

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

IN THE MATTER OF IDAHO POWER COMPANY'S, PETITION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	Docket: PCN 5 Intervenor Opening Testimony STOP B2H COALITION
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Date: January 17, 2023

**Stop B2H Coalition
60366 Marvin Road
La Grande, Oregon 97850
www.stopb2h.org**

**Submitted by:
Jim Kreider, Co-Chair
jkreider@campblackdog.org**

1 Q: State your name and the organization you represent. Explain the mission of your
2 organization and your role.

3 A: My name is Jim Kreider and I am the Co-Chair of the Stop B2H Coalition (aka Stop B2H
4 or STOP). Our mission is:

5 “To stop the approval and construction of an unneeded 305 mile, 500 kv transmission line
6 through Eastern Oregon and Western Idaho, thereby:

- 7 ● protecting environmental, historical and cultural resources;
- 8 ● preventing degradation of timber and agricultural lands and the Oregon National Historic
9 Trail; and
- 10 ● promoting energy conservation and supporting the rapid development of new
11 technologies in energy generation, storage and distribution throughout the western region
12 and the USA.”

13
14 Q: Why doesn't the Stop B2H Coalition have an attorney representing them?

15 A: STOP, as a regional grassroots organization, has been fundraising since its inception. All
16 the money we have raised has been dedicated to attorneys in the ODOE/EFSC site certificate
17 contested case and our appeal to the Oregon Supreme Court. Therefore, we are navigating this
18 docket without legal advice and using our best efforts to understand and navigate the contested
19 case process at OPUC. The OPUC process is different from the contested case process at
20 ODOE/EFSC so it is a steeper learning curve than expected.

21 We realize that our citations herein may not exist in the OPUC’s record on PCN-5; but
22 they are publicly available and we cited them via links. However, we respectfully request
23 clearer direction or guidance on these citations. **Do they need to be made into an Exhibit and**

1 **filed in full? Does this occur before the Evidentiary Hearing on April 10, 2023 “Witness**
2 **List, Cross-Exam Statements, and Exhibit.” It is our understanding that we can submit**
3 **these cites in full (if necessary) during our next filing? In addition, it would be helpful to**
4 **know when we need to file declarations or notarized affidavits in connection with**
5 **testimony.**

6

7 Q: What does STOP think about the expedited procedural schedule in this docket?

8 A: It has put STOP and the landowner interveners, members of the public with no training to
9 engage in proceedings like this, at a distinct disadvantage. As a grassroots organization it takes
10 time to reach out and organize the public, understand and define the various regional/individual
11 issues, consult with attorneys or other knowledgeable experts, and develop training programs and
12 tips/guidance, so the public can represent themselves before the adjudicating body.

13 Idaho Power and PacifiCorp have legions of experienced utility attorneys that are being
14 paid by us, the ratepayers, to fight us, the ratepayers. If there ever was an uneven playing field
15 we are looking at it here. Therefore, we plead that the content of our argument, while probably
16 not properly formatted or cited, be accepted with instructions to configure our future testimony
17 in the proper manner. STOP is looking for attorneys and have been turned down by many. We
18 have learned that representing STOP is the kiss of death to many attorneys that might want future
19 work from the utilities.

20 Additionally, this timeline has an artificially fabricated urgency created by Idaho Power.
21 Their assertion that the sky will fall if the B2H isn't on line by 2026 is not true. Idaho Power,
22 after doubling their planning reserve margins in the 2021 IRP (a paper exercise) and the purchase
23 of transmission rights by third parties outside their balancing authority shocked their planners

1 and suddenly they have a large energy deficiency from the 2019 to 2021 IRP. They also claim
2 the early exit of some of the Jim Bridger units will exacerbate this shortfall. It needs to be noted
3 that units 1 and 2 were scheduled to be decommissioned and are now being converted to natural
4 gas. That leaves units 3 and 4 which have scrubbers and meet the clean air act standards (that
5 units 1 and 2 did not have). These two units (3 and 4) do not have to be retired except for the
6 political greenwashing points for carbon reduction which the company is not required to do.
7 We've heard their greenwashing since the beginning of the B2H project. The need for
8 transmission was to replace the coal plants. Now two of the coal plants are gas plants and we
9 have only more hollow promises.

