

**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: EVIDENTIARY OBJECTIONS SUSTAINED IN PART AND
OVERRULED IN PART; MOTION TO EXTEND GRANTED IN PART
AND DENIED IN PART**

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.

This ruling resolves all objections. First, I provide some general comments on common objections and their resolution. Second, specific objections are resolved in a table below describing the evidence objected to, the objection, and my resolution. Third, I resolve some outstanding procedural matters.

If an objection to testimony or an exhibit is not explicitly sustained below, the objection is overruled, and parties may use the challenged evidence in their briefing.¹

Below, I note that certain documents will be admitted into the evidentiary record, however, another ruling will be forthcoming that admits evidence and provides the parties with a complete list of the evidentiary record in this proceeding. In the interest of time and resolving the objections, these rulings will be made separately. Parties need not wait for the ruling admitting evidence to prepare their briefing.

It is very important that the parties fully read this ruling to inform their briefing in this matter. Any questions regarding it should be directed to Chief Administrative Law Judge Nolan Moser.

¹ "Sustained" means I agree with the objection and the evidence will not be admitted into the evidentiary record. "Overruled" means I do not agree with the objection and the evidence will be admitted into the evidentiary record.

General Evidentiary Objection Discussion

As a threshold matter, with limited exception, any document not actually filed in this docket cannot be admitted into evidence. As I have made clear many times in memoranda, rulings, and orally at conferences—such as in the context of discussions over discovery for example—if parties or the Commission do not have the document in question, they cannot review, consider, and respond to it. Accordingly, if a document was not filed in this docket, with limited exceptions described below, it cannot be admitted into evidence.

In resolving these objections, I applied the Commission’s standards for evidence found at OAR 860-001-0450. These 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.”² 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.”³ Many of the objections received go to the weight of the evidence and not the admissibility of evidence.

Idaho Power objects to exhibits filed after the deadline for testimony. We have consistently communicated to all parties that evidence should be presented as early as possible in this case so that evidence can be reviewed and tested through the process. That noted, our rules on exhibits allow for filed exhibits not directly related to cross-examination to be filed by the cross-examination deadline. Idaho Power had the opportunity to request to test this evidence through cross-examination of sponsoring parties and did not do so. Idaho Power also had the opportunity to request the opportunity to file additional rebuttal evidence and did not do so. As we have also communicated throughout this proceeding, evidence will be given the appropriate weight in the proceeding, in consideration of content, context, and the time and manner the evidence was offered in the proceeding. Idaho Power has made no substantive objection to the evidence (relevance, etc.) and these items are admitted as described in the table below. Should Idaho Power wish to have the opportunity to file any relevant rebuttal testimony, it may file a motion seeking to do so along with a proposed revised procedural schedule that includes a delayed briefing schedule and a target date for Commission decision in this matter.

Idaho Power objects to testimony filed after the testimony deadline “styled as errata.” These objections are sustained in part, as the narrative portions of some exhibits are not admitted, but screenshots and copies of manuals and other documents are admitted as discussed below. **It is important to note that while this testimony and argument is not admitted as evidence, parties may make these arguments in their briefing so long as they rely on admitted evidence.**

Idaho Power objects to cross-examination exhibits because of lack of foundation, in part because some exhibits were not offered at the hearing. As discussed above, our rules allow participants the opportunity to file such exhibits. Idaho Power could have tested this evidence through cross-

² OAR 860-001-0450(1)(a)-(b).

³ OAR 860-001-0450(1)(c).

examination of sponsoring parties or a request to file relevant rebuttal evidence and did not do so. Idaho Power's objections on this point are denied.

Idaho Power makes several objections based on relevance and that documents were not filed in this docket. These objections are overruled in part and sustained in part, as described below. One document that was not filed in this docket, "Cover Letter and pRFA1 pRFA1 Attachments pRFA1 Figures PUBLIC NOTICE - Boardman to Hemingway Transmission Line Receipt of Preliminary Request for Amendment 1 of Site Certificate (12/15/22)" may be admitted but has not been filed in this docket. Though it was not filed in this docket, Idaho Power did not list an objection to this document. **This document will be admitted if Stop B2H Coalition files it with the Filing Center by 3:00 p.m. on May 9, 2023.**

Some objections are sustained because admitting the requested evidence is burdensome. For example, parties have requested entire records of cases and dockets be admitted as evidence. One of the purposes of ensuring that evidence is filed in the record is to ensure that parties focus on the relevant evidence, rather than unduly enlarging the record without focus. It is burdensome to expect parties to review entire dockets for relevant evidence. Instead, parties are expected to identify the relevant documents or portions of documents that are relevant and provide them. Specific documents are addressed below.

