

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

IN THE MATTER OF IDAHO POWER COMPANY'S PETITION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY	Docket: PCN 5 Reply Brief Intervenor: Wendy King
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Date: May 30, 2023

Wendy King, Intervenor

INTRODUCTION

After reviewing the Opening Brief of Idaho Power, Ms. King respectfully submits the following response brief. Ms. King has provided detailed evidence and data to prove Idaho Power did not analyze an alternate route that follows its own siting criteria for avoidance of EFU land, utilization of right of way corridors, and protection of public safety. ALJ John Mellgren should deny Idaho Power's petition for CPCN.

Idaho Power insists their opinion and evidence line up with the criteria for a CPCN of necessity, safety, practicability, and justification ORS 758.015 (2). However, safety is the lacking element for the bulk of IPC's plans offered before the commission. Ms. King, a native Oregonian, has studied the material produced by IPC, and will provide information that demonstrates lack of safety and how it has spawned the need for a late stage alternate route. No statute, order, or rule provides grounds for dismissal of appropriate alternate routes based on timing, especially when the alternates support the role of safety.

RELIABILITY

IPC states: "the Commission must consider whether the line 'will meet a demonstrated need for transmission of additional capacity or improved system reliability that enables the petitioner to provide or continue to provide adequate and reliable electricity service'" (Idaho Power Opening Brief- Page 11, emphasis added). IPC has indicated an increased need for reliability for its service territory through B2H, but safety concerns forestall improved reliability. The evidence shows that Idaho Power purposely deviated from the industry accepted practice and used a 0.05 LOLE to exaggerate the conclusion that they need more resources (Staff 500, Rashid/5). A company that skews data to achieve its goals cannot be trusted to provide

accurate information. Manipulation of data for company gain is a serious transgression.

Transparency and citing documented scientific studies should be required of IPC on every level.

FIRE

Idaho Power desires to utilize the Weather Research and Forecasting (WRF) model to determine their Fire Potential Index (FPI) (Cross Exam of Dr. Chris Lautenberger pg 210) to advise a Public Safety Power Shutoff (PSPS) and to that effect, determine internally (without oversight), if and when the PSPS will occur. Industry leaders (BPA) utilize Red Flag Warnings, wind and humidity levels to determine these safety measures in their Wildfire Mitigation Plans. The Red Flag Warning criteria may cause more PSPS occurrences than the WRF model. IPC will use the model that will keep the line energized and profitable. To keep a transmission line energized when industry practices warrant otherwise, is in conflict with public safety (OAR 860-025-0035 (1)(b)). The WRF does not correctly characterize the rural area wind zones near Mr. Myers' farm in Morrow County. The origin of WRF's data is unknown. Mr. Lautenberger attempts to provide a description of the granular data the WRF provides, but he does not specifically share the weather stations the WRF model utilizes and that if those stations are placed anywhere near the areas that encounter unique weather and wind patterns (Cross Examination of Mr. Lautenberger, April 20, 2023 page 211). IPC confuses the WRF as a grid every half mile (IPC Opening Brief pg 35), while Mr. Lautenberger references approximations of "one mile or less" (Cross Examination of Mr. Lautenberger).

At best, the WRF only provides a calculation based on averages that cannot accurately reflect fire risk in rural areas that lack weather reporting systems. To rectify the situation, Mr. Myers supports an OPUC condition of requiring Idaho Power to protect Oregon Citizens from

fire losses caused by extreme wind by installing real time wind speed meters along the B2H route to provide instant readings to ensure a PSPS is enacted before lines break or fault occurs and creates fires (Sam Myers Intervenor Cross-answering and Rebuttal Testimony March 20, 2023 pg 18). In addition, Mr Lautenberger mentions: "...conductor clashing to cause fires, since aluminum particles are likely to burn to completion before contacting the ground" (Idaho Power/1300 Lautenberger/16, emphasis added). Conductor clashing can become exacerbated by high winds and gusts; therefore, in a low humidity situation, with the presence of dry fuels, the potential for fire ignition is significant.

