

Don Aufdermauer
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January 10, 2018

Via Email: puc.hearings@state.or.us

Oregon Public Utility Commission
Administrative Law Judge Patrick Power
P.O. Box 1088 Salem, OR 97308

Re: Don Aufdermauer Intervenor Testimony re Petition for Certificate of Public Convenience and Necessity (PCN-2)

Please accept this testimony for the Tillamook People's Utility District (TPUD),
Petition for Certificate of Public Convenience and Necessity.

December 2, 2017

Concerning: Oceanside Transmission Line

TPUD has been trying for several years now to put in this new transmission line from Tillamook out to Oceanside. There are many citizens, businesses & other entities of Tillamook County that oppose this line, there are several different reasons to oppose it.

TPUD has not been willing to provide evidence that supports their claim that the transmission line is needed and necessary. They have said line is aging, that Netarts and Oceanside often loose power due to branches or trees hitting the lines, car hitting the poles. There seems to most of us to be a lot simpler solutions to all of these problems. Repair and replace the existing lines, protect the poles with guardrails or some other form of break-away device and remove and/or cut back trees.

The amount of time Netarts and Oceanside loose power per year is a matter of hours, not days. In the case of Oceanside property owners, most of the homes in the area are rental properties or vacation homes. The year round residents are very few and have not voiced a concern for their few hours of lost power every year due to the occasional occurrence of the above mentioned issues. Although reliable power for everyone is important and necessary, there are far less in the Oceanside/Netarts area that would be effected but an occasional outage than by the vast amount drastically effected by having the actual lines/poles on or going over their property.

Putting in the new transmission line they are proposing will of course increase reliability, it will also give TPUD the opportunity of future ocean power, which they are currently denying being any part of the reason they want to do this. Putting in this transmission line will also permanently revoke landowners rights, as well as decreasing property values and limiting land use of their often century owned farms and homes. Fixing the aging line will temporarily inconvenience homes in the Netarts and Oceanside area along with the farmers along the way. However, the proposed transmission line would permanently be an inconvenience for the farmers, homeowners and businesses along the new route. The farmer land tracts are fairly small with 40-80 acre tracts with rivers, streams, sloughs and ditches. This line would be one more obstacle for us to have to navigate with additional more rules and regulations to abide by, devalue our land and limit land use.

TPUD has franchise agreements with cities in Tillamook County. TPUD pays these cities 5-7% of its districts gross revenues to have the power poles going through the city, they are paid on what is collected during the previous month from the districts customers whose meters are located within that cities franchise fee area.

The route has been changed several times, however some of the most recent changes have been to circumvent one landowner's property because he doesn't want it. This detour comes at a cost of \$500,000. There are several property owners, including ourselves, that don't want the poles on our land, however this option has not been considered for any of us.

Our family recently sold a piece of property located on Hwy 101, it was .4 acres. With the price it was sold for, the per acre value would be \$375,000/acre. This line would drastically devalue people's property, as most people don't want to or are not willing to purchase land with a transmission line going over it. Having a transmission line on your property drastically limits land use with building on and working the land.

I have attached a petition of property owners along the route, also attached are letters from the Farm Bureau and Oregon Dairy Farmers Association all opposing this transmission line.

I'm a 3rd generation farmer here in Tillamook, my children and grandchildren live here as well. That is 5 generations of our family living in Tillamook, we are obviously here to stay. PUD employees, as well as countless government agencies employees that we have been working with, often don't live in Tillamook County and never will. These people have good jobs with great pay and excellent benefits, healthcare and retirement. These people retire and go live their dream somewhere else. The rest of us choose to stay here because we love it here and love the beauty it holds. We will stay here and do our best to continue to take care of the land for the next generation, trying to keep it safe and usable.

This is our dream; our dream is here in Tillamook County.

Most sincerely,

A handwritten signature in black ink, appearing to read "Don & Dana", with a long horizontal flourish extending to the right.