Idaho Power objects to briefs filed in the Oregon Supreme Court being admitted in this case. This objection is overruled. These documents were filed by Idaho Power in this docket in response to my December 19, 2022, memorandum and are relevant evidence under our rules. The Commission will give these briefs the appropriate weight in consideration of content, context, and the time and manner the evidence was offered in the proceeding.

Idaho Power objects to unsworn comments from the public and self-represented intervenors in this case. Accepting and considering public comment is core to this agency's mission and Idaho Power's objection is inconsistent with the direction, powers, and mission of this agency provided for by the Oregon Legislature. It is essential to this Commission that it be able to consider, with appropriate weight, the comments of the public in all proceedings. In 2020, the Commission issued Order No. 20-386 which adopted Internal Operating Guidelines (IOGs) for the Commission.⁴ For contested cases, the IOGs specifically contemplate that public comments and transcripts from public comment hearings will be included in the evidentiary record:

To help provide more transparency about the public comments and their appropriate use in contested cases, the Commission has adopted a new process through which the public comments received will be made part of the evidentiary record. Transcripts of public comment hearings will be prepared and included in the record in the same fashion as transcripts from evidentiary hearings.⁵

As such, Idaho Power's objection is overruled, and all public comments received on or before March 20, 2023, will be admitted into the evidentiary record consistent with the IOGs. The Commission will give written and oral public comments their appropriate weight.

⁴ Order No. 20-386, Appendix A (Oct. 27, 2020).

⁵ Order No. 20-386, Appendix A at 15-16.

Idaho Power generally renewed oral objections made at the evidentiary hearing. At the evidentiary hearing, I instructed parties to make objections in writing after the hearing. To the extent Idaho Power made oral objections at the hearing that were not resolved at the hearing and were not included in Idaho Power's written objections, they are overruled on the grounds that Idaho Power failed to identify and justify them with specificity in writing.

Idaho Power objected to several exhibits as not being subject to the Commission's rule on official notice.⁶ These objections are sustained in part and overruled in part, as described below. While Idaho Power's arguments would narrow the scope of OAR 860-001-0460, I do not rule on the objections on those grounds. **Importantly, the parties should be aware that in this docket they may cite any Commission rule, order, or ruling in their briefing without a need for official notice.**

PacifiCorp objects to eight documents on relevance and/or foundation grounds. These objections are overruled. Our rules on exhibits allow for filed exhibits not directly related to cross-examination to be filed on the cross-examination deadline. PacifiCorp had the opportunity to test this evidence through cross-examination of sponsoring parties and did not do so. I find that the offered evidence is relevant and should be admitted. The Commission will give these exhibits the appropriate weight in consideration of content, context, and the time and manner the evidence was offered in the proceeding. Should PacifiCorp wish to have the opportunity to file any relevant rebuttal testimony, it may file a motion seeking to do so along with a proposed revised procedural schedule that includes a delayed briefing schedule and target date for Commission decision in this matter.

While PacifiCorp's objections are overruled, I note we were unable to locate Greg Larkin's Cross-Examination Exhibit 1207. **For that exhibit to be admitted to the evidentiary record, Mr. Larkin must file a letter with the Filing Center describing the specific document where this exhibit can be found, including the date filed, the docket description, and the specific page number of the cross-examination exhibit by 3:00 p.m. on May 9, 2023.** Note that this is not an invitation to file this material now, rather, it is an opportunity for Mr. Larkin to direct me to the location of this exhibit.

PacifiCorp notes that additional material should be added to exhibits sought to be admitted by Stop B2H Coalition for completeness. **This material will be admitted if PacifiCorp files it with the Filing Center by 3:00 p.m. on May 9, 2023.**

Wendy King objects to an exhibit filed with Idaho Power's Ellsworth reply testimony on the grounds that it is overbroad and burdensome. This objection is overruled. The Commission will give this exhibit the appropriate weight in consideration of content, context, and the time and manner the evidence was offered in the proceeding.

⁶ See OAR 860-001-0460(1).