10 If it takes longer to correctly and fairly deal with a CPCN for the B2H there is enough
11 energy that Idaho will not go without power. The urgency is a red herring. Between the multi-
12 source RFP that Idaho Power has recently issued for more generation that will be online before
13 2016, the Jim Bridger units that will likely be kept on line until their end of life in 2034, and the
14 (academic) changes in their reserve margin, we reiterate that Idaho Power's urgency is self-
15 created. Bottom line is we have time for thoughtful and careful consideration for the B2H
16 CPCN, to identify all the land parcels targeted for condemnation – and all permits to be acquired.

17

18 Q: Why is the Stop B2H Coalition concerned about Idaho Power's CPCN application?

19 A: As our mission states, Stop B2H is a coalition of people and organizations that have been
20 trying to prevent the construction of this massive industrial intrusion into the lives, livelihoods,
21 habitats, and special places in Eastern Oregon that we all cherish and wish to protect. With
22 nearly 1,000 members and thousands more who support us from our member organizations,
23 STOP knows the B2H is unnecessary to meet the energy needs in Idaho, it is very expensive, and

1 it is counter to what we believe are better and more secure ways to modernize our grid
2 infrastructure and enhance our climate resiliency.

3 The CPCN would enable an out of state utility to export energy from the Mid-C, which is
4 entering a resource inadequacy. The inadequacy is due to the accelerated retirement of carbon
5 generation resources and a slower replacement of that lost capacity by renewable energy
6 systems. Energy prices will increase due to this resource inadequacy naturally. Staff pointed out
7 in the 2021 IRP LC 78, that the AURORA modeling for Mid-C prices was significantly lower
8 than actual prices seen in the Mid-C. Additionally AURORA did not calculate the impacts of the
9 resource inadequacy nor the impact to prices if the lower Snake River dams are taken down with
10 their loss of generation capacity. These scenarios should be modeled in a 20 year plan. Energy
11 prices will increase even more if the B2H is built for two reasons: 1) the B2H will export more
12 of the Mid-C's limited energy supply thus increasing prices and; 2) the OATT for PATH 14 will
13 increase because of B2H. All three price increases will be passed onto the customer.

14 Logic would suggest that if Idaho Power built more of their own renewable generation in
15 Idaho, closer to load and enhancing its intrastate transmission/distribution system. It will reduce
16 energy costs in both markets. The IPUC staff in IPC-E-19-14 Application for Power Purchase
17 Sales Agreement with Jackpot Holdings found that the 120 MW PPA with Jackpot was more
18 cost effective than buying energy from the Mid-C. If both regions build renewables to meet their
19 resource inadequacies, a new large transmission system will not be needed. With regional
20 generation and load more in balance the current transmission system can be upgraded,
21 reconducted, and fire hardened for maximum benefits.

1 STOP will address the incompleteness and inappropriateness of this CPCN application
2 and reserves the right to add additional evidence once discovery is complete and all data requests
3 are received.

4 As STOP is also unrepresented at this time, we reserve the right to add legal counsel to
5 our team, when we are able to retain one.

6
7 Q: Overall, tell us what issues STOP is contesting in this case.

8 A: STOP is contesting the fact that there are alternatives to this project that better protect the
9 public health, safety and welfare of Oregonians, and that the application is still incomplete and
10 therefore, prematurely filed. We trust that the OPUC is conducting its own investigation into the
11 matter.¹ We understand that the OPUC will be relying on the decisions of EFSC, which approved
12 a site certificate for the B2H project. However, there are decisions that are outside of the EFSC
13 jurisdiction², and others that need special consideration because: they are on appeal at the
14 Oregon Supreme Court³; there are mitigation plans that are not complete and they need to be
15 complete and approved by various agencies/authorities before compliance with the site
16 certificate can be assured⁴; and/or, because a new project amendment is pending which will be a
17 type A amendment requiring a contested case and they have only begun the amendment analysis
18 and decision making process under ODOE.⁵ At least 2 more project amendments are expected,
19 making this docket a longer process.

