



COLE ALBEE
Main (503) 595-3922
cole@mrg-law.com

December 18, 2025

VIA E-MAIL TO

Public Utility Commission of Oregon
Filing Center
201 High Street SE, Suite 100
Salem, Oregon 97301-3398

Re: Docket No. PCN 8 — In the Matter of PacifiCorp, d/b/a Pacific Power, Petition for Certificate of Public Convenience and Necessity.

Attention Filing Center:

Attached for filing in the above-referenced docket, please find the Joint Brief in Support of Stipulation filed on behalf of PacifiCorp, d/b/a Pacific Power and Staff of the Public Utility Commission of Oregon. Confidential copies are being sent via encrypted zip file to the Filing Center and parties who have signed signatory pages to General Protective Order No. 23-132 for this docket.

Please contact this office with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Cole Albee".

Cole Albee
Paralegal
McDowell Rackner Gibson PC

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

PCN 8

In the Matter of

PACIFICORP'S

Petition for Certificate of Public Convenience
and Necessity.

REDACTED

JOINT BRIEF IN SUPPORT OF STIPULATION

December 18, 2025

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1 **I. INTRODUCTION**

2 On March 11, 2025, PacifiCorp, d/b/a Pacific Power (PacifiCorp or the Company) filed its
3 Petition for a Certificate of Public Convenience and Necessity (CPCN) for the construction of the
4 230 kilovolt (kV) transmission line between the existing Lone Pine substation north, and west to
5 the existing Whetstone substation near Medford in central Jackson County, Oregon (LPW or
6 Project). PacifiCorp and Staff of the Public Utility Commission of Oregon (Commission) (Staff)—
7 hereinafter, referred to as the Stipulating Parties—submit this Joint Brief in Support of the
8 Stipulation filed on December 8, 2025. Per the Stipulation, the Stipulating Parties agree that
9 PacifiCorp has demonstrated that LPW is necessary to reinforce the 230 kV supply to the Lone
10 Pine and Whetstone substations and maintain reliability of the electric grid for customers in
11 southern Oregon, and that the Project complies with the statutory requirements for a CPCN and
12 the Commission’s rules.¹ The Stipulating Parties therefore recommend that the Commission adopt
13 the Stipulation filed on December 8, 2025, and grant the CPCN for the Project as LPW is necessary
14 and in the public interest.

15 **II. BACKGROUND**

16 **A. The Lone Pine to Whetstone Line.**

17 **1. Project History**

18 The need for a project like LPW was first identified in PacifiCorp’s 2017 Transmission
19 Planning (TPL) Assessment. Specifically, the 2017 TPL Assessment identified several double
20 outage (N-1-1 or P6) contingency event scenarios that would require an interim operating
21 procedure to transfer load from the Grants Pass area to alternate sources and implement controlled
22 load shedding during peak.² The Company initially identified the Meridian-Lone Pine 230 kV

¹ PAC/300, Bremer/1-2; Staff/400, Rashid/16; Stipulation at ¶¶ 13-20 (Dec. 8, 2025).

² PAC/100, Bremer/15.

1 line #3 as a potential long-term corrective action to address the N-1-1 scenarios.³ However, in
2 2018, LPW replaced the Meridian-Lone Pine 230 kV line #3 as the Company's long-term
3 corrective action for the identified N-1-1 scenarios.⁴ The 2019 TPL Assessment Corrective Action
4 Plan further confirmed the need for LPW and supported construction of the Project, along with the
5 planned Sams Valley 500 kV to 230 kV substation project, to resolve the N-1-1 contingency event
6 scenario combinations first identified in the 2017 TPL Assessment.⁵ The Company's February
7 2025 updated power flow analysis confirms the results of the Company's prior transmission system
8 planning assessments under then-current conditions, and indicates LPW is necessary to resolve
9 and mitigate transmission facility overloads and associated voltage criteria violations for five
10 unique contingencies in the near-term and two additional contingencies in the long-term.⁶

11 **2. Project Description**

12 The Project is a 230 kV overhead transmission line from PacifiCorp's existing Lone Pine
13 substation north and west to the Company's existing Whetstone substation near Medford in central
14 Jackson County, Oregon.⁷ The Project is needed to reinforce the 230 kV supply to the Lone Pine
15 and Whetstone substations and continue providing reliable service to customers on the electric
16 system in southern Oregon and northern California.

17 The preliminary ratings for the new transmission line conductor based on PacifiCorp's
18 TD-101 Transmission Line Rating Standard are as follows: The summer steady state will be
19 2014 amps (equivalent to 802 megavolt-amperes (MVA)) and the winter steady state will be
20 2233 amps (equivalent to 890 MVA).⁸ The summer season rating is anticipated to be slightly

³ *Id.*

⁴ *Id.* at 16.

⁵ *Id.*

⁶ *Id.* at 16-22.

⁷ *Id.* at 72.

⁸ *Id.*

1 limited by circuit breakers at the Lone Pine substation to 2000 amps (equivalent to 797 MVA).
2 Following the completion of the final design of the transmission line, PacifiCorp’s reliability
3 standards group will determine the actual line ratings based on the line conductor and a weak link
4 element review of the transmission line and substation terminal equipment.⁹

5 PacifiCorp performed a routing study considering engineering needs as well as
6 environmental opportunities and constraints, and ultimately selected a route that is approximately
7 11.5 miles in length.¹⁰ The proposed transmission line structures will be constructed of monopole
8 single-circuit, H-frame, monopole double-circuit, and 3-pole structures.¹¹ Poles will be galvanized
9 steel, which is consistent with structures of PacifiCorp’s existing 230 kV transmission lines in the
10 area.¹²

11 **B. Public Outreach, Routing, and Landowner Easement Negotiations.**

12 As part of PacifiCorp’s original engagement with the Oregon Department of Energy
13 (ODOE) and Energy Facility Siting Council (EFSC), the Company considered input from the
14 public and reviewing agencies. The ODOE review process included a public informational meeting
15 held on June 7, 2023, and written comments from the public, reviewing agencies, and Jackson
16 County that were submitted to PacifiCorp in August 2023.¹³ The input through the ODOE review
17 process contributed to the Company’s ultimate selection of the proposed route and refinements to
18 the proposed route to reduce potential impacts on specially designated land uses and sensitive
19 environmental resources.¹⁴ Due to the modified Project design and the fact that less right-of-way
20 (ROW) was needed due to double circuiting of 1.9 miles of line within existing ROW, in

⁹ *Id.*
¹⁰ *Id.*
¹¹ *Id.*
¹² *Id.*
¹³ *Id.* at 25-26; PAC/200, Bremer/20.
¹⁴ PAC/200, Bremer/19-22; PAC/100, Bremer/24-26, 45-46.

1 November 2023, ODOE confirmed that, because certain portions of the proposed route did not
2 meet the definition of an “energy facility” under ORS 469.300(12)(a)(C),¹⁵ the Project was
3 exempt from EFSC jurisdiction and the appropriate land use permitting authority is Jackson
4 County.¹⁶

5 Since identifying the need for a transmission line in 2017, PacifiCorp identified a Project
6 area and identified five preliminary conceptual corridors. Taking into account general engineering,
7 land use, and environmental data, PacifiCorp narrowed the preliminary conceptual corridors to
8 two alternative routes (the East and West Alternative Routes) and engaged POWER Engineers,
9 Inc. (POWER Engineers) to conduct a high-level study to evaluate the viability of the two
10 alternative routes.¹⁷ These two alternative routes were identified in ODOE’s Notice of Intent (NOI)
11 for agency and public review.¹⁸ Based on consideration of objective siting criteria and evaluation
12 factors, refined environmental resource data from the pedestrian field surveys, results of the survey
13 to identify access to the ROW, consideration of public and agency input from the ODOE review
14 process, and feedback from Jackson County and further engineering evaluation, PacifiCorp
15 selected a route for the transmission line which was less impactful and more cost-effective than
16 either of the two alternative routes—the proposed route is a combination of the East and West
17 Alternative Routes.¹⁹

18 Subsequently, on January 23, 2024, PacifiCorp voluntarily hosted a public open house,
19 where the Company provided an update on the status of the Project explaining the need for the

¹⁵ Previously ORS 469.300(11)(a)(C) (2023).

¹⁶ PAC/100, Bremer/34; PAC/208, Bremer/3.

¹⁷ PAC/100, Bremer/26. A summary of PacifiCorp’s routing review process, using updated desktop data from 2024 and additional data from pedestrian surveys, was formally completed in November 2024—Power Engineers’ Routing Study Summary, Exhibit PAC/105. These results were again updated using desktop data from August 2025 for Mr. Bremer’s Reply Testimony. PAC/200, Bremer/13-14.

¹⁸ PAC/100, Bremer/25; PAC/208, Bremer/1.

¹⁹ PAC/100, Bremer/31; PAC/105, Bremer/9-10.

1 Project, the location and description of the Project, an overview of the routing study process,
2 Project milestones, and a summary of comments received from ODOE’s public information
3 meeting on June 7, 2023.²⁰ At this public open house, PacifiCorp project personnel were also
4 available to answer questions from attendees regarding the Company’s selection of the proposed
5 route, undergrounding, public health and safety, effects on property values, visual effects of the
6 line on the landscape, and construction activities.²¹

7 Finally, the Company has been in continuous discussions with landowners for years
8 regarding potential micro-siting and design modifications during easement negotiations.²² As of
9 the filing of PacifiCorp’s Surrebuttal Testimony, PacifiCorp has acquired approximately
10 56 percent of the easements needed to construct the line.²³

11 **C. Permitting and Land Use Approvals.**

12 Jackson County received PacifiCorp’s Type 3 Conditional Use Permit pre-application
13 materials on April 15, 2024.²⁴ The pre-application meeting with Jackson County was on
14 August 28, 2024, where Jackson County informed PacifiCorp that unless otherwise provided under
15 the County’s Land Use Ordinance (LDO), applications for review and approval of all development
16 proposals may only be initiated by “the property owner, purchaser under a recorded land sale
17 contract, condemner who has been granted immediate possession by a court of competent
18 jurisdiction, agent duly authorized in writing, or a public agency.”²⁵ After further discussions with
19 Jackson County indicating that the County is currently enforcing its requirement for immediate
20 occupancy in order to initiate a land use permit application, on November 12, 2024, PacifiCorp

²⁰ PAC/100, Bremer/45-46.

²¹ *Id.* at 46.

²² PAC/200, Bremer/22-29.

²³ PAC/300, Bremer/33.

²⁴ PAC/100, Bremer/80.

²⁵ *Id.* at 80-81 (quoting Jackson County Land Use Development Ordinance, Chapter 2, *Review and Decision Making*, Section 2.6.1).

