

ITEM NO. RA2

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: November 13, 2025

REGULAR X CONSENT _____ EFFECTIVE DATE _____ N/A

DATE: October 31, 2025

TO: Public Utility Commission

FROM: Kim Herb

THROUGH: Caroline Moore **SIGNED**

SUBJECT: STOP B2H COALITION AND IRENE GILBERT:
(Docket No. UM 2394)
Request to Rescind or Amend Order No. 23-225.

STAFF RECOMMENDATION:

Staff recommends the Oregon Public Utility Commission (OPUC or Commission) decline to rescind, suspend, or amend Commission Order No. 23-225.¹

DISCUSSION:

Issue

Whether to rescind, suspend or amend Order No. 23-255 under ORS 756.568, with notice and opportunity to be heard.

Applicable Rule or Law

Under ORS 756.568, the Commission:

may at any time, upon notice to the public utility or telecommunications utility and after opportunity to be heard as provided in ORS 756.500 to 756.610, rescind, suspend or amend any order made by the commission.

¹ *In the Matter of Idaho Power Company, Petition for Certificate of Public Convenience and Necessity, Docket PCN 5, Order No. 23-225 (June 29, 2023):*
<https://apps.puc.state.or.us/orders/2023ords/23-225.pdf>.

Copies of the same shall be served and take effect as provided in ORS 756.558 for original orders.

Analysis

Background

STOP B2H Coalition (STOP) filed a request for reconsideration on June 23, 2025. In its filing, STOP asks the Commission to investigate PacifiCorp's change in purpose for the intended use of the Boardman to Hemmingway (B2H) transmission line, reconsider or revoke the Certificate of Public Convenience and Necessity (CPCN) that the Commission issued to Idaho Power Company (IPC) in Docket No. PCN 5, Order No. 23-225, if it finds that the CPCN is no longer aligned with PacifiCorp's purpose for the transmission line, and issue other relief to protect the public interest and ensure regulatory oversight over utility infrastructure projects.

Irene Gilbert (Gilbert) filed a request for reconsideration on June 24, 2025, seeking revocation of Order No. 23-225 on similar grounds.

In a ruling issued on June 25, 2025, the administrative law judge assigned to this docket issued a memorandum advising that the Commission will consider the STOP and Gilbert filings as requests for action under ORS 756.568, and requested that Commission Staff present a recommendation on the requests at a future public meeting.

Initial comments by interested parties on the STOP and Gilbert filings were filed on September 15, 2025, and Reply Comments submitted on October 15, 2025. Staff summarizes these comments and provides its analysis and recommendation below.

Docket No. PCN 5, IPC's Petition for a CPCN for B2H Transmission Line

In Commission Docket No. PCN 5, IPC filed a petition on September 30, 2022, for a CPCN for its B2H transmission line project. As described in that docket, the B2H project includes approximately 298 miles of a single-circuit 500 kV transmission line, running from Hemingway, Idaho to a substation near Boardman, Oregon.² Crossing Morrow, Umatilla, Union, Baker, and Malheur Counties, 274 miles of B2H are to be located in Oregon, with 24 miles constructed in Idaho.³

B2H is the subject of a term sheet between Bonneville Power Administration (BPA), PacifiCorp and IPC, under which Idaho Power will construct the line and own

² Order No. 23-225 at 3.

³ *Id.*

45.45 percent of the project, with PacifiCorp owning 54.44 percent.⁴ The term sheet provides IPC with a capacity share of west-to-east transmission of 500 MW in summer and 200 MW in winter. BPA is provided with 250 MW west to east in summer and 550 MW in winter that will allow it to deliver power to its public power customers in southeast Idaho.⁵ In PacifiCorp's 2021 Integrated Resource Plan (IRP) modeling, the B2H transmission line was modeled as enabling 600 MW of interconnection.⁶ PacifiCorp intervened in Docket No. PCN 5 and offered testimony stating it anticipated receiving incremental firm transmission rights from BPA that would allow it to use B2H to serve load in central Oregon.⁷ PacifiCorp provided testimony that the Company's need for B2H's load-serving capability had increased since its 2021 IRP.⁸

When construction of an overhead transmission line requires the condemnation of private property, a CPCN issued by the Commission is required under ORS 758.015. Issuance of a CPCN then serves as conclusive evidence in any condemnation proceedings of the transmission line's public use and necessary for public convenience.⁹ During the course of the PCN 5 proceeding, IPC provided updated landowner lists, indicating that, prior to the Commission's decision in that docket, condemnation would potentially be required for up to 324 parcels of land to obtain the necessary easement.¹⁰ Since the Commission granted IPC a CPCN in 2023, Idaho Power has proceeded with development of the transmission line, and recently forecasted the line to be in-service by December 2027.¹¹ The Company indicates in its Initial Comments that it has obtained all necessary approvals to construct the transmission line project, and broke ground in June 2025. The transmission line is a facility approved by Oregon's Energy Facility Siting Council (EFSC), which issued a site certificate for the project, with a second amendment approved in August 2024. EFSC recently received a staff report on the project, dated October 10, 2025, reporting that:¹²

⁴ *In the Matter of Idaho Power Company, Petition for Certificate of Public Convenience and Necessity*, Docket No. PCN 5, Exhibit Staff/100, Pal/9-10: edocs.puc.state.or.us/edocs/HTB/pcn5htb16847.pdf.

