

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

IN THE MATTER OF IDAHO POWER COMPANY'S	Docket: PCN 5
PETITION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY	Reply Brief
	Intervenor: Stop B2H Coalition

Date: May 30, 2023

Jim Kreider, Intervenor

On behalf of the Stop B2H Coalition¹

¹ Stop B2H Coalition, also referred to in this document as: Stop B2H or simply, "STOP."

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Introduction

Idaho Power’s request/petition for a Certificate of Public Convenience and Necessity (CPCN) for the Boardman to Hemingway (B2H) transmission line, docket PCN-5, **should be denied**. Or, at a minimum, as we have testified since the onset of this docket, we urge the Commission to **pause or cancel** this process until Idaho Power’s application is complete,² which could be at least another year³.

Land condemnation is a serious matter that cuts against the grain of rural and American values. It should be an absolute, last resort, in any infrastructure project. But as the rulemaking

² StopB2H/100/pp. 15-17; and a consistent theme at the Public Comment Hearings (Transcripts from 11/16 and 12/5/2023, generally).

³ Per STOP’s experience and forecast, after review of IPC’s tracking sheets [IPC/Barretto/1601-1603] and StopB2H/1013, and discussions with county, state, and federal staff members, who will be involved in the: surveying, Section 106 consultations (see generally, Williams, J./100 and /200), mitigation planning (example: GEN-NC-01 Site Conditions, Final Order, EFSC 9/27/2022, pp. 40-44 (PDF 45-49); and amendment processes (StopB2H/102 – amendment request RFA1), the proposed tracking sheets are extremely optimistic.

process for CPCN demonstrated, STOP⁴ and the OPUC staff, were the only participants that felt this way. All other participants, utilities with self-serving interests, convinced the Commission that the CPCN could occur earlier in the process, if they had all the permits and information in hand. In this instance, while Idaho Power has obtained many necessary permits, the critical ones are still pending.⁵ And while EFSC and the BLM, have approved certain permits or conditions, none were contemplating land condemnation. Therefore, it is imperative for the OPUC to assess the entirety of the situation and make its own overall conclusions.

Reply Brief

In this Reply Brief, STOP responds to Idaho Power's Opening Brief offering the following rebuttals to these named sections in their Brief.

A. 860-025-0035 (1)(a) – Need.

IV. Argument

A. Idaho Power's IRPs Demonstrate That B2H Provides the Company with Needed Capacity and Is Required for the Maintenance of Reliable Service.⁶

Energy Gateway, Midpoint Transformer & Kinport Series Capacitor, and Captain Jack with offshore wind

There are assumptions that Idaho Power has made about the B2H that are in the company's best interest, but not in the public's best interest. And since the region does not have an Regional Transmission Organization (RTO), key elements of the bigger transmission picture are being missed. What is in the public interest is:

⁴ STOP was the only "public" in the docket.

⁵ See Fn 3 (above); and generally: Williams/500 and /600; StopB2H/500.

⁶ IPC Opening Brief p 11.

- a. Fishing building the approved, permitted, and under construction Gateway West with local interconnection.
- b. Reduce congestion in the Treasure Valley and allow new renewables to get to market by building the Midpoint Transformer & Kinport Series Capacitor.
- c. Build segment H of the Energy Gateway to the Captain Jack substation as originally envisioned. Not to Longhorn and an under-resourced Mid-C energy market.

There is 3-5 GW of new offshore wind that is slated to be on the system by 2030. The offshore feeds will connect to the 3 North-South transmission lines at various points which in turn will run into Captain Jack. This would give Idaho Power direct access to offshore wind which offers them a more regionally diverse power source since Idaho Powers mix is very similar to the Mid-C's⁷. It would also help Lake and other southern Oregon counties get their shovel-ready renewable projects to the grid since PacifiCorp is saying their lines in that area are congested. If the B2H is built, this line will be built too -- for the reasons stated above -- with Inflation Reduction Act (IRA) funds that will significantly reduce the cost to ratepayers; notably, the B2H is not an eligible project for these funds.

⁷ Mid-C 2022: Hydroelectric power: 54%; Wind power: 18%; Solar power: 10%; Natural gas: 12%; Coal: 6%

Idaho Power 2022: Hydroelectric: 51%; Natural gas: 25%; Wind: 17%; Solar: 3%; Biomass: 3%; Other: 1%

If this occurs, there will be triple redundancy with three 500 kV lines; this is wasteful!

