

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

PCN 5

In the Matter of

IDAHO POWER COMPANY

Petition for Certificate of Public
Convenience and Necessity.

RULING

DISPOSITION: TESTIMONY AND EXHIBITS ADMITTED

On April 25, 2023, Susan Geer, Idaho Power, PacifiCorp, Public Utility Commission of Oregon Staff, John Williams, Stop B2H Coalition, Wendy King, Sam Myers, and Greg Larkin filed motions to admit testimony and exhibits in this docket. On May 2, 2023, Wendy King, Idaho Power, and PacifiCorp filed objections regarding some parties' motions to admit testimony and exhibits. On May 8, 2023, I issued a ruling resolving those objections.

This ruling serves to formally admit testimony and exhibits in this matter and should be read alongside my May 8, 2023, ruling in this docket. The Commission's rules contemplate that the Commission will consider relevant evidence that "make[s] the existence of any fact at issue in the proceedings more or less probable that it would be without the evidence" and "if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs."¹ Relevant evidence "[m]ay be excluded if the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or undue delay."²

I find the testimony and exhibits offered by the parties and supported by declarations of the witnesses meet the standards for relevance as required by OAR 860-001-0450(1) and satisfy the requirements of OAR 860-001-0480.³ The testimony and exhibits listed below are admitted into the evidentiary record. Parties may rely on any admitted evidence in briefing, not just the admitted evidence listed under their name. The parties are reminded that evidence containing confidential or highly confidential material must remain confidential and comply with the requirements of this matter's modified protective order throughout briefing.

Parties may correct the identification of testimony or exhibits by 3:00 p.m. on Friday, May 12, 2023, by submitting a letter to the Filing Center indicating any necessary corrections. Note that this is not an opportunity to object to my resolution of evidentiary objections, but rather an opportunity to correct any mistakes in the compilation of an expansive

¹ OAR 860-001-0450(1)(a)-(b).

² OAR 860-001-0450(1)(c).

³ While not all offered testimony and exhibits are labeled as required by our rules, my prior memoranda, rulings, and oral statements indicated relaxed requirements for self-represented parties.

evidentiary record, such as a document missing from the list below or corrections to the details included in the list below. If no revisions are filed, the record will be considered closed.

PARTY/EXHIBIT NO.	WITNESSES/DOCUMENT DESCRIPTION	DATE FILED IN PCN 5 DOCKET
Idaho Power Company's Petition for Certificate of Public Convenience and Necessity + Attachments 1-16		9/30/2022
Idaho Power's Supplement to Petition for Certificate of Public Convenience and Necessity + Attachment 1		10/7/2022
Transcript from April 19-20, 2023, Evidentiary Hearing		5/1/2023 (Available from transcriptionist per docket entry)
Transcript from December 5, 2022, Public Comment Hearing (Zoom)		12/20/2022 (Available from transcriptionist per docket entry)
Transcript from November 16, 2022, Public Comment Hearing (La Grande, Oregon)		12/1/2022 (Available from transcriptionist per docket entry)
Public Comments	All Public Comments Received by the Commission from September 30, 2022, through March 20, 2023	Various
Geer/100-123	Susan Geer Opening Testimony and Exhibits	2/1/2023
Geer/200 + Exhibits 1-4	Susan Geer Rebuttal Testimony and Exhibits	3/20/2023
Geer/301-331	Susan Geer Cross-Examination Exhibits	4/19/2023
Idaho Power/100-102	Jared Ellsworth Direct Testimony and Exhibits	9/30/2022
Idaho Power/500-507	Jared Ellsworth Reply Testimony and Exhibits	2/21/2023
Idaho Power/1700	Jared Ellsworth Surrebuttal Testimony	4/7/2023
Idaho Power/200-203	Lindsay Barretto Direct Testimony and Exhibits	9/30/2022
Idaho Power/300-302	Lindsay Barretto Supplemental Direct Testimony and Exhibits	12/30/2022
Idaho Power/400-406	Lindsay Barretto Reply Testimony and Exhibits (and errata filed on 2/28/2023)	2/21/2023 (errata filed 2/28/2023)