1 requested that Jackson County issue a land use compatibility statement (LUCS) pursuant to
2 OAR 860-025-0040(3)(c) so that the Commission may rely on the LUCS in making its land use
3 compatibility findings required under OAR 860-025-0040(1) and (2).²⁶ Jackson County issued the
4 LUCS for LPW on December 10, 2024.²⁷

5 On May 16, 2025, the Company filed a status update letter informing the Commission that
6 PacifiCorp submitted its Type 3 Land Use Permit Application for the Project on May 8, 2025, to
7 Jackson County for review.²⁸ After further communications with Jackson County, PacifiCorp
8 withdrew its Land Use Permit Application to prepare additional information requested by the
9 County and to continue discussions with the County regarding next steps in the land use permit
10 review process.²⁹ PacifiCorp will refile the Land Use Application at a later time, in part, in
11 recognition of Jackson County’s current position that it will not begin review of the Land Use
12 Permit Application until the Company has obtained site control for the parcels at issue in the
13 application.³⁰ Moreover, it is PacifiCorp’s understanding that Jackson County may benefit from a
14 more complete record in docket PCN 8 if the County ultimately agrees to begin reviewing portions
15 of the Land Use Permit Application prior to the Company obtaining site control.³¹

16 Additional permits and land use approvals for the Project have been acquired or are in
17 process and will be obtained as needed prior to or during construction.³²

²⁶ *Id.* at 81.

²⁷ *Id.* at 82.

²⁸ PacifiCorp’s Status Update Letter Re Jackson Co. Land Use Application (May 16, 2025).

²⁹ PacifiCorp’s Status Update Letter Re Land Use Application (Aug. 8, 2025).

³⁰ *Id.*

³¹ *Id.*

³² PAC/113.

1 **D. Procedural History of PCN 8.**

2 On March 11, 2025, PacifiCorp filed its Petition for CPCN for LPW in accordance with
3 the filing requirements under OAR 860-025-0030.³³ On April 22, 2025, Administrative Law Judge
4 (ALJ) John Mellgren issued a ruling establishing the procedural schedule for PCN 8.³⁴
5 Subsequently, before any significant activity occurred in this docket, the Oregon Legislature
6 passed House Bill (HB) 3681 which modified the CPCN review criteria under ORS 758.015(2).
7 On June 26, 2025, ALJ Mellgren issued a ruling requesting parties to file brief letters outlining
8 their respective views on HB 3681 and whether and to what extent the passage of the new law may
9 impact the procedural schedule.³⁵ Staff submitted its response to ALJ Mellgren’s ruling on July 2,
10 2025, asserting that Staff could evaluate the impacts of HB 3681 in its testimony.³⁶ PacifiCorp
11 submitted a Motion for a Partial Waiver and Clarification of Scope (Motion) regarding OARs 860-
12 025-0030, 860-025-0035, and 860-025-0040, and request that the Commission clarify the scope
13 of review for the Company’s Petition for CPCN pursuant to HB 3681.³⁷ Staff opposed PacifiCorp’s
14 Motion and recommended that parties address waivers of the CPCN rules in closing briefs and the
15 Commission decide on PacifiCorp’s Motion in the final order.³⁸ On August 11, 2025, the
16 Commission issued Order No. 25-302 finding that PacifiCorp’s Motion was premature and that
17 PacifiCorp’s request that the Commission “waive certain rules and clarify others now could
18 preclude Staff and any intervenors from effectively participating in our proceedings or raising

³³ PacifiCorp’s Petition of Public Convenience and Necessity (Mar. 11, 2025). Prior to filing its petition on March 11, 2025, PacifiCorp provided a Notice of Intent which was copied to all landowners, informing them of the Company’s plan to file the Petition and the need for the line. PacifiCorp’s Notice of Intent to File a Petition for Certificate of Public Convenience and Necessity (Dec. 18, 2024).

³⁴ Ruling – Disposition: Procedural Schedule Established (Apr. 22, 2025).

³⁵ Ruling – Disposition: Deadline Established (June 26, 2025).

³⁶ Staff’s Response to ALJ Ruling at 1-2 (July 2, 2025).

³⁷ PacifiCorp’s Request for Partial Waiver and Clarification of Scope (July 2, 2025).

³⁸ Staff’s Response to PacifiCorp’s Motion at 2 (July 17, 2025).

1 arguments related to the new standard.”³⁹ Accordingly, the Commission concluded that it would
2 entertain arguments regarding the applicability of its CPCN rules in briefing and at oral argument
3 in this docket and would address them in the final order.⁴⁰

4 The Commission held Public Comment Hearings on July 9, 2025, and July 22, 2025, to
5 afford an opportunity for interested members of the public to offer comments to the Commission
6 and ALJ regarding their concerns about the line.⁴¹ Seven people provided public comment at the
7 July 9, 2025 in-person hearing,⁴² and no one provided comment at the July 22, 2025 online
8 meeting. Lynn Ogden and John Webb petitioned to intervene in this docket on July 30, 2025,⁴³
9 which was granted by ALJ Mellgren on August 5, 2025.⁴⁴ On October 22, 2025, Ms. Ogden and
10 Mr. Webb withdrew as intervenors because they sold their property.⁴⁵

11 Over the course of this proceeding, PacifiCorp responded to 76 data requests from Staff
12 including 29 standard data requests and Staff responded to nine data requests from PacifiCorp.
13 This proceeding also included five rounds of written testimony.⁴⁶ PacifiCorp and Staff agreed to a
14 mutual waiver of cross-examination,⁴⁷ and the ALJ issued notice of cancelation of the cross-
15 examination hearing on November 24, 2025.⁴⁸

³⁹ Order No. 25-302 at 8 (Aug. 11, 2025).

⁴⁰ *Id.*

⁴¹ Transcript of the 7-9-2025 Public Comment Hearing (July 25, 2025). No transcript was prepared for the July 22, 2025 Hearing.

⁴² Staff/100, Shierman/15.

⁴³ John Webb & Lynn Ogden’s Petition to Intervene with Contacts of Lynn Ogden and John Roberts (July 30, 2025).

⁴⁴ Ruling: Petition to Intervene Granted (Aug. 5, 2025).

⁴⁵ Lynn Ogden and John Webb’s Notice of Withdrawal (Oct. 22, 2025).

⁴⁶ On November 12, 2025, PacifiCorp submitted Data Requests Nos. 10-13 to Staff. The Stipulating Parties agreed to suspend discovery pending ongoing settlement negotiations.

⁴⁷ PacifiCorp’s Motion to Modify the Procedural Schedule at 1 (Nov. 18, 2025).

⁴⁸ Notice of Cancelation of the December 2, 2025, and December 3, 2025 Hearing (Nov. 24, 2025).

1 PacifiCorp and Staff held a Settlement Conference on November 25, 2025, and
2 negotiations and the exchange of settlement terms continued through December 5, 2025. The
3 Stipulating Parties filed the Stipulation on December 8, 2025.

4 III. LEGAL STANDARD

5 Under ORS 758.015, an electric utility must petition the Commission for a CPCN when
6 condemnation of land is necessary for the construction of an overhead transmission line. The
7 petition for a CPCN must provide “a detailed description and the purpose of the proposed
8 transmission line, the estimated cost, the route to be followed, the availability of alternate routes,
9 a description of other transmission lines connecting the same areas, and such other information in
10 such form as the commission may reasonably require in determining the public convenience and
11 necessity.”⁴⁹ After receiving such a petition, the Commission must “give notice and hold a public
12 hearing on such petition.”⁵⁰ In addition to considering facts presented at the hearing, the
13 Commission must perform its own investigation of the CPCN review criteria under
14 ORS 758.015(2). When making its determination, the Commission will “look at the evidence in
15 the record as a whole” and base its decision on “the preponderance of the evidence[.]”⁵¹

16 A. CPCN Review Criteria — ORS 758.015(2) and OAR 860-025-0035(1).

17 In June 2025, the Oregon Legislature passed HB 3681, which revises the CPCN review
18 criteria under ORS 758.015(2) to focus on the capacity and reliability need for the transmission
19 line, and directs the Commission to review petitions for CPCNs and enter final orders without
20 requiring a petitioner to first obtain any required land use approvals.⁵² Governor Kotek signed the

⁴⁹ ORS 758.015(1).

⁵⁰ ORS 758.015(2).

⁵¹ *E.g., In the Matter of Portland Gen. Elec. Co., Detailed Depreciation Study of Elec. Util. Properties*, Docket UM 2152, Order No. 21-463 at 8 (Dec. 15, 2021).

⁵² HB 3681, §4 (2025).

1 bill into law on June 11, 2025, and the change in law goes into effect January 1, 2026, before the
2 Commission’s target final order date of February 13, 2026 in this proceeding.⁵³

3 The CPCN statute, which originally required the Commission to conduct an investigation
4 to determine “the necessity, safety, practicability and justification in the public interest for the
5 proposed transmission line,” now focuses the Commission’s investigation to determining
6 “whether the proposed transmission line meets a need for increased transmission capacity and
7 reliability in the electric grid[.]”⁵⁴ The Commission interpreted the prior version of the statutory
8 mandate to require demonstration of compliance with four separate elements; the petitioner must
9 demonstrate that the proposed transmission line is necessary, safe, practicable, and justified.⁵⁵ The
10 Commission considered the public interest when addressing each of those four elements.⁵⁶ The
11 Commission’s review criteria implementing the prior version of ORS 758.015(2) are enumerated
12 in OAR 860-025-0035(1):

13 (a) Whether the transmission line will meet a demonstrated need for transmission
14 of additional capacity or improved system reliability that enables the petitioner to
15 provide or continue to provide adequate and reliable electricity service;

16 (b) Whether the petitioner has demonstrated that it will ensure the transmission line
17 is constructed, operated, and maintained in a manner that protects the public from
18 danger and conforms with applicable Commission rules, and other applicable safety
19 standards and best industry practices;

20 (c) Whether the transmission line using petitioner’s proposed route is practicable
21 and feasible, whether it will be effectively and efficiently constructed in a
22 commercially reasonable manner;

23 (d) Whether petitioner has justified construction of the proposed transmission line
24 as in the public interest, as compared with feasible alternatives for meeting the

⁵³ Ruling – Disposition: Procedural Schedule Established at 2 (Apr. 22, 2025).

⁵⁴ Compare ORS 758.015(2) (2026), with ORS 758.015(2) (2025).

⁵⁵ *In the Matter of PacifiCorp, dba Pacific Power, Petition for Certificate of Pub. Convenience and Necessity*, Docket UM 1495, Order No. 11-366 at 4 (Sept. 22, 2011).