¹ ORS 758.015(2): "...in addition to considering facts presented at such hearing, shall make the commission's own investigation to determine the necessity, safety, practicability and justification in the public interest..."

² OAR 860-025-0035(2) "... has already been acknowledged or approved by regulatory or permitting authorities."

³ <https://edocs.puc.state.or.us/efdocs/HAH/pcn5hah81518.pdf>

⁴ See in particular, Pre-Construction Conditions in the EFSC issued Site Certificate
<https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2022-09-27-B2H-APP-Doc32-Site-Certificate.pdf>

⁵ The first amendments are noticed: <https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2022-12-15-B2H-AMD1-pRFA-Public-Notice.pdf>

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Q: Stop B2H Coalition says that its mission is more than just stopping the project, and you mentioned alternatives above. What are STOP’s alternatives?

A: We have many alternatives. Some are alternatives to transmission and are more climate-friendly solutions for Idaho Power; and some are about “right-siting,” which is more environmentally-friendly and considers the people impacted, if the project must go forward.

Years of suggestions in our opening and closing comments in IPC’s IRP’s⁶ present numerous alternatives. We have presented opening and closing comments since 2015, attended all IRP meetings and IPC-led workshops since 2016. We have advocated for increased energy efficiency (EE) targets -- especially when IPC’s own data demonstrated that their customers are achieving more EE than they projected.⁷ In 2017, STOP’s IRP comments included a “Citizen Portfolio” which included suggestions for more robust demand-side management programs, enhanced partnering with industrial and commercial customers in efficiency programs as well as co-generation, aggressive roll-out of their smart grid technologies (e.g.: Advanced Metering Infrastructures) while partnering with residential customers (utilizing their smart meters for two way communications and conservation), securing or building more renewable generation close to load/demand and existing substations (BPA’s “non-wires” solutions), battery storage and ancillary services (e.g.: smoothing voltage on the grid), again near substations. STOP’s years of advocacy for these types of alternatives are aligned with OAR 860-025-0030(2)(n).⁸

⁶ [STOP Public Comments and Technical Filings 2015-2023](#)
⁷ [STOP’s 2017 IRP comments](#) p. 17; and [Consortium of Groups’ EIS objections comments](#): pp. 25-26.
⁸ (n) 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. The petitioner may make reference to relevant sections of its most recent integrated resource plan (IRP) filed under OAR 860-027-0400, local transmission plans, or a planning document substantially equivalent to an IRP;

1 STOP has also been advocating for upgrading, digitizing, and fire-hardening our three
2 existing 230 kV lines in PATH 14 for many years. We believe this is in the best interest and
3 benefit of the public. The security of fire-hardening cannot be under-stated, security and
4 resiliency is gained by upgrading before building new, and it is prudent, in terms of common
5 sense and fiscal responsibility. IPC says upgrading and fire hardening will cost more to their
6 shareholders and customers. But financial costs are not the only consideration in prudence. Loss
7 of natural, cultural and historical resources, habitats, and livelihoods – and now potential
8 property losses, all must be considered. It's impossible to put a price on them—they are
9 Precious.

10

11 Q: You mentioned “right siting” above. Can you address that?

12 A: Administrative rules in OAR 860-025-0030 “Petitions for CPCN for Construction of
13 Overhead Transmission Lines” and its subsections 860-025-0030 2(c)(C), (g), (l), and “CPCN
14 Review Criteria” OAR 860-025-0035 1(c) and 2, address the applicant's evaluation of
15 alternative routes in various ways. All of these are part of ‘right siting’ and IPC’s petition is not
16 in compliance with these rules.