⁵ Docket No. PCN 5, Exhibit Idaho Power/100, Ellsworth/3-4: <https://edocs.puc.state.or.us/edocs/HTB/pcn5htb102747.pdf>.

⁶ Docket No. PCN 5, Exhibit Staff/100, Pal/26, PAC/200, Link/28: [pcn5htb152050.pdf](https://edocs.puc.state.or.us/edocs/HTB/pcn5htb152050.pdf).

⁷ Docket No. PCN 5, Exhibit Staff/400, Pal/10-11; Exhibit PAC/200, Link/4, 25.

⁸ Docket No. PCN 5, Exhibit PAC/100, Link/4-5: [pcn5htb101218.pdf](https://edocs.puc.state.or.us/edocs/HTB/pcn5htb101218.pdf).

⁹ ORS 758.015(2).

¹⁰ Docket No. PCN 5, Exhibit IPC/1600, Baretto/32: [pcn5htb143529.pdf](https://edocs.puc.state.or.us/edocs/HTB/pcn5htb143529.pdf).

¹¹ *In the Matter of Idaho Power Company, Integrated Resource Plan*, Docket No. LC 87, Idaho Power 2025 IRP Presentation (August 19, 2025 public meeting):

https://oregonpuc.granicus.com/MetaViewer.php?view_id=2&clip_id=1533&meta_id=42457

¹² EFSC October 23-24 2025 Meeting, Agenda Item F, available at: [2025-10-23-24-EFSC-Item-F-Staff-Report-B2H-Quarterly-Construction-Update.pdf](https://oregonpuc.granicus.com/MetaViewer.php?view_id=2&clip_id=1533&meta_id=42457).

Pre-construction compliance requirements were substantially completed in June 2025, and IPC notified the Oregon Department of Energy (ODOE) that the ORS 469.300(6) \$250,000 threshold for start of construction had been met on July 10, 2025. Construction activities have been conducted in three of the five counties included in the Oregon portion of the project: Malheur, Baker and Morrow. No construction has occurred in Umatilla or Union counties to date. The construction contractor is Quanta Infrastructure Solutions Group (QISG). The primary construction activities to date have been the clearing of land, building new or improving existing access roads, and establishing foundation pads. As of the date of this memo, approximately 8% of the access roads and 15% of the foundation pads are complete. Civil and foundation work are expected to be completed by the end of 2026, with mechanical completion of the transmission line by the end of 2027.

IPC represents that it has now secured 94 percent of the necessary access rights across private property for the project.¹³

Commission Order No. 23-225 in Docket No. PCN 5

On June 29, 2023, the Commission issued Order No. 23-225, in PCN 5, granting IPC a CPCN for B2H, based on its application of the criteria in ORS 758.015 and the factors listed in OAR 860-025-0035. The statutory criteria require a determination of the necessity, practicability, safety and justification in the public interest of the proposed transmission line.

On consideration of the necessity of the transmission line, the Commission concluded IPC had demonstrated a need for additional transmission capacity, explaining:¹⁴

Idaho Power's IRPs and updated analyses provided in this docket demonstrate a need for additional transmission capacity that would be served by the B2H transmission line. Idaho Power has analyzed adding transmission capacity to meet consistently increasing system load needs since its 2000 IRP. Subsequent Idaho Power IRPs have established the need for new resources to serve electricity load growth and have determined that resource portfolios including the B2H project are the least cost and least risk way to meet those needs. Idaho Power's 2021 IRP, its most recently filed, forecasts system loads continuing to increase at an average rate of 1.4 percent through 2040 and increased capacity needs

¹³ Docket No. UM 2394, Comments of Idaho Power Company, at 2 (September 15, 2025): [um2394hac339835114.pdf](#)

¹⁴ Order No. 23-225 at 15-16.

resulting from planned coal plant exits in 2025-2026. In addition to Idaho Power's IRPs, a draft 2022-2023 Local Transmission Plan filed with the Federal Energy Regulatory Commission shows deficits in transmission capacity.