⁵⁶ OAR 860-025-0035(1); Order No. 11-366 at 4. At times, the Commission has considered necessity and justification jointly because those terms “encompass intertwined issues relating to the purpose and rationale of the” proposed transmission line. *In the Matter of Umatilla Elec. Coop., Petition for Certification of Pub. Convenience and Necessity*, Docket PCN 4, Order No. 21-074 at 5 (Mar. 5, 2021).

1 identified need, considering the public benefits and costs of the project, as they
2 relate to the interests in land proposed to be condemned, petitioner’s existing
3 facilities and equipment, petitioner’s Oregon customers, and other considerations
4 that may be relevant to the public interest. Other such considerations include, but
5 are not limited to, the benefits and costs to other Oregon utilities, their customers,
6 and all Oregonians, the value of connections to regional and inter-regional
7 electricity grids and to a petitioner's non-Oregon service territories, and all
8 Oregonians.

9 In Paragraph 14 of the Stipulation, the Stipulating Parties agreed that ORS 758.015, as
10 amended by HB 3681, applies to the Commission’s final order in this proceeding since the law
11 becomes effective on January 1, 2026—before the Commission’s target final order deadline of
12 February 13, 2026. Although the Stipulating Parties disagreed on the necessity of a waiver of the
13 Commission’s rules implementing the criteria removed by HB 3681, the Stipulating Parties agreed
14 that PacifiCorp provided sufficient evidence in the record for Staff to make findings in support of
15 its recommendation for the Commission to grant the CPCN for LPW.⁵⁷ Accordingly,
16 determination of the need for waiver of certain of the Commission’s CPCN rules is not vital to the
17 Commission’s conclusions in this proceeding.

18 **B. Land Use — ORS 758.015(2), ORS 197.180, and OARs 860-025-0030(3) and -0040.**

19 The language of HB 3681 provides that the Commission must consider a petition for CPCN
20 and enter an order “without requiring a petitioner to first obtain any required state or local land use
21 approvals.”⁵⁸ The Commission also makes land use compatibility findings under OAR 860-025-
22 0040(1) in accordance with the Commission’s state agency coordination program pursuant to
23 ORS 197.180, and thus, the Commission may still require land use information adequate to make
24 land use compatibility findings. The Commission has previously concluded that a LUCS can

⁵⁷ Stipulation at ¶14.

⁵⁸ HB 3681, §4 (2025); ORS 758.015(2) (2026).

1 address this requirement,⁵⁹ and per Paragraph 16 of the Stipulation, the Stipulating Parties agree
2 that the Commission may continue to rely on a LUCS that complies with OAR 860-025-0040(3)(c)
3 under the new statutory standard in ORS 758.015(2).⁶⁰

4 **C. Safety — ORS 757.035 and Chapter 860, Division 24 Rules.**

5 Under ORS 757.035, the Commission must adopt by rule as the standard for construction,
6 operation and maintenance of power lines the National Electrical Safety Code (NESC).⁶¹ And,
7 under OAR 860-024-0010, the Commission adopted the 2023 Edition of the NESC—every
8 operator must “construct, operate, and maintain electrical supply and communication lines in
9 compliance with the standards prescribed by the 2023 Edition of the [NESC] approved April 25,
10 2022, by the American National Standards Institute.” Therefore, the NESC and relevant
11 Commission rules in Chapter 860, Division 24 (Safety Standards) are the applicable standards for
12 determining the safe construction, operation, and maintenance of a transmission line.

13 **D. Environmental Justice.**

14 As a natural resource agency,⁶² the Commission is required to consider the effects of
15 the proposed transmission line on “environmental justice issues,”⁶³ and in particular, the impact
16 of the proposed line on environmental justice communities.⁶⁴ Environmental justice
17 communities are defined to include:

18 communities of color, communities experiencing lower incomes, tribal
19 communities, rural communities, coastal communities, communities with limited
20 infrastructure and other communities traditionally underrepresented in public

⁵⁹ *In the Matter of Portland Gen. Elec. Co., Petition for Certificate of Pub. Convenience and Necessity*, Docket PCN 6, Order No. 25-125 at 39-41 (Mar. 28, 2025).

⁶⁰ Stipulation at ¶16.

⁶¹ ORS 757.035(1), (2).

⁶² ORS 182.535(8).

⁶³ ORS 182.545(1) (“In order to provide greater public participation and to ensure that all persons affected by decisions of the natural resource agencies have a voice in those decisions, each natural resource agency shall . . . In making a determination whether and how to act, consider the effects of the action on environmental justice issues.”). In past CPCN proceedings, the Commission has considered environmental justice issues under the pre-HB 3681 justification criterion. *E.g.*, Order No. 25-125 at 26, 34.

⁶⁴ ORS 756.010(5).

1 processes and adversely harmed by environmental and health hazards, including
2 but not limited to seniors, youth and persons with disabilities.⁶⁵

3 While the Commission has not established any specific environmental justice rules, in
4 Order No. 22-351 of the CPCN rulemaking, docket AR 626, the Commission directed Staff to
5 request an environmental justice analysis from applicants as part of standard data requests during
6 a petition for CPCN.⁶⁶ In past CPCN proceedings, the Commission has focused its determination
7 on whether the proposed transmission line “improperly concentrated impacts” or “shifted impacts”
8 preferentially among different landowners.⁶⁷ The Commission will also consider whether the
9 petitioner was responsive to the public and the Tribes by micro-siting the line where feasible and
10 if the petitioner “struck a reasonable, if difficult, balance in siting the line.”⁶⁸

11 **E. Approval of Stipulation.**

12 When evaluating a stipulation, the Commission reviews the terms of the agreement for
13 reasonableness and determines whether—on a holistic basis—the settlement serves the public
14 interest.⁶⁹ To support the adoption of a settlement, the stipulating parties must present evidence
15 that the stipulation is in accordance with the public interest.⁷⁰ Under OAR 860-001-0350, the
16 Commission may adopt, reject, or propose to modify a stipulation.⁷¹ However, if the Commission

⁶⁵ *Id.*

⁶⁶ *In the Matter of Rulemaking Regarding Certificate of Pub. Convenience and Necessity*, Docket AR 626, Order No. 22-351 at 1-2 (Sept. 26, 2022).

⁶⁷ *In the Matter of Idaho Power Co., Petition for Certificate of Pub. Convenience and Necessity*, Docket PCN 5, Order No. 23-225 at 42 (June 29, 2023).

⁶⁸ *Id.*

⁶⁹ *In the Matter of Portland Gen. Elec. Co., Request for a Gen. Rate Revision*, Docket UE 394, Order No. 22-129 at 16 (Apr. 25, 2022).

⁷⁰ *Id.* at 17.

⁷¹ OAR 860-001-0350(9).

1 does propose to modify a stipulation, it must explain the decision and provide parties sufficient
2 opportunity on the record to present evidence and arguments to support the stipulation.⁷²

3 The Commission has considered a stipulation for a CPCN in only one prior proceeding—
4 docket UM 1495. In that case, the Commission rejected PacifiCorp and Staff’s stipulation, finding
5 that PacifiCorp did not provide enough information to determine whether the petition met the
6 applicable legal requirements.⁷³ The Commission directed PacifiCorp to provide supplemental
7 information,⁷⁴ and ultimately granted PacifiCorp’s petition for CPCN after receiving the requested
8 information.⁷⁵

9 IV. AGREEMENT

10 A. Stipulation, Paragraph 13 – Recommendation for Approval of CPCN.

11 Per Paragraph 13, the Stipulating Parties submitted the Stipulation on December 8, 2025,
12 resolving all issues among the Stipulating Parties. The Stipulating Parties request that the
13 Commission approve the Stipulation as presented because the Stipulation is supported by the
14 record and is in the public interest. Stipulating Parties also agree that PacifiCorp has demonstrated
15 that the Project complies with ORS 758.015 and the Commission’s rules for granting a CPCN.⁷⁶

16 Here, unlike the Commission’s consideration of the stipulation presented in docket
17 UM 1495, the Commission has a complete record upon which to approve the Stipulation.
18 PacifiCorp has fulfilled all filing requirements in ORS 758.015(1) and OAR 860-025-0030,⁷⁷ and

⁷² *Id.*

⁷³ *In the Matter of PacifiCorp, d/b/a Pacific Power, Petition for Certificate of Pub. Convenience and Necessity*,
Docket UM 1495, Order No. 11-121 at 3 (Apr. 11, 2011).

⁷⁴ *Id.*

⁷⁵ Order No. 11-366 at 1, 9.

⁷⁶ Stipulation at ¶13; PAC/300, Bremer/2 (“Because the line exceeds the relevant—and governing—2023 NESC
standards and relevant Commission safety rules for the 6716 Foothill Road property, and is otherwise consistent
with ORS 758.015, the Commission should approve PacifiCorp’s Petition for CPCN.”); Staff/400, Rashid/16
 (“Based on my review of the information submitted and applicable regulatory standards, the proposed transmission
line meets the minimum requirements necessary for the issuance of a CPCN... Accordingly, I recommend that the
Commission approve the Company’s CPCN application[.]”).

⁷⁷ Staff/100, Shierman/4-5, 25.

1 the Stipulating Parties have provided a discussion of the legal standard for issuing a CPCN both
2 in testimony and in this Joint Brief.⁷⁸ Through five rounds of testimony and the exchange of
3 discovery, Staff thoroughly investigated PacifiCorp’s petition, and PacifiCorp provided additional
4 detail supporting the issuance of the CPCN. The Stipulating Parties resolved the remaining
5 disputed issue in settlement negotiations memorialized in the Stipulation, and the Attestation of
6 Adam Lint provides additional evidence in the record in this proceeding. In sum, the Stipulation
7 represents a reasonable resolution of the issues in this proceeding and is well supported by
8 evidence in the record.

9 Therefore, the Stipulating Parties recommend that the Commission grant PacifiCorp’s
10 Petition for CPCN for LPW.⁷⁹

11 **B. Stipulation, Paragraph 14 – Application of HB 3681.**

12 On March 11, 2025, PacifiCorp filed its Petition for CPCN for LPW and supporting
13 testimony in accordance with the pre-HB 3681 version of ORS 758.015 and the Commission’s
14 rules for granting a CPCN, OAR 860-025-0035(1) and OAR 860-025-0040(2) and (3)(c). The
15 Stipulating Parties agree that PacifiCorp has provided sufficient evidence in the record for the
16 Commission to grant a CPCN under these legal requirements. However, as discussed in
17 Section III.A. above, per Paragraph 14 of the Stipulation, the Stipulating Parties agree that
18 ORS 758.015, as amended by HB 3681, applies to the Commission’s final order in this proceeding.

19 In PacifiCorp’s Motion, the Company argued that the Commission must apply the
20 narrowed CPCN criteria focusing on the capacity and reliability need for the transmission line
21 because amended ORS 758.015(2) will be in effect at the time of the Commission’s determination

⁷⁸ *E.g.*, PAC/200, Bremer/5-6 (Mr. Bremer’s explanation of the Commission’s past evaluation of the tradeoffs in route selection under the justification and practicability criterion).