Specific Evidentiary Objection Resolutions

Idaho Power Objections

Party	Date offered	Evidence	Objection	Ruling
Wendy King	4/25/2023	Wendy King’s Clarification Exhibit 1: Alternate Route to Wheat Ridge Intraconnection Corridor	Late-filed exhibit	Overruled; Part of EFSC (IDP invited to show otherwise), official notice taken
Sam Myers	4/12/2023	Sam Myers Testimony	Late-filed direct testimony	Sustained in part; late narrative testimony not admitted, text from and references to manuals on pages 4-5 admitted
John Williams	4/25/2023	John Williams 2022 Confidential Landowner Cultural Survey Reports from Idaho Power. Confidential Saved to Agency Folder.	Late-filed exhibit	Overruled; no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

Wendy King	4/24/2023	Wendy King's Errata to Rebuttal Testimony filed on 3/20/2023	Not errata – instead new exhibits filed outside of procedural schedule.	Overruled; no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
Sam Meyers	4/25/2023	Sam Myers' Errata to Testimony filed on 3/30/2023 (referred to by Sam Myers in Motion to Admit as Clarification Testimony of Professional Wind Data Exhibits)	Not errata – instead entirely new testimony and argument filed outside of procedural schedule.	Sustained in part; late narrative testimony not admitted, text from and references to manuals on page 2 admitted
Susan Geer	4/19/2023	Susan Geer's Response to Idaho Power Data Request No. 1	Foundation – Not Offered at Cross Examination Hearing	Overruled; no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

Wendy King	4/12/2023	Exhibit 7: Myers & Morter cropland under the proposed B2H route at MP 25.3 to 27.1 is considered Prime Farmland according to the NRCS (Natural Resources Conservation Service)	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
Wendy King	4/12/2023	Exhibit 8: Myers Farm Soil Survey Map	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

Wendy King	4/12/2023	Exhibit 9: Soil Data Access (SDA) Prime and other important Farmlands	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
Wendy King	4/12/2023	Exhibit 10: Prime Farmland is characterized by erodibility or HEL determination. In the vicinity of B2H, Myers Farmland is over 90% Not Highly Erodible Land, indicating it should be used exclusively for farm use.	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

Wendy King	4/12/2023	Exhibit 11: NRCS Prime and other Important Farmlands (usda.gov) Report Metadata: Soil Data Access Prime and other Important Farmlands	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
Wendy King	4/12/2023	Exhibit 20 – Mr. Madison’s Testimony in Final Order, Attachment 6 at 8844 of 10603	Foundation – Not offered at Cross Examination Hearing; content of exhibit appears to be testimony / argument	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
Greg Larkin	Not filed in PCN 5	NWS: Tornado-like damage, but no official tornado Saturday in Culver	Foundation – Not Offered at Cross Examination Hearing	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.

Greg Larkin	Not filed in PCN 5	Do Negative Ions Affect People? If So, How? (healthline.com)	Foundation – Not Offered at Cross Examination Hearing	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.
Greg Larkin	Not filed in PCN 5	Aeolian Vibration of Conductors: Theory, Laboratory Simulation & Field Measurement	Foundation – Not Offered at Cross Examination Hearing	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.
Greg Larkin	4/12/2023	GL/402: Expert Witness of Mark Darrach Issues FW-3 and FW-6	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

Greg Larkin	4/12/2023	GL/403: Union County Weed Control B2H Noxious Weed Plan Comments	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
Greg Larkin	4/12/2023	GL/404: Economic Impact From Selected Noxious Weeds in Oregon	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

Greg Larkin	4/12/2023	GL/405: Union County Community Wildfire Protection Plan	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
Greg Larkin	4/12/2023	GL/501: Nation Historic Oregon Trail Information Center (NHOTIC) Visitation Numbers; 1992- 2015	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

Greg Larkin	4/12/2023	GL/1003: Administrative Order Expanding water rules on small and medium salmon, steelhead and bull trout. Siskiyou Georegion Streams	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
Greg Larkin	4/12/2023	Larkin 1102 – Private Forest Accord	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

Greg Larkin	4/12/2023	Larkin 1103: Dept of Forestry order steelhead and bull trout	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
Greg Larkin	4/12/2023	Larkin 1105: Congressional Research Service – Wildfire Statistics (Mar. 1, 2023)	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

Greg Larkin	4/12/2023	Larkin 1106: Article – Electric utility PacifiCorp sued, accused of causing deadly McKinney Fire in Siskiyou County	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
Greg Larkin	4/12/2023	Larkin 1109 – NWS 2020 Annual Fire Weather	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