17

18 Q: Why are they not in compliance?

19 A: The most obvious example is Idaho Power’s choice, with EFSC’s approval, to not
20 include the BLM’s Environmentally-Preferred route in Union County in its analysis. This does
21 not comply with OAR 860-025-0035 (2) which says that the Commission will give due
22 consideration to reviews that have already been approved by a regulatory or permitting agency.⁹

⁹ It should be noted that this issue is pending before the Supreme Court; it was delayed by the EFSC process. Petitioner McAllister intended to bring the issue forward to the Supreme Court in Nov 2020 but was informed by

1 To summarize: the applicant has not evaluated all available alternative routes per ORS
2 469.370(13) which states, “For a facility that is subject to and has been or will be reviewed by a
3 federal agency under the National Environmental Policy Act, 42 U.S.C. Section 4321, et seq., the
4 council shall conduct its site certificate review, to the maximum extent feasible, in a manner that
5 is consistent with and does not duplicate the federal agency review. Such coordination shall
6 include, but need not be limited to:

- 7 (a) Elimination of duplicative application, study and reporting requirements;
- 8 (b) Council use of information generated and documents prepared for the federal agency
9 review;
- 10 (c) Development with the federal agency and reliance on a joint record to address applicable
11 council standards;
- 12 (d) Whenever feasible, joint hearings and issuance of a site certificate decision in a time
13 frame consistent with the federal agency review; and
- 14 (e) To the extent consistent with applicable state standards, establishment of conditions in
15 any site certificate that are consistent with the conditions established by the federal
16 agency. In fact the environmentally preferred route selected by the BLM was not allowed
17 to be evaluated by EFSC. EFSC erred in their decision to block consideration of this
18 properly analyzed route.”

19
20 The Energy Facility Siting Council did not allow the National Environmental Policy Act (NEPA)
21 route, called the “Glass Hill Alternative,” selected by BLM in its Record of Decision (ROD)¹⁰ in
22 Union county be evaluated. In the BLM ROD on p 5 it states, “The ROW authorization decision
23 applies only to BLM-administered lands in the B2H Project area. In making its decision,
24 however, BLM considered effects on other public lands managed by the BLM, as well effects on
25 private lands and lands managed by agencies other than the BLM. This decision would achieve
26 the B2H Project’s purpose while also avoiding, minimizing, or requiring compensation for

DOJ/EFSC Attorney Ratcliff that it could not be filed until the full EFSC process was completed. Hence, 2 years later the case on the NEPA route can finally be heard. The public good was not served by the bureaucratic delay which favored Idaho Power’s choice and influence of route selection.

¹⁰ BLM Record of Decision (November 2017)

https://eplanning.blm.gov/public_projects/nepa/68150/125243/152690/20171117_Record_Of_Decision.pdf

1 impacts on sensitive resources along the route.” It is clear that the BLM felt its route selection,
2 including Union County’s Glass Hill Alternative, was the environmentally preferred route.

3 Pro Se Michael McAllister in the ODOE/EFSC contested case regarding a site certificate
4 for the B2H transmission line in OAH Case No. 2019-ABC-02833 was prohibited by the ALJ
5 and EFSC from arguing that the BLM NEPA environmentally preferred route, the Glass Hill
6 Alternative, should be evaluated. In Mr. McAllister's appeal to the Oregon Supreme Court¹¹ he
7 quotes, “Based on this construction of Petitioner’s issue, the Council held the matter was outside
8 of its jurisdiction, adopting the reasoning: An applicant’s choice of routes, and whether
9 Applicant selects the route with the least environmental impact, are matters that fall outside
10 Council’s jurisdiction. There is no siting standard requiring Council to consider routes not
11 proposed by Applicant and no siting standard allowing Council to recommend routes that are not
12 proposed in the ASC. Because Applicant’s selection of the Morgan Lake Alternative route
13 (instead of the Agency Selected NEPA Route, or other possible routes) falls outside Council’s
14 jurisdiction, the above issues are not properly raised for consideration in the contested case. OAR
15 345-015-0016(3)”¹².