⁷⁹ Stipulation at ¶13.

1 and the legislature’s intent to narrow the CPCN criteria is clear.⁸⁰ The determination of a statute’s
2 applicability to a matter that is pending at the time the statute was adopted is a matter of legislative
3 intent.⁸¹ A review of ORS 758.015, including the amendments from HB 3681, shows that the
4 statute will apply to prospective actions taken by the Commission as part of its order in the CPCN
5 proceeding:

6 The commission, in addition to considering facts presented at such hearing, *shall*
7 *make the commission’s own investigation* to determine whether the proposed
8 transmission line meets a need for increased transmission capacity and reliability
9 in the electric grid and *shall enter an order* accordingly. The commission *shall*
10 *consider a petition for a certificate of public convenience and necessity and enter*
11 *an order* without requiring a petitioner to first obtain any required state or local
12 land use approvals.⁸²

13 The amended version of ORS 758.015 therefore applies to any Commission orders issued after the
14 effective date of the bill, regardless of whether a utility submitted its application prior to that
15 effective date. In this case, the Commission’s final order is scheduled for February 13, 2026. As
16 this target deadline is after the effective date for HB 3681, January 1, 2026, the revised statute
17 applies to the Commission’s final order in this proceeding. PacifiCorp also noted that application
18 of HB 3681 to this proceeding is consistent with past Commission precedent.⁸³

⁸⁰ PacifiCorp’s Request for Partial Waiver and Clarification of Scope at 9-12.

⁸¹ *Portland Gen. Elec. Co. v. Mead*, 235 Or App 673, 680, 234 P3d 1048 (2010) (“[T]he legal efficacy of a law does not depend on whether it operates only prospectively[.]”); *Whipple v. Howser*, 291 Or 475, 480, 632 P2d 782 (1981) (“Barring constitutional limitations, the legislature may impose any special conditions it desires upon its enactments . . . [T]here is no constitutional bar to the legislature providing that its laws be applied retroactively. Thus, in determining whether to give retroactive effect to a legislative provision, it is not the proper function of this court to make its own policy judgments, but its duty instead is to attempt to ‘discern and declare’ the intent of the legislature.” (Internal citation omitted)).

⁸² HB 3681, §4 (emphasis added).

⁸³ *In the Matter of Pacific Power & Light Company (dba PacifiCorp); Request for a Gen. Rate Increase in the Company’s Oregon Ann. Revenues*, Docket UE 170, Order No. 05-1050 at 16-19 (Sept. 28, 2005) (finding that Senate Bill (SB) 408 required the Commission to change its approach to addressing taxes paid when setting rates because relevant provisions of the bill were in effect at the time of its determination and the legislature’s intent to prohibit the Commission from using the stand-alone methodology was clear). The Commission reaffirmed its conclusion of the applicability of SB 408 in Order No. 06-379, which was determined in response to PacifiCorp’s Application for Reconsideration: “[W]e conclude that, due to a unique combination of SB 408’s effective date, the amendments to ORS 757.210 and corresponding clarification of those amendments in legislative findings, as well as the delayed implementation of the automatic adjustment clause, we were required to prospectively adjust

1 Staff agreed that HB 3681 should apply in this case, asserting that its “analysis center[ed]
2 around the new standard from HB 3681 that will be effective January 1, 2026.”⁸⁴ Therefore, Staff’s
3 review centered on whether the proposed transmission line meets a need for increased transmission
4 capacity and reliability in the electric grid under amended ORS 758.015(2);⁸⁵ whether the Project
5 would be constructed, operated and maintained in accordance with the Commission’s applicable
6 safety rules in Chapter 860, Division 024;⁸⁶ whether there was sufficient documentation in the
7 record for the Commission to make its land use compatibility findings in accordance with
8 ORS 197.180, amended ORS 758.015(2) and OAR 860-025-0040; whether the Company’s route
9 selection was reasonable;⁸⁷ and whether PacifiCorp’s environmental justice analysis was
10 sufficient.⁸⁸

11 The Stipulating Parties agree that the Commission should apply ORS 758.015 as amended
12 by HB 3681 to its determination in this proceeding and find that the Project is consistent with the
13 statutory CPCN criteria and the Commission’s rules.

14 **C. Stipulation, Paragraph 15 – Need for Reliability and Capacity in the Electric Grid.**

15 Per Paragraph 15 of the Stipulation, the Stipulating Parties agree that the CPCN review
16 criteria under ORS 758.015(2)(a) are satisfied because PacifiCorp demonstrated that the Project is
17 needed to reinforce capacity between the Lone Pine and Whetstone substations to accommodate
18 load growth and allow greater interconnection of new resources and to provide reliable service to

PacifiCorp’s base rates to reflect the taxes that are paid to units of government. While this result may have not been contemplated by the legislature, the application of these various provisions to this proceeding is clear and undeniable.” *In the Matters of Pacific Power & Light Company (dba PacifiCorp), Request for a Gen. Rate Increase in the Co.’s Oregon Ann. Revenues (UE 170), Application for a Deferred Accounting Order Regarding Certain Tax Expenses (UM 1229)*, Dockets UE 170 / UM 1229, Order No. 06-379 at 7 (July 10, 2006).

⁸⁴ Staff/100, Shierman/3

⁸⁵ Staff/200, Rashid/7.

⁸⁶ *Id.* at 13.

⁸⁷ Staff/100, Shierman/7-24.

⁸⁸ *Id.* at 26-27.

1 PacifiCorp’s customers in southern Oregon and northern California.⁸⁹ Under amended
2 ORS 758.015(2), the Commission must consider whether the line “meets a need for increased
3 transmission capacity and reliability in the electric grid.” In its Opening Testimony, Staff noted
4 that the revised criteria in amended ORS 758.015(2) are very similar to the criteria in OAR 860-
5 025-0035(1)(a), and in the context of this CPCN petition from a transmission planning perspective,
6 Commission Staff evaluated “whether, absent the construction of the Project,” the petitioner’s
7 ability “to provide reliable service to its customers will be compromised.”⁹⁰ PacifiCorp agreed
8 with Staff that amended ORS 758.015(2) mirrors the text in OAR 860-025-0035(1)(a), and
9 therefore the focus of the Commission’s determination under this statute is whether the
10 transmission line is needed to meet a transmission capacity and reliability need.⁹¹

11 Based on the evidence presented by PacifiCorp, which is discussed in further detail below,
12 Staff concluded that a “230 kV line reinforcing the connection between the Lone Pine and
13 Whetstone substations will provide reliable service to PacifiCorp’s customers in south[ern] Oregon
14 and northern California” and “support future capacity growth and allow greater interconnection of
15 new resources.”⁹² Accordingly, the Commission should adopt Paragraph 15 of the Stipulation and
16 find that PacifiCorp has demonstrated that LPW will meet a transmission capacity and reliability
17 need.

18 ***1. Annual Transmission System Plans Identify a Continued Need for the Project.***

19 The need for LPW was first identified in PacifiCorp’s 2017 TPL Assessment in support of
20 North American Electric Reliability Corporation (NERC) Reliability Standard TPL-001-5.1, and

⁸⁹ Stipulation at ¶15.

⁹⁰ Staff/200, Rashid/7.

⁹¹ PAC/200, Bremer/2-3.

⁹² Staff/100, Shierman/4-5; Staff/200, Rashid/12 (“I conclude that PacifiCorp provided evidence to demonstrate that the Lone Pine – Whetstone transmission line will be needed to maintain reliability in the Medford and surrounding areas.”).

1 subsequent planning assessments have continued to validate the need for LPW to maintain
2 reliability on PacifiCorp’s system. Specifically, the 2017 TPL Assessment identified several
3 double outage contingency event scenarios that would require an interim operating procedure to
4 transfer load from the Grants Pass area to alternate sources and implement controlled load
5 shedding during peak.⁹³ While the Company initially identified the Meridian-Lone Pine 230 kV
6 line #3 as a potential long-term corrective action to address the N-1-1 scenarios, in 2018, LPW
7 replaced the Meridian-Lone Pine 230 kV line #3 as the Company’s long-term corrective action for
8 the identified N-1-1 scenarios.⁹⁴ The 2019 TPL Assessment Corrective Action Plan subsequently
9 confirmed the need for LPW and supported construction of the Project, along with the planned
10 Sams Valley 500 kV to 230 kV substation project, to resolve the N-1-1 contingency event scenario
11 combinations first identified in the 2017 TPL Assessment.⁹⁵

12 **2. *PacifiCorp’s Updated Power Flow Analysis Confirms that LPW is needed to***
13 ***Address an Immediate Reliability Need.***

14 In February 2025, PacifiCorp performed an updated power flow analysis (February 2025
15 Study) to confirm the results of the Company’s prior transmission system planning assessments
16 under then-current conditions. The February 2025 Study indicates LPW is necessary to resolve
17 and mitigate transmission facility overloads and associated voltage criteria violations for five
18 unique contingencies in the near-term horizon prior to the planned Sams Valley project (including
19 category P2, P4, and P6 events), and for two additional P6 contingencies in the long-term horizon
20 after the planned Sams Valley project.⁹⁶ PacifiCorp’s February 2025 Study also demonstrated that

⁹³ PAC/100, Bremer/15.

⁹⁴ *Id.* at 15-16.

⁹⁵ *Id.* at 16.

⁹⁶ *Id.* at 16-22.

1 the combination of LPW and the Sams Valley project is needed to mitigate transmission facility
2 overloads for one additional P6 contingency.

3 Importantly, by itself, LPW will provide 230 kV reinforcement to the Whetstone and
4 Grants Pass 230-115 kV substations from the Meridian 500-230 kV source via the Meridian-Lone
5 Pine-Whetstone-Grants Pass 230 kV transmission path for an N-1-1 loss [REDACTED]
6 [REDACTED]. The Project will prevent reverse
7 flow across the Medford 115 kV system to support the 230 kV system, and will fully resolve
8 system performance deficiencies and risk of consequential load loss—up to 290 megawatts (MW)
9 load loss or approximately 64,000 customers losing service—in a large region affecting Grants
10 Pass, Crescent City and parts of the Medford and Yreka system during heavy load in summer and
11 winter seasons.⁹⁷

12 In addition, LPW in combination with the planned Sams Valley project, provides a
13 complete solution to system deficiencies and load shedding risks (up to 125 MW load loss or
14 approximately 27,300 customers losing service) associated with an N-1-1 loss of the two [REDACTED]
15 [REDACTED] lines by providing an alternate transmission path from the new Sams Valley
16 500-230 kV source to Lone Pine substation via Whetstone.⁹⁸

17 In short, the Stipulating Parties agree that PacifiCorp has demonstrated that construction
18 of LPW is needed to continue to provide reliable service in southern Oregon and northern
19 California and to ensure long-term compliance with NERC and Western Electricity Coordinating
20 Council (WECC) reliability standards and criteria on PacifiCorp's system.⁹⁹

⁹⁷ *Id.* at 48.