Greg Larkin	4/12/2023	Larkin 1110 – OPB PacifiCorp Liability for Labor Day Fires	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
Greg Larkin	4/12/2023	Larkin 1112 – FERC Orders PAC to Respond to Allegations of Reliability Violations	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

Greg Larkin	4/12/2023	Larkin 1117 – Statesman Journal – PAC Labor Day Fires article	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
Greg Larkin	4/12/2023	Greg Larkin/104 or GL/1101: Greg Larkin Exhibit emails regarding IP initiation of legal action against property owners.	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
Greg Larkin	Not filed in PCN 5	Irene Gilbert Comments to PUC Feb. 1, 2017 LD68	Foundation – Not Offered at Cross Examination Hearing	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.

STOP B2H	4/12/2023	STOP B2H/303 – Cost Overruns in Transmission Grid Projects	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
STOP B2H	4/12/2023	STOP B2H/305 – NPS 1999 – Guidelines for Evaluating and Documenting Rural Historic Landscapes, US Dept. of Interior	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

STOP B2H	4/12/2023	STOP B2H/306 – Mock Idaho House Resolution No. 4 w/ B2H Amendment	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
STOP B2H	4/12/2023	STOP B2H/307 – NorthWestern Enters an Agreement to Secure Reliable, Cost-Effective Energy Services for Montanans 8-K, 1/17/23	Foundation – Not Offered at Cross Examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

John Williams	4/12/2023	Williams/301/Cross/Maps – Three Images of maps of the Flow Routing – Emergency Action Plan and Bypass Conceptual Layout	Foundation – Not Offered at Cross examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
John Williams	4/12/2023	Williams/302/Cross – NPS (National Park Service). 1983. Standards for Archaeology and Historic Preservation. U.S. Department of the Interior, NPS, Washington, D.C	Foundation – Not Offered at Cross examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

John Williams	4/12/2023	Williams/303/Cross – NPS. 1985. Guidelines for Local Surveys: A Basis for Preservation Planning. National Register Bulletin. U.S. Department of the Interior, National Park Service, Washington, D.C.	Foundation – Not Offered at Cross examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
John Williams	4/12/2023	Williams/304/Cross – NPS. 1997. How to Complete the National Register Registration Form. U.S. Department of the Interior, National Park Service, Washington, D.C.	Foundation – Not Offered at Cross examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

John Williams	4/12/2023	Williams/305/Cross-- NPS. 1999. Guidelines for Evaluating and Documenting Rural Historic Landscapes. U.S. Department of the Interior National Park Service, Washington, D.C.	Foundation – Not Offered at Cross examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
John Williams	4/12/2023	Williams/306/Cross/pages 1-3-- ACHP Memorandum, Re: Recent court decision regarding the meaning of “direct” in Sections 106 and 110(f) of the National Historic Preservation Act	Foundation – Not Offered at Cross examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

John Williams	4/12/2023	Williams/307/Cross/pages 2-3-- Settlement Agreement, IPC and John C. Williams, March 25, 2022	Foundation – Not Offered at Cross examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
John Williams	4/12/2023	Williams/308/Cross-- DR#1 Response and two attachments (maps-same as Exhibit 104) plus, a Confidential map not included herein.	Foundation – Not Offered at Cross examination Hearing	Overruled - no substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