Similarly, PacifiCorp's IRPs and updated analyses provided in this docket demonstrate a need for additional transmission capacity that would be served by the B2H transmission line. PacifiCorp's 2021 IRP discusses increasing load forecasts, impacts of the EPA's Ozone Transport Rule, and evolving transmission service requirements. Additionally, the B2H transmission line will increase the transmission capacity of the national electric grid, enable 600 MW of interconnection, enable PacifiCorp to serve load in central Oregon, and enable BPA to deliver power to public power customers in southeast Idaho. The B2H project will also enable PacifiCorp to export 600 MW of additional energy generation capacity between its East and West balancing authority areas and is needed to help PacifiCorp move clean energy resources to meet Oregon's greenhouse gas emissions reduction requirements.

On consideration of whether the B2H project was justified, the Commission found the project to be justified in the public interest, recognizing the significant benefits of constructing the line.¹⁵

On the record before us and after considering the parties' arguments, we conclude that the B2H project is justified in the public interest. In reaching this conclusion, we considered several factors, including feasible alternatives for meeting the identified need; weighing the public benefits and costs; Idaho Power's existing facilities and equipment; Idaho Power's Oregon customers; the benefits and costs to other Oregon utilities, their customers, and all Oregonians; the value of connections to regional and inter-regional electricity grids; and environmental justice issues.

...

We also look to the benefits from the B2H project. The transmission line is expected to provide net benefits of \$228 million to Idaho Power customers in the first 20 years, net benefits of \$720 million for BPA and its customers in the first 30 years, and \$1.7 billion in net benefits for PacifiCorp customers in the first 20 years after the transmission line is energized. The B2H project will also result in job creation and increased property taxes for the five

¹⁵ Order No. 23-225 at 38, 41.

Oregon counties along the transmission line route. The B2H project also provides important benefits in that it allows Oregon utilities to address forecasted resource shortfalls in the future, it will provide wheeling revenue, and it will optimize transmission rights between the Mid-C and Mona trading hubs. It will relieve congestion in certain areas, it enables the interconnection of 600 MW of additional resources, and it doubles the amount of load service into Central Oregon for PacifiCorp. We also agree that the increased resiliency that will result from the B2H project, which provides important redundancy to the path between the Pacific Northwest and Idaho Power, will provide benefits to all Oregonians as well as to electricity consumers in other states in the region. We are also persuaded that the B2H project's bi-directional capacity will facilitate the transfer of diverse energy resources between the Pacific Northwest and Idaho and also better connect Oregon to clean energy production elsewhere, such as wind generation in Wyoming.

In considering our regulatory criteria and the record before us, we conclude that the B2H project is justified in the public interest. . . . While it would be impossible to completely eliminate the impacts of a nearly 300-mile-long transmission line, the monetary and non-monetary costs are reasonable and offset by the significant benefits to be gained by this project.

In its order, the Commission expressly rejected an argument that PacifiCorp had an obligation to file a separate CPCN petition for B2H, finding that IPC was the entity with responsibility to construct the B2H transmission Line and was the appropriate entity to seek a CPCN.¹⁶

Subsequent Changes in PacifiCorp's Planning related to B2H

While PacifiCorp's 2021 Integrated Resource Plan (IRP) modeling showed the B2H transmission line enabling 600 MW of interconnection for PacifiCorp, PacifiCorp did not include westbound transfer capability using B2H in its 2025 IRP. The Company stated that it was "reevaluating the timing and needs analysis underlying B2H because of factors such as changed native load growth and a lack of capacity available on neighboring transmission systems to deliver to load pockets."¹⁷ In the 2025 IRP, PacifiCorp explains its reevaluation of B2H:¹⁸

¹⁶ Order No. 23-225 at 12.

¹⁷ *In the Matter of PacifiCorp's 2025 Integrated Resource Plan*, Docket No. LC 85, PacifiCorp's IRP at 84 (March 31, 2025): edocs.puc.state.or.us/edocs/HAA/haa335779026.pdf.

¹⁸ *Id.* at 779 (response to stakeholder feedback).

B2H as a transmission project is not eligible for endogenous selection in the 2025 IRP. PacifiCorp's use case for this transmission investment has evolved. At present, the transmission line is needed to facilitate load service for certain large new loads. As has been previously communicated, PacifiCorp is evaluating transmission and resource needs for these large new loads outside of the traditional planning process, and with removal of these loads from the load forecast in the IRP, the associated transmission is also being removed. In previous IRP cycles, B2H would facilitate existing load growth via a redirect of existing transmission rights on Bonneville Power Administration's (BPA) system. PacifiCorp has not been successful in getting this redirect of transmission rights granted by BPA. Special contracts with large new load customers will drive cost recovery.