16 Mr. McAllister’s two (2) comments in PCN 5, with the subjects of “In the Matter of
17 Idaho Power Utility Company Petition for Certificate of Public Convenience and Necessity, PCN
18 5, Memorandum Issued: December 19, 2022 (January 6, 2023)”¹³ and “Comments of Michael
19 McAllister PCN 5 IDAHO POWER CERTIFICATION OF PUBLIC CONVENIENCE AND

¹¹ Micheal McAllister versus Energy Facility Siting Council, Oregon Department of Energy, and Idaho Power Company (IPC), Respondents – S069920

¹² Oregon Supreme Court opening Briefs submitted by Idaho Power per ALJ Mellgren’s December 19, 2022 Memorandum asking for documents related to all appeals of the Energy Facility Siting Council’s site certificate for the Boardman to Hemingway Transmission Line pdf p 90

<https://edocs.puc.state.or.us/efdocs/HAH/pcn5hah81518.pdf>

¹³ <https://edocs.puc.state.or.us/efdocs/HAC/pcn5hac144747.pdf>

1 NECESSITY (January 10, 2023)”¹⁴ he further details the failures of EFSC and the ALJ to follow
2 ORS 469.370(13) to allow for an evaluation of the Glass Hill Alternative which is the BLM’s
3 preferred NEPA route in Union County.

4
5 Q: Why should the OPUC evaluate the Glass Hill Alternative, BLM’s Environmentally
6 Preferred Route and ROD?

7 A: As stated earlier, 860-025-0030 2(c)(C), (g), (l) and 860-025-0035 1(c) and 2, instructs
8 the OPUC in varying ways to evaluate all possibilities to construct and evaluate transmission
9 lines for the public good. In evaluating a petition under this rule (860-025-0035(2)), the
10 Commission will give due consideration to related regulatory reviews and permitting approvals
11 as pertinent to the proposed transmission line, if the transmission line has already been
12 acknowledged or approved by regulatory or permitting authorities.

13 In this case the BLM under NEPA has evaluated and approved the Glass Hill Alternative
14 in Union County which has not been evaluated for this CPCN and therefore it should be
15 evaluated and compared with the other routes to achieve the best public good in terms of “right
16 siting.”

17
18 Q: In OAR 860-0250-0035 (1) the commission is charged with determining the necessity,
19 safety, practicability, and justification in the public interest for the proposed transmission line.
20 Tell me why STOP believes this line cannot be operated safely?

21 A: STOP contends that the transmission line will not be operated in a manner that protects
22 the public health, safety and welfare of Oregonians.¹⁵ "Safety" means "the condition of being

¹⁴ <https://edocs.puc.state.or.us/efdocs/HAC/pcn5hac161936.pdf>

1 safe, freedom from being exposed to danger; exemption from hurt, injury, or loss.”¹⁶ To
2 establish the safety of a project, the developer must show that the project will be constructed,
3 operated, and maintained in a manner that protects the public from danger.

4 One of the reasons that Idaho Power and its partner cannot comply with this statute is
5 because of the industrial noise pollution. Idaho Power has said it best themselves in the
6 application for a Site certificate to EFSC: the project would be unpermittable.¹⁷ EFSC’s site
7 certificate gives the B2H project a blanket waiver to Oregon’s Rules and Standards (designed to
8 protect people) along the entire 300 mile route. STOP asserts that: 1) EFSC erred when it held
9 that it has the authority to grant variances, under a statute (OAR 467.060) in which the
10 legislature gave that authority solely to a different agency (the EQC) and; 2) Similarly, but
11 separately, EFSC erred when it held that it could grant exceptions to noise rules promulgated by
12 a different agency (the DEQ). Stop B2H and a number of other petitioners in the EFSC
13 contested case process, brought forward compelling testimony and evidence,¹⁸ including reports
14 from the original ODOE consultant used for reviewing the project,¹⁹ the former Noise Control
15 Administrator for the DEQ,²⁰ personal declarations and affidavits, and a letter from the