<p>Wendy King</p>	<p>4/12/2023</p>	<p>Exhibit 12 - Fire Analysis in Dryland Crop Systems: Exhibit U - PublicServices (oregon.gov) Idaho Power September 2018; June 2020 (Modified by Oregon Department of Energy during ASC - PO Phase)</p>	<p>Foundation – Document contains information provided by Idaho Power combined with Ms. King’s responses; Ms. King did not establish foundation for the exhibit</p>	<p>Sustained in part; late narrative testimony not admitted, references to all other exhibits and responses admitted.</p>
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<p>Greg Larkin</p>	<p>Not filed in PCN 5</p>	<p>Greg Larkin Data Request 100 and Attachments</p>	<p>Relevance - Data requests are not relevant and therefore inadmissible. Mr. Larkin is offering only the questions posed to Idaho Power, interspersed with legal references and argument, but is not providing Idaho Power's responses to these Data Requests. Foundation – Not Offered at Cross examination Hearing</p>	<p>Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.</p>
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<p>Greg Larkin</p>	<p>Not filed in PCN 5</p>	<p>GL/200 Greg Larkin Data Requests and exhibits Request 200 to Idaho Power</p>	<p>Relevance - Data requests are not relevant and therefore inadmissible. Mr. Larkin is offering only the questions posed to Idaho Power, interspersed with legal references and argument, but is not providing Idaho Power's responses to these Data Requests. Foundation – Not Offered at Cross examination Hearing</p>	<p>Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.</p>
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<p>Greg Larkin</p>	<p>4/12/2023</p>	<p>GL/300: Data Request for Mr. Bastach Questions 26-61 including references provided.</p>	<p>Relevance - Data requests are not relevant and therefore inadmissible. Mr. Larkin is offering only the questions posed to Idaho Power, interspersed with legal references and argument, but is not providing Idaho Power's responses to these Data Requests. Foundation – Not Offered at Cross examination Hearing</p>	<p>Overruled. Evidence will be given appropriate weight in the proceeding, in consideration of relevance, probative value, content, context, and the time and manner in which the evidence was offered in the proceeding. Idaho Power is invited to file its responses to these data requests, if not already filed, and these are deemed part of the record.</p>
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<p>Greg Larkin</p>	<p>4/12/2023</p>	<p>Greg Larkin/400, Request Nos. 62-84 to Idaho Power</p>	<p>Relevance - Data requests are not relevant and therefore inadmissible. Mr. Larkin is offering only the questions posed to Idaho Power, interspersed with legal references and argument, but is not providing Idaho Power's responses to these Data Requests. Foundation – Not Offered at Cross examination Hearing</p>	<p>Overruled. Evidence will be given appropriate weight in the proceeding, in consideration of relevance, probative value, content, context, and the time and manner in which the evidence was offered in the proceeding. Idaho Power is invited to file its responses to these data requests, if not already filed, and these are deemed part of the record.</p>
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<p>Greg Larkin</p>	<p>Not filed in PCN 5</p>	<p>GL/500 Lindsey Barretto Data Requests and Exhibits</p>	<p>Relevance - Data requests are not relevant and therefore inadmissible. Mr. Larkin is offering only the questions posed to Idaho Power, interspersed with legal references and argument, but is not providing Idaho Power's responses to these Data Requests. Foundation – Not Offered at Cross examination Hearing</p>	<p>Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.</p>
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<p>Greg Larkin</p>	<p>Not filed in PCN 5</p>	<p>GL/800 Greg Larkin data requests to Mr. Bastasch</p>	<p>Relevance - Data requests are not relevant and therefore inadmissible. Mr. Larkin is offering only the questions posed to Idaho Power, interspersed with legal references and argument, but is not providing Idaho Power's responses to these Data Requests. Foundation – Not Offered at Cross examination Hearing</p>	<p>Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.</p>
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<p>Greg Larkin</p>	<p>Not filed in PCN 5</p>	<p>Data Requests from Greg Larkin to Idaho Power and PacifiCorp including Attachments</p>	<p>Relevance - Data requests are not relevant and therefore inadmissible. Mr. Larkin is offering only the questions posed to Idaho Power, interspersed with legal references and argument, but is not providing Idaho Power's responses to these Data Requests. Foundation – Not Offered at Cross examination Hearing</p>	<p>Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.</p>
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Wendy King	Not filed in PCN 5	Wheatridge Wind Energy Facility, Complete Application 7-1-2015 Exhibit A - G Exhibit H - J Exhibit K – Q Exhibit R – DD	Application for Site Certificate for Wheatridge Wind Energy Facility at EFSC – not subject to official notice	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.
Sam Myers	Not filed in PCN 5	Oregon Department of Energy OAH Case No. 2019-ABC-0288, Sam Myers Closing Brief on Issue LU-9 February 28, 2022	Brief filed with EFSC – not subject to official notice	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.
Sam Myers	Not filed in PCN 5	Oregon Department of Energy, Energy Facility Siting Council Meeting August 29-30-31, 2022, Agenda Item B: Council Review of the Proposed Order, Proposed Contested Case Order/Exceptions Hearing Council Materials https://www.oregon.gov/energy/facilitiesafety/facilities/Council%20Meetings/29-30-31-2022-Agenda-Item-B-Day-3-Materials.pdf	Exceptions arguments filed with EFSC – not subject to official notice	Overruled, though not explicitly filed link to information filed. No substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.

