

Lisa Rackner

McDowell Rackner & Gibson PC

419 SW Eleventh Ave Suite 400

Portland, Or 97205

lisa@mrg-law.com

Donovan Walker

Idaho Power Company

PO Box 70

Boise, Idaho 83702

dwalker@idahopower.com

To: Judge Melgren

Date: February 8, 2023

Re: Docket No. PCN-5 Medical Per ALJ Melgren Decision during Zoom Meeting on 2/7/2023

Medical Documents are being submitted under separate cover directed to the Confidential file as soon as it can be determined how to direct them to that file.

The following is being provided per my understanding of your direction during the February 7 zoom meeting regarding Idaho Power's discovery requests One and Two. I continue to believe that the requests are not "reasonably likely to obtain information that is relevant to the PUC decision process". The PUC process and charge relating to issues of safety and health is to determine if Idaho Power determined the existing conditions of the exposed population and identified a way to address those issues PRIOR TO REQUESTING A CERTIFICATE OF PUBLIC CONVENIENCE . My testimony clearly makes the point that the objection is not due diligence regarding citizen safety and health impacts and methods to address them prior to deciding the appropriateness of the route chosen or submitting their request for the Certificate of Public Convenience and Necessity and to

provide an example of the potential consequences of this action and the fact that all exposed individuals retain the right to litigate before a jury the impacts after the transmission line is built. The Oregon Statutes also provide that the decisions of EFSC do not preclude future damage suits against the developer.

Idaho Power's request that I provide historical information for their medical expert to evaluate has no bearing on the PUC's decision and establishes the need to request a similar level of documentation from all exposed households if they believe this is what is required of me.

The PUC is charged with determining whether or not Idaho Power has identified the impacts of the B2H transmission line for the route they have chosen and have figured out how they are going to avoid devastating and in some cases, potentially fatal impacts on the citizens they will be impacting. The answer is no, they have not. I am providing documentation that I have medical conditions that may be impacted by corona noise which Idaho Power failed to identify or address prior to deciding the route to use and submitting their request. The options available to them include such options as undergrounding the line, purchasing a noise variance from the landowners picking another route, etc. I am documenting my long term conditions which may be impacted by this transmission line. Idaho Power needs to identify conditions of other exposed individuals and decide how to address them. Even if I had no medical conditions or all my stated conditions were prefabricated, or Idaho Powers physician were to argue that there would be no impact, it would have no impact on the decision befor PUC. Those things for all exposed citizens will be argued at a future time by a jury when people file for compensation to due the noise the line creates after construction.

I am providing medical records showing that I have medical issues which should have been addressed by mitigation or purchase of a noise easement. Any material I submit including the attachments will create vulnerabilities for public disclosure that I am not currently subject to.

To avoid the need for a formal order, I am making the following requests regarding any additional medical:

1. That Idaho Power identify and pay a resource that can create and send the pdf's and retain my right to privacy under HIPAA. Neither I or Greg or Joann understand how to work with pdf files and trying to do so creates an unreasonably burden request given the lack of relevance of the material. We worked on this from the time the conference call ended until 7:30 at night and still were unable to get the information in a form that could be emailed.
2. Please provide justification for future medical requests by identifying how they are relevant to a decision that PUC will be making and how the additional medical will be used in the decision.

PUC is charged with determining whether the developer has identified and addressed the overall impacts of this transmission line to establish the actual costs and whether the impacts exceed the value of the line.

I based my testimony on the OPUC rules and the role of the PUC which is to determine if Idaho Power can: **“justify the costs, the ability of Idaho Power to obtain more reasonably priced renewable energy by supporting developments within Idaho which would not necessitate this transmission line, the fact that it**

will discourage renewable energy development and conservation in Idaho, the lack of a need or benefit to Oregon citizens and electric customers”

My testimony and submissions have exceeded the information needed by PUC related to the requirements of ORS 758.015 that Idaho Power must have provided a description, cost, route, alternate routes, other transmission lines connecting the same areas, necessity, safety, practicability and justification in the public interest.” As well as the requirements of:

OAR 860-025-0030 relating to the need to provide an understanding of the public convenience, necessity and justification in the public interest and the benefits from it as well as determining safety and practicability. Idaho Power was required to provide information regarding the land to be condemned, all costs direct and indirect relating to the project property and interests being condemned.”

Whether or not my personal issues are legitimate regarding noise provides no resolution to determining whether the chosen route will result in unacceptable noise impacts along the entire line.

My verbal arguments repeated below continue to apply as they provide a good synopsis of the issue before you and the Oregon Public Utilities Commission:

My concern is that Idaho Power is derailing the health and safety issue by focusing only on me rather than all households that will have noise above the state standard.

Reason for my objections:

- 1. PUC's role regarding Certificate of Public Convenience is limited to determining if impacts to Safety and Health have been identified and addressed.*
- 2. I have argued that Idaho Power has failed to determine safety and health impacts of noise to exposed citizens. Removal of the references to my medical conditions would make this argument purely heresay.*
- 3. I understand the request that I document my medical issues for the PUC to complete their evaluation indicated above.*
- 4. Anything beyond this is beyond the scope of PUC's decisions as I understand them.*
- 5. Requesting the scope of information that is being requested is intrusive, places my medical history at risk of public disclosure and does not apply to the PUC's decision process. It is simply a "fishing expedition" on the part of Idaho Power.*
- 6. My testimony regarding my medical issues is an attempt to provide the maximum information that may be helpful to the PUC in their decision making process. They are to decide if prior to filing for and/or granting a Certificate of Public Convenience Idaho Power has complied with ORS 758.015. This statute would include identifying and analyzing the impacts of Noise on all citizens exposed to noise above state standards. This should have been part of the due*

diligence for identifying impacts to citizen safety, medical costs and evaluation of alternate routes considered including the NEPA route.

I am requesting that all documents provided regarding my medical issues be placed in a CONFIDENTIAL RECORD and that the information is only available to Idaho Power's attorneys, and you as the hearings officer and that it not be available for any purposes other than the decision regarding PCN-5 currently before you without prior written authorization from me.

Sincerely,

/s/

Greg Larkin

Greg Larkin

59655 Morgan Lake Rd.

La Grande, Oregon 97850

KNOLL Ellie * PUC

From: Greg Larkin <larkingreg34@gmail.com>
Sent: Wednesday, February 8, 2023 2:17 PM
To: PUC PUC.FilingCenter * PUC
Subject: Re: Docket No. PCN-5 Medical Per ALJ Melgren Decision during Zoom Meeting on 2/7/2023
Attachments: melgrin letter regarding discovery .pdf

Greg Larkin

59655 Morgan Lake Road

La Grande, OR 97850

Date: February 8, 2023

VIA ELECTRONIC FILING

Public Utility Commission of Oregon
Attn: Filing Center
201 High Street SE, Suite 100
Salem, OR 97301-3398

Re: Docket No. PCN-5 Medical Per ALJ Melgren Decision during Zoom Meeting on 2/7/2023.

Medical Documents are being submitted under separate cover directed to the Huddle Confidential file as soon as it can be determined how to direct and download them pending access permission per Idaho Power Company.

Please add my comments below to OPUC docket PCN 5 IDAHO POWER CERTIFICATION OF PUBLIC CONVENIENCE AND NECESSITY.

PLEASE SEE ATTACHED DOCUMENT.

Submitted by

/s/ Greg Larkin

Greg Larkin

Intervenor, PCN-5

By: U.S. Postal Service

To: John C. Williams

P.O. Box 1384

La Grande, OR 97850