Don & Dana Aufdermayer



December 4, 2017

Tillamook People's Utility District
Board of Directors
c/o General Manager Todd Simmons
P.O. Box 433
1115 Pacific Avenue
Tillamook, OR 97141-0433

Via email: tsimmons@tpud.org

RE: Tillamook County Creamery Association on Exercising Eminent Domain for the Tillamook to Oceanside Transmission Line

Dear Mr. Simmons,

The Tillamook County Creamery Association (TCCA) does not endorse the decision to exercise eminent domain by the Tillamook Public Utilities District (PUD) for the Tillamook to Oceanside Transmission Line (TOTL) and urges the PUD to choose a route that minimizes impact on agricultural uses.

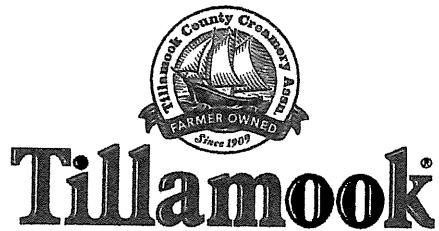
TCCA is a 109-year-old cooperative in Tillamook County and one of the largest customers of the PUD. We are very proud of the agricultural heritage of Tillamook County. While the Oregon Land Conservation and Development Act of 1973 has had significant impact on land availability in Tillamook County, which is a factor in limited sites for a transmission line, it has helped preserve the economic resilience and rural character of the County. Farming and food processing provide jobs and tax base and the preserved rural charm draws tourists.

Since 2013, TCCA has been engaged in the evolution of the TOTL project:

1. TCCA acknowledged the need for the transmission line for capacity in Netarts/Oceanside and redundancy in the general Tillamook area. This redundancy ultimately benefits our manufacturing plant and headquarters, our farms, and the community.
2. Initially, TCCA opposed the Front Street route because we believe it would have negatively impacted our Farm Store and Farm Store Warehouse properties. After a pole redesign that reduced impact on our properties, TCCA took no exception to a Front Street route.

Dairy done right.

TILLAMOOK COUNTY CREAMERY ASSOCIATION 4185 Highway 101 North, Tillamook, Oregon 97141
TEL 503.842.4481 FAX 503.842.6039 Visit us at Tillamook.com



3. TCCA took no position on the overall route of the TOTL as long as the route minimized impact on the farmland of TCCA member-owners. Individual members were free to take their own positions.

While we remain consistent with our past position, we do not agree with the decision to exercise eminent domain, especially when the selected route has not demonstrated minimized impact on agricultural uses.

Utility facilities may only be permitted in EFU zones if the utility can meet certain criteria, including demonstrating that the route must pass through farm zoned land and minimizing impact on agricultural uses. The PUD provides only a short paragraph noting that it has located the transmission line along edges of fields and property lines as far as possible. This statement does not demonstrate land use compatibility. The PUD has not addressed farming practices along the route, any conflicts with the transmission line, any potential mitigation it will provide for the farmers, and a myriad of other issues associated with agricultural compatibility.

Given that the construction and operation of the transmission line will be severely disruptive to the agricultural operations along the route, the PUD has not demonstrated that its proposed transmission line will receive land use approval. Construction of a transmission line will preclude impacted farmers from utilizing large portions of their property and require significant changes in farming practices during construction. Operation of the line can impact the ability to apply nutrients, aerially address pest and weed issues, and utilize drone technology to assist their operations. Additionally, we have had several reports of impacts to cattle from stray voltage along the PUD lines that the utility has not addressed. Stray voltage can significantly impact the comfort and productivity of dairy cows. The PUD has not demonstrated that its line will be compatible with the impacted agricultural operations, that it can mitigate any impacts, or that siting through agricultural lands is necessary.

We urge the PUD Board of Directors to:

- Continue the public process—rather than exercising eminent domain—to find a route that minimizes impact on agricultural land as well as community infrastructure.
- Consider an alternative route where easements have already been obtained.
- If it becomes necessary to site a route through agricultural land that the land owners be fairly compensated for the easement, using the same formula as for easements across public land.