Sam Myers	Not filed in PCN 5	Freedom of Information Act, FOIA, from BPA, requesting wind data, tower failures and fire related incidents, pending	Pending FOIA request – not subject to official notice	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.
John Williams	Not filed in PCN 5	John Williams Direct Testimony in EFSC Contested Case (2019-ABC-02833). Filed on 9/16/2021	EFSC testimony not subject to official notice	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.
John Williams	Not filed in PCN 5	John C. Williams 1st Amended Surrebuttal Testimony in EFSC Contested Case (2019-ABC-02833). Filed on 12/2/2021	EFSC testimony not subject to official notice	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.
John Williams	Not filed in PCN 5	Surrebuttal John C. Williams HCA-7, 1st Amended 12/2/2021 (EFSC case 2019- ABC-02833, no date stamp; 4. In One Drive)	EFSC testimony not subject to official notice	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.
John Williams	Not filed in PCN 5	John C. Williams Response Testimony to IPC’s Objections to Sur-rebuttal Testimony and Exhibits in EFSC Contested Case (2019-ABC-02833)	EFSC argument not subject to official notice	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.

John Williams	Not filed in PCN 5	John C. Williams Closing Argument in EFSC Contested Case (2019-ABC02833). Filed on 12/28/2022	EFSC briefing not subject to official notice	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.
John Williams	Not filed in PCN 5	John C. Williams Response Brief in EFSC Contested Case (2019-ABC02833). Filed on 3/30/2022	EFSC briefing not subject to official notice	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.
Greg Larkin	Not filed in PCN 5	EFSC Contested Case Administrative Record	Not filed in record, not referenced with specificity in testimony, unduly burdensome to record.	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record. Additionally, burdensome. One of the purposes of ensuring that evidence is filed in the record is to ensure that parties focus on the relevant evidence, rather than unduly enlarging the record without focus.

Sam Myers	Not filed in PCN 5	Proposed Order July 2, 2020	Not filed in record, not referenced with specificity in testimony, unduly burdensom e to record and potentially confusing as it has been superseded by Final Order.	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.
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STOP B2H	Not filed in PCN 5	<p>IPC's 2015-2021 IRP Filings: LC 63 including: • Comments from STOP members before incorporating. LC 68 including: • Stop B2H Coalition Opening Comment for the Docket 68 • Stop B2H Coalition’s Closing Comment (Redacted version) for Docket 68 and the verbal testimony at the Public Hearing LC 74 including: • Application for Reconsideration of Order No. 21-184, in LC 74 (Aug 3, 2021) • STOP B2H Coalition Closing Comments LC 74 (submitted January 8, 2021) • STOP B2H Coalition Amended and Revised Opening Comments LC 74 (submitted April 7, 2020) LC 78 including: • Stop B2H Coalition Opening Comments for 2021 IRP LC#78 (July 7, 2022) • Stop B2H Coalition Closing Comments for 2021 IRP LC#78 (September 8, 2022) • Stop B2H Coalition Comments on Staff Report for 2021 IRP LC#78 (November 18, 2022)</p>	<p>Not filed in record, not referenced with specificity in testimony, unduly burdensome to record.</p>	<p>Sustained in part; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record. Additionally, burdensome. One of the purposes of ensuring that evidence is filed in the record is to ensure that parties focus on the relevant evidence, rather than unduly enlarging the record without focus. However, all Commission orders may be utilized and referred to in briefs, including any orders associated with this docket. Additionally, all filings made by Idaho Power in previous IRP dockets may be referred to in initial briefs.</p>
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STOP B2H	Not filed in PCN 5	EFSC Contested Case Administrative Record also included as screenshot of file structure in STOP B2H/107	Not filed in record, not referenced with specificity in testimony, unduly burdensome to record.	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record.
STOP B2H	Not filed in PCN 5	Proposed Order in EFSC Process - ODOE - B2HAPPDoc2-1 Proposed Order on ASC w Hyperlink Attachments 2019-07-02	Not filed in record, not referenced with specificity in testimony, unduly burdensome to record and potentially confusing as it has been superseded by Final Order.	Sustained; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record. Additionally, burdensome. One of the purposes of ensuring that evidence is filed in the record is to ensure that parties focus on the relevant evidence, rather than unduly enlarging the record without focus.
STOP B2H	Not filed in PCN 5	Cover Letter and pRFA1 pRFA1 Attachments pRFA1 Figures PUBLIC NOTICE - Boardman to Hemingway Transmission Line Receipt of Preliminary Request for Amendment 1 of Site Certificate (12/15/22)		Overruled; no objection stated; document must be filed in this docket immediately.