The Company has since clarified that when it included B2H in its 2021 IRP preferred portfolio and action plan, it anticipated being able to redirect existing long-term firm transmission rights with BPA to have a point of receipt where B2H terminates outside Boardman, Oregon (Longhorn substation), which would have allowed B2H to be used to serve existing load in PacifiCorp's West balancing authority area (PACW).¹⁹ In the fall of 2022, BPA notified PacifiCorp that these redirect requests would need to be studied in its cluster study process. The cluster study process was later paused by BPA.²⁰ PacifiCorp does not know when BPA will resume consideration of the redirect requests, but PacifiCorp has stated BPA Staff may have a proposal in October 2025.²¹

On consideration of a request to approve PacifiCorp's 2025 Request for Proposals, Docket No. UM 2383, the Commission adopted Staff's recommendation requiring "a second phase of the RFP that is timed to take advantage of additional clarity on the connection between Longhorn substation and PACW, or any other way PacifiCorp connects the Boardman to Hemingway transmission project to PACW."²²

Comments Received

STOP! B2H Comments

STOP filed initial and reply comments in support of its requests. STOP requests that the Commission take a number of actions, based on the changes in PacifiCorp's modeling of B2H. STOP argues that PacifiCorp's removal of B2H from its preferred portfolio in the 2025 IRP is a material and fundamental deviation from the Commission's

¹⁹ Docket No. LC 85, PacifiCorp's Round 1 Response Comments at 16-17 (August 26, 2025): edocs.puc.state.or.us/edocs/HAC/lc85hac339442027.pdf.

²⁰ *Id.*, at 18-19.

²¹ *Id.*; See *In the Matter of PacifiCorp, Application for Partial Waiver of OAR Chapter 860-089, Request to Engage IE, Approval of 2025 Draft RFP*, Docket No. UM 2383, Order No. 25-343 Appendix A at 10 (August 29, 2025): <https://apps.puc.state.or.us/orders/2025ords/25-343.pdf>.

²² See Docket No. UM 2383, Order No. 25-343 at 1.

decision in Order No. 23-225. Citing 2025's Oregon House Bill 3546, STOP alleges that the purpose of B2H has now changed to primarily serving a single PacifiCorp customer operating a data center, and no longer is in the public interest.²³ STOP raises concerns with the lack of transparency surrounding the needs of the large load customer discussed in PacifiCorp's 2025 IRP. STOP argues that BPA's notice to PacifiCorp in the fall of 2022 that it could not award redirected transmission rights outside of the cluster-study process undermined the original business case for B2H.²⁴ And, STOP argues that the B2H project faces rising costs, while alternative methods offer potentially more cost-effective solutions for IPC than the B2H transmission line, but were not properly considered to determine the least-cost, least-risk resource in light of PacifiCorp's 2025 IRP.²⁵

STOP requests that the Commission:²⁶

1. Find that PacifiCorp has adopted a revised purpose for B2H that is a material and fundamental deviation from the original criteria considered by the Commission in issuing Order No. 23-225;
2. Rescind Order No. 23-225 and halt further condemnation or other proceedings based on the order.

Irene Gilbert Comments

Gilbert's initial June 24, 2025, filing alleges that the changes in PacifiCorp's treatment of B2H in the 2025 IRP undermine the Commission's findings in Order No. 23-225 on the need and justification for the project. Gilbert states that the benefits of the line will address a single PacifiCorp customer, rather than all PacifiCorp customers, and asserts that the line will not provide a public benefit or serve a public need, concluding that a private use cannot be used to support condemnation.²⁷ In addition, Gilbert states that the findings in Order No. 23-225 that the project is justified in the public interest are no longer supported.²⁸ Gilbert requests the same actions as STOP.

In Reply Comments, Gilbert reiterates the above points and alleges that PacifiCorp was aware a cluster study for transmission redirects was needed in October 2022 but neither

²³ Docket No. UM 2394, Comments of STOP B2H Coalition at 3, 9-10 (September 15, 2025) [UM 2394-STOP B2H Opening Comments](#); Reply Comments of STOP B2H Coalition at 1-3 (October 15, 2025): [STOP B2H Coalition – Second Round Comments \(UM 2394\)-draft](#).

²⁴ Docket No. UM 2394, Comments of STOP B2H Coalition at 4-5.

²⁵ Docket No. UM 2394, Reply Comments of STOP B2H Coalition at 3.

²⁶ Docket No. UM 2394, Comments of STOP B2H Coalition at 10; Reply Comments of STOP B2H Coalition at 5 (October 15, 2025).

²⁷ Docket No. UM 2394, Comments of Irene Gilbert at 2-3 (June 24, 2025): [um2394haa337736027.pdf](#).

²⁸ Docket No. UM 2394, Comments of Irene Gilbert at 3.

