	<u>Oregon</u>
Population below Poverty Level (\$20,578 per year for 2 adults + 1 child<18 in 2019)	19.2%	14.5%	14.2%	13.2%
Population below 200% of Poverty Level	44.0%	41.4%	35.2%	30.8%

II. Represent Interests of Environmental Justice Communities

Environmental justice communities include rural communities with limited infrastructure and are traditionally underrepresented in public processes.

Rural areas are defined as: Communities with population of 15,000 people or less outside of the Portland Urban Growth Boundary in counties within Metropolitan Statistical Areas (Benton, Clackamas, Columbia, Deschutes, Jackson, Josephine, Linn, Lane, Marion, Multnomah, Polk, Washington and Yamhill Counties) and communities with a population of 40,000 people or less in the balance of the state⁸.

Several of these eastern Oregon communities are **Frontier** counties and are defined as any county with six or fewer people per square mile. The Oregon Office of Rural Health Geographic Definitions has identified 10 of Oregon's 36 counties as frontier, including three of the five eastern Oregon counties impacted by the B2H⁹.

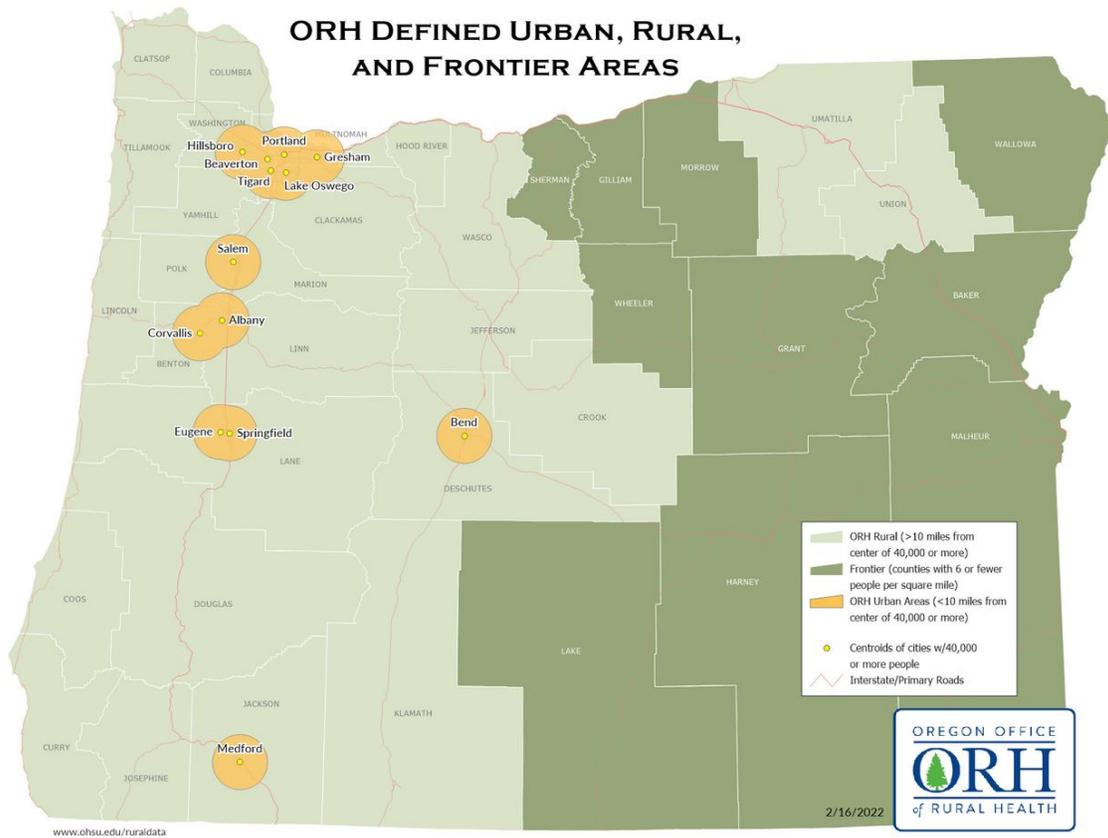
The following [map](#) and condensed table below (see full table in footnote¹⁰) are from the [Oregon Office of Rural Health](#) and show these designations for the 5 counties along the B2H route.