STOP B2H	Not filed in PCN 5	AR 638 - Risk Based Wildfire Protection Plans	Not filed in record, not referenced with specificity in testimony, unduly burdensom e to record.	Sustained in part; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record. Additionally, burdensome. One of the purposes of ensuring that evidence is filed in the record is to ensure that parties focus on the relevant evidence, rather than unduly enlarging the record without focus. However, all Commission rules may be referred to in briefs, along with any Commission orders associated with this docket.
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<p>STOP B2H</p>	<p>Not filed in PCN 5</p>	<p>AR 626 - CPCN Rule Update, entire docket</p>	<p>Not filed in record, not referenced with specificity in testimony, unduly burdensom e to record.</p>	<p>Sustained in part; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record. Additionally, burdensome. One of the purposes of ensuring that evidence is filed in the record is to ensure that parties focus on the relevant evidence, rather than unduly enlarging the record without focus. However, all Commission rules may be referred to in briefs, along with any Commission orders associated with this docket.</p>
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<p>STOP B2H</p>	<p>Not filed in PCN 5</p>	<p>Oregon Explorer Renewable Energy and Wildfire Maps - https://oregonexplorer.info</p>	<p>Not filed in record, not referenced with specificity in testimony, unduly burdensom e to record.</p>	<p>Overruled, though not explicitly filed link to information filed. No substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.</p>
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<p>STOP B2H</p>	<p>Not filed in PCN 5</p>	<p>UM 2209 - All Comments filed by STOP B2H -Union County Community Wildfire Protection Plan (8/10/05) -Communities at Risk and WUI Zone Priority Setting (Chapter 7, June 2016) - Full Index to Union County Wildfire Protection Plan (June, 2016) -Greater Morgan Lake Area Fire Risk Report, Wildfire Report 2/18/22 UM 2209 - IPC Wildfire Mitigation Plan</p>	<p>Not filed in record, not referenced with specificity in testimony, unduly burdensome to record.</p>	<p>Sustained in part; evidence not submitted in this proceeding and not made available to all parties and the Commission may not be incorporated into the record. Additionally, burdensome. One of the purposes of ensuring that evidence is filed in the record is to ensure that parties focus on the relevant evidence, rather than unduly enlarging the record without focus. However, all Commission orders may be utilized and referred to in briefs, including any orders associated with this docket. Additionally, all filings made by Idaho Power in UM 2209 dockets may be referred to in initial briefs.</p>
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STOP B2H	Not filed in PCN 5	Section 368 - Energy Corridors - West-Wide Energy Corridors	Not filed in record, not referenced with specificity in testimony, STOP B2H only provided a hyperlink. Note that Idaho Power provided a PDF copy of the map of the West Wide Energy Corridors in Idaho Power/610.	Overruled, though not explicitly filed link to information filed. No substantive objection (relevance, etc.) offered. Evidence will be given appropriate weight in the proceeding, in consideration content, context, and the time and manner in which the evidence was offered in the proceeding.
Greg Larkin	2/1/2023	Greg Larkin/124: Supreme Court Amended Appellant's Brief of Irene Gilbert (Dec. 21, 2022)	Late-filed brief rejected by Oregon Supreme Court – not evidence	Overruled. Evidence will be given appropriate weight in the proceeding, in consideration relevance, probative value, content, context, and the time and manner in which the evidence was offered in the proceeding.

Greg Larkin	3/20/2023	Larkin/704 - Gilbert's Amended Supreme Court Brief (that was rejected by the Supreme Court)	Late-filed brief rejected by Oregon Supreme Court – not evidence	Overruled. Evidence will be given appropriate weight in the proceeding, in consideration relevance, probative value, content, context, and the time and manner in which the evidence was offered in the proceeding.
Greg Larkin	4/12/2023	Larkin 1101: Anne Morrison Amicus Curiae Oregon Supreme Court Case No. 2019-A BC-02833.	Amicus brief filed with Oregon Supreme Court – not evidence	Overruled. Evidence will be given appropriate weight in the proceeding, in consideration relevance, probative value, content, context, and the time and manner in which the evidence was offered in the proceeding.
John Williams	2/1/2023	John C. Williams/102 - Links to Briefs in Supreme Court Case	Briefs filed with Oregon Supreme Court – not evidence	Overruled. Evidence will be given appropriate weight in the proceeding, in consideration relevance, probative value, content, context, and the time and manner in which the evidence was offered in the proceeding.

