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DEPARTMENT OF JUSTICE
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January 11, 2017

Public Utility Commission of Oregon
ATTN: Filing Center
201 High Street SE, Suite 100
Salem, OR 97301

Re: PCN 1 - Umatilla Electric Cooperative, Certificate of Public Convenience and Necessity

Dear Filing Center:

Enclosed for filing in the above matter is the Staff's Brief.

Sincerely,

Melissa D. Eastlund
Legal Secretary
Business Activities Section

MDE:mme/7977779
cc: PCN I Service List

1 **BEFORE THE PUBLIC UTILITY COMMISSION**
2 **OF OREGON**

3 PCN 1

4 In the Matter of

5 UMATILLA ELECTRIC COOPERATIVE,

6 Petition for Certificate of Public Convenience
7 and Necessity

STAFF'S BRIEF

8 **I. INTRODUCTION**

9 On August 19, 2016, Umatilla Electric Cooperative (“UEC”) filed a Petition for
10 Certificate of Public Convenience and Necessity (“Petition”) to allow construction of an
11 overhead transmission line which will require a condemnation of land or an interest therein. The
12 proposed line would run approximately five miles from Bonneville Power’s McNary substation
13 to UEC’s Hermiston Butte substation.¹

14 When such a petition is filed, the Commission must give notice and hold a public hearing
15 on the petition, then investigate to determine the necessity, safety, practicability and justification
16 in the public interest of the proposed transmission line.² The Commission, with any Certificate
17 of Public Convenience and Necessity, must also make findings that assure the proposed
18 transmission line complies with the Statewide Planning Goals and is compatible with the
19 relevant acknowledged comprehensive plans and land use regulations of each local government
20 where the line is to be located.³ An order granting a certificate is conclusive evidence in any
21 condemnation proceeding that the transmission line is a public use and necessary for public
22 convenience.⁴

23 As required, the Commission held a public hearing on the petition. A public comment
24 hearing was held on this petition in Hermiston, Oregon on September 22, 2016 and further

25 ¹ UEC/100, Toth/5, lines 3, 13-15.

26 ² ORS 758.015(2).

³ OAR 860-025-0030(2), (3).

⁴ ORS 758.015(2).

1 opportunity for public comment was provided on December 12, 2016, immediately prior to the
2 evidentiary hearing in this proceeding. One affected landowner filed written public comment on
3 September 19, 2016 and December 1, 2016.

4 Staff for the Public Utility Commission of Oregon (“Staff”) investigated the petition and
5 filed testimony supporting issuance of a Certificate of Public Convenience and Necessity. Staff
6 recommends the Commission find the necessity, safety, practicability and justification in the
7 public interest of the proposed transmission line support issuing a Certificate. Staff further
8 recommends the Commission find the proposed line is consistent with Statewide Planning Goals
9 and is compatible with the relevant acknowledged comprehensive plans and land use regulations
10 of the affected local governments.

11 II. DISCUSSION

12 1. Staff recommends the Commission find the necessity, safety, practicability and justification in
13 the public interest of the proposed transmission line support granting the Petition.

14 To issue a Certificate of Public Convenience and Necessity, the Commission must find a
15 Certificate is supported by the necessity, safety, practicability and justification in the public
16 interest of the proposed project. Each required element is a delegative term, which the
17 Commission may apply within the range of discretion allowed by the more general policies in
18 relevant statutes.⁵ In 2011, the Commission considered these elements and how they are applied
19 in the context of the laws and policies governing condemnation of private property. The
20 Commission considers each required element to determine whether issuing a Certificate is in the
21 public interest, considering the benefits and costs to all Oregonians.⁶ The Commission’s
22 guidance and Staff’s recommendation as to each element is discussed below.

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25 ⁵ See *In the Matter of PacifiCorp Petition for Certificate of Public Convenience and Necessity*, Docket No. UM
1495, Order No. 11-366 at 3-4. See also *Chase Gardens, Inc. v. OPUC*, 131 Or App 602, 605 (1994), citing
26 *Springfield Education Assn. v. School Dist.*, 290 Or 217, 219 (1980); *Citizens’ Utility Board v. OPUC*, 128 Or App
650, 655 rev den 320 Or 272 (1994).

⁶ Order No. 11-366 at 4.