Idaho Power is using a FPI to determine risk zones by determining fire probability multiplied by consequence (Idaho Power/2300, Lautenberger/12) (Apr. 7, 2023). Mr. Lautenberger states that the potential for a wildfire on agriculture lands was not specifically considered as an input in the Company's analysis of the risk associated with the Project (Idaho Power/2300 Lautenberger/12). Other WMPs list property damage as a consequence, which includes crop and soil damage from fire. Idaho Power refuses to acknowledge wheat crops, chem fallow stubble and soil as a consequence; however, Jon Axtman, T&D manager for Idaho Power, mentioned in the IPC WMP Workshop 3-14-2023 that he wanted to talk with parties having cattle or cropland to consider those as a consequence. To date, this discussion has not taken place. It would be appropriate to select an alternate route to avoid the conflict altogether, because IPC appears adamant that crop/stubble/soil has no consequence.

In Idaho Power's workshop on 3-14-2023, in IPC 2023 WMP please note "2022 Activities Completed" Jon Axtman testifies: "The one area where we fell short last year in our wildfire plan was vegetation management. The primary reason why is because our contractors ran into

resource availability of problems and also problems with turnover as well". From this statement, Ms. King has to conclude that vegetation management is difficult to accomplish in IPC service territory; and therefore it will be more difficult to accomplish the same management of a 300 mile kV transmission corridor in another state. If the inability of vegetation management extends to B2H, the protection of public safety is at risk.

Dr. Lautenberger indicates he analyzed historical ignitions within a one-mile buffer around the B2H route, and determined that between 1992 and 2020 there were 211 ignitions within one mile of the B2H route, but none of those fires were caused by power lines. Additionally, he says these ignitions were contained and extinguished while they were still small. For these reasons, Lautenberger alleges that any increase in ignition probability associated with the B2H line is small in comparison to the background rate of fire ignition (Idaho Power/1300, Lautenberger/53-54). Mr. Lautenberger is misrepresenting fire history by correlating fire locations that have no power lines to the predicted area where B2H is proposed. Ms. King is not convinced by the application of a very small sampling of historical data (a 28 year history, not including 2021-2022, and minute compared to the 117 years that the Myers Family has been farming the lands within 1 mile of B2H proposed route) when the introduction of the B2H provides new sources of ignition. Morrow County alone has proven that ignitions are often not small and not easily extinguished per its Wildfire History and Location in Morrow County: <https://www.co.morrow.or.us> (Sam Myers Intervenor Cross-answering and Rebuttal Testimony pg 15). In Morrow County summaries, between 2013 and 2018, all fires were greater than 50 acres, totaling 27,000 average acres per year. Furthermore, Fire protection districts respond to fires in this area (Middle third of the county) more than in the forested southern

region (Wildfire Impacts in Morrow County, Opening Brief by Sam Myers). In addition, Ms. King stands by her Opening Brief dated May 15, 2023 page 17-18, concerning Morrow County fire mischaracterization by Mr. Lautenberger.

Idaho Power would prefer to dismiss the events leading up to the Holiday Farm fire dated Sept. 7, 2020 and its comparison to B2H; however, it is irresponsible to ignore the similar circumstances that could lead to a public safety disaster as experienced in the McKenzie Valley community (Wendy King Opening Brief, May 15, 2023 pg 3).

Idaho Power has provided testimony of Mr. Lautenberger to confuse the issue of the fire history and probability under 500kV transmission lines in nearby counties (Cross Examination of Dr. Lautenberger pg 239). Morrow County has very little experience with extra high voltage power lines, so Mr. Myers and Ms. King looked to Sherman and Gilliam counties for information on fires in agriculture operations under 500kV lines to understand the risks those counties encountered. Idaho Power is defensive of any comparison to 500kV lines in other counties, because experiences in other counties expose problems that landowners in Morrow County have never experienced. The comparison is relevant and necessary in order to educate and prepare the public for the additional risk. Furthermore, those counties' transmission lines have been constructed and maintained by the Bonneville Power Administration who is the designer of the chosen B2H lattice tower.