PacifiCorp nor IPC disclosed this requirement to the Commission when it was required to be disclosed in Docket No. PCN 5.²⁹ Gilbert also states that IPC has only received approval for construction of “a small portion of the line in Malheur County” and does not have authorization to begin construction in all areas where there are access rights.³⁰ Gilbert requests that Order No. 23-225 be rescinded because it was based on information that was “false and withheld”.³¹ And, Gilbert asserts there are more options and resources to meet the needs of a single customer in a specific location than to meet the needs of 800,000 customers across several states, showing there are viable alternatives to B2H under current circumstances.³² Gilbert notes rising concerns with residential electricity rates, and the need to not shift development costs to serve large industrial users to those customers, as well as BPA’s move to a day-ahead market as circumstances that have not been evaluated with respect to the need for B2H, such as whether a smaller line may be sufficient to meet IPC’s need, or a change in use by PacifiCorp.³³

Additional Comments Received

Fifty comments from interested members of the public³⁴ were filed in support of STOP and Gilbert’s request to rescind Order No. 23-225, including nineteen of which indicate their property is impacted by the construction of the B2H project. These commenters urge the Commission to rescind Order No. 23-225, so that it may no longer be used for the condemnation of private property, arguing the Order is no longer in the public interest.

²⁹ Docket No. UM 2394, Reply Comments of Irene Gilbert at 1-2, 14 (October 15, 2025): [um2394hac340869036.pdf](#).

³⁰ *Id.* at 2, 11.

³¹ *Id.* at 3.

³² *Id.* at 4-5, 7-8.

³³ *Id.* at 9-10, 12, 15-17.

³⁴ See Docket No. UM 2394, Comments of Wendy King, John Williams, Mike Colton, Mark Trindle and Ann Trindle, Brian Andersen, Garth Johnson and Tonia Johnson, Andrew Wylde, Patricia Herron, Greg Larkin, John Richard, Brent Gyllenberg, Rochelle Morris, Neva Parker, Vera Clark, Judy Mittenthal, Lisanne Currin, Cyndi and John Harvey, Jared Kennedy, David Moyal, Cathy Trocklell, Vicki Wares, Stephen Anderson, Lanny Flaherty, Mareen Kelly, Sarah Watson, Kelly Bartholomew, Maxine Hines, Lia Spiegel, David Felley, David Trocklell, Kathryn Andrew, Michael Howard, Polly Helm, Jill Wyatt, Dr. Colin R. Andrew, Anne Morrison, Catherine Webb, Sarah Wehrle, Sam Myers, Charles A. Lyons and Dianne B. Gray, Allison Valerio, Steven Ross Antell, Kevin March, Ann March, Joan Harris Rode, Karen Antell, Susan M. Greer, John B. Milbert, Oregon Wild, and Greater Hells Canyon Council (June 25, 2025 – October 15, 2025).

Joint Commenters' Comments

Sierra Club, Green Energy Institute at Lewis & Clark Law School, Mobilizing Climate Action Together, Renewable Northwest and Northwest Energy Coalition (Joint Commenters) filed joint comments urging the Commission not to rescind Order No. 23-225.³⁵ The Joint Commenters state that improving the interconnection between the east side of PacifiCorp's system (PACE) and the western side (PACW) was "a primary purpose for B2H" and a lack of transmission to move resources from PACE to PACW increases costs and creates exposure for system reliability risks, concluding that the underlying need for B2H remains.³⁶ The Joint Commenters suggest instead that the Commission consider action to enforce any violation it finds of Order No. 23-225³⁷ and that the Commission further examine PacifiCorp's plans for the use of B2H to benefit customers in the 2025 IRP docket, LC 85.³⁸

PacifiCorp Comments

PacifiCorp filed initial and response comments asking the Commission to take no action in this proceeding. The Company states that its 2025 IRP filing should have clarified that "the 300 MW of PacifiCorp's share of eastbound transfer capability unlocked by B2H remains in the 2025 IRP preferred portfolio", providing reliability benefits, increased interconnection capacity, and potential for transfers to PACE.³⁹ PacifiCorp claims the eastbound capability will benefit customers in Oregon by providing increased wheeling revenue and likely lower cost electricity through increased power flows and transaction points that can be used within CAISO's Western Energy Imbalance Market and Extended Day Ahead Market.⁴⁰ Regarding the east to west transfers, PacifiCorp concedes that its 2021 IRP included westbound electricity from B2H, noting it anticipated that it would be able to redirect transmission rights and thereby use B2H to serve existing load in PACW.⁴¹ PacifiCorp confirms it was notified by BPA in the fall of 2022 that the transmission rights would need to be studied in BPA's cluster-study process, and that it assumed those rights would be included in the 2024 cluster study. PacifiCorp did not include westbound electricity in the 2025 IRP because BPA cancelled the 2024 cluster study and paused the cluster study process in February 2025 to consider reforms to the transmission planning process.⁴² The Company adds that BPA

³⁵ Docket No. UM 2394, Comments of Sierra Club et al, at 2 (September 15, 2025): <https://edocs.puc.state.or.us/efdocs/HAC/um2394hac339828114.pdf>.

³⁶ *Id.*, at 3.

³⁷ *Id.*, at 6-7.

³⁸ *Id.*, at 7-8.

³⁹ Docket No. UM 2394, Comments of PacifiCorp at 2 (September 15, 2025): <um2394hac339825114.pdf>.