1 A. Necessity.

2 To establish the necessity of a proposed transmission line project, the Commission has
3 ruled that “the petitioner must demonstrate that Oregonians will forego something desirable and
4 useful without it.”⁷ Staff recommends the Commission find the proposed transmission line is
5 desirable and useful given the rapid growth of UEC’s system, and given that construction of the
6 line is favorable to any other available option.⁸

7 The proposed 115 kV transmission line would run approximately five miles south from
8 Bonneville Power’s McNary substation to UEC’s Hermiston Butte substation.⁹ It would become
9 the main feed to the Hermiston Butte substation and provide backup to the existing feed from
10 McNary substation into the Hermiston area.¹⁰ The project was identified in UEC’s Construction
11 Work Plan as a necessary project to provide adequate and reliable service.¹¹ UEC’s petition is
12 supported by testimony that UEC has experienced significant load growth that is expected to
13 continue, and the severity of service outages in the area will increase if the proposed line is not
14 built.¹² UEC notes that a neighboring municipal electric utility, Hermiston Energy Services,
15 would benefit through increased reliability.¹³ Staff agrees that UEC has experienced rapid
16 growth, noting growth of over 30 percent over five years in the “commercial and industrial over
17 1,000 kVA” class comparing beginning and end period values.¹⁴ Staff further notes that
18 maximum non-coincident peak demand has almost doubled over that same five-year period.¹⁵
19 Staff’s review of UEC’s 2014-2026 load forecast indicates the company will continue to
20 experience significant growth with total electric need increasing from 2.6 million MWh in 2017

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23 ⁷ Order No. 11-366 at 4.

24 ⁸ See Staff/100, Ihle/7, lines 15-19; Staff/100, Ihle/10, lines 8-14.

25 ⁹ UEC/100, Toth/5, lines 3, 13-15.

26 ¹⁰ UEC/100, Toth/6, lines 1-5.

¹¹ Staff/100, Ihle/9; UEC/200, Echenrode/2-3; UEC/201, Echenrode/17.

¹² UEC/100, Toth/6-8.

¹³ UEC/200, Echenrode/2.

¹⁴ Staff/100, Ihle/8.

¹⁵ Staff/100, Ihle/8.

1 to 3.5 million MWh in 2026.¹⁶ Staff further agrees that outages in UEC’s system have increased
2 in severity.¹⁷

3 UEC has considered other options besides a transmission line to address continued
4 growth and reliability issues, such as upgrading the existing line. UEC indicates, and Staff
5 agrees, that an upgrade would not be as effective with respect to reliability and would be more
6 expensive.¹⁸

7 Considering UEC’s rapid growth in recent years, its expected future growth, and the
8 impact of this growth on UEC’s system, Staff recommends the Commission find the proposed
9 line is necessary.

10 B. Safety.

11 To establish the safety of a proposed transmission line project, the Commission has ruled
12 that a “petitioner must show that the project will be constructed, operated, and maintained in a
13 manner that protects the public from danger.”¹⁹ Staff recommends the Commission find the
14 proposed transmission line, as set forth in the Petition, is safe, as the project will be constructed,
15 operated and maintained consistent with relevant safety standards.²⁰

16 UEC proposes to construct the transmission line with primarily single wood poles spaced
17 approximately 300 feet apart, with concrete foundations or steel poles used in a few locations
18 where added ground bearing strength is needed for safety.²¹ The transmission line will be
19 composed of three phase conductors or wires and one overhead neutral conductor or wire.²²
20 Most of the line will have distribution conductors below the transmission circuit.²³

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23 ¹⁶ Staff/100, Ihle/8.

24 ¹⁷ Staff/100, Ihle/8.

25 ¹⁸ UEC/100, Toth/8-9; Staff/100, Ihle/9-10.

26 ¹⁹ Order No. 11-366 at 4.

²⁰ See Staff/200, Gibbens/8, lines 5-7.

²¹ UEC/100, Toth/12-13.

²² UEC/100, Toth/13.

²³ UEC/100, Toth/13.