Idaho Power/1600-1604	Lindsay Barretto Surreply Testimony and Exhibits	4/7/2023
Idaho Power/600-617	Mitch Colburn Reply Testimony and Exhibits	2/21/2023
Idaho Power/1800-1805	Mitch Colburn Surrebuttal Testimony and Exhibits	4/7/2023
Idaho Power/700-707	Kirk Ranzetta Reply Testimony and Exhibits (and errata filed 4/17/2023)	2/21/2023 (errata filed 4/17/2023)
Idaho Power/2100	Kirk Ranzetta Surrebuttal Testimony	
Idaho Power/800-801	Stephen Anderson Reply Testimony and Exhibit	2/21/2023
Idaho Power/2200	Stephen Anderson Surrebuttal Testimony	4/7/2023
Idaho Power/900-904	Shane Baker Reply Testimony and Exhibits	2/21/2023
Idaho Power/1000-1004	Jake Weigler Reply Testimony and Exhibits	2/21/2023
Idaho Power/1100-1115	Mark Bastasch Reply Testimony and Exhibits	2/21/2023
Idaho Power/2000-2003	Mark Bastasch Surrebuttal Testimony and Exhibits	4/7/2023
Idaho Power/1200-1220	Dr. Jeffrey Ellenbogen Reply Testimony and Exhibits	2/21/2023
Idaho Power/1300-1311	Dr. Christopher Lautenberger Reply Testimony and Exhibits	2/21/2023
Idaho Power/2300-2304	Dr. Christopher Lautenberger Surrebuttal Testimony and Exhibits	4/7/2023
Idaho Power/1400-1402	Michael Ottenlips Reply Testimony and Exhibits	2/21/2023
Idaho Power/2400-2403	Michael Ottenlips Surrebuttal Testimony and Exhibits	4/7/2023
Idaho Power/1500-1501	Joseph Stippel Reply Testimony and Exhibit	2/21/2023
Idaho Power/1900-1905	Joseph Stippel Surrebuttal Testimony and Exhibits	4/7/2023
PAC/100	Rick Link Opening Testimony	1/17/2023
PAC/200-202 (and errata to PAC/202)	Rick Link Rebuttal Testimony and Exhibits	3/20/2023
Staff/100-108	Sudeshna Pal Opening Testimony and Exhibits	1/17/2023 (corrected filed 4/17/2023)
Staff/200-204	Yassir Rashid Opening Testimony and Exhibits	1/17/2023
Staff/300-302	Charles Lockwood Opening Testimony and Exhibits	1/17/2023
Staff/400-403	Sudeshna Pal Rebuttal Testimony and Exhibits	3/20/2023