⁴⁰ Docket No. UM 2394, Reply Comments of PacifiCorp at 1 (October 15, 2025): <um2394hac340788036.pdf>.

⁴¹ Docket No. UM 2394, Comments of PacifiCorp at 2.

⁴² *Id.*

indicated it may have a proposal for the process in October 2025, but it does not know what that process will be or when it will be implemented.⁴³ PacifiCorp notes that the 2025 IRP is not dispositive of its future resource decisions and states that it may yet be feasible to use B2H to serve load in PACW in the future, and the Company is engaging with customers in northeastern Oregon that are seeking interconnection as well as monitoring BPA's Grid Access Transformation project.⁴⁴ The Company adds that if it can secure adequate transmission rights, it will re-evaluate its B2H strategies.⁴⁵

If PacifiCorp were eventually to use the east-to-west capacity of B2H to serve large load customers, PacifiCorp comments that those customers are retail customers, within its service territory near the B2H terminus, and the Company is generally obligated to serve such customers.⁴⁶ The Company also states that a difference in the number of customers served does not change the nature of the public purpose of B2H.⁴⁷

PacifiCorp also notes that under ORS 756.568, the Commission must provide notice and opportunity to be heard prior to rescinding an order, and requests that IPC be provided a right to a contested case hearing if the Commission proposes to rescind Order No. 23-225, and to provide similar process for PacifiCorp if it were to propose civil penalties for its actions.⁴⁸

Idaho Power Company Comments

IPC opposes rescission of Order No. 23-225 or a rehearing of Docket No. PCN 5. The Company urges the Commission to set a high bar for considering whether to rescind an order granting a CPCN, and to find in this instance that the need and justification in the public interest for B2H has not materially changed.⁴⁹ The Company urges the Commission to consider rescission of a CPCN only where it has a reason to believe the need for the entire project has been fundamentally undermined.⁵⁰ IPC states that Order No. 23-225 was based on a finding that IPC demonstrated its need and justification for B2H to serve IPC's Oregon customers, and its need, and the region's need, for B2H has only grown since 2023.⁵¹ In support of its continuing need, and increased capacity need, IPC references its 2025 IRP, Docket No. LC 87, its draft 2024-2025 Local

⁴³ Docket No. UM 2394, Comments of PacifiCorp at 2.

⁴⁴ *Id.*, at 3.

⁴⁵ Docket No. UM 2394, Reply Comments of PacifiCorp at 1.

⁴⁶ *Id.*, at 2.

⁴⁷ *Id.*, at 4.

⁴⁸ *Id.*, at 5-7.

⁴⁹ Docket No. UM 2394, Reply Comments of Idaho Power Company at 2-3 (October 15, 2025): [um2394hac340784036.pdf](#).

⁵⁰ Docket No. UM 2394, Reply Comments of Idaho Power Company at 3.

⁵¹ Docket No. UM 2394, Comments of Idaho Power Company at 4 (September 15, 2025): [um2394hac339835114.pdf](#); Docket UM 2394, Reply Comments of Idaho Power Company at 1-2.

Transmission Plan, and NorthernGrid's 2022-2023 regional transmission plan.⁵² IPC states that while the Commission did consider the use of B2H by other utilities, its primary consideration in analyzing whether there was a need for the transmission line was IPC's need for B2H to serve its customers, consistent with the references to the needs of the "petitioner" for the CPCN in OAR 860-025-0035.⁵³ IPC notes that though the benefits and costs for PacifiCorp and BPA are relevant considerations for a CPCN Petition, so are a line's connections to regional and inter-regional electricity grids and to the petitioner's non-Oregon service territories.⁵⁴ In Reply Comments, IPC reiterates that the vast majority of the evidence supporting issuance of the CPCN remains unchanged.⁵⁵ IPC responds to the Joint Commenters' concerns about the proposed change in use by stating that every circumstance underlying an initial decision may not remain precisely as it was on the date the CPCN was issued, but there are not grounds to rescind the CPCN order when the need and purpose for the line remain.⁵⁶

IPC also argues PacifiCorp has a continuing need for B2H, noting that PacifiCorp continues to support the B2H project under its Joint Funding Permitting Agreement with IPC and is currently using B2H to serve large new loads, while its redirect request remains active with BPA.⁵⁷ IPC disputes the claims of other commenters that B2H will be used to serve a single customer, noting B2H will serve 20,000 Oregon IPC customers and will enable BPA to deliver electricity to customers of public power utilities in southeast Idaho, and PacifiCorp's ultimate use of the line remains subject to further evaluation, including the proceedings in Docket No. LC 85.⁵⁸ IPC also states that even if the line did only serve one customer, a public use may still be established, citing to this Commission's decision in Docket No. PCN 4 and referencing ORS 757.020 and a regulated utility's obligation to provide service to customers within its service territory.⁵⁹

Lastly, IPC cites to 2025's HB 3681, Section 5, to assert that IPC's site certificate for B2H, which was granted by EFSC, is "conclusive evidence the transmission line is a

⁵² Docket No. UM 2394, Comments of Idaho Power Company at 9-10.