1 UEC will follow the standard construction specifications and guidelines of the U.S.
2 Department of Agriculture’s Rural Utility Service (“RUS”).²⁴ UEC will also comply with all
3 applicable National Electric Safety Code (NESC) standards for construction, operation and
4 maintenance,²⁵ and with any other applicable laws.²⁶

5 UEC will send a construction bid out to multiple approved contractors and use contract
6 documents based on the RUS’s contract form 830.²⁷ UEC will use the services of an engineer
7 representative to manage contractors, with daily inspections and weekly progress reports to
8 UEC.²⁸ A public comment was filed expressing concern that construction of a prior line for
9 UEC in 1999 along this same corridor caused property damage near one residence.²⁹ Staff does
10 not find events seventeen years in the past to be relevant to the safety of this Project. As noted
11 above, for this Project, UEC will comply with current RUS requirements for procurement and
12 construction³⁰ and will engage a representative to actively manage construction.

13 Staff notes that UEC proposes a wider horizontal easement than the minimum required
14 by NESC standards where there are limited buildings, and where a wider easement would affect
15 a building, a taller than the minimum required vertical clearance will be provided.³¹ A public
16 comment was filed stating a concern that the proposed transmission line will be over a larger part
17 of the home of the commenters and “we wonder about our safety”.³² Staff has confirmed with
18 UEC that the line will be next to, not over, this residence, and that the clearance provided at this
19 location will be roughly 58 percent above the NESC standard.³³

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22 ²⁴ Staff/200, Gibbens/4, lines 3-5; Staff/202, Gibbens/10; UEC/100, Toth/12, line 17; UEC/201, Echenrode/15.

23 ²⁵ See OAR 860-024-0010.

24 ²⁶ UEC/100, Toth/15.

25 ²⁷ Staff/102, Ihle/2.

26 ²⁸ Staff/102, Ihle/2.

27 ²⁹ Public Comment of Clarence and Geraldine Charlo, filed December 1, 2016.

28 ³⁰ See also, generally, 7 CFR Part 1726.

29 ³¹ Staff/200, Gibbens/4.

30 ³² Public Comment of Clarence and Geraldine Charlo, filed September 19, 2016.

31 ³³ Staff/200, Gibbens/5.

1 Staff investigated the potential for environmental harm from the project. The project area
2 does not contain any areas designated as critical habitat.³⁴ None of the avian species present in
3 Umatilla County are on the State’s list of Endangered Species, and UEC’s construction plan will
4 include devices to prevent electrocution of avian species.³⁵ Moreover, for nearly all of its length,
5 the project will run alongside road right of ways, using an existing transmission corridor, further
6 minimizing the potential for environmental impact.³⁶

7 Staff further notes that, although there are no applicable Oregon regulations, UEC
8 reviewed the estimated exposure to electromagnetic fields (“EMFs”) from the proposed line as
9 compared to the Institute of Electrical and Electronics Engineers (“IEEE”) standard C95.6:
10 Standard for Safety Levels with Respect to Human Exposure to Electromagnetic Fields. The
11 company’s review indicates exposures along the length of the line are well below the allowable
12 EMF exposure under the IEEE standard.³⁷

13 With respect to operation and maintenance of the line, UEC has experience operating and
14 maintaining transmission lines, having been in operation since 1937, and currently operating 130
15 miles of transmission lines.³⁸ As stated above, UEC will adhere to current NESC standards and
16 has a detailed Electrical Facility Inspection Policy, Line Inspection Policy and Safety Manual in
17 place.³⁹

18 Given the Company’s proposed construction plan and processes, the location of the line,
19 and the standards under which the line would be constructed, maintained and operated, Staff
20 recommends that the Commission find the project will be executed in a manner that protects the
21 public from danger and is therefore safe.

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24 ³⁴ Staff/202, Gibbens/3.
25 ³⁵ Staff/200, Gibbens/4.
26 ³⁶ Staff/200, Gibbens/5.
³⁷ Staff/200, Gibbens/6.
³⁸ Staff/200, Gibbens/3.
³⁹ Staff/200, Gibbens/3.

1 C. Practicability.

2 To find a proposed transmission line project is practicable, “the petitioner must show the
3 project is feasible and will be effectively and efficiently constructed.”⁴⁰ Staff recommends the
4 Commission find that project is feasible and will be constructed both effectively and efficiently.