⁹⁸ *Id.*

⁹⁹ *Id.* at 22-23.

1 **3. LPW Will Provide Needed Transmission Capacity to Accommodate Forecasted**
2 **Load Growth and Interconnection of New Resources.**

3 The Stipulating Parties agree that PacifiCorp has demonstrated that LPW will provide
4 needed transmission capacity to accommodate existing and new load growth and relieve existing
5 transmission facilities in the area. Based on PacifiCorp’s most recent ten-year load forecast, the
6 2023 Load and Resource Study, PacifiCorp anticipates 96 MW of load growth in southern Oregon
7 and northern California during the summer season between 2023 and 2032 and 88 MW of load
8 growth during the winter season between 2023-24 and 2032-33.¹⁰⁰ This load growth reflects
9 anticipated new customer load in the Medford and White City areas.¹⁰¹ Specifically, PacifiCorp
10 has performed preliminary evaluations of several inquiries for prospective load addition requests
11 in the White City area along the selected route for new industrial and commercial loads.¹⁰² To
12 accommodate existing and new load growth, LPW is needed to provide capacity relief to several
13 existing transmission facilities supplying Medford and Grants Pass, Oregon region load, including
14 the Meridian-Whetstone 230 kV line, Whetstone 230-115 kV transformer, two Lone Pine 230-
15 115 kV transformers, Lone Pine-Whetstone 115 kV line, and Sage Road-Whetstone 115 kV
16 line.¹⁰³ PacifiCorp’s selected route for the Project strategically positions transmission facilities in
17 an area where PacifiCorp has received multiple inquiries for development, therefore avoiding the
18 need to extend additional transmission facilities in the future to accommodate an industrial park
19 development.¹⁰⁴

20 PacifiCorp has also shown that LPW has the potential to enhance the ability of new
21 renewable generation resources in southern Oregon to interconnect to PacifiCorp’s system.¹⁰⁵

¹⁰⁰ *Id.* at 11.

¹⁰¹ *Id.* at 50.

¹⁰² *Id.*

¹⁰³ *Id.* at 49.

¹⁰⁴ *Id.* at 50.

¹⁰⁵ *Id.* at 49.

1 Presently, the 230 kV system capacity in southern Oregon is a limiting factor for new generation
2 interconnections based on post-contingency performance.¹⁰⁶ However, as Mr. Bremer explained,
3 the Project has been identified in generation cluster studies as a Contingent Facility project for
4 interconnection requests already proposed in PacifiCorp’s southern Oregon region.¹⁰⁷ LPW is
5 therefore required to be in service prior to bringing online additional generation resources in the
6 area.¹⁰⁸ For these reasons, LPW will provide substantial benefits to the electric grid in southern
7 Oregon by reinforcing the 230 kV system.

8 **4. *Non-Wires Alternatives and Conservation Measures are Not Viable Solutions to***
9 ***the Identified Need.***

10 The Stipulating Parties agree that the record demonstrates that non-wires solutions and
11 conservation measures are unable to fully mitigate the identified system deficiencies that LPW
12 will resolve.¹⁰⁹ In considering mitigation solutions, PacifiCorp evaluated a variety of options for
13 addressing criteria violations, including distributed generation resources; static synchronous
14 compensators (STATCOMs), static VAR compensators (SVCs), synchronous condensers, and
15 voltage source converters; advanced power flow control devices; advanced conductors and tower
16 lifting; and transmission switching.¹¹⁰ The Company also evaluated conservation and demand
17 response alternatives.¹¹¹ PacifiCorp explained that these conservation and non-wires alternatives
18 cannot alone or together address all voltage issues, the magnitude of the thermal overloads on the
19 system, and the need for redundancy because system impacts and exposure will vary with multiple
20 factors including customer demand, generation level and dispatch, transmission transfers, and
21 system configuration. Additionally, the response time of the mitigation action, in lieu of physical

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ Staff/200, Rashid/11-12.

¹¹⁰ PAC/100, Bremer/69-71.

¹¹¹ *Id.* at 71.

1 system reinforcement, must be instantaneous to meet performance requirements. For these reasons,
2 there are no conservation measures or non-wires alternatives that resolve the double loss (N-1-1)
3 contingency scenarios identified by the Company.¹¹²

4 **D. Stipulation, Paragraph 16 – Land Use Compatibility.**

5 As discussed in Section III.B., under Paragraph 16 of the Stipulation, the Stipulating Parties
6 agree that the Commission may rely on a LUCS under OAR 860-025-0040(3)¹¹³ and
7 ORS 758.015(2)(a) as amended by HB 3681.¹¹⁴ The Stipulating Parties also agree that the LUCS
8 from Jackson County is sufficient under OAR 860-025-0040(3)(c) and the Commission may rely
9 on the LUCS to make land use compatibility findings under OAR 860-025-0040(1) and (2), insofar
10 as it states that the proposed transmission project will be compatible with Jackson County’s
11 acknowledged comprehensive plan, provided that the Company secures the permit identified
12 therein.¹¹⁵ Based on the evidence described below, the Stipulating Parties recommend that the
13 Commission adopt Paragraph 16 and that the Commission accept the Jackson County LUCS in
14 satisfaction of its land use compatibility requirements.

15 ***1. The LUCS Provided by Jackson County Complies with the Commission’s Land***
16 ***Use Compatibility Requirements.***

17 The Stipulating Parties agree that PacifiCorp has received a LUCS from Jackson County
18 in compliance with OAR 860-025-0040(3)(c) indicating that the proposed land use is not
19 prohibited, and that the proposed transmission project will be compatible with the jurisdiction's
20 acknowledged comprehensive plan if the Company obtains the requisite land use permits.¹¹⁶ The

¹¹² *Id.* at 71-72.
¹¹³ The LUCS must indicate that “the proposed transmission project will be compatible with the jurisdiction’s
acknowledged comprehensive plan if petitioner obtains the land use permits identified in the LUCS” and the “LUCS
confirms the acknowledged comprehensive plan’s general provisions will not be substantially affected by issuance
of a certificate if those permits are obtained.” OAR 860-025-0040(3)(c).
¹¹⁴ Stipulation at ¶16.
¹¹⁵ *Id.*
¹¹⁶ PAC/114, Bremer/1.

1 LUCS further stated that “[i]ssuance of the LUCS confirms the acknowledged comprehensive
2 plan’s general provisions will not be substantially affected by issuance of a certificate if those
3 permits are obtained.”¹¹⁷ In other words, the LUCS confirms that if PacifiCorp proceeds with the
4 Type 3 conditional use permit pathway, the land use approval issued by the County will be
5 consistent with the County’s acknowledged comprehensive plan. Staff reviewed the LUCS from
6 Jackson County and found that “it satisfies the current OAR requirements for a LUCS.”¹¹⁸ The
7 Stipulating Parties acknowledge that the LUCS is not a final land use decision.

8 **2. *Acceptance of the LUCS is Justified in These Circumstances.***

9 The Commission’s acceptance of the LUCS issued by Jackson County to make its land use
10 findings is justified in these circumstances as the County currently interprets and enforces its LDO
11 as requiring immediate occupancy in order to initiate a land use permit application.¹¹⁹ When the
12 Commission adopted the CPCN rules in AR 626, “a primary reason for including the LUCS option
13 was the circumstance of a utility being unable to engage in the land use process without an interest
14 in the land; in such a circumstance, the CPCN becomes a necessary first step before the appropriate
15 state or local authorities can apply their land use expertise to the project.”¹²⁰ In this case, Jackson
16 County’s current position is that the County will not begin reviewing the Land Use Permit
17 Application until PacifiCorp has obtained site control for the parcels at issue in the land use
18 application.¹²¹ Accordingly, PacifiCorp is unable to fully engage in the land use process until it
19 obtains interest in all the parcels necessary to construct the line, and the CPCN is necessary before
20 the Company can acquire those remaining interests through condemnation. Given these facts, the

¹¹⁷ PAC/114, Bremer/2.

¹¹⁸ Staff/100, Shierman/29-30.

¹¹⁹ PAC/100, Bremer/80-81.

¹²⁰ Order No. 25-125 at 39.

¹²¹ PAC/100, Bremer/80-81.

1 Stipulating Parties therefore recommend that the Commission accept the Jackson County LUCS
2 in satisfaction of its land use compatibility requirements.

3 At the same time, the Stipulating Parties acknowledge that if the LUCS upon which the
4 Commission based its land use compatibility findings is revoked or modified to include a finding
5 that the transmission line is incompatible with the County’s comprehensive plan or implementing
6 regulations after the Commission has issued a CPCN, that the Commission may amend or
7 withdraw the CPCN final order pursuant to OAR 860-025-0040(5).

8 **E. Stipulation, Paragraphs 17 and 18 – Safety and Attestation.**

9 Under Paragraph 17 of the Stipulation, Parties agree that PacifiCorp has demonstrated
10 that it will construct, operate, and maintain the Project in a safe manner in accordance with the
11 2023 NESC as required by OAR 860-024-0010, as well as all applicable federal state and local
12 laws, regulations, and ordinances.¹²² In support of the Stipulating Parties’ agreement in
13 Paragraph 17, PacifiCorp committed to providing the Attestation of Mr. Lint—a licensed
14 professional electrical engineer in Oregon—regarding the required clearances around 230 kV
15 lines, including reference to NESC and other relevant standards used for the basis for that
16 determination, and any relevant exceptions and mitigations.¹²³ The Attestation of Mr. Lint
17 addressed Staff’s remaining concerns. Accordingly, the Stipulating Parties recommend that the
18 Commission adopt Paragraphs 17 and 18 of the Stipulation and find that PacifiCorp has
19 demonstrated that it will construct, operate and maintain LPW in safe manner.

¹²² Stipulation at ¶17.

¹²³ *Id.* at ¶18.