Energy Gateway: Gateway-West is being built. It has all the permits, sections have been energized, and others are under construction. It is a done deal.

Gateway West brings “new” Wyoming wind capacity into the Idaho Power system. Wyoming wind is intended to use Energy Gateway to move renewables to load. The costs associated with Gateway West are being paid for by Idaho Powers’ and PacifiCorps’ ratepayers. Same as B2H. Does Idaho need three 500 kV lines?

Idaho Power’s need and reliability issues are resolved via the Gateway West solution. Additionally, Energy Gateway goes to Populus, Mona, and Four Corners where Idaho Power has purchased additional capacity. The timeframe for all of Gateway West to be energized is within the 20-year IRP planning horizon. Why is the B2H needed then? This is an alternative route.

Idaho Power stated that B2H is a standalone asset which speaks to its singularity and thus limitation. It only allows Idaho Power to buy/sell energy with the Mid-C market. Whereas, Gateway West would enable new resources to be integrated onto the Company’s system by relieving transmission constraints to the east of the Treasure Valley where these new resources would be located. As Mr. Ellsberg stated,

“However, simply comparing the costs of B2H to the costs of Gateway West does not accurately identify the least-cost means of serving Idaho Power’s customers. B2H will act as a standalone resource by providing Idaho Power additional access to the Mid-Columbia market hub, meaning B2H alone will provide additional energy to serve Idaho Power’s load. In contrast, Gateway West would not serve as a standalone resource, but

rather would enable new resources to be integrated onto the Company's system by relieving transmission constraints to the east of the Treasure Valley where these new resources would be located⁸."

It makes sense to us!

We can see via the "bolt-on portfolio cost" in Table 1 "Updated Levelized and Portfolio NPV Costs of Major Transmission Components"⁹ that both the B2H and Gateway West will require an upgrade to IPC's treasure valley system.

If we take these "bolt on costs" and use Mr. Ellsworth's guidance, that these costs would not result in changes to the resource portfolio selected in AURORA.¹⁰ We see Gateway with local interconnection, \$135.4M Updated NVP, is less than B2H with local interconnection, \$244.2M NVP, by \$108.8M. This is more proof that what is being built, Gateway West, including these add-ons is less than the B2H. And Gateway West is being built anyway.

The Midpoint Transformer & Kinport Series Capacitor are going to be built regardless of PAC's participation. Table 1 shows them occurring with and without the PAC exchange. The transformer and capacitor are needed regardless of Gateway West or the B2H because there is a need to relieve "transmission constraints to the east of the Treasure Valley where these new resources would be located."¹¹

⁸ Idaho Power Opening Brief/60 <https://edocs.puc.state.or.us/efdocs/HBC/pcn5hbc84852.pdf>

⁹ Idaho Power Opening Brief/17

¹⁰ Idaho Power/500 Ellsworth/26-27 "I focused my discussion on transmission costs because transmission costs are all bolt-on costs, and therefore any cost estimate changes would not have resulted in changes to the resource portfolio selected by the AURORA long-term-capacity-expansion model. <https://edocs.puc.state.or.us/efdocs/HTB/pcn5htb15617.pdf>

¹¹ Ibid 2

Table 1. Updated Levelized and Portfolio NPV Costs of Major Transmission Components⁸⁸

Project Description	Total Cost	Levelized Cost	In-Service Year	Updated Portfolio NPV Cost	2021 IRP Portfolio NPV Cost
B2H (with local interconnection)	\$668M	\$35.6M	2026 (Preferred Portfolio)	\$244.2M	\$159.9M
Midpoint Transformer & Kinport Series Capacitor	\$47M	\$3.8M	2026 (Preferred Portfolio)	\$25.8M	\$25.8M
Gateway West (with local interconnection)	\$284.9M	\$22.0M	2027 (Non-B2H Portfolio)	\$135.4M	\$100.9M
Gateway West (without local interconnection)	\$238M	\$17.7M	2033 (Non-B2H Portfolio)	\$49.4M	\$36.8M
Midpoint Transformer & Kinport Series Capacitor (No PacifiCorp exchange)	\$16.2M	\$1.3M	2027 (Non-B2H Portfolio)	\$8.2M	\$8.2M

When we talk about putting generation close to load this certainly fits the definition.

