

ISSUED: March 24, 2010

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

LC 50

In the Matter of

IDAHO POWER COMPANY

2009 Integrated Resource Plan.

RULING

DISPOSITION: PETITIONS TO INTERVENE GRANTED

BACKGROUND AND ARGUMENTS

On February 12, 2010, Move Idaho Power and Nancy Peyron (Petitioners) jointly filed petitions to intervene in this docket. Petitioners state that they intend to raise issues “pertaining to the need for and routing of proposed transmission lines.”¹ Idaho Power Company (Idaho Power) filed an answer to the petitions on February 19, 2010. Idaho Power does not object to the Public Utility Commission of Oregon (Commission) granting the petitions, but asks that the Commission limit Petitioners’ participation to issues within the scope of this docket. Specifically, Idaho Power argues that the route for proposed Boardman to Hemingway (B2H) transmission line is not an issue in this docket and will be determined by the Oregon Energy Facility Siting Council (EFSC).

Petitioners filed a reply to Idaho Power’s answer on March 8, 2010. Petitioners state that the Commission’s integrated resource planning guidelines require Idaho Power to show that a portfolio including the B2H line represents the best combination of cost and risk for the utility and its customers. Petitioners argue that it is impossible to adequately analyze the expected costs and risks of the B2H line without considering proposed routes.

Idaho Power filed a motion for leave to file a response to Petitioners’ reply on March 12, 2010. Idaho Power states that it would like the opportunity to respond “to clarify the purpose of the IRP proceeding and respond to the new legal arguments raised” in Petitioners’ reply.² Idaho Power’s motion for leave to file a response is denied. Petitioners bear the burden of showing that they have sufficient interest in the proceeding and that their participation will not

¹ Petitions for Intervention of Move Idaho Power and Nancy Peyron at 2 (Feb 12, 2010).

² Idaho Power Company’s Motion for Leave to File a Response to the Reply of Move Idaho Power and Nancy Peyron at 2 (Mar 12, 2010).

unreasonably broaden the issues, burden the record, or delay the proceeding. As the party bearing this burden, Petitioners are given the last word.

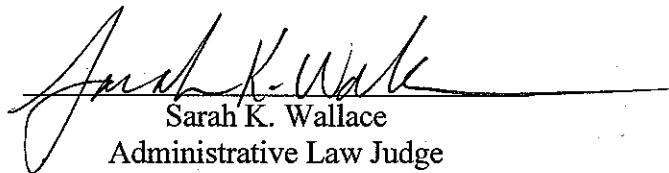
ANALYSIS AND RULING

Idaho Power's 2009 Integrated Resource Plan (IRP) includes the B2H line as one resource in its preferred portfolio. The IRP does not include proposed routes for the B2H line, but does include the location of the two proposed termination points for the line. Idaho Power is correct that the EFSC—not this Commission—has jurisdiction over the route for the B2H line.

The Petitioners may comment on whether the Idaho Power's 2009 IRP meets the substantive and procedural guidelines in Order No. 07-002, including whether failure to consider proposed routes for the B2H lines renders the IRP insufficient. Petitioners should refrain, however, from commenting on specific proposed routes. For example, Petitioners may argue that the IRP should have included consideration of alternative routes because the costs and risks are different if the route includes protected wildlife habitat than if the route follows an existing transportation corridor. But Petitioners should not argue that the route should avoid protected wildlife habitat or that a route following an existing transportation corridor is preferable. The latter are arguments better saved for the EFSC proceeding.

With the condition that Petitioners may not submit comments or arguments on the route for the Boardman to Hemingway transmission line, as explained above, I find that Petitioners have sufficient interest in the proceeding and their appearance and participation will not unreasonably burden the record, broaden the issues, or delay the proceeding. *See* OAR 860-012-0001. The petitions to intervene of Move Idaho Power and Nancy Peyron are therefore granted.

Dated this 24th day of March, 2010, at Salem, Oregon.


Sarah K. Wallace
Administrative Law Judge