⁵³ *Id.*, at 6-7.

⁵⁴ *Id.*, at 8.

⁵⁵ Docket No. UM 2394, Reply Comments of Idaho Power Company at 6-7.

⁵⁶ *Id.*, at 14-15.

⁵⁷ Docket No. UM 2394, Comments of Idaho Power Company at 10-11; Docket No. UM 2394, Reply Comments of Idaho Power Company at 8-9.

⁵⁸ Docket No. UM 2394, Comments of Idaho Power Company at 15, Reply Comments of Idaho Power Company at 11, 16.

⁵⁹ Docket No. UM 2394, Comments of Idaho Power Company at 14-15, 17-18 citing *In re Umatilla Elec. Cooperative, Petition for Certification of Public Convenience and Necessity*, Docket No. PCN 4, Order No. 21-074 at 8, 9-10 (March 5, 2021): apps.puc.state.or.us/orders/2021ords/21-074.pdf; Reply Comments of Idaho Power Company at 11-12.

public use" under ORS 469.401, as amended by HB 3681. IPC states this law could be interpreted to allow the Commission to issue a CPCN based on the site certificate.⁶⁰

Staff's Position

The Commission has discretion under ORS 756.558 to rescind, suspend, or amend a prior order at any time. When the Commission adopted its current administrative rules governing CPCN proceedings, the Commission recognized it has broad authority under this statute to amend or revoke a CPCN order, stating: "We have the authority to amend or withdraw a CPCN decision in response to a wide variety of circumstances regardless of whether we adopt an express rule to that effect."⁶¹ In a recent docket in which a CPCN was granted, the Commission noted, "If in the future there is a major development that warrants revisiting this order, we will engage the issue appropriately."⁶²

The requestors in the docket, STOP and Gilbert, and numerous commenters urge the Commission to find the circumstances surrounding PacifiCorp's use of B2H following construction warrant rescission of the CPCN granted to IPC in Docket No. PCN 5. Staff recognizes there is new information available, but does not believe there has been a change of circumstances that warrants rescission at this time. Staff evaluated the various concerns raised with Order No. 23-225 and addresses each below.

PacifiCorp's 2025 IRP

Staff recognizes the significant changes in PacifiCorp's modeling of B2H in the 2025 IRP from its 2021 IRP. Staff has raised concerns with PacifiCorp's approach to planning for its future use of the B2H transmission line in PacifiCorp's 2025 IRP and in its 2025 RFP. However, the potential changes reflected in the 2025 IRP are not dispositive of how the line will actually be used to serve PacifiCorp's customers. As noted above, review of the 2025 IRP is on-going in Docket No. LC 85. And, PacifiCorp will conduct a second phase of the 2025 RFP that will be timed to take advantage of additional clarity on the connection between B2H and PACW. PacifiCorp concedes that it may be feasible to use B2H to serve load in PACW, and it will be re-evaluating its use of B2H if it secures transmission rights.

Staff also recognizes that additional load to serve PACW was one of many considerations supporting the Commission's decision to grant a CPCN to IPC. This

⁶⁰ Comments of Idaho Power Company at 19.

⁶¹ *In the Matter of Rulemaking Regarding Certificate of Public Convenience and Necessity, Docket No. AR 626*, Order No. 22-351 at 4 (September 26, 2022): apps.puc.state.or.us/orders/2022ords/22-351.pdf.

⁶² *In the Matter of Portland General Electric, Petition for Certificate of Public Convenience and Necessity, Docket No. PCN 6*, Order No. 25-125 at 41 (March 28, 2025): apps.puc.state.or.us/orders/2025ords/25-125.pdf.

potential change in PacifiCorp's use of the line, if implemented, might change the overall benefits offered by B2H, but does not support immediate rescission of the CPCN. The Commission's finding of necessity was based on much more than PacifiCorp's ability to use B2H to serve load in central Oregon, consistent with the diverse criteria it considers under OAR 860-025-0035: Idaho Power's demonstrated need for additional transmission capacity to serve electricity load growth with B2H, the increased transmission capacity of the national electric grid provided by B2H, the delivery of electricity to BPA's public power customers in southeastern Idaho, the need to move clean energy resources to meet Oregon's greenhouse gas emissions reduction requirements, and more generally, PacifiCorp's increasing load forecasts.