5 In planning the project, UEC engaged in a least-cost analysis to determine the most
6 feasible route, ultimately determining that the route utilizing an existing transmission corridor
7 would be the most convenient.⁴¹ UEC estimates the overall cost of the project to be
8 approximately \$5,740,000⁴² and the cost of securing land and land rights to be approximately
9 \$59,000.⁴³ The two alternative routes considered by UEC both required several miles of corridor
10 that are not currently in a transmission corridor.⁴⁴ UEC estimated that its proposed route is
11 \$400,000 less expensive than the west alternative route, \$1.26 million less expensive than the
12 east alternative route,⁴⁵ and that the project is also less expensive than upgrading the existing
13 line.⁴⁶ By utilizing an existing transmission corridor, UEC is able to construct the project at a
14 lower cost than the two identified alternative routes.⁴⁷ UEC also notes that due to significant
15 load growth in its service territory, the rate impact to its customers resulting from the project is
16 not anticipated to be significant.⁴⁸ UEC has also been granted preliminary approval for financing
17 the project through the USDA’s Rural Utility Service, which requires a showing that the project
18 is justified and that an environmental analysis be performed.⁴⁹

19 UEC also has a long and safe operational history, and has identified and committed to an
20 internal control process that would ensure that the project is constructed both on time and at or

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22 ⁴⁰ Order No. 11-366 at 4.

23 ⁴¹ Staff/100, Ihle/11. Staff notes that the proposed route utilizes existing transmission corridors with the single
24 exception of one road crossing. *Id.* at 11-12.

25 ⁴² UEC/106, Toth/1-12.

26 ⁴³ UEC/107, Toth/1-2.

⁴⁴ Staff/100, Ihle/12.

⁴⁵ UEC/106, Toth/1-12

⁴⁶ UEC/100, Toth/8-9.

⁴⁷ Staff/100/Ihle/13.

⁴⁸ UEC/200, Echenrode/3-4.

⁴⁹ UEC Petition at 13-14; UEC/201.

1 below budget.⁵⁰ Given the number of landowners involved in the chosen route as well as the two
2 alternative routes, Staff finds it reasonable to assume that no matter which route was chosen,
3 UEC would find that some percentage of landowners would not be willing to sell the necessary
4 easement.⁵¹ However, UEC’s preferred route impacts as few properties as is reasonably possible
5 when choosing the least-cost route, follows existing rights-of-way, and overlaps with existing
6 easements.⁵² Staff recommends the Commission find the proposed line is practicable.

7 Finally, Staff notes that the project is not practicable without a Certificate of Public
8 Convenience and Necessity.⁵³ Although UEC has been successful in obtaining easements from a
9 vast majority of the affected land owners and continues to engage in discussions with landowners
10 who have not granted easements, an easement on every identified parcel is necessary in order to
11 construct the transmission line.⁵⁴ Without a Certificate of Public Convenience and Necessity
12 granted by the Commission, UEC is unable to initiate condemnation proceedings for necessary
13 land or interests in land.

14 D. Justification.

15 To find justification for a proposed transmission line project, “the petitioner must show
16 sufficient reason for the project to be built,” considering the public benefits and costs of the
17 project.⁵⁵ Staff recommends that the Commission find that the project is justified because the
18 line is necessary, UEC has demonstrated that the selected route is the optimal solution, and UEC
19 has diligently attempted to limit the impact on individual landowners while complying with the
20 public interest.

21 Staff did not engage in a traditional cost/benefit study because most of the relevant
22 benefits of the line, including improved reliability, reduced outages, flexibility in serving load

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25 ⁵⁰ Staff/100, Ihle/12; Staff/102, Ihle/2.
26 ⁵¹ Staff/100, Ihle/13.
⁵² Staff/100, Ihle/13.
⁵³ Staff/100, Ihle/12.
⁵⁴ Staff/100, Ihle/12.
⁵⁵ Order No. 11-366 at 4.