Dairy done right.

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November 14, 2017

Oregon Public Utility Commission
Administrative Law Judge Patrick Power
Attn: PCN 2
PO Box 1088
Salem, Oregon 97308

Via email: puc.hearings@state.or.us

RE: Oregon Farm Bureau, Tillamook County Farm Bureau, and Oregon Dairy Farmers Association Comments on the Tillamook PUD Application for a Certificate of Public Convenience and Necessity

Dear ALJ Power,

The Oregon Farm Bureau Federation (OFB), Tillamook County Farm Bureau (TCFB) and Oregon Dairy Farmers Association (ODFA) appreciate the opportunity to comment on the Tillamook People's Utility District's (Tillamook PUD) petition for a Certificate of Public Convenience and Necessity ("CPCN") authorizing the construction of an 8.6-mile-long overhead transmission line through valuable agricultural land in Tillamook County. OFB, TCFB and ODFA do not believe that this transmission line is necessary or that it presently can or should receive land use approval at the local level. We urge the PUC not to approve this application.

By way of background, OFB is a voluntary, grassroots, nonprofit organization representing Oregon's farmers and ranchers in the public and policymaking arenas. As Oregon's largest general farm organization, its primary goal is to promote educational improvement, economic opportunity, and social advancement for its members and the farming, ranching, and natural resources industry. Today, OFB represents over 7,000-member families professionally engaged in the industry and has a total membership of over 60,000 Oregon families. TCFB is the voice of agriculture in Tillamook County, representing members across Tillamook County, including several who would be impacted by this project.

The ODFA was founded in 1892 to work on behalf of the Oregon dairy farmers. Today, ODFA represents Oregon's 240 dairy farming families. Dairy farms are located in 20 counties and approximately 125,000 cows call Oregon "home." ODFA works to create an atmosphere that is conducive for Oregon dairy producers of all sizes and types of production in all areas of the state.

Tillamook PUD has not demonstrated the necessity of this transmission line. We understand that Tillamook PUD first proposed this project in the late 2000s, and they are basing their demand projections on growth experienced prior to 2011. The demand estimates used in the application do not account for the recent slowing of demand. Indeed, data from the Tillamook PUD shows that demand has been flat or decreasing since 2011, and has a purchase contract with BPA that

estimates future load growth at .25%, not the 1.1% stated in the application. Additionally, the Tillamook PUD appears to have increased its loading estimates since it initiated the Citizen's Advisory Group process in 2014, with actual loading somewhere in the 60% range. Tillamook PUD has not adequately explained the discrepancies in its demand estimates and projected need, and has not adequately explained why this project is necessary in the face of slowing demand. We urge the PUC to closely evaluate the Tillamook PUD's demand and load projections and the need for this project.

Tillamook PUD has also drastically overstated its ability and likelihood to be granted land use approval. While we appreciate Tillamook PUD's work to engage community members in reviewing and commenting on the proposed route for the transmission line, Tillamook PUD has not secured approval of most of the farmers whose property and livelihood will be impacted by the line nor have they accurately captured the myriad of negative impacts the proposed transmission line could have on agricultural operations within its route.

Contrary to what the PUD states in its application, the proposed transmission line is not permitted outright. It may be permitted only after found to be consistent with ORS 215.275. This statute involves discretionary review/approval criteria and constitutes a land use decision. We understand that Tillamook PUD has filed an application with the County, but that application was incomplete and has not begun to move through the permitting process.

The PUC should not approve the application for a Certificate of Public Convenience and Necessity as Tillamook PUD is not guaranteed to secured its local land use approval. Utility facilities may only be permitted in EFU zones if the utility can meet certain criteria, including demonstrating that the route must pass through farm zoned land and minimizing impact on agricultural uses. Tillamook PUD provides only a short paragraph noting that it has located the transmission line along edges of fields and property lines as far as possible. This statement does not demonstrate land use compatibility. Tillamook PUD has not addressed farming practices along the route, any conflicts with the transmission line, any potential mitigation it will provide for the farmers, and a myriad of other issues associated with agricultural compatibility.