PacifiCorp Objections

Party	Date offered	Evidence	Objection	Ruling
Greg Larkin	4/25/2023 and 4/28/2023	Cross-Examination Exhibit Greg Larkin/1104, Commission Order No. 20-393, Docket No. UF 4318	Foundation and Relevance	Overruled. This document is a Commission order and may be cited in this proceeding.
Greg Larkin	4/25/2023	Cross-Examination Exhibit Greg Larkin/1106, Record Searchlight News Article dated August 17, 2022, Electric utility PacifiCorp sued, accused of causing deadly McKinney Fire in Siskiyou County	Foundation and Relevance	Overruled. Evidence will be given appropriate weight in the proceeding, in consideration relevance, probative value, content, context, and the time and manner in which the evidence was offered in the proceeding.
Greg Larkin	4/25/2023	Cross-Examination Exhibit Larkin/1110, OPB News Article dated April 11, 2023, PacifiCorp's Labor Day fires through newly found texts, plaintiffs' attorneys allege	Foundation and Relevance	Overruled. Evidence will be given appropriate weight in the proceeding, in consideration relevance, probative value, content, context, and the time and manner in which the evidence was offered in the proceeding.

Greg Larkin	4/25/2023	Cross-Examination Exhibit Larkin/1117, Statesman Journal News Article dated March 1, 2023, As Labor Day fires exploded, Pacific Power employees worried power lines were at fault	Foundation and Relevance	Overruled. Evidence will be given appropriate weight in the proceeding, in consideration relevance, probative value, content, context, and the time and manner in which the evidence was offered in the proceeding.
Greg Larkin	4/25/2023 and 4/28/2023	Cross-Examination Exhibit 1207, PacifiCorp responses to Greg Larkin data requests 2 through 7.	Foundation	Overruled. Evidence will be given appropriate weight in the proceeding, in consideration relevance, probative value, content, context, and the time and manner in which the evidence was offered in the proceeding. However, see note above in general section regarding location of this material.
Greg Larkin	4/25/2023	Unnumbered exhibits on pages 9 and 10, which list Cross-Examination Exhibits Greg Larkin/1104 and 1106 by document name twice.	Foundation and Relevance	Overruled. Evidence will be given appropriate weight in the proceeding, in consideration relevance, probative value, content, context, and the time and manner in which the evidence was offered in the proceeding.
Greg Larkin	4/25/2023	To the extent Mr. Larkin is offering his Cross-Examination	Foundation and Relevance	Overruled. Evidence will be given appropriate weight in the

		Statement filed on April 12, 2023, Subpart D on page 3.		proceeding, in consideration relevance, probative value, content, context, and the time and manner in which the evidence was offered in the proceeding.
Sam Myers	4/25/2023	Myers Cross-Examination Statement filed April 12, 2023, PacifiCorp 2013 Major Event Report and extraneous statements concerning the report.	Foundation	Overruled. Evidence will be given appropriate weight in the proceeding, in consideration relevance, probative value, content, context, and the time and manner in which the evidence was offered in the proceeding.

Wendy King Objections

Party	Date offered	Evidence	Objection	Ruling
Idaho Power	2/21/2023	Princeton Univ., Net Zero America Potential Pathways, Infrastructure and Impacts (Dec. 15. 2020)	Burdensome	Overruled. Evidence will be given appropriate weight in the proceeding, in consideration relevance, probative value, content, context, and the time and manner in which the evidence was offered in the proceeding.

Outstanding Procedural Issues

On May 8, 2023, Greg Larkin filed a motion seeking to modify the procedural schedule. The motion is granted in part and denied in part. The procedural schedule is adjusted as follows:

EVENT	REVISED DEADLINE
All Party Opening Briefs	Monday, May 15, 2023, at 8:00 a.m.
All Party Reply Briefs	Tuesday, May 30, 2023, at 8:00 a.m.
Target Date for Commission Order	June 30, 2023

Additional extensions are unlikely to be granted.

Dated this 8th day of May, 2023, at Salem, Oregon.



John Mellgren
Administrative Law Judge