1 and increased load serving capabilities, were generally unquantifiable.⁵⁶ Because UEC is not a
2 rate-regulated investor-owned utility, Staff’s primary concern was not economic in nature.⁵⁷
3 Rather, Staff concluded that as a consumer-owned cooperative, UEC is presumed to act as a
4 result of actions taken by representatives of its customers in the best interest of all of its
5 customers.⁵⁸

6 In order to make a recommendation related to the justification of the project, Staff
7 examined the two alternative routes identified by UEC as well as the option of upgrading the
8 existing line, and as discussed above, found that the alternatives were higher cost, greater in
9 length, and/or had greater customer impacts.⁵⁹ Staff further concluded that upgrading the
10 existing line would remove the benefits of redundancy to UEC’s system.⁶⁰ In addition to the
11 three alternatives presented by UEC, Staff also considered whether additional options were
12 available to UEC. Staff determined that the relatively short distance of the line, the fixed starting
13 and ending points, and the geography of the area rendered any other potential alternatives not
14 feasible.⁶¹

15 Finally, in consideration of whether the project is justified, Staff again considered the
16 impact to customers, businesses, and other affected persons.⁶² Improved reliability benefits all
17 affected persons, including other utilities. As discussed above, Staff concluded that UEC has
18 made reasonable efforts to minimize the impact to its customers and affected landowners, and
19 has worked assiduously to secure easements from affected landowners on a voluntary basis.⁶³
20 Staff recommends that the Commission find there is sufficient reason for the project and it is
21 therefore justified in the public interest.

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23 ⁵⁶ Staff/200, Gibbens/7.

24 ⁵⁷ Staff/200, Gibbens/8.

25 ⁵⁸ Staff/200, Gibbens/8.

26 ⁵⁹ Staff/200, Gibbens/8-9.

⁶⁰ Staff/200, Gibbens/9.

⁶¹ Staff/200, Gibbens/9.

⁶² Staff/200, Gibbens/10.

⁶³ Staff/200, Gibbens/10-11.

1 Based on the foregoing, Staff’s investigation into the required elements for a Certificate
2 of Public Convenience and Necessity leads it to recommend that the Commission find a
3 Certificate is supported by the necessity, safety, practicability and justification in the public
4 interest.

5 2. Issuing a Certificate is consistent with Statewide Planning Goals and compatible with the
6 relevant acknowledged comprehensive plans and land use regulations of the affected local
7 governments.

8 When a proposed transmission line is subject to the jurisdiction of the Energy Facility
9 Siting Council (EFSC), the Commission can meet its responsibilities for land use planning by
10 adopting findings that assure the project and route have been certified by EFSC. That is not the
11 case here, as UEC’s project is not an energy facility of the size that is subject to EFSC
12 jurisdiction.⁶⁴

13 The applicable requirements for land use compliance are set forth in OAR 860-025-
14 0030(2) and (3). Specifically, OAR 860-025-0030(3) requires the Commission to make findings
15 assuring the proposed project’s Statewide Planning Goal compliance and local land use
16 compatibility, including at least one of:

17 (a) A copy of the local land use permit from each affected city or county planning
18 agency, building department, or governing body stating that the proposed
19 transmission project has received the jurisdiction's approval; or

20 (b) A copy of a letter from each affected local planning agency, building
21 department, or governing body stating that the proposed transmission project is
22 permitted under the jurisdiction's comprehensive plan, land use regulations, and
23 development codes, but does not require specific approval by the jurisdiction; or

24 (c) Other written or oral land use information and documentation equivalent to
25 OAR 860-025-0030(3)(a) or (b) above properly presented to the Commission
26 from an authorized representative from each affected city or county; or

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28 ⁶⁴ As relevant here for purposes of Energy Facility Siting Council jurisdiction, under ORS 469.300(11)(a), “Energy
29 facility” includes the following transmission lines:

30 * * *

31 (C) A high voltage transmission line of more than 10 miles in length with a capacity of 230,000 volts or more to
32 be constructed in more than one city or county in this state, but excluding:

33 (i) Lines proposed for construction entirely within 500 feet of an existing corridor occupied by high voltage
34 transmission lines with a capacity of 230,000 volts or more; and

35 (ii) Lines of 57,000 volts or more that are rebuilt and upgraded to 230,000 volts along the same right of way.