1 ***1. LPW is Designed to Meet or Exceed the 2023 NESC Requirements and the***
2 ***Commission’s Safety Rules.***

3 Through several rounds of testimony, PacifiCorp demonstrated that the Project complies
4 with the 2023 NESC and applicable Commission safety rules. First, PacifiCorp explained that per
5 the plain language of NESC Rule 234A3—which defines when horizontal and vertical clearances
6 to structure govern—and NESC Figure 234-1(a) that shows the clearance envelope around the
7 building, the transition clearance arc and the horizontal clearance go no higher than the vertical
8 clearance to a structure and therefore the transition arc would be “complete” for purposes of the
9 clearance envelope around the building regardless of the position of the conductor.¹²⁴ Second,
10 PacifiCorp demonstrated that per the NESC 2023 Handbook, that in the case of building
11 clearances, a power line “that meets the required vertical clearance above a building does not need
12 to meet any required horizontal clearance to the side of a building and a power ... line that meets
13 the required horizontal clearance to the side of a building does not need to meet any required
14 vertical clearance above a building.”¹²⁵ Accordingly, PacifiCorp demonstrated that if the Project
15 exceeded the vertical clearance to structure required by NESC Rule 234, the horizontal clearance
16 to structure was not the governing standard.¹²⁶ After reviewing PacifiCorp’s testimony, Staff
17 agreed that the “Company demonstrated that the transmission line is designed to meet

¹²⁴ PAC/200, Bremer/34-37, 39.

¹²⁵ PAC/208, Bremer/43-44. In fact, this interpretation of the NESC—specifically whether a project has to meet both the vertical and horizontal clearances to structure—has been made clear by the NESC Interpretations Subcommittee since the 1950s and is publicly available online. For example, in Interpretation No. 78, the NESC Interpretations Subcommittee concluded that “Rule 234C4 is specifically intended to cover conductors passing by or over buildings. In view of this, the horizontal or vertical clearances apply but not both, in any one case. Therefore, it is our understanding, that conductors passing by or over a building, which comply with the specified vertical clearance requirements (measured either vertically or diagonally from the building roof) meet the intent of rule 234C4.” IEEE Standards Association, National Electrical Safety Code Interpretations, 1943-1958 inclusive, IR 11 through IR 91 (NESC IR 92-293), IR 78 at 235, *available at*: <https://standards.ieee.org/wp-content/uploads/import/documents/interpretations/ir92-293.pdf> (last visited Dec. 15, 2025) (emphasis in original).

¹²⁶ PAC/200, Bremer/37-42.

1 NESC Rule 234 on the basis that the transmission line’s vertical clearance became the factor that
2 governs[.]”¹²⁷

3 The evidence in record shows that LPW complies with the 2023 NESC and the
4 Commission’s applicable safety rules. Specifically, PacifiCorp demonstrated that the vertical
5 clearance to structure at 6716 Foothill Road is approximately 24.4 ft, which is about 6 ft above the
6 vertical clearance to a building for a 230 kV line dictated by the 2023 NESC,¹²⁸ and about 3 ft
7 above the Company’s internal engineering standard that exceeds the NESC Rule 234 clearances.¹²⁹
8 Richard Vail, PacifiCorp’s Vice President of Transmission, also declared that the “LPW Project
9 will satisfy the Public Utility Commission of Oregon’s safety criterion, because it will be
10 constructed, operated, and maintained to meet or exceed all applicable [NESC] standards, as well
11 as all applicable federal state and local laws, regulations, and ordinances.”¹³⁰

12 PacifiCorp’s testimony further provided sufficient evidence that induced voltage will not
13 present a shock hazard risk; electric and magnetic field strengths from a 230 kV line do not pose
14 human health risks (including to persons with pacemakers); and the line is not in a High Fire Risk
15 Zone (HFRZ) and there is minimal risk of ignition based on the design and relay zoning for the
16 system.¹³¹ In addition, PacifiCorp explained that its Equipment Inspection Protocols, Vegetation
17 Management Program, Wildfire Mitigation Plan, and Public Safety Power Shutoff Plan adequately

¹²⁷ Staff/400, Rashid/4.

¹²⁸ PAC/200, Bremer/40 (“When the transmission conductor is operating at maximum temperature and under extreme wind conditions, the clearance from the roof of the house to the lowest phase of the line is approximately 24.4 ft. Thus, the lowest phase of the line is 6.2 ft above the NESC minimum vertical clearance to structure of 18.2 ft (assuming that the roof is readily accessible to persons), and the design of the line complies with the NESC Rule 234 clearances.”).

¹²⁹ PAC/300, Bremer/8, n.22 (“Note that under PacifiCorp’s engineering standards, the adder for clearances to structure is greater than the 2.0 ft adder used by the RUS Design Manual.”); Stipulation, Attachment A, ¶6.

¹³⁰ PAC/112, Bremer/1-2 (Safety Declaration of Richard Vail).

¹³¹ PAC/200, Bremer/47-57.

1 protect the public from harm during the line’s lifetime.¹³² In sum, the Stipulating Parties agree that
2 PacifiCorp has demonstrated that the Company will construct, operate, and maintain the Project in
3 a safe manner in accordance with the 2023 NESC and the Commission’s applicable safety rules.

4 **2. Staff’s Concerns are Addressed by the Attestation of Mr. Lint.**

5 While Staff did not dispute that the line complies with the 2023 NESC, the Commission’s
6 safety rules, and the statutory CPCN requirements,¹³³ Staff opined that it still had “safety and
7 reliability concerns” regarding the Project because there is a permanent structure in the line ROW
8 at 6716 Foothill Road.¹³⁴ PacifiCorp’s Attestation of Adam Lint provided in accordance with
9 Paragraph 18 of the Stipulation addressed Staff’s remaining concerns.¹³⁵ In his Attestation,
10 Mr. Lint explained the safe spacing for a 230 kV line,¹³⁶ which confirmed PacifiCorp’s testimony
11 regarding the clearances under the 2023 NESC, and declared that the Project “meets or exceeds all
12 applicable NESC requirements, as well as all applicable federal and state laws, regulations, and
13 ordinances.”¹³⁷

14 In addition, Mr. Lint attested that the landowner easements drafted by PacifiCorp and
15 negotiated with landowners provide adequate protections to avoid and/or address potential
16 violations of the required clearance for the line.¹³⁸ As Mr. Bremer explained in his testimony and
17 Mr. Lint attested, PacifiCorp Transmission Construction Standard TA-181 General—*Blowout and*
18 *Rights-of-Way Width Considerations* (TA 181) provides PacifiCorp guidance on the ROW width

¹³² PAC/100, Bremer/75-80; PAC/110 (PacifiCorp’s Wildfire Mitigation Plan, Public Safety Power Shutoff Plan, and Vegetation Management Program and Equipment Inspection Protocols Summary Report); PAC/111 (PacifiCorp T&D Vegetation Management Program Standard Operating Procedures).

¹³³ Staff/400, Rashid/4.

¹³⁴ *Id.* at 14-15.

¹³⁵ Stipulation, Attachment A.

¹³⁶ Mr. Lint attested that for a “230 kV transmission line, required clearance from structures under NESC Rule 234 taking into account maximum operating voltage is either a vertical clearance of approximately 16.5 feet (for roofs not readily accessible to pedestrians), 18.5 feet (for roofs readily accessible to pedestrians) or horizontal clearances of approximately 11.5 feet (no wind) and 8.5 feet (wind).” *Id.* at ¶8.

¹³⁷ *Id.* at ¶13.

¹³⁸ *Id.*

1 calculations and typical total ROW widths that the Company should include in its easements so
2 that the Company has the right to control a sufficient area around the line—i.e., with easement
3 prohibitions and restrictions on structures and vegetation—to maintain continued compliance with
4 the NESC and regulatory requirements.¹³⁹ The typical total ROW widths in Table 2 of TA 181 are
5 based on calculations in the standard that are informed by NESC requirements (e.g., NESC
6 extreme wind loading to determine conductor blowout and NESC clearances to buildings to
7 determine insulator swing),¹⁴⁰ and involve “careful consideration of several variables[,]” including
8 economic, technical, and safety factors.¹⁴¹ The standard further clarifies that the typical total ROW
9 widths in the standard act as a “guideline” and “they may be adjusted or altered based on
10 engineering studies.”¹⁴²

11 Under TA 181, for rural areas, the typical total ROW width for a 230 kV H-frame
12 transmission line adjacent to a road (in this case, Foothill Road), is 80.5 ft, with an 18-ft buffer
13 from the road ROW edge to the centerline to allow for future road widening projects or other
14 changes in the road ROW.¹⁴³ And with respect to the residence at 6716 Foothill Road, PacifiCorp
15 showed that the total ROW width at this property is approximately 84.4 ft (TA 181 requires a
16 minimum of 80.5 ft), the distance from edge of the road ROW to the transmission centerline is
17 approximately 21.9 ft (TA 181 requires a minimum of 18 feet), and the distance from the

¹³⁹ *Id.* at ¶10; PAC/300, Bremer/15.

¹⁴⁰ Stipulation, Attachment A, ¶11; PAC/300, Bremer/12, 14-15; PAC/108, Bremer/1-7.

¹⁴¹ Stipulation, Attachment A, ¶10; PAC/300, Bremer/15 (citing PAC/108, Bremer/5).

¹⁴² Stipulation, Attachment A, ¶10; PAC/300, Bremer/*Id.* at 14-15 (citing PAC/108, Bremer/5) (emphasis in original).

¹⁴³ PAC/300, Bremer/15; PAC/200, Bremer/43; Stipulation, Attachment A, ¶11 (“In Table 2 of TA 181, the typical total ROW width for a 230 kV line depends on the location of the line (urban, rural, and cross country), the design of the line (single pole or H-frame), whether the line is adjacent to a road, and whether the line is adjacent to other transmission infrastructure. For example, the typical total ROW width for a 230 kV H-frame line in a rural area is 125 feet. However, when the 230 kV H-frame line in a rural area is also located adjacent to a road, the typical total ROW width is reduced to 80.5 feet, with a required distance of at least 18 feet from the edge of the road ROW to the transmission line centerline.”). The 18-ft buffer from the Road ROW edge is part of the total ROW width and not in addition to the total width. PAC/108, Bremer/7-8 (PacifiCorp Transmission Construction Standard TA-181 General—*Blowout and Rights-of-Way Width Considerations*) (“() = centerline of line-to-road ROW”).

1 transmission centerline to the transmission line ROW edge is 62.5 ft.¹⁴⁴ These ROW width
2 parameters in the easement, which define the environment around the line that PacifiCorp controls,
3 comply with TA 181. And as PacifiCorp explained and Staff recognized, the easement for this
4 property also prohibits the landowner from remodeling or rebuilding their home or building a new
5 structure within the ROW without PacifiCorp's permission,¹⁴⁵ in addition to specifying vegetation
6 limitations, in order to maintain compliance with the NESC and other applicable requirements
7 through the line's lifetime.¹⁴⁶

8 **3. *The Stipulating Parties Support PacifiCorp's Proposed Design Modification at***
9 ***6716 Foothill Road.***

10 The Stipulating Parties agree that PacifiCorp's supported post insulator H-frame design
11 modification, which was first proposed by the Company in its response to OPUC Data Request
12 No. 73, is reasonable and in the public interest.¹⁴⁷ Accordingly, the Stipulating Parties recommend
13 that the Commission approve the design of LPW as modified in PacifiCorp's response to OPUC
14 Data Request No. 73 to include fixed (supported post) insulators for the H-frame structures either
15 side at 6716 Foothill Road.¹⁴⁸

16 **F. Stipulation, Paragraph 19 – Route Selection.**

17 Under Paragraph 19 of the Stipulation, the Stipulating Parties agree that PacifiCorp has
18 demonstrated that the Company considered a range of valid tradeoffs that led to the route selection,
19 including but not limited to permitting constraints, terrain issues, and environmental and wildlife
20 implications.¹⁴⁹ The Stipulating Parties further agree that the route for the Project is reasonable

¹⁴⁴ PAC/300, Bremer/15

¹⁴⁵ PAC/200, Bremer/46; Staff/100, Shierman/16.