What is being done and will be done by Gateway West's deployment plan will satisfy all IPC's energy and reliability needs. It includes upgrades so more renewable energy can be built and brought to market on underdeveloped federal lands in Southern Idaho. The Mid-C wind and solar market is running out of good renewable energy land because most of the good land is under contract.

The Budget and Contingencies

The budget as developed and explained is not straight forward. Idaho Power did not address all STOP's issues in their opening brief in Section 2: Budget and forecasted costs are

incomplete; may not be in the public interest: Items 1-4¹². We hope staff have been able to understand and explain these nuances for the final meeting because STOP cannot.

1. The differences between the budgets over the years that have and do not have a 20% contingency or a set aside for cost overruns that average about 25% and how to evaluate this risk¹³.
2. How to evaluate and mitigate for a budget that is only at a 60% design package which is not at a bid or tender stage¹⁴;
3. The total cost of the transmission line that shows Idaho Power's and PacifiCorp's share of the line itemed percentages in a single budget side by side;
4. A budget that defies inflation. The B2H budget has increased 10% from November 2018 to December 2022 based on CONFIDENTIAL CPCN - SECOND SUPPLEMENTAL Staff Data Request No. 64 - Attachment 1- B2H Cost Estimate Breakdown 2018 - 2022. The inflation rate for Utility System Construction (NAICS 237) in the United States was 10.6% in 2022, 8.5% in 2021; 3.6% in 2020; 2.5% in 2019; 3.3% in 2018; and 3.2% 2017¹⁵. It is impossible given the pandemic, supply side resource and labor shortages to only show a 10% budget increase since 2018.

¹² STOP Opening Brief/7-11

¹³ Idaho Power Opening Brief/15 The direct B2H transmission and substation components for the Company have increased from \$425 million, not including a contingency, in the 2021 IRP to \$603 million, including a contingency.

¹⁴ Idaho Power Opening Brief/15 The current estimate, which is based on a 60 percent design package, incorporates site-specific data, more precise information about tower heights and access roads, and updated market information, and is therefore more accurate.

¹⁵ U.S. Bureau of Labor Statistics. "Inflation Rate for Utility System Construction: NAICS 237." *U.S. Bureau of Labor Statistics*, 2023,

B. 860-025-0035 (1)(b) – Public Safety

B. Idaho Power Will Construct, Operate, and Maintain B2H in a Safe Manner that Protects the Public from Danger.¹⁶

2. The Probability of Fire Ignition Associated with B2H Is Low, and Idaho Power’s Fire-Related Plans Will Further Reduce the Probability of Ignition.

STOP must reiterate that Idaho Power has not done a thorough job of the analysis of Fire Risk as we demonstrated in STOP’s Opening Brief¹⁷ and earlier testimonies.¹⁸ Therefore, there is no assurance that IPC can operate and maintain the B2H in a manner that protects the public from danger.

3. Corona Noise from B2H Does Not Pose a Public Health Risk.

STOP urges the OPUC, as an independent evaluator¹⁹ to consider the noise control issues and protections, when assessing public health and safety, remembering that, IPC needed to secure a variance and exemption from EFSC because the project did not meet state noise control standards.²⁰ Greg Larkin and STOP²¹ are not the only ones finding threats to public health and safety due to noise emissions concerning; so did the Oregon State legislature.²²

¹⁶ IPC Opening Brief p. 24

¹⁷ Stop B2H/500/pp.23-28.

¹⁸ Stop B2H/100/pp 14-15, Exhibits 1011, 1012; Stop B2H/200/pp 16-17, Exhibit 201.

¹⁹ ORS 758.015(2): “...in addition to considering facts presented at such hearing, shall make the commission’s own investigation to determine the necessity, safety, practicability and justification in the public interest...”

²⁰ StopB2H/100/p. 12, Fn18.

²¹ IPC opening brief/p.38/pdf-48

²² **“467.010 Legislative findings and policy.** The Legislative Assembly finds that the increasing incidence of noise emissions in this state at unreasonable levels is as much a threat to the environmental quality of life in this state and the health, safety and welfare of the people of this state as is pollution of the air and waters of this state. To provide protection of the health, safety and welfare of Oregon citizens from the hazards and deterioration of the

STOP unsuccessfully litigated ODOE/EFSC's authority in making noise control exception and variance decisions since ODEQ's loss of funding.²³ However, given the squishiness of the analysis,²⁴ and the permanent nature of the impact and private injury,²⁵ the OPUC must conclude for itself.