¹⁵ ORS 467.010: “The Legislative Assembly finds that the increasing incidence of noise emissions in this state at unreasonable levels is as much a threat to the environmental quality of life in this state and the health, safety and welfare of the people of this state as is pollution of the air and waters of this state. To provide protection of the health, safety and welfare of Oregon citizens from the hazards and deterioration of the quality of life imposed by excessive noise emissions, it is hereby declared that the State of Oregon has an interest in the control of such pollution, and that a program of protection should be initiated....”

¹⁶ *Pacific Power Petition for Public Convenience and Necessity*, UM 1495, Order No. 11-366 p 4 (Sept. 22, 2011)

¹⁷ Idaho Power cannot comply with Oregon DEQ’s Ambient Degradation Noise Rules/Standards; the project is “unpermittable.” (ASC p X-1.)

¹⁸ The Full Record of the EFSC process and Contested Case, can be found here: https://oregonenergy-my.sharepoint.com/:f:/g/personal/askenergy_odoe_state_or_us/EiXVWw7QhEZOiNDjGP-KuGgBp0ACia6zeJbmwHEYOH96cw; and the files to the Contested Case referenced herein are organized by issue. Files, including all testimonies for Noise Control are found under NC-2, NC-3, NC-4, etc.: https://oregonenergy-my.sharepoint.com/personal/askenergy_odoe_state_or_us/_layouts/15/onedrive.aspx?ga=1&id=%2Fpersonal%2Faskenergy%5Fodoe%5Fstate%5Ffor%5Fus%2FDocuments%2FB2H%2FSelect%20Contested%20Case%20Files%2F05%20Contested%20Case%20Issues

¹⁹ STOP’s written testimony in ODOE/EFSC contested case, Exhibit #5; Surrebuttal testimony NC-2, NC-3, NC-4_Kreider_Attachment A.

²⁰ STOP’s written testimony in ODOE/EFSC contested case, Exhibit #5, pp. 11-18.

1 Engineering Leader of the project and current Idaho Power VP to the BLM²¹ stating that it would
2 be “...untenable to propose locating a 500-kV transmission line within 1,200 feet of so many
3 residences when a viable alternative (the preferred route²²) exists that would avoid those impacts.
4 All of this evidence is in the EFSC record and it supports the fact that the B2H project cannot
5 comply with Oregon’s Noise Control statutes and standards²³.

6

7 Q: Where can we find this EFSC record?

8 A: If it has not been admitted into the record of this docket, we will provide that before the
9 Evidentiary Hearing per the procedural schedule. However, this URL from the ODOE project
10 website, does offer the best “record” of the full EFSC case and process: [https://oregonenergy-
11 my.sharepoint.com/:f:/g/personal/askenergy_odoe_state_or_us/EiXVWw7QhEZOiNDjGP-
12 KuGgBp0ACia6zeJbmwHEYOH96cw](https://oregonenergy-my.sharepoint.com/:f:/g/personal/askenergy_odoe_state_or_us/EiXVWw7QhEZOiNDjGP-KuGgBp0ACia6zeJbmwHEYOH96cw)

13

14 Q: Didn’t the EFSC already grant a variance and exception to the Noise Control standards?

15 A: Yes they did and it is currently on appeal at the Oregon Supreme Court. Nonetheless, it
16 needs to be mentioned that there were more problems with this blanket variance and exception
17 than is being appealed. The appeal focuses on the legal authority matters. Significant problems
18 still exist that the Commission may want to consider, including but not limited to, the rationale
19 that EFSC used to make its (illegal) determinations for variance and exception.²⁴

20

²¹ STOP’s written testimony in ODOE/EFSC contested case, Exhibit #3, page 7.