¹⁴⁶ PAC/300, Bremer/11-17.

¹⁴⁷ Staff/408, Rashid/3-9.

¹⁴⁸ PAC/300, Bremer/33.

¹⁴⁹ Stipulation at ¶19.

1 and aligned with statutory factors for issuing the CPCN.¹⁵⁰ The Commission’s rules in effect at
2 the time PacifiCorp filed its Petition for CPCN require an analysis comparing the proposed
3 transmission line to “feasible alternatives for meeting the identified need[.]”¹⁵¹ The petition
4 requirements for a CPCN further clarify that the Commission seeks both an analysis of alternatives
5 to constructing the transmission line—such as conservation measures and non-wires alternatives—
6 and alternative routes for the transmission line.¹⁵² However, the Commission has stated that its
7 review of a petition for CPCN does not include “decid[ing] between these two options or other
8 potential alternatives.”¹⁵³ Rather, the Commission considers the petitioner’s analysis of
9 alternatives as a factor when determining whether the petitioner has sufficiently demonstrated
10 compliance with the statutory requirements for a CPCN.¹⁵⁴ Based on the evidence presented by
11 PacifiCorp, which is discussed in more detail below, Stipulating Parties recommend that the
12 Commission adopt Paragraph 19 of the Stipulation and find that PacifiCorp demonstrated that the

¹⁵⁰ *Id.*

¹⁵¹ OAR 860-025-0035(1)(d).

¹⁵² OAR 860-025-0030(2)(g), (n) (“Petitions under ORS 758.015 must contain . . . A statement and explanation . . . for possible alternative routes analyzed by petitioner; . . . An evaluation of available alternatives to construction of the transmission line, including but not limited to conservation measures, non-wires alternatives, and construction of one or more lower-voltage single or multi-circuit lines.”).

¹⁵³ *In the Matter of Tillamook People’s Util. Dist., Petition for Certificate of Pub. Convenience and Necessity*, Docket PCN 2, Order No. 19-293 at 7 (Sept. 10, 2019). And with respect to the Commission’s assertion that its review of a CPCN petition does not include deciding among alternatives, the Commission has acknowledged that there are tradeoffs in siting, and that alternative routes may also face opposition. For instance, in docket PCN 5, several intervenors opposed the proposed route for the Boardman to Hemingway transmission line (B2H), which passes near Morgan Lake and through several specific land parcels in the vicinity. Order No. 23-225 at 29. Several intervenors suggested alternative routes to the line to avoid impacts to farmland in Morrow County. *Id.* The Commission ultimately found that Idaho Power Company “had to make several tradeoffs in designing its final, proposed route” and that “[a]ny route it selected would be opposed by many.” *Id.* at 30. Accordingly, even if a utility can select a different alternative, under the Commission’s current CPCN rules, the utility only needs to demonstrate that “its selected alternative is practicable and feasible” and that it “reasonably considered alternatives to its proposed route.” *Id.*

¹⁵⁴ Order No. 19-293 at 7. In past Commission decisions, the Commission has weighed alternatives when determining practicability and justification. *Compare* Order No. 11-366 at 7 (petitioner established practicability by “explor[ing] alternative routes and construction scenarios and select[ing] the most cost-effective option”); *with* Order No. 19-293 at 14 (finding that the proposed transmission line is “justified because it provides greater capacity, more cost-efficiently” than the alternatives).

1 Company considered a range of valid tradeoffs that led to the route selection, and that the route
2 represents a reasonable balance of siting opportunities and constraints.

3 ***1. PacifiCorp Demonstrated That the Selected Route Reflects a Reasonable***
4 ***Balance of Siting Constraints and Opportunities Compared to Alternatives.***

5 In this case, the record shows that PacifiCorp reasonably considered alternatives to the
6 Project and selected a feasible route that is more cost-effective and represents a reasonable balance
7 of siting opportunities and constraints compared to alternatives. Since identifying the need for a
8 transmission line in 2017, PacifiCorp identified a Project area and five preliminary conceptual
9 corridors based on factors the Company values in a route, such as paralleling existing lines and
10 avoiding impacts on landowners.¹⁵⁵ Subsequently, PacifiCorp conducted an internal analysis to
11 determine the practicability and feasibility of the conceptual corridors, which included
12 consideration of permanent permitting and land use restrictions, constructability challenges (e.g.,
13 rugged terrain), prohibitive costs, and areas of higher environmental and wildlife habitat
14 constraints.¹⁵⁶ Based on this primary, high-level evaluation, PacifiCorp narrowed the five
15 conceptual corridors to two alternative routes—a West Alternative Route, which is approximately
16 10.0 miles long, and an East Alternative Route, which is approximately 12.1 miles long.¹⁵⁷

17 PacifiCorp subsequently engaged POWER Engineers to conduct a high-level study to
18 evaluate the viability of the two alternative routes based on engineering requirements and
19 opportunities for, and constraints to, routing a transmission line.¹⁵⁸ Specifically, POWER
20 Engineers compared siting opportunities and constraints for the West and East Alternative Routes,
21 which included: (1) paralleling existing linear facilities such as other transmission lines, roads, and

¹⁵⁵ PAC/100, Bremer/26; PAC/200, Bremer/16-17.

¹⁵⁶ PAC/100, Bremer/26-27; PAC/200, Bremer/17-18.

¹⁵⁷ PAC/100, Bremer/26, 28-29.

¹⁵⁸ *Id.* at 26-27.

1 highways to consolidate structures in existing utility corridors and road ROWs and minimize
2 disruption of existing land uses; (2) routing in areas where land use is compatible to the extent
3 feasible (e.g., industrial or commercial areas, and previously disturbed areas); (3) paralleling
4 section lines or property lines to avoid crossing through properties; (4) minimizing impacts on
5 private properties; (5) maximizing use of existing adjacent or nearby access roads and areas
6 compatible with overland travel; (6) maximizing use of areas that facilitate efficient and cost-
7 effective transmission line design and construction, such as straight and flat topography rather than
8 curvy and graded topography; and (7) avoidance of and minimizing impacts to areas with sensitive
9 environmental resources and habitats for threatened and endangered plants and wildlife.¹⁵⁹ This
10 routing study, which compared the East and West Alternative Routes, was presented to ODOE and
11 EFSC; other Oregon state agencies, such as the Oregon Department of Fish and Wildlife (ODFW);
12 the Tribes; Jackson County; and the public for comment.¹⁶⁰

13 Based on the results of POWER Engineers' routing study and consideration of the public
14 and agency comments received from EFSC, the Company selected the proposed route, which is
15 approximately 11.5 miles in length, and consists predominantly of the East Alternative Route but
16 incorporates the southernmost segment of the West Alternative Route.¹⁶¹ PacifiCorp selected the
17 proposed route in part because the original study showed that:

- 18 • The proposed route parallels existing roads for 9.0 miles of the approximate
19 11.5-mile route (approximately 80 percent of the total route length), as opposed to
20 the East Alternative Route, which parallels existing roads for 7.8 miles of the
21 12.1-mile route (approximately 64 percent of the total route length), and the West

¹⁵⁹ *Id.* at 27-28.

¹⁶⁰ PAC/200, Bremer/19-22; PAC/100, Bremer/24-26.

¹⁶¹ PAC/200, Bremer/19-22; PAC/100, Bremer/24-46.

1 Alternative Route, which parallels existing roads for 5.5 miles of the 10.0-mile
2 route (approximately 55 percent of the total route length).¹⁶²

- 3 • The proposed route and the East Alternative Route impact less mileage of
4 residentially zoned areas (0.9 mile) than the West Alternative Route (1.6 miles).¹⁶³
- 5 • The proposed route impacts fewer miles of Exclusive Farm Use-designated lands
6 (4.4 miles) than either the East Alternative Route (4.7 miles) or the West
7 Alternative Route (6.3 miles).¹⁶⁴
- 8 • While the West Alternative Route impacts fewer miles of U.S. Fish and Wildlife
9 Service-designated critical habitat and National Wetland Inventory-mapped
10 wetlands than the East Alternative Route or the proposed route, during the 2023
11 field surveys, PacifiCorp’s consultant biologists found that vernal-pool-habitat
12 quality is generally higher along the West Alternative Route than the other two
13 routes.¹⁶⁵ Moreover, based on field survey results and engineering micro-siting,
14 PacifiCorp determined that the majority (if not all) of the vernal pools and occupied
15 habitat for threatened and endangered species will be spanned and avoided during
16 construction for the proposed route.¹⁶⁶
- 17 • While the number of cultural resources identified during the 2023 pedestrian survey
18 is slightly higher along the East Alternative Route and proposed route than along
19 the West Alternative Route based on a holistic review, the adapted proposed route
20 would follow existing roads for 9.0 miles of the approximate 11.5-mile route length,
21 thus minimizing the need for access road easements and construction and
22 maintenance that would cause additional disturbance to these resources.¹⁶⁷

23 Additionally, PacifiCorp considered public and agency comments regarding the East and
24 West Alternative Routes in selecting the proposed route.¹⁶⁸ In particular, while there was public

¹⁶² PAC/100, Bremer/35. These numbers were updated in PacifiCorp’s Reply Testimony. PAC/200, Bremer/13. The proposed route parallels existing roads for 9.2 miles of the approximate 11.5-mile route (approximately 80 percent of the total route length), as opposed to the East Alternative Route, which parallels existing roads for 6.7 miles of the 12.1-mile route (approximately 55 percent of the total route length), and the West Alternative Route, which parallels existing roads for 4.0 miles of the 10.0-mile route (approximately 40 percent of the total route length). *Id.* Additionally, based on the updated data, the number of miles of route parallel and/or adjacent to existing transmission line segments is nominally comparable along all three routes (3.0 miles for the proposed route versus 3.3 miles for the East and West Alternative Routes. *Id.*

¹⁶³ PAC/100, Bremer/36, 43. These numbers were updated in PacifiCorp’s Reply Testimony. PAC/200, Bremer/13. The proposed route impacts less mileage of residentially zoned areas (0.8 mile) compared to the East Alternative Route (1.0 mile) and West Alternative Route (1.4 miles). *Id.*

¹⁶⁴ PAC/100, Bremer/37, 60; PAC/200, Bremer/13.