STOP believes that the OPUC would like to minimize any risk of public health hazards and trust they'll strengthen any noise protections, if the CPCN is approved. As suggested in STOP's opening brief, mitigation measures should be expanded/offered to more NSRs to protect public health,²⁶ particularly due to the impact of averaging and assumed representativeness of 17 monitoring positions for 137 NSRs over 300 miles.²⁷ A plain example of the volume of

quality of life imposed by excessive noise emissions, it is hereby declared that the State of Oregon has an interest in the control of such pollution, and that a program of protection should be initiated.

²³ Oregon Supreme Court, 3/9/2023, SC S069919 Stop B2H Coal. vs. ODOE, EFSC, and IPC, pp. 16-19.

²⁴ StopB2H/100/pp. 11-14 (opening testimony),

StopB2H/200/pp. 22-27 (greenwashing rebuttal);

StopB2H/200/pp.18-30 (rebuttal testimony);

Stop B2H/108 pp. 2-4; StopB2H/204 (monitoring points)

Stop B2H/1010 (EFSC Direct Testimony and Closing Briefs); and

Stop B2H/108 (Noise Expert Reports and Letter from the last Noise Control Manager at ODEQ), pp. 12-

14. (infrequent, rule metrics-1 hr. per day, exception)

²⁵ StopB2H/500 p. 30 and Noise Control Conditions 1 & 2 (code: GEN-NC-01 and NC-02 in the Site Conditions) Final Order, EFSC 9/27/2022, pp. 40-44 (PDF 45-49).

²⁶ NSR = Noise Sensitive Receptor or a noise sensitive property (OAR 340-035-0015(38), Definition: "Noise Sensitive Property" means real property normally used for sleeping, or normally used as schools, churches, hospitals or public libraries. Property used in industrial or agricultural activities is not Noise Sensitive Property unless it meets the above criteria in more than an incidental manner.")

²⁷ StopB2H/500 pp. 31-32;

StopB2H/203-Table X-4 (see far right column NSRs on the margin of +9 or +10);

StopB2H/1010/p.66 (Stop Closing Argument Response Brief) and Fn 52 at: StopB2H/1010/pp. 24-27 (STOP Closing Argument at pp.11-14);

StopB2H/1010/pp. 53-54;

StopB2H/108/pp. 4-6 and 21-23 (expert testimony);

StopB2H/204 (controversial MP's in supplemental monitoring).

averaging done during the noise study and analysis is seen in Exhibit 108, p 21; and given the fact that multiple NSRs (often miles part) are “represented” under one monitoring position’s average dBA.²⁸ There are likely additional NSRs impacted, that will experience the sound intrusion and are not listed as impacted NSRs.²⁹

Contrary to IPC’s claim³⁰ Noise Control Condition 2 will be burdensome on any landowner who may experience excessive noise emissions and files a noise compliance complaint. In a ridiculous statement, Idaho Power states³¹: “The landowner needs to provide alternative noise measurement data **only if they disagree with modeling already provided by Idaho Power.**” (IPC’s emphasis).

If a person is filing a complaint, they are obviously in disagreement with the current modeling already provided by IPC. The only way this complaint can be verified is by alternative noise data, which the landowner would be required to provide. The site-specific monitoring that IPC would be responsible to employ/contract, is to only *verify* the landowner’s alternative data. Hence, the landowner still needs to provide noise data. Contrary to EFSC’s thinking during the exception hearing³² (with no opportunity to correct the proceeding) this noise monitoring

²⁸ In total there were 17 Monitoring points (MP) for the entire 300 miles. In one instance, there were 63 NSRs assigned to one MP.

²⁹ Only 41 NSRs will be offered mitigation. StopB2H/500 p. 31; StopB2H/200/p. 29 and Fn 48 (“As mentioned above under “non-conservative assumptions” there are additional NSRs that are “on the margin,” +1 or 2 dBA under the allowable standard. They are currently excluded under Condition NC-1 but they may actually be an NSR. They should be able to petition for a site-specific confirmation – possibly through site specific monitoring – to see if they also qualify for mitigation.”)

³⁰ IPC Opening Brief, pp.46-47 (pdf-56-57)

³¹ IPC Opening Brief p. 47 (pdf 57)

³² Ibid

equipment is *not* inexpensive. STOP knows because we naively tried renting sound equipment. Thousands of dollars later, we learned that most monitors do not register lower than 35 dBA.