It has come to Ms. King's attention the B2H will be equipped with protective devices; including high-speed, low latency communications that will automatically treat any arcing as a fault. These technologies will automatically de-energize the line while the fault is cleared (IPC Opening Brief pg 34). Whether the process of "clearing" is either automatic or manual remains

ambiguous. Ms. King has concerns that if the re-energize process is automatic (re-close), then it can arc again without warning as in the case of a fault caused by smoke. While these protective measures assist in reducing risk, they also provide uncertainty as to whether the line is safe for human proximity. How will a landowner/family member/employee know if the line is energized or not? And if not, will it automatically re-energize?

Idaho Power has proposed “robust” mitigation plans to further reduce the probability of ignition Associated with B2H (IPC Opening Brief pg 34). To date, IPC’s Fire prevention and suppression plan remains rejected by EFSC. It is disturbing that Staff has stated the combination of Idaho Power WMP and Fire Prevention and Suppression Plan “present a reasonable approach to mitigating this potential hazard” (Staff Opening Brief page 10, emphasis added). Staff has missed the glaring problems with the plans that remain incomplete and have failed to consider whether they would feel reasonably safe living downwind from this 500kV transmission line in a gusty, dry, and fuel-laden environment.

IPC states: “The baseless assertions that Idaho Power will manipulate the (FPI) data to reduce its liability should a fire occur. This concern is unfounded” (Idaho Power Opening Brief page 35). IPC has already shown their willingness to manipulate the LOLE data; so it would seem that the concern is founded. The skepticism surrounding the FPI data is grounded in the fact that IPC insists on keeping its methodologies out of public view as evidenced in the letter from IPC to Mr. Kreider dated February 18, 2022

Mr. Kreider Request: *I’d also like to see the results/outputs of this Wildfire Risk*

Idaho Power Response: *The results of the risk modeling are provided in the*

company's Wildfire Mitigation Plan. The underlying dataset and output of the model are not public information. (StopB2H/Kreider/1011).

There has been no evidence provided by IPC to disprove the “baseless assertions” brought forward in this proceeding. IPC prefers to hide their “methodologies.” Ms. King is astonished as to why IPC is not choosing to be transparent in this process since it is supposedly consistent with industry standards and best practices for fire mitigation.

Idaho Power is expecting an in-service date of 2026, however, its EFSC conditions have not stayed on course with meeting their anticipated compliance concurrence dates. The extension of time needed to comply with EFSC conditions may very well afford adequate time for EFSC approval of an alternate route that affords an alleviated fire risk for many people working and living near this location.

ALTERNATE ROUTE

First, issuance of a CPCN will enable condemnation of private land for purposes of constructing the B2H transmission line, which may limit use of that land for other purposes and negatively impact the landowners (Staff/400, Pal/20). This is of particular concern with respect to agricultural production, where transmission towers may interfere with irrigation equipment or aerial application of materials. Idaho Power has sought to design a route that avoids irrigated areas, and to site towers along field boundaries. Of the 1,461 towers, 26 will be located within a field, though further siting adjustments may reduce this number (Staff/100, Pal/56-57)

This statement is particularly troublesome because in the case of Mr. Myers and Mr. Mortar, IPC did not use field boundaries and further siting adjustments will provide no relief. The Wheatridge Alternate Route Option C reduces the number of towers (by at least 5 in Mr. Myers' cropland) located within a field (Opening Brief Wendy King Exhibit 14 page 24).

Throughout the route selection process for B2H, Idaho Power claims they sought to avoid impacts wherever feasible and to minimize impacts resulting from the Project (IPC Opening Brief pg 61). However, it is IPC's obligation to evaluate existing corridors, right-of-way and siting options in the alternate routes they study (Opening Brief of Wendy King page 26). In order to lift the impacts from EFU properties, Idaho Power neglected to consider the Wheatridge right of way intraconnection corridor. Idaho Power considered alternative routes for the Project except for the Wheatridge alternate proposed by Mr. Myers. Importantly, EFSC did not have an opportunity to consider this alternate route because IPC did not have interest in thoroughly analyzing it, knowing their current proposed route would suffice in EFSC (OAR 860-025-0030 (2) (g)).