Given that the construction and operation of the transmission line will be severely disruptive to the agricultural operations along the route, Tillamook PUD has not demonstrated that its proposed transmission line will receive land use approval. Construction of a transmission line will preclude impacted farmers from utilizing large portions of their property and require significant changes in farming practices during construction. Operation of the line can impact the ability to apply nutrients, aerially address pest and weed issues, and utilize drone technology to assist their operations. Additionally, we have had several reports of impacts to cattle from stray voltage along Tillamook PUD lines that the utility has not addressed. Tillamook PUD has not demonstrated that its line will be compatible with the impacted agricultural operations, that it can mitigate any impacts, or that siting through agricultural lands is necessary. Until the required conditional use permit is approved by Tillamook County, the PUC cannot determine compatibility with the applicable Statewide Planning Goals or the Tillamook County Comprehensive Plan. Tillamook PUD is not guaranteed land use approval, and its application should not be granted absent such approval.

Oregon Farm Bureau Policy

Utility Siting

3.675

1 We favor locating thermo nuclear power plants and other industrial
2 developments in areas that will enhance irrigation developments and not
3 take prime farm and forest land out of production.

4 Power transmission lines should be located to avoid losses of present
5 or potential agricultural and timber production activities need to avoid
6 valuable farm land. We support the principle of establishing utility corridors
7 to minimize avoid the loss of agricultural and timber lands.

8 Underground utility facilities crossing or utilizing farmlands should be
9 buried at a depth and in a manner that will not interfere with normally
10 accepted agricultural practices in the area. All new buried pipelines and
11 utilities in agricultural zones and on private land shall be placed no less
12 than six feet below the surface of the ground. Such facilities include cables
13 for communication and power transmission and pipelines for transmission
14 of water, petroleum products, natural or manufactured gas, or other
15 materials. All utility pipeline installations must be installed as negotiated
16 with the land owner. (14)

17 Farmers should not be held responsible for damage or disruption of
18 service. Utility operators shall be held responsible for repair, maintenance,
19 restoration of any damages or disruption of service the farm operation.
20 The operator shall fairly compensate the land owners, or lease holders for
21 any repair, maintenance or restoration of their property. At the time of
22 significant change of operation, the utility owner shall renegotiate a right-
23 of-way agreement and easement and compensate the land owner or lease
24 holder accordingly.

25 All agricultural tillage of less than 24 inches in depth should be exempt
26 from the requirement to notify any buried pipeline or utility before work
27 begins. (14)

28 All overhead utilities must be maintained at a height so as not to
29 interfere with agricultural activities. (07)

30 We support changing the law to provide that if a land owner does not
31 wish to have a utility on their property, then every effort would be made to
32 avoid the property and/or put the utility line in an existing road right-of-way.
33 No landowner should be required to accept an easement for a utility unless
34 no road right-of-way exists within a five mile corridor. The area receiving
35 the majority of the service should be the area that supplies the utility
36 corridor. If the majority of the service will be used in the urban growth
37 boundary then the utility corridor should be in the urban growth boundary.
38 The Oregon Department of Agriculture should be the agency that oversees
39 the mitigation on agricultural land. The Oregon Department of Forestry
40 should be the agency that oversees the mitigation on forest land.

41 Every quarter mile section should be evaluated for location and
42 availability to any existing road right-of-way. In addition, the utility should
43 be required to:

44 1. Post a sufficient bond with the State of Oregon.