IPC claims³³ that “requiring an exception or variance on an NSR-by-NSR basis prior to operations is completely impractical for a linear project such as B2H which is approximately 300 miles long.” However, they are required under Noise Control Condition 1 to *uniquely negotiate* with each of the 41 impacted NSRs *prior to construction*. Therefore, conducting site-specific monitoring at these NSRs as part of their mitigation negotiation is not only reasonable, but it would eliminate the question of accurate background ambient baseline, in case there is a future complaint, and moreover, since once the line is energized, there can never be another baseline measure.

Finally, IPC misunderstood STOP’s comment about noise intrusion in recreation areas.³⁴ Stop B2H has never referenced “quiet areas” in any of its filings in this docket or at ODOE/EFSC. We were actually referencing EFSC’s Recreation Standards.^{35,36}

³³ IPC Opening Brief p. 44.

³⁴ Ibid, p. 43.

³⁵ OAR 345-021-0010(1)(t) requires that Exhibit T include the following information about important recreational opportunities that could be affected by the Project: ...

(A) A description of the recreational opportunities in the analysis area that includes information on the factors listed in OAR 345-022-0100(1) as a basis for identifying important recreational opportunities.

(B) A description of any significant potential adverse impacts to the important opportunities identified in (A) including, but not limited to:

(i) Direct or indirect loss of a recreational opportunity as a result of facility construction or operation.

(ii) Noise resulting from facility construction or operation.

(iii) Increased traffic resulting from facility construction or operation.

(iv) Visual impacts of facility structures or plumes.

(C) A **description of any measures the applicant proposes to avoid, reduce or otherwise mitigate** the significant adverse impacts identified in (B).

(D) A map of the analysis area showing the locations of important recreational opportunities identified in (A).

(E) The applicant’s **proposed monitoring program, if any, for impacts to important recreational opportunities.** [emphasis added.]

³⁶ StopB2H/500 p.32.

C. 860-025-0035 (1)(c) – Practicable.

C. The Evidence in the Record Demonstrates the Project Is Practicable

3. Idaho Power Will Construct the Project in a Timely and Efficient Manner.

The company's reply to staff's concerns about the ambitious schedule, gives no concrete evidence that it can be built in the claimed timeframe. STOP and other intervenors have pointed-out over and over, all the tasks that still need to be completed. The company states, "*the evidence demonstrates that Idaho Power will efficiently and timely construct the Project. As discussed above, Idaho Power's 2021 IRP indicates a need for B2H in 2026, and the Company's testimony and exhibits show how Idaho Power intends to accomplish that goal.*"³⁷

However, there are: 1) the outstanding permits; 2) specific design plans and surveys for individual parcels that are incomplete; 3) many site certificate conditions are incomplete and construction cannot begin until ODOE approves these conditions and they will not be done by June 30, 2023; 4) the first amendment to the EFSC site certificate³⁸ to add 1,000 acres is multi-month process that the company said would be done by the end of June. That is 30 days from now and the RFA1 public process hasn't even begun. 5) the company has asked that 2023 IRP be delayed. The IRP would have informed this docket on critical elements and it would be wise to wait for it before taking a condemnation action. The 2019 IRP took 2 ½ years to complete because of all the errors found which required the portfolios to be re-run. The same reason is

³⁷ IPC Opening Brief/53

³⁸ RFA1 – Request for Amendment (see Stop B2H/102 and 102.a.)

given for this delay, the need to run more calculations. The evidence in front of us suggests that the company will not get this done on time or within the stated budget.

As stated in our prior filings, IPC's urgency is a smoke-screen or self-created.³⁹ The OPUC must see through this and pause the process to consider the big picture of what is happening in the region and the transmission necessary. Overbuilding and cost over-runs are not efficient or effective and will not serve the public benefit or convenience.

D. 860-025-0035(1)(d) – Justification

D. The Evidence in the Record Demonstrates the Project Is Justified Compared to Alternatives.⁴⁰

STOP obviously disagrees with this statement. It is no mystery that routing has been a challenge. And IPC goes through great lengths explaining and rationalizing their choices and preferences. However, most of this activity (e.g.: CAP process, Glass Hill Coalition, Stop Idaho Power) was conducted very early in the federal process. As time went on and things moved into the state arena, other actors became involved and provided inputs, (e.g.: City of La Grande, Union County Advisory Committee, Stop B2H Coalition and its members), but the company did not change its preferences, and actually seemed to dig their feet deeper into their fixed position on routing.