Mr. Myers' alternate route was originally introduced to IPC and the commission in January 2023 (Sam Myers/100, pg 2), contrary to IPC's recollection of March 20, 2023 (IPC Opening Brief, pg 67). IPC responded to the route in the reply testimony of Mitch Colburn (IPC/600, Colburn/32). IPC has deflected the Wheatridge alternate route mainly because the review process through EFSC would "put our in-service date at a very high risk" (Cross Examination of Mr. Stippel pg 187). In a conversation between Ms. King and Kellen Tardaewether, ODOE contact, the amount of time to approve an alternate route through the EFSC process is approximately 8 months to 1 year. Ms. King questioned Mr. Colburn if an alternate route can proceed through EFSC while other portions of the B2H line are in construction. Mr. Colburn was unable to provide an answer (Cross Examination of Mr. Colburn April 19, 2023 page 85). Ms. King notes that the many EFSC conditions proposed to IPC to be finalized are providing ample uncertainties for the final order timeline and the over ambitious

in-service date of 2026 (Staff/500 Rashid/2). Due to a self-imposed, unrealistic in-service date;

Idaho Power has chosen to ignore the following:

- Mid-field EFU Prime soil croplands including the ability to perform aerial chemical applications
- High wind areas
- Flammable dryland wheat or chem fallow or prime soil destruction
- Butter Creek valley sight lines
- Long span valley crossings
- Myers Century Farm
- Myers unclassified airstrip flight path
- Making new roads
- Stream crossings
- Utilize more non-resource lands
- Share an 11 mile existing transmission right of way and move the line to a less populated area.

IPC considers the “very high risk” of the in-service date to be of greater value than the very high risk to the people and property operating under the line.

The constraints that Idaho Power sought to avoid through the siting process included irrigated and dryland agricultural areas, sage-grouse habitat, and the Oregon National Historic Trail (IPC Opening Brief pg 62). This constraint was not applied to Mr. Morter or Mr. Myers agriculture operations.

At the cross-examination hearing, intervenor Wendy King raised concerns as to whether Idaho Power applied the factors listed in ORS 215.275 when siting the Project within farmlands zoned as EFU and suggested that an alternative route using the Wheatridge intraconnection transmission corridor may affect fewer acres of EFU land. (IPC Opening Brief page 64)

Ms. King not only provided multiple maps illustrating possible tower sitings, but offered to Mr. Stippel the use of 49 acres of Myers property for MUA if the Wheatridge alternative were to be utilized.

Consistent with ORS 215.275, in the Final Order, EFSC reviewed Idaho Power’s alternatives analysis for segments routed through EFU-zoned lands and determined that

the Project can be sited in those areas as a “utility facility necessary for public service[.]” (IPC Opening Brief page 64)

IPC points out EFSC’s approval; however, Oregon PUC has the determination of whether or not IPC adequately studied alternate routes. EFSC only looks at the routes IPC submitted (OAR 860-025-0030 (2)(c)(C).

“Mr. Myers also erroneously asserted that his proposed alternative would follow an existing Green Energy Corridor” (IPC Opening Brief pg 66). Mr. Myers’ reference to a Green Energy Corridor was made from the definition that a green energy corridor is **synchronizing electricity produced from renewable sources**, such as solar and wind, with conventional power stations in the grid. The Wheatridge intraconnection corridor synchronizes electricity from solar and wind, then ultimately connects to the power grid along the Bombing Range Green Energy Corridor. Mr. Myers' reference did not discount the substantial concerted work in creating the Bombing Range Green Energy Corridor. He rather brings to light its similarity and purpose, and that it may provide more miles of shared right-of-way than the Bombing Range Green Energy Corridor. Ultimately, Wheatridge intraconnection may very well become an extension of that original corridor.