- 45 2. Locate its companion facilities in the road right-of-way.
46 3. Purchase a lease from a willing landowner for the property of a
47 utility not located in the road right-of-way. The utility and/or
48 companion facilities must be along the edge of the agricultural or
49 forest land next to the road right-of-way and the fee/rate should
50 be established based on commercial/industrial property rental
51 rates within the urban area receiving the majority of the service.
52 4. Have an annual fee with the landowner(s) that is adjusted at least
53 once every five years for inflation. The mitigation agreement
54 should be reviewed by the Oregon Department of Agriculture upon
55 request of the landowner at the time of the Renewal of the lease.
56 5. Pay the mitigation costs including the lease, the costs to the
57 landowner for the life of the use, the cost of changing
58 management practices and the actual loss in value of the crop,
59 timber and/or livestock. Mitigation should include the entire area
60 of production affected by the utility facility or pipeline and not just
61 the footprint. (08)
62 6. To establish the route for a utility facility that is a linear utility
63 facility, the utility provider shall establish, in a land use
64 application seeking approval of the linear utility facility, that each
65 segment of the linear utility facility must be sited in an exclusive
66 farm use zone to provide the service. If the criteria in subsections
67 (3) and (4) of this section are met for a utility facility that is a
68 linear utility facility, the utility provider shall locate the segments
69 of the linear utility facility, to the extent possible, along tract
70 boundaries and maximize the stability of the remainder of the
71 tract for farm use. "Segment" means the portion of a linear utility
72 facility sited in an exclusive farm use zone that is on lands that
73 share a similar site and situation geographically. (09), (10),
74 (Referred to AFBF, 10)

Utility Access

3.676

We believe that access to public utilities for the agriculture industry for all agricultural purposes should be no less than equal to the services provided to other users. (09)

March 7, 2017

Dear Tillamook People's Utility District,

We, the undersigned landowners, are completely opposed to the proposed Oceanside Transmission Line. TPUD's chosen route would cross our lands, severely impacting our property values, livelihoods, and health and safety. The OTL does not meet the requirements for transmission lines crossing Exclusive Farm Use lands as set forth in OAR 660-033-0130(16), and therefore is not "necessary for public service."

Though PUD has eminent domain power per ORS 261.305(6), it cannot prove the "public use" necessary to use condemnation, nor can it show overall need for the line. PUD has an existing distribution line to Oceanside, which could be upgraded as needed to provide improved service and additional capacity.

Cc: Tillamook City Council
Tillamook Board of County Commissioners
Director, City of Tillamook Planning Department
Director, Tillamook County Department of Community Development

Signed,

Signature:

Don Aufdermauer

Print Name:

Don Aufdermauer

Affiliation:

property owner

Signature:

Kyle Lanier

Print Name:

Kyle Lanier

Affiliation:

PROPERTY OWNER "ROBY'S"

Signature: Todd A Jost

Print Name: Todd A Jost

Affiliation: Priority owner: Rentals ^{California} Parts Store ect

Signature: Eric Peterson

Print Name: Eric Peterson

Affiliation: Eric and Loretta Peterson Farm

Signature: Kurt Mizée

Print Name: Kurt Mizée

Affiliation: T.lla-Bay Farms, Inc.

Signature: Filomena De Azevedo Anker

Print Name: FILOMENA DE AZEVEDO-ANKER

Affiliation: Property owner at 101 @ Good Speed

Signature: Bryce Smith

Print Name: BRYCE SMITH

Affiliation: OWNER 955 Goodspeed Rd.

Signature: Chad V. Allen

Print Name: Chad V. Allen,

Affiliation: Victor Jany - Goodspeed Rd.

Signature: Walter Beeler

Print Name: Walter Beeler

Affiliation: Traskview Farm INC

Signature: CHRISTENSEN'S PLUMBING, Robert Christensen

Print Name: Robert Christensen

Affiliation: Property owner

Signature: Dennis B. Will

Print Name: Dennis B. Will

Affiliation: Tillamook Bait Co., Property Owner

Signature: Barbara Aufdermauer

Print Name: BARBARA Aufdermauer

Affiliation: Property Owner

Signature: John D. Neal

Print Name: John D. Neal

Affiliation: Property Owner

Signature: Ben H. Hathaway Ben H. Hathaway

Print Name: ~~Marylou Hathaway~~ Marylou Hathaway
co-owner Tillamook Coastal Plaza

Affiliation: Tillamook Coastal Plaza and
Hotel I may not build if I ever
live over in