As we stated in our Opening Brief, each county still has an area of controversy.⁴¹ STOP believes that reasonable alternatives exist but IPC is unwilling to consider them, once again

³⁹ Stop B2H/200 pp. 30-32.

⁴⁰ IPC Opening Brief p. 55.

⁴¹ Stop B2H/500 pp-19-22.

saying that they have no time. Idaho Power's excuses for not re-evaluating the Wheatridge (co-location) route is not benefitting the public. It's just "too late" for them. Yet, given the spaghetti maze of powerlines in Umatilla and Morrow Counties, it would make sense to do more co-locating. Mr. Myers and Ms. King have been and will continue to address this.

The rationale – or blaming—of the BLM for the routing in Malheur County is lame. Given the fact that it is a designated corridor⁴² the distance separation is erroneous at best. Conservation groups⁴³ in the area are also calling for the utilization of the federal corridor, which can open a path to BLM re-negotiation. Idaho Power may not be interested in obtaining an amended right-of-way from the BLM,⁴⁴ but the OPUC should insist that it be explored and utilized if it can prevent land condemnation.

In Union County, the Glass Hill Alternative should no longer have the objection of the Confederated Tribes of the Umatilla Indian Reservation's (CTUIR).

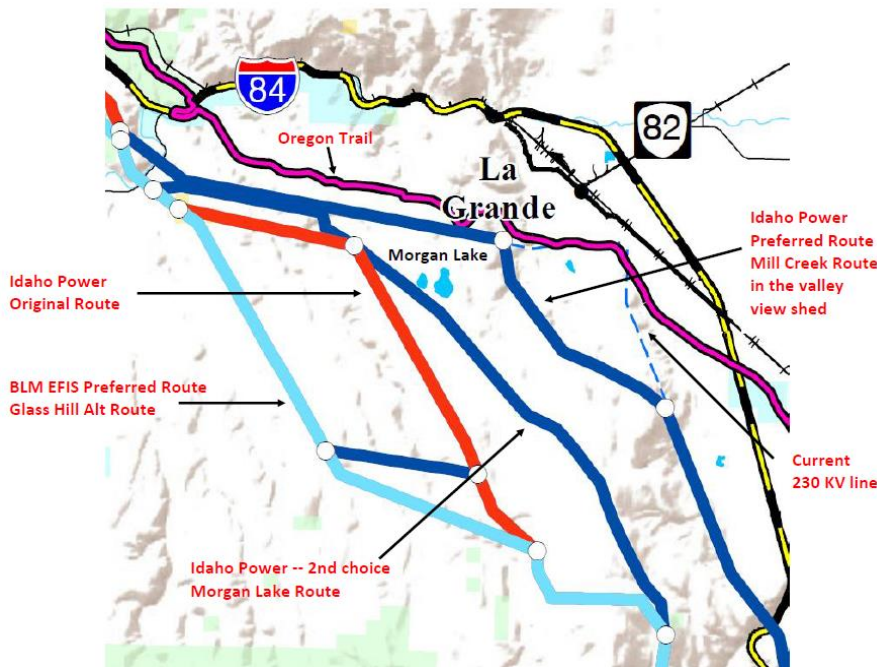
The parties should understand that when routes were offered for discussion and review, all 4 route options were never offered together. The company only gave people forced choices between two routes, the Original Proposed Route or Glass Hill Alternative (federal process); and Morgan Lake Alternative or Mill Creek Route (state). The Glass Hill Alternative, which became the BLM's selected Agency Environmentally Preferred Route, was not offered for discussion or evaluation in the state EFSC process. During this process, IPC claims that they didn't bring the route forward primarily due to the CTUIR's objections; however, it appears that these may have

⁴² West-wide 368 corridor.

⁴³ Timothy Proesch & Miranda Aston-Proesch Opening Testimony and Exhibits (Timothy Proesch & Miranda Aston-Proesch /100

⁴⁴ IPC Opening Brief, p 78/pdf 88.

been overcome. All four routes originate at a similar location within the tribal area of concern and the Rock creek fisheries project. Therefore, if three routes have overcome tribal objections the 4th, Glass Hill Alternative, the farthest to the west, should have too. It branches before the other three routes that the company feels would have been approved that continue into the tribal area of concern, and are covered in the confidential mitigation agreement⁴⁵.