⁸ Source: Portland State University, Certified Population Estimates 2014-2020, Retrieved from <https://www.pdx.edu/population-research/>

⁹ <https://www.ohsu.edu/oregon-office-of-rural-health/about-rural-and-frontier-data>

¹⁰ [https://www.ohsu.edu/sites/default/files/2021-](https://www.ohsu.edu/sites/default/files/2021-01/Oregon%20Zip%20Codes%20Towns%20Cities%20and%20Service%20Areas%20and%20their%20ORH%20Urban%20Rural%20Frontier%20Designation%20.xlsx)

[01/Oregon%20Zip%20Codes%20Towns%20Cities%20and%20Service%20Areas%20and%20their%20ORH%20Urban%20Rural%20Frontier%20Designation%20.xlsx](https://www.ohsu.edu/sites/default/files/2021-01/Oregon%20Zip%20Codes%20Towns%20Cities%20and%20Service%20Areas%20and%20their%20ORH%20Urban%20Rural%20Frontier%20Designation%20.xlsx)



OHCS-Rural-Definition

Name	County	Designation
Baker City	BAKER	Frontier
Bridgeport	BAKER	Frontier
Haines	BAKER	Frontier
Halfway	BAKER	Frontier
Hereford	BAKER	Frontier
Oxbow	BAKER	Frontier
Richland	BAKER	Frontier
Sumpter	BAKER	Frontier
Unity	BAKER	Frontier
Durkee	BAKER	Frontier
Huntington	BAKER	Frontier
Adrian	MALHEUR	Frontier
Arock	MALHEUR	Frontier
Brogan	MALHEUR	Frontier
Harper	MALHEUR	Frontier
Ironside	MALHEUR	Frontier
Jamieson	MALHEUR	Frontier
Jordan Valley	MALHEUR	Frontier
Juntura	MALHEUR	Frontier

Nyssa	MALHEUR	Frontier
Ontario	MALHEUR	Frontier
Riverside	MALHEUR	Frontier
Vale	MALHEUR	Frontier
Westfall	MALHEUR	Frontier
Boardman	MORROW	Frontier
Heppner	MORROW	Frontier
Lexington	MORROW	Frontier
Ione	MORROW	Frontier
Irrigon	MORROW	Frontier
Pendleton	UMATILLA	Rural
Adams	UMATILLA	Rural
Athena	UMATILLA	Rural
Echo	UMATILLA	Rural
Helix	UMATILLA	Rural
Hermiston	UMATILLA	Rural
Meacham	UMATILLA	Rural
Milton Freewater	UMATILLA	Rural
Pilot Rock	UMATILLA	Rural
Stanfield	UMATILLA	Rural
Ukiah	UMATILLA	Rural
Umatilla	UMATILLA	Rural
Weston	UMATILLA	Rural
Cove	UNION	Rural
Elgin	UNION	Rural
Imbler	UNION	Rural
La Grande	UNION	Rural
North Powder	UNION	Rural
Summerville	UNION	Rural
Union	UNION	Rural

The Work of the STOP B2H Coalition, Notice to Participate, and Intent to Pursue Funding

The proposed B2H transmission line as envisioned in 2007 was to be built by Idaho Power—21 percent share; and with partners, BPA—24 percent share and PacifiCorp—55 percent share. In January 2022 a new term sheet was introduced between the partners where BPA gave up their 24 percent share and is negotiating a transmission service term sheet across Southern Idaho to BPA’s customers through Network Integration Transmission Service Agreements (NITSA) under Idaho Power’s Open Access Transmission Tariff. Public comments on this evolving BPA agreement will begin sometime in 2023. That changed the ownership agreement so that PacifiCorp still had its 55 percent ownership but Idaho Power’s ownership percentage increased substantially from 21 to 45 percent.