With respect to the justification of B2H, the Commission, in Order 23-225, concluded that B2H offers significant benefits that offset the reasonable monetary and non-monetary costs of constructing the transmission line. These benefits include net benefits of \$228 million to Idaho Power customers in the first 20 years, net benefits of \$720 million for BPA and its customers in the first 30 years after the transmission line is energized, job creation and increased property taxes for the five Oregon counties along the transmission line route, allowance for Oregon utilities to address forecasted resource shortfalls in the future, wheeling revenue, relief of congestion in certain areas, increased resiliency for the benefit of all Oregonians as well as to electricity consumers in other states in the region, and the facilitation of the transfer of diverse energy resources between the Pacific Northwest and Idaho, and better connecting Oregon to clean energy production elsewhere, such as wind generation in Wyoming. It is unclear how a potential change in use by PacifiCorp would impact the net benefits for PacifiCorp customers without a full evaluation of the impact. Staff agrees that this uncertainty is problematic and will continue to work in the LC 85 2025 IRP docket to ensure benefits from B2H flow broadly to Oregon customers. Staff will also work to advance the flow of benefits by diligently reviewing costs and other prudence issues in subsequent ratemaking proceedings. Because these changes remain uncertain, and represent only one component of the significant benefits offered by the line, action to rescind Order 23-225 is not warranted. Rather, the appropriate forum to address concerns with PacifiCorp's use of B2H is in other dockets, including LC 85, the 2025 RFP and future dockets concerning cost recovery.

Service to Large Load Customers

The requestors identify concerns with the potential for PacifiCorp to use B2H to serve one or more large load industrial customers, expressing concern that serving such customers would not be in the public interest sufficient to support issuance of a CPCN under any circumstances. Staff acknowledges that PacifiCorp's service territory in Oregon includes areas near the Boardman, Oregon terminus of B2H.⁶³ Recognizing the obligation of a utility regulated by this Commission to serve retail customers, serving just one customer may well support a finding that a CPCN is warranted under the statutory standard in ORS 758.015. For the reasons noted above, that it remains unclear whether there will be any change in use by PacifiCorp, and the otherwise significant benefits of the line, Staff does not find that this potential change either requires or warrants rescission of Order No. 23-225.

October 2022 Notice from BPA

Requestors also cite the failure of PacifiCorp to disclose BPA's October 2022 notice that a cluster study would be required for the transmission redirects sought by PacifiCorp as grounds for rescission of Order No. 23-225. Staff is concerned that this information was not disclosed to the Commission earlier than with the issuance of PacifiCorp's 2025 IRP. However, the petition in PCN 5 was filed by IPC, and this information does not appear to be required to be included in IPC's petition under OAR 860-025-0030(2). Moreover, the disruption of the cluster study process did not become clear until much later than BPA's notification in 2022. Staff does not believe PacifiCorp's failure to be forthcoming about the impact of changes in BPA processes warrants rescission of the CPCN issued to IPC.

2025 Legislation

Lastly, if the Commission decides to take action under ORS 756.568 to rescind Order No. 23-225, the statute requires notice to the public utility that was the subject of that order, IPC, and an opportunity to be heard on the intended action as provided in ORS 756.500 to 756.610. This process would require additional time before a final decision can be issued by the Commission. During the 2025 legislative session, HB 3681 was passed, and will take effect January 1, 2026.⁶⁴ There are two sections of this bill that may impact the Commission's review. First, this bill amends ORS 758.015(2), the standard applied by the Commission on consideration of a petition for a CPCN. Under HB 3681, the Commission considers, not the "necessity, safety, practicability and justification in the public interest for the proposed transmission line", but "whether the proposed transmission line meets a need for increased transmission

⁶³ PacifiCorp territory: <https://www.pacificpower.net/community/service-area.html>.

⁶⁴ Or Laws 2025, Ch. 305.

capacity and reliability in the electric grid".⁶⁵ Second, as IPC notes in their comments, Section 5 of the bill amends ORS 469.401 to state:

In any proceeding for condemnation of land or an interest therein, a certified copy of a site certificate for an energy facility that is a high voltage transmission line under ORS 469.300 (12)(a)(C) shall be conclusive evidence that the high voltage transmission line for which the land is required is a public use and necessary for public convenience.⁶⁶

In light of these upcoming changes, Staff reiterates its position that a potential change in the circumstances underlying the Commission's findings of necessity and justification in Order No. 22-225, applying a standard that is amended under HB 3681, does not warrant rescission of the order.

Conclusion

Based on the foregoing, Staff finds that circumstances surrounding PacifiCorp's use of B2H do not warrant rescission of the CPCN granted to IPC in Docket No. PCN 5. Staff recognizes there is new information available and is concerned about the uncertainty surrounding the use of B2H, but does not believe there has been a change of circumstances that warrants rescission at this time. Staff recommends that the Commission take no action on the requests to rescind Commission Order No. 23-225.

PROPOSED COMMISSION MOTION:

Decline to rescind or amend Commission Order No. 23-225.

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⁶⁵ Or Laws 2025, Ch. 305 § 4.

⁶⁶ Or Laws 2025, Ch. 305 § 5.