1 (d) Commission goal compliance findings adopted pursuant to OAR 660-030-
2 0065(3) in situations when the Commission is unable to assure goal compliance
3 by acting compatibly with one or more of the affected comprehensive plans.⁶⁵

4 Here, the proposed line affects two local planning jurisdictions: the City of Hermiston
5 and Umatilla County, which also plans for the City of Umatilla urban growth boundary area that
6 lies outside the Umatilla city limits.⁶⁶ Both jurisdictions have acknowledged comprehensive
7 plans, which are therefore compatible with Statewide Planning Goals.⁶⁷

8 UEC included a letter from the City of Hermiston's Planning Department with its
9 Petition.⁶⁸ In this letter, a City Planner, indicate that the proposed route will pass through two
10 areas of the city zoned for power transmission lines, and no land use approval is required.⁶⁹ Staff
11 finds this letter adequate to demonstrate that UEC's project is permitted under the City of
12 Hermiston's comprehensive plan, land use regulations, and development codes, but does not
13 require specific approval by the jurisdiction. With respect to this jurisdiction, the record contains
14 evidence to conclude the project is compatible with Statewide Planning Goals and local land use
15 compatibility per OAR 860-025-0030(3)(b).

16 UEC also included with its Petition a letter from Brandon Seitz, Assistant Planner, with
17 the Umatilla County Department of Land Use Planning.⁷⁰ In this letter, Seitz states that a
18 conditional use permit is required for construction of the transmission line within the County's
19 jurisdiction.⁷¹ Seitz explains that the proposed route was reviewed, but a formal application and
20 approval is still required before construction may occur.⁷² UEC cannot apply for land use
21 approval of the proposed line until it owns the property on which the line will be constructed, or
22 has the consent of the property owner.⁷³ However, Seitz notes that issuance of permits for a

23 ⁶⁵ OAR 860-025-0030(3).

24 ⁶⁶ Staff/100, Ihle/16.

25 ⁶⁷ Staff/100, Ihle/17. See also ORS 197.015(1), OAR 660-003-0005(1).

26 ⁶⁸ UEC/204, Echenrode/1.

27 ⁶⁹ Staff/100, Ihle/17; UEC/204, Echenrode/1.

28 ⁷⁰ UEC/205, Echenrode/1-2.

29 ⁷¹ Staff/100, Ihle/16; UEC/205, Echenrode/1.

30 ⁷² Staff/100, Ihle/16; UEC/205, Echenrode/1.

31 ⁷³ Staff/100, Ihle/16; UEC/205, Echenrode/1.

1 transmission line would be consistent with the County’s acknowledged Comprehensive Plan and
2 compliant with the County’s land use regulations.”⁷⁴ The letter concludes by stating that if UEC
3 applies and satisfies the approval standards for a conditional use permit, the line could be
4 approved under a conditional use permit by the County and would be in compliance with County
5 land use regulations.⁷⁵ The Commission may find this letter adequate to provide equivalent
6 documentation per OAR 860-025-0030(3)(c).

7 More generally, Staff finds this letter adequate to demonstrate that UEC’s project is
8 generally compatible with local land use regulations per OAR 860-025-0030(3)(d) because the
9 County has an acknowledged comprehensive plan that is therefore compatible with Statewide
10 Planning Goals and the County’s letter acknowledges that a transmission line project can be
11 approved under that plan and the local regulations. We review the relevant Statewide Planning
12 Goals adopted by the Department of Land Conservation and Development⁷⁶ below to note this
13 project’s compatibility with each:

14 Goal 1 is Citizen Involvement. Staff agrees with UEC that this goal is met through
15 Umatilla County’s citizen involvement program, including the conditional use permit process,
16 and the public involvement opportunities inherent in the Commission’s review of this Petition.⁷⁷

17 Goal 2 is Land Use Planning and Exceptions. Staff agrees with UEC that this goal can be
18 met through the application of land use regulations under the County’s conditional use permit
19 process and the process in this proceeding and that an exception is not required under Part II of
20 Goal 2.⁷⁸

21 Goal 3 is Agricultural Lands. Staff concludes that the Project can avoid using, and
22 thereby maintain, lands zoned for exclusive farm use, and if necessary, mitigating conditions
23 may be imposed in any conditional use permit that may be issued by Umatilla County.⁷⁹ During

24 ⁷⁴ Staff/100, Ihle/16; UEC/205, Echenrode/1-2.

25 ⁷⁵ Staff/100, Ihle/18; UEC/2015, Echenrode/2.

⁷⁶ OAR 660-015-0000.

⁷⁷ Staff/100, Ihle/19-20.