²² This letter is dated 2015, prior to the release of BLM’s DEIS; hence “preferred route” has nothing to do with EFSC’s routes and the site certificate (in Union County). In Union County, the preferred route during the EIS was called “Cowboy Ridge;” later the BLM selected their “Glass Hill Alternative” for Union County.

²³ Idaho Power cannot comply with the State DEQ Ambient Noise Rules/Standards; the project is “unpermittable.” (ASC p X-1.)

²⁴ STOP Written Testimony, NC-2 Kreider; STOP Closing Argument Opening Brief pp. 5-9; STOP Closing Argument Response Brief pp 5-22.

1 Q: Can you give us a practical example of this rationale and its impact?

2 A: One example is a metric that IPC used and ODOE acquiesced, for determining the level
3 of corona sound exceedances. ODOE and IPC convinced the volunteer members of EFSC that
4 the frequency of sound or noise exceedances in the project vicinity would be “infrequent and
5 unusual” because we have a dry climate.²⁵ The ODEQ rules state that the metric that should be
6 utilized for determining the frequency of an exceedance is “60 consecutive minutes (or one hour)
7 for every 24 hours.”²⁶ In the case of “foul weather”²⁷ Idaho Power convinced the others that this
8 state rule was not to be followed, and rather the metric should be by minutes not hours. We are
9 confident that the professionals at the OPUC will see this difference and note that unless or until
10 there was a reason to change this ODEQ standard’s definition, that the frequency of possible
11 exceedances forecasted is accurate. Humidity, ice, fog and other condensation aside,²⁸ based
12 only on the historical weather of rain, there are predicted exceedances for 13% of the time, for
13 the region as a whole, and 22% in the La Grande area. This is NOT infrequent! In the record,
14 there are more examples and we hope the OPUC will investigate because of the impact that
15 increased corona will have on the public health and safety of the people living in Eastern
16 Oregon.

17

18 Q: Is there some kind of mitigation that can occur?

19 A: No, there is no current technology for masking corona noise. We know already, that by
20 IPC’s forecasts that 41 homes are predicted to exceed standards, primarily clustered in Malheur
21 and Union Counties. Residents are burdened with the legal costs, stress, and time for negotiating

²⁵ Moist conditions increase corona noise.

²⁶ ODEQ’s [OAR 340-035-0015\(7\)](#)

²⁷ Foul weather, such as rain and wind were measured and averaged using the 4 regional weather stations.

²⁸ Also contributors of elevated corona noise.

1 some kind of mitigation (per Site Certificate NC4). The residents have not been assessed as to
2 their health, and if any special accommodation is necessary and/or possible, beyond IPC's
3 proposed mitigation ideas (i.e.: window treatments, coverings, and possible home insulation.)
4 STOP proposed additional mitigations, such as monitoring and upgrading the masking
5 techniques as they become technologically available in the future; however EFSC disagreed.

6

7 Q: Does STOP have other safety concerns?

8 A: Yes, Wildfire is a big one! The EFSC Process was ineffective in assessing risks and
9 mitigation plans for Idaho Power and the B2H in the context of wildfire. This was primarily
10 because the OPUC was promulgating its own rules at the time and Idaho Power was claiming
11 that it would comply with OPUC and therefore they met EFSC standard. STOP has been
12 involved in the AR 638 and UM 2209 dockets regarding utilities' wildfire plans. IPC has ~~seems~~
13 ~~to have~~ missed a number of high risk areas along the B2H, namely in Union County²⁹ and
14 Morrow Co.³⁰ In Union county the state, county, and Oregon Trail Electric Cooperative (OTEC)
15 identify the Morgan Lake area, which the B2H runs right through, as the greatest Urban Wildfire
16 Interface risk in the county. To avoid redundancy, we cite the wildfire planning docket record³¹
17 and our comments with exhibits wondering how Idaho Power could come up with such different
18 results from the other 3 organizations.³²

19

²⁹ <https://edocs.puc.state.or.us/efdocs/HAC/um2209hac163939.pdf>

³⁰ Rebuttal testimony_EFSC contested case-Myers LU-9 Testimony and Sur-rebuttal.