If the tribes no longer object because of the mitigation, the Glass Hill alternative is the better route -- as the BLM originally chose. The Glass Hill alternative does not destroy the tranquility of Morgan Lake Park (with more towers and more corona noise because towers are lower to the ground), nor cross the Glass Natural Area and thread the needle between the Ladd Marsh State Wildlife area and EOU's Research Reborrow Forest. This natural area with its

⁴⁵ "During the EFSC process, Idaho Power worked with the CTUIR to address their concerns regarding both the Mill Creek Route and the Morgan Lake Alternative sufficiently such that the CTUIR filed a letter stating that "the CTUIR's concerns have been addressed and will be mitigated by Idaho Power pursuant to a confidential mitigation agreement between the CTUIR and Idaho Power."

exceptional qualities will not be damaged and transected, which would break a significant wildlife corridor from Ladd Marsh to Eastern Oregon University' Rebarrow Forest and into southern Blue Mountains.

All routes are likely to have cultural resources that need mitigation after the Section 106 review. The Tribes preference, as best we can tell from the record, would have been the Mill Creek route. However, as IPC stated even back in their 2012 siting study⁴⁶ "IPC came to the same conclusion that a route in this vicinity would have more potential impact than either the Proposed Route or the Glass Hill Alternative due to steep upland terrain and proximity to homes and cabins on the ridge west of La Grande and therefore should not be carried forward for further assessment." Interesting, this became the Mill Creek route, which was another forced choice that Idaho Power put up against their preferred (although not stated) Morgan Lake Alternative. The deck was rigged.

It would be appreciated if the ALJ would visit with the Tribes to understand their objections and the mitigation plan proposed by Idaho Power since tribal consultation is ongoing, and all of the Section 106 review of the area has not been completed.⁴⁷

Conclusion

We need to take the time to get this right before condemning people's land. The original rulemaking input from staff and Stop B2H was most prudent. That is, that the CPCN should be the cap-stone, or final step in any transmission project approval. As it stands today, there are too many unknowns for such a risk and expensive project. We have wasted a great deal of time and

⁴⁶ ODOE - B2HAPPDoc1-2.3 pASC 02b_Exhibit B_Project Description_Attachment B-2 and B-3 - 2013-02-28. Page 17 of 171

⁴⁷ Generally, all of the testimony of Williams, J., intervenor.

energy prematurely in this docket. The Commission must not issue a CPCN for the condemnation of private lands in Eastern Oregon until all issues raised in this case are fully evaluated.

IPC's urgency has been self-created. Without re-hashing the inputs offered them over the years (e.g.: building more local generating resources, acquire more firm transmission in the region), STOP will reiterate another IPC self-created situation from our Opening Brief:

“...the facts are that this urgency was created, in part, by changing reserve margins: a paper exercise. We'd like to remind the Commission that in April 2022 with the acknowledgement of IPC's 2019 IRP there was a minor deficit or need of MWs by 2026; and within a couple of months of submitting their 2021 IRP, the projected deficit was suddenly over 1,000MW.⁴⁸ These disparate amounts created even greater suspicion and ill-will between the company and the people of EO. While STOP can see that IPC is following the NW Power and Conservation Council's recommendations⁴⁹ for reserve margin, STOP does not believe that it was intended to be implemented immediately, rather a phased-in approach would be more prudent. Predictably, IPC wants everyone to believe it is an urgent situation.”

Additionally, the Jim Bridger coal plants are being converted--not decommissioned--as promised.⁵⁰ IPC's lights are not going to go out. The commission should not adopt IPC's timeline for this CPCN since so much is still unknown and/or pending.

⁴⁸ See also: STOP's Opening and Closing comments to the 2021 IRP - EXHIBIT Kreider/1014.

⁴⁹ StopB2H/1014/p. 13.

⁵⁰ Stop B2H/500/ p 34.

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/ Jim Kreider

Jim Kreider, Co-Chair Stop B2H Coalition

CERTIFICATE OF MAILING

On May 30, 2023, I certify that I filed the above Reply Brief and Declaration with the Administrative Law Judge via the OPUC Filing Center, for the Docket # PCN-5; and the following:

John C. Williams
PO Box 1384
La Grande, OR 97850

/s/ Jim Kreider

Jim Kreider
Intervenor on Behalf of Stop B2H Coalition, PCN-5