26 ⁷⁸ Staff/100, Ihle/20.

⁷⁹ Staff/100, Ihle/21.

1 construction, Staff does not anticipate any impact on agricultural production, given that the
2 project will follow an existing transmission corridor and the length of activity at each structure
3 location is expected to be relatively short.⁸⁰

4 Goal 5 is Open Spaces, Scenic and Historic Areas, and Natural Resources. UEC
5 represents that the proposed line does not cross over any inventoried significant natural resource
6 areas, but that it will obtain any appropriate permits should such areas be identified.⁸¹ Staff did
7 not identify any Goal 5 resources, and due to the construction being planned primarily on
8 developed land and on or adjacent to the road rights of way, Staff anticipates minimal impact on
9 wildlife, open spaces and natural resources.⁸²

10 Goal 6 is Air, Water, and Land Resources. Staff agrees with UEC that the project is
11 compatible with this goal. Transmission lines generally do not create significant waste, impact
12 water quality or pose a risk of harm to the environment, but to the extent they do, UEC commits
13 in its petition to comply with all applicable statutes, regulations and standards.⁸³

14 Goal 7 is Areas Subject to Natural Disasters and Hazards. Staff confirmed with the
15 Umatilla County Department of Land Use Planning that along the proposed route of the
16 transmission line there are no inventoried natural hazards—hazards specifically identified as
17 being worthy of special note.⁸⁴ Staff finds that the project is compatible with this Goal.

18 Goal 8 is Recreational Needs. UEC states that the proposed route along a transmission
19 corridor preserves other County land for recreational needs. Staff finds that the project is not
20 located near any recreational facilities or properties and is unlikely to impact recreational
21 opportunities. Staff confirmed with the Umatilla County Department of Land Use Planning that
22 project lands do not appear in any existing recreational plan.⁸⁵

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24 ⁸⁰ Staff/100, Ihle/21.

25 ⁸¹ Staff/100, Ihle/22.

26 ⁸² Staff/100, Ihle/22-23.

⁸³ Staff/100, Ihle/23-24.

⁸⁴ Staff/100, Ihle/26-27.

⁸⁵ Staff/100, Ihle/24.

1 Goal 9 is Economy of the State. Staff agrees with UEC that the transmission line will
2 generally support the economy and is compatible with this Goal, and also finds that the
3 construction of the line is itself positive economic activity.⁸⁶

4 Goal 12 is Transportation. Staff finds the transmission line is compatible with this Goal.
5 Construction will be staged and in the right of way so as to minimize impact on transportation.⁸⁷
6 Staff also notes the line will be relocated from within the right of way to an adjacent location,
7 minimizing the impact on transportation in the future.⁸⁸

8 Goal 13 is Energy Conservation. Staff and UEC agree that the proposed route, being the
9 shortest practicable route conserves resources consistent with this Goal.⁸⁹ The potential for the
10 line to support continuing area growth in wind and solar resources also demonstrates the
11 project's compatibility with this goal.

12 Staff agrees with UEC that the remaining Statewide Planning Goals are not applicable to
13 this Petition: Goal 4: Forest Lands, 10: Housing, Goal 11: Public Facilities and Services, Goal
14 14: Urbanization, Goal 15: Willamette River Greenway, Goal 16: Estuarine Resources, Goal 17:
15 Coastal Shorelands, Goal 18: Beaches and Dunes, Goal 19: Ocean Resources.⁹⁰ Based on the
16 foregoing review supported by the record and documentation from the local planning
17 jurisdictions, Staff recommends the Commission find the project is consistent with Statewide
18 Planning Goals.

19 III. CONCLUSION

20 Staff's recommendation is that the Commission find UEC's Petition for a Certificate of
21 Public Convenience and Necessity is supported by the necessity, safety, practicability and
22 justification in the public interest of the project. Staff further recommends the Commission find
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24 ⁸⁶ Staff/100, Ihle/25.

25 ⁸⁷ Staff/100, Ihle/27.

26 ⁸⁸ Staff/100, Ihle/27.

⁸⁹ Staff/100, Ihle/25.

⁹⁰ Staff/100, Ihle/26-27; UEC Petition for Certificate of Public Convenience and Necessity, at 23, filed August 19, 2016.