STOP B2H Coalition, prior to formally registering and being recognized as a 501c3 non-profit, organized the public in eastern Oregon to participate in the Bureau of Land Management’s (BLM) National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS) process (2010-2017). When a favorable decision was made allowing the line to be sited on federal land the STOP B2H Coalition appealed the case to the Federal District Court of Oregon. Unfortunately we were not able to prevail in our case which would have ordered a Supplemental Environmental Impact Statement of the areas that had not been analyzed under NEPA.

This allowed Idaho Power as the lead permitting partner for PacifiCorp and BPA to seek acknowledgement for their 21 % share of the B2H project from the OPUC to construct the B2H in their 2017 IRP. This was granted by the OPUC. STOP challenged this acknowledgement in the 2019 IRP and continues to do so in the 2021 IRP and will do so in the 2023 IRP under development. Idaho Power's 2021 IRP data which seeks to justify the need for the line, and selection of the B2H as the least cost/least risk portfolio, has many shortfalls which STOP has enumerated in LC 78.

STOP has kept the rural-public in our five eastern Oregon counties informed throughout the IRP processes. STOP assisted many individuals, through meetings and written explanations of procedure to testify or submit public comments as participants. Individual members of the STOP B2H Coalition began commenting and intervening in Idaho Power's Integrated Resource Plan(s) beginning in 2015 in both Oregon and Idaho. STOP (as a non-profit organization) has actively participated in Idaho Power's Integrated Resource Plan Advisory Council (IRPAC) meetings in person and on-line for all Idaho Power's IRP's since the development of the 2017 IRP. STOP has been interveners in Oregon and Idaho's Public Utility Commissions' proceedings making significant written opening and closing comments and discovery requests.

OPUC's acknowledgement to construct the B2H allowed Idaho Power to apply to the Energy Facility Siting Council (EFSC) to request siting the transmission line on state and private land. The STOP B2H Coalition fully participated in the EFSC public processes which generated over 1,000 comments from approximately 400 east Oregonians and historically some of the largest attendance at public hearings in the region. STOP then trained rural individuals (through workshops, videos and written tools) to participate in the EFSC contested case process which lasted over two years with 54 petitioners filing 71 issues before an Oregon ALJ. Despite STOP's committed and well researched efforts, the ALJ recommended and EFSC granted the B2H site certificate in October 2022. STOP has filed its petition to appeal that decision to the Oregon Supreme Court on December 6, 2022.

Idaho Power's IRP's are not the only OPUC dockets STOP has been involved in, nor the only dockets for which we will be requesting intervener funds. STOP in the 2017 IRP proposed a citizen portfolio that looked at other least cost methods for the company to meet its "need" which has not been consistent. In the past few years, out of concerns about utility-caused wildfire in our region and across the state, we have sought more protections for the public and consequently became involved in the rulemaking of utility wildfire planning and the review of some of our utilities' wildfire plans. Additionally, STOP been an intervener in PacifiCorp's Integrated Resource Plans since 2017 monitoring their activities as they relate to the B2H. PacifiCorp is a 55% partner in the B2H and Idaho Power is a 45% partner therefore, the companies are attached at the pocketbook.

PacifiCorp in their 2021 IRP has still not asked for acknowledgement to construct the B2H nor did they participate in the EFSC siting process. In their 2019 IRP, PAC discussed the possibility of using the originally proposed route of Hemingway to the Captain Jack substation for the B2H. Their lack of commitment to the B2H is as confusing as their idea to convert 2 of the 4 coal units at Jim Bridger to natural gas.

When this petition is submitted and STOP is hopefully designated as an Eligible Recipient, STOP will identify the dockets it intends to apply for, submit a statement of work, and a budget for review.

If there are any questions or meetings that I need to appear at, please let me know.

Submitted by

/s/ Jim Kreider

Jim Kreider

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