“Ms. King asserted that it would be “simpler” to co-locate the Project with the Wheatridge intraconnection corridor” (Transcript at 82, lines 22-24). To further prove the point, Ms. King notes the myriad of studies already accomplished by Wheatridge Renewable Energy Facilities in EFSC including landowners and permitting. With so much of the work already completed, it is difficult to comprehend how the process would not be reasonable.

“However, the record does not support their view that that corridor represents a reasonable alternative, particularly given that this proposal comes at such a late date” (IPC Opening Brief pg 66). Ms. King points to the fact that the “record,” is IPC’s opinion based on a desktop analysis which was not thoroughly analyzed (Idaho Power/1800 Colburn 7). One has to assume that despite the impacts and lack of avoidance noted in the proposed route over Mr. Mortar and Mr. Myers agriculture operations, IPC would rather have these property owners endure those impacts and (safety concerns) of an EFSC approved route than alleviate those impacts and ensure more safety of an alternate route that would require an amended EFCS process.

“Importantly, potentially impacted landowners filed comments on April 27, 2023 indicating opposition to these alternative routes—suggesting that condemnation could likely be necessary for Ms. King and Mr. Myers’ alternative proposal” (IPC Opening Brief page 67). It is no surprise that other landowners have the same sentiments as Mr. Myers and Ms. King. It must be noted that Mr. Myers owns EFU irrigated High Value cropland that will be impacted by a significant change in aerial chemical applications due to towers and lines in the airspace at the north edge of the field boundary. “Importantly, the public commenter cited Mr. Myers’ Alternate Routes “A Blue and B Blue,” as unacceptable” (IPC Opening Brief page 67). Conversely, “Alternate Route Option C to Wheat Ridge Intraconnection Corridor” (Opening Brief of Wendy King Exhibit 14, page 24) was not objected to and remains an acceptable option that avoids impacts on homes, farming operations along Sand Hollow, and high value irrigated agriculture areas in that location. Furthermore, the commenter’s concern of impacts to the

multiple energy sightings forthcoming in the proposed area, is lacking consideration of the necessary means of transmission of energy they are generating in order to reach the grid.

CONCLUSION

Ms. King asserts that the B2H project fails to comply with the Statewide Planning Goals and IPC failed to analyze relevant alternate routes to uphold the statewide planning goals. Because Mr. Myers Alternate Route Option C to Wheatridge Intraconnection Corridor (Opening Brief of Wendy King Exhibit 14, page 24) was never thoroughly analyzed , and never submitted into the EFSC process, it never received appropriate consideration. Even OPUC Staff didn't acknowledge its existence. IPC's Fire Prevention and Suppression and WMP plans have inadequate fire risk analysis and wildfire protocols including de-energization and re-energization. IPS is avoiding transparency in its FPI modeling and lacks consideration of property damage (including crop value and soil) as consequence in determining a Public Safety Power Shut-off.

While Idaho Power seeks to become a public trustee in the State of Oregon, the company does not exhibit the virtues of this honor by skirting the statutes of Oregon Lands and refusing to make concessions (as in an alternate route) to protect the citizens, environment and land in which it traverses. The company has intentionally pressed the commission into an expedited schedule (even IPC are not keeping pace with finalization of the conditions requested by EFSC) to arrive at an unrealistic in-service date. Ms. King recommends that ALJ Mellgren deny, or conditionally approve pending EFSC approval of an amended alternate route utilizing the Wheatridge Intraconnection Corridor in order to meet its obligation of Land Use compliance, and heightened public safety measures.

DECLARATION

I hereby declare under penalty of perjury under the laws of the State of Oregon that I prepared the above Reply Brief for the PCN5 docket, and that to the best of my knowledge and belief, declare the statements, testimony and exhibits to be true and that they were made for use by the Commission as evidence in this proceeding.

Dated this thirtieth (30) day of May, 2023.

/s/ Wendy King

Wendy King