³¹ <https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=23112>

³² <https://edocs.puc.state.or.us/efdocs/HAC/um2209hac163939.pdf>

1 Q: You mentioned that STOP believes the application has been filed prematurely. Can you
2 explain why?

3 A: STOP takes issue with the fact that the forecasted costs, as required in 860-025-
4 0030(2)(d)(a) thru (F), are very preliminary; and, the application is still incomplete.

5

6 Q: What do you mean by incomplete? Didn't Idaho Power file this petition correctly?

7 A: No. 860-025-0030(2)(p) states,

8 "A narrative that identifies all land use approvals and permits required for construction of
9 the transmission line. This narrative must include information on whether petitioner has
10 submitted an application for each approval or permit, the status of all such applications,
11 and an explanation as to why petitioner did not obtain any pending or outstanding
12 approvals or permits before submitting a petition under this rule as applicable, including
13 anticipated timelines for issuance of any pending or outstanding approvals and permits,
14 and the section of OAR 860-025-0040 under which the petitioner seeks to demonstrate
15 compliance with that rule;"

16 The company states on p 11 of its petition that "the Company is submitting this Petition
17 prior to obtaining the outstanding permits and approvals due to scheduling constraints."³³ In staff
18 DR 12 the company further answers, "The permits and approvals beyond those discussed above
19 are in various stages of their respective application and approval processes, the status of which is

³³ Scheduling constraints and urgency are red herrings. Idaho Power's protracted 2019 IRP is a prime example of their own delays and constraints. Plus, with coal plants being converted to natural gas and new renewables being built in Idaho, the pressure for urgent needs has been eliminated.

1 presented in the chart below, and Idaho Power expects they will be issued prior to the start of
2 construction in 2023.”

3 In Exhibit E Permits for Construction and Operation of Idaho Power’s Application for
4 Site Certificate (Sept. 28, 2018) Section 3.2 lists Permits Outside the Council’s Jurisdiction (Not
5 Included In or Governed by Site Certificate). There are 16 federal, state, or county permits listed.
6 Many of these permits from Attachment 16, Permit Status Chart, are pending with deadlines
7 passed or they have nebulous deadlines. Additionally there is no analysis of the probability of
8 getting them, if they can be permitted. Since the Land Use Compatibility Statement (“LUCS”)
9 860-025-0040 (3)(a)-(c) was developed for land use permit situations outside the EFSC site
10 certificate it would be logical for the commission to require the same degree of due diligence for
11 all other permits.

12 Q: Is STOP concerned about the B2H budget?

13 A: As STOP has pointed out in IPC’s 2019 and 2021 IRP’s the budget for B2H defining the
14 least cost portfolio as B2H is incomplete. It is not up to industry standards and ready for an RFP.
15 A budget ready for an RFP is the budget STOP believes should be vetted for proper cost
16 estimates and STOP reserves its right to comment on the final budget once it is developed. In
17 addition, costs have not been fully updated to reflect inflation, supply chain issues, labor issues,
18 and all the other assorted snafu’s that large industrial projects are having with cost overruns.
19 However the budget is bid, there needs to be a stop-loss-clause to protect the ratepayers; and
20 keep Idaho Power's zealous defense of their budget projects on the shareholders and not the
21 ratepayers.

1 This Petition for a CPCN is premature. Suspending the docket is the most protective and prudent
2 at this time.

3 Thank you for your consideration.

4 Submitted by:

5 /s/ Jim Kreider

6 Jim Kreider

7 January 17, 2023

8

<p style="text-align: center;">CERTIFICATE OF MAILING</p>
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9

10 On January 17, 2023, I certify that I filed the above Opening Testimony with the
11 Administrative Law Judge via the OPUC Filing Center, for the Docket # PCN-5, and to the
12 following party as noted below.

13 /s/ Jim Kreider

14 Jim Kreider

15 Intervenor, PCN-5

16 **By: Arrangement for hand delivery:**

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

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