¹⁶⁵ PAC/100, Bremer/39.

¹⁶⁶ *Id.*

¹⁶⁷ *Id.* at 41.

¹⁶⁸ *Id.* at 45-46; PAC/200, Bremer/19-22.

1 opposition to both alternative routes during the EFSC process,¹⁶⁹ ODFW informed the Company
2 of its preference for the East Alternative Route—reasoning that the East Alternative Route “more
3 closely follows existing roads” and has “less impacts on riparian areas.”¹⁷⁰ During the EFSC
4 process, the public also raised concerns regarding Jackson County’s road widening project along
5 Foothill Road.¹⁷¹ Taking the public’s concerns regarding the road widening project into account,
6 PacifiCorp confirmed with Jackson County that the proposed route was feasible in light of the
7 wider road ROW needed to accommodate the County’s changes.¹⁷² Therefore, based on POWER
8 Engineers’ routing study and consideration of public and agency input, the Company selected the
9 proposed route for LPW. PacifiCorp voluntarily held another open house in January 2024 to
10 explain why the Company selected the proposed route; to clarify that the jurisdiction for the Project
11 had changed from EFSC to Jackson County; and to hear landowners’ concerns about the proposed
12 route.¹⁷³

13 During PCN 8, public commenters argued that instead of siting the line along Foothill
14 Road, conceptual Route #3 better protected the interest of affected landowners as it was “clear of
15 homes or obstructions which would impede the placement and maintenance of power lines[.]”¹⁷⁴
16 In light of these arguments, Staff also questioned why PacifiCorp had not chosen a route that was
17 farther to the east of Foothill Road.¹⁷⁵ In his Reply Testimony, Mr. Bremer explained that the
18 Company eliminated conceptual Route #3 from consideration early on due to land use restrictions
19 that prohibited new transmission line construction along the route, significant constructability

¹⁶⁹ PAC/200, Bremer/19, n. 36.

¹⁷⁰ *Id.* at 11 (quoting PAC/203, Bremer/1).

¹⁷¹ *Id.* at 20.

¹⁷² *Id.* at 20-21.

¹⁷³ *Id.* at 21-22; PAC/100, Bremer/45-46.

¹⁷⁴ Ogden-Webb/100, Ogden/4.

¹⁷⁵ Staff/100, Shierman/12-13.

1 challenges and costs, and sensitive environmental, and wildlife habitat impacts.¹⁷⁶ PacifiCorp also
2 explained that routes farther east of conceptual Route #3 had several significant downfalls,
3 including being longer and more costly, and having greater impacts on sensitive forest and wetland
4 habitats.¹⁷⁷ Accordingly, PacifiCorp demonstrated that it had evaluated conceptual Route #3 and
5 additional routes farther east, but had removed these routes from consideration early on due to the
6 Company’s determination that these routes were not viable. And based on this record, Staff agreed
7 that the Company “highlighted a range of valid tradeoffs that led to [the] route selection, including
8 permitting constraints, terrain issues, and environmental and wildlife implications.”¹⁷⁸

9 **2. *Non-Wires Alternatives and Undergrounding are Not Viable or Cost-Effective***
10 ***Solutions to the Identified Need.***

11 PacifiCorp has also shown through its testimony and responses to Staff’s data requests that
12 an overhead, 230 kV transmission line along the selected route is the most cost-effective and
13 reasonable solution to meet the identified reliability and capacity need in the electric grid as
14 compared to alternatives. First, as discussed in Section IV.C.4., PacifiCorp demonstrated that there
15 are no conservation measures or non-wires alternatives that, alone or together, resolve the N-1-1
16 contingency scenarios identified by the Company. Second, PacifiCorp explained that while the
17 Company considered undergrounding LPW at a conceptual level, it rejected this option early on
18 because undergrounding would present complications for construction and operation of the line
19 and would significantly increase the total cost of the Project.¹⁷⁹ Specifically, Mr. Bremer testified
20 that any benefits from undergrounding, to the extent they exist, would be far outweighed by design
21 complications and costs of undergrounding (i.e., up to 10 times more costly than overhead lines,

¹⁷⁶ PAC/200, Bremer/7-11.

¹⁷⁷ *Id.* at 11-12.

¹⁷⁸ Staff/300, Shierman/4-5.

¹⁷⁹ PAC/100, Bremer/63-66.

1 which on average could be as high as \$25 million per mile for a single circuit underground
2 transmission line); greater construction, ground disturbance, and site restoration impacts; increased
3 reliability issues; shorter life expectancy; and more restrictive easements necessary for the
4 underground transmission line duct banks and vaults.¹⁸⁰ For these reasons, the evidence in the
5 record establishes that LPW—as a 230 kV, overhead transmission line—is the most cost-effective
6 and reasonable solution to meet the identified need.

7 **G. Stipulation, Paragraph 20 – Environmental Justice.**

8 The Stipulating Parties agree that PacifiCorp’s environmental justice analysis is sufficient
9 for purposes of this proceeding and for the Commission, as a natural resource agency, to consider
10 the effect of its decision on environmental justice issues and discuss and consider such issues in
11 accordance with ORS 182.545(1).¹⁸¹

12 In this case, PacifiCorp performed an analysis of the environmental justice impacts of the
13 Project focusing on the environmental justice communities defined by ORS 756.010 and for which
14 census data was publicly available.¹⁸² The State of Oregon and Jackson County were selected as
15 the reference populations for the purpose of conducting comparisons of demographic census data,
16 which allowed for an assessment of any disparities or impacts within the Project study area.¹⁸³ The
17 analysis showed that LPW will not disproportionately impact environmental justice
18 communities.¹⁸⁴ Specifically, the analysis indicated that potential impacts on environmental justice
19 communities are not significantly different across the proposed route, and the East and West
20 Alternative Routes. The proposed route will be located within segments of two established utility

¹⁸⁰ PAC/200, Bremer/30; PAC/100, Bremer/64-66. The Company estimated that undergrounding just 600 ft of the Project in front of the 6716 Foothill Road would cost \$8 million (including costs for the termination towers, labor, trenching, splicing, equipment, hardware, duct bank, vaults, and underground cables). PAC/200, Bremer/32.

¹⁸¹ Stipulation at ¶20.

¹⁸² PAC/100, Bremer/61-62.

¹⁸³ *Id.* at 62.

¹⁸⁴ *Id.* at 61-63; PAC/211.

1 corridors and collocated with existing PacifiCorp transmission lines in those segments.¹⁸⁵ In the
2 segment near White City, which has a higher population of communities of color, the line is located
3 within a commercial/industrial area.¹⁸⁶ As such, the Project is not anticipated to directly impact
4 the environmental justice communities identified in the study area.¹⁸⁷ Indirect effects are expected
5 to be consistent across all communities potentially affected along the proposed route.¹⁸⁸ Overall,
6 the Project is expected to benefit local communities and the broader region by improving the
7 reliability of the transmission system.¹⁸⁹

8 In addition, the Company affirmed that it micro-sited the line pole structures in response
9 to requests from landowners during easement negotiations where feasible.¹⁹⁰ However, PacifiCorp
10 explained that the Company did not, and would not, proactively change the line design in response
11 to landowner requests if those modifications would result in preferentially shifting burdens
12 between landowners, increased costs to customers, and delays.¹⁹¹ Mr. Bremer testified that such
13 changes were only justified where there were complementary mitigating cost and time efficiency
14 benefits from acquiring an easement from the landowner who proposed the design change.¹⁹² The
15 Company also confirmed that that it will continue to propose design and micro-siting modifications
16 where practicable to address concerns during easement negotiations.¹⁹³ Based on this evidence,
17 Staff found that, for purposes of this proceeding, the Company's environmental justice analysis

¹⁸⁵ PAC/100, Bremer/62.

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

¹⁸⁸ *Id.* at 62-63.

¹⁸⁹ *Id.* at 63.

¹⁹⁰ PAC/200, Bremer/59.

¹⁹¹ *Id.* at 24-32 (explaining the additional landowner impacts and costs of the landowners' proposed design modifications); PAC/300, Bremer/25-29 (explaining how the change to the monopole design would cause additional landowner impacts and would require the line to be moved further north into the Clark parcel causing additional impacts on Clark's agricultural field).

¹⁹² PAC/200, Bremer/28.

¹⁹³ *Id.* at 59.

1 was sufficient and the Company was committed to engaging in good faith easement negotiations
2 with landowners throughout the development of the line.¹⁹⁴ Therefore, the Stipulating Parties
3 recommend that the Commission adopt Paragraph 20 of the Stipulation and find that PacifiCorp’s
4 environmental justice analysis is sufficient and the Company demonstrated that the Project will
5 not disproportionately impact environmental justice communities.

6 **V. CONCLUSION**

7 The Commission should approve the Stipulation and grant the CPCN for LPW. The
8 Stipulation is supported by an extensive record and is in the public interest.

Respectfully submitted this 18th day of December, 2025.

MCDOWELL RACKNER GIBSON PC



Jocelyn C. Pease
Lynne Dzubow
McDowell Rackner Gibson PC
419 SW 11th Avenue, Suite 400
Portland, OR 97205

Zachary Rogala
Attorneys for PacifiCorp d/b/a Pacific Power

/s/ Marli Klass

Marli Klass, OSB No. 223244
Assistant Attorney General
*Of Attorneys for Staff of the Public Utility
Commission*

¹⁹⁴ Staff/300, Shierman/5-7.

DOCKET PCN 8 - CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the Confidential Joint Brief in Support of Stipulation to Docket PCN 8 on the date indicated below by email addressed to said person(s) at his or her last known address(es) indicated below.

DOCKET PCN 8

Staff Marli Klass (C) Oregon Department of Justice 1162 Court Street NE Salem, OR 97301-4796 marli.klass@doj.oregon.gov	Staff Eric Shierman (C) Public Utility Commission of Oregon 201 High St. SE, Suite 100 Salem, OR 97301 eric.shierman@puc.oregon.gov
PacifiCorp Jocelyn C. Pease (C) McDowell Rackner Gibson PC 419 SW 11 th Ave., Suite 400 Portland, OR 97205 jocelyn@mrg-law.com dockets@mrg-law.com	PacifiCorp Zachary Rogala (C) PacifiCorp 825 NE Multnomah St., Suite 2000 Portland, OR 97232 zachary.rogala@pacificorp.com

DATED: December 18, 2025.



Cole Albee
Paralegal
McDowell Rackner Gibson PC