Staff/500	Yassir Rashid Rebuttal Testimony	3/20/2023
Staff/600	Charles Lockwood Rebuttal Testimony	3/20/2023
John Williams/100-104	John Williams Amended Opening Testimony and Exhibits	2/1/2023
John Williams/200-203	John Williams Rebuttal Testimony and Exhibits	3/20/2023
John Williams/301-308	John Williams Cross-Examination Exhibits	4/12/2023
Unlabeled	John Williams 2022 Confidential Landowner Cultural Survey Reports from Idaho Power (3 files)	4/25/2023
StopB2H/100-109, 1010-1014	Stop B2H Coalition Opening Testimony and Exhibits (exhibit 102.a filed on 5/9/2023)	1/17/2023 (exhibit 102.a filed on 5/9/2023)
StopB2H/200-204	Stop B2H Coalition Rebuttal Testimony and Exhibits	3/20/2023
StopB2H—Kreider 301-309	Stop B2H Coalition Cross-Examination Exhibits	4/12/2023
StopB2H/300	Stop B2H Coalition Errata to Cross-Examination Exhibits	4/18/2023
Wendy King/100	Wendy King Opening Testimony	2/1/2023
Wendy King/200	Wendy King Rebuttal Testimony and Exhibits (and errata filed on 4/25/2023)	3/20/2023 (errata filed 4/25/2023)
Unlabeled	Wendy King Cross-Examination Exhibits (and errata filed 4/14/2023) (narrative testimony embedded in Exhibit 12 excluded)	4/12/2023 (errata filed 4/14/2023)
Unlabeled	Wendy King Additional Cross-Examination Exhibit	4/18/2023
Wendy King Clarification Exhibit 1	Wendy King Clarification Exhibit 1	4/25/2023
Sam Myers/100-103	Sam Myers Opening Testimony	1/17/2023
Unlabeled	Sam Myers Amended Opening Testimony	2/1/2023
Unlabeled	Sam Myers Amended Opening Testimony	2/3/2023
Unlabeled	Sam Myers Rebuttal Testimony and Exhibits	3/20/2023
Unlabeled	Sam Myers Amended Rebuttal Testimony and Exhibits	3/20/2023
Unlabeled	Sam Myers Response to Motion to Compel (Exhibits)	3/24/2023

Unlabeled	Sam Myers Cross-Examination Exhibit (only text from and references to manuals on pages 4-5)	4/12/2023
Unlabeled	Sam Meyers Clarification Testimony of Professional Wind Data Exhibits (only text from and references to manuals on page 2)	4/25/2023
GregLarkin/100	Greg Larkin Opening Testimony and Exhibits (as amended on 2/1/2023)	1/17/2023 (amended on 2/1/2023)
Unlabeled	Greg Larkin Motion for Review of Idaho Power's Discovery Request	1/30/2023
Unlabeled	Idaho Power Response to Larkin Motion for Review of Idaho Power's Discovery Request	1/31/2023
GregLarkin/700-704	Greg Larkin Surrebuttal Testimony and Exhibits	3/20/2023
Multiple labeled and unlabeled documents, including: GregLarkin/1101-1105 GregLarkin/400-405 GregLarkin/300 GregLarkin/1109 GregLarkin/1010 GregLarkin/1112 GregLarkin/1114-1117	Greg Larkin Cross-Examination Exhibits	4/12/2023
Unlabeled	Idaho Power Responses to Greg Larkin Data Requests Nos. 26-61 and Nos. 6-84	5/9/2023
Unlabeled	PacifiCorp Filing including Confidential Errata to Mr. Link's testimony in Idaho and Wyoming dockets; First Supplemental to Data Request OPUC 3	5/9/2023


Additionally, the Commission will take official notice of the following documents under OAR 860-001-0460:

- U.S. Bureau of Land Management (BLM) Record of Decision for the Boardman to Hemingway Transmission Line Project (November 2017) (available at: https://eplanning.blm.gov/public_projects/nepa/68150/125243/152690/20171117_Record_Of_Decision.pdf)
- Section 368 Energy Corridor Maps (available at <https://landscape.blm.gov/geoportal/catalog/main/home.page> and <https://corridoreis.anl.gov/maps/>)

I further clarify the admission of evidence submitted by Greg Larkin. Only those documents specifically listed above from Mr. Larkin are admitted to the evidentiary record. As part of any corrections, Mr. Larkin wishes to file regarding the identification of testimony or exhibits (as discussed above, due May 12, 2023), Mr. Larkin may direct me to the specific docket entry where exhibits GL/501 and GL/1201-1209 may be found. Such a filing should include the date the document was filed in the PCN 5 docket (not the date filed in Huddle or in any other proceeding), the docket description of the referenced docket entry, and the specific page number of that document where the exhibit may be found.

Finally, I clarify that this ruling only addresses the evidence in the record that can be relied upon in the parties' briefing and does not restrict the ability of the parties to cite to applicable laws, rules, and court decisions.

Dated this 10th day of May, 2023, at Salem, Oregon.



John Mellgren
Administrative Law Judge