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VIA ELECTRONIC FILING

Public Utility Commission of Oregon
Filing Center
P.O. Box 1088
201 High Street S.E., Suite 100
Salem, OR 97308-1088

Re: Docket No. PCN 5 – In the Matter of Idaho Power Company’s Petition for Certificate of Public Convenience and Necessity.

Attention Filing Center:

Attached for filing in the above-referenced docket is Idaho Power Company’s Response to Intervenor’s Motion for Extension of Time to File Cross-Answering Testimony.

Please contact this office with any questions.

Thank you,

Alisha Till
Paralegal

Attachment

1 Testimony, the size of that filing is primarily a function of the fact that the intervenors have chosen
2 to relitigate many issues that were fully litigated at EFSC.

3 The bottom line is that the Intervenor’s goal is to prevent construction of B2H, including
4 through the tactic of delaying the administrative proceedings required for the permitting and
5 construction of this transmission line. In light of the vital importance of B2H to the region, and
6 the fact that the adopted schedule in this case provides all parties with adequate opportunities
7 to be heard, Idaho Power asks that ALJ Lackey deny the Motion and issue a ruling directing that
8 this docket proceed under the existing procedural schedule.²

9 **II. ARGUMENT**

10 **A. *Intervenors’ Claim That the Company’s Filings Are Too Voluminous Does Not***
11 ***Constitute Good Cause for an Extension.***

12 The Intervenor’s claim that Idaho Power’s Reply filing is too voluminous,³ and point to the
13 thousands of pages filed as part of Idaho Power’s Reply Testimony, along with the other
14 documents previously filed in the proceeding as justification for their need for an extension of
15 time. However, in their Opening Testimony, Intervenor’s raised numerous arguments that these
16 same individuals previously litigated as part of the EFSC proceeding. In its Reply Testimony,
17 Idaho Power did not raise any new issues, but instead responded to the issues raised by Public
18 Utility Commission of Oregon (“Commission”) Staff (“Staff”) and the Intervenor’s—and in many
19 cases, simply summarized the evidence provided as part of the EFSC proceeding. Seven of the
20 nine Intervenor signatories to the Motion participated in the EFSC proceeding, and thus should
21 be familiar with these issues and arguments that they also raised in the EFSC proceeding.

² See ALJ John Mellgren Memorandum (Oct. 28, 2023) (setting procedural schedule).

³ Intervenor’s Motion for an Extension to and Adjustment of the Procedural Schedule/Calendar at 1-2 (Mar. 6, 2023) (“Motion”).

1 Intervenors also claim that the Company’s Initial Filing (Petition and Direct Testimony)
2 and Supplement to Petition are voluminous and burdensome for Intervenors to review. However,
3 the Company’s Initial Filing in this case was a Petition consisting of 48 pages (excluding
4 attachments which were primarily maps), and testimony from two Company witnesses,
5 comprised of 53 pages and 30 pages respectively (excluding exhibits). The Company also
6 provided its responses to 23 Standard Data Requests as requested by Staff. Intervenors have
7 had ample opportunity to review these materials. The case was noticed on September 1, 2022,
8 and these documents were filed on September 30, 2022. Therefore, parties had the ability to
9 begin their review of the Company’s case-in-chief in its entirety beginning September 30, 2022.
10 The Supplement to Petition—which Intervenors point to as evidence of the burdensome quantity
11 of documents—includes only the EFSC Final Order and Attachments, and was provided months
12 ago on October 7, 2022.⁴ The intervenors have had sufficient opportunity to analyze these filings
13 and prepare responses, and thus, Intervenors’ characterization of the burdensomeness of
14 reviewing Idaho Power’s Initial Filing and Reply Filing is overstated and misleading.

15 Importantly, the Motion conflates the narrow interests of the individual Intervenors in an
16 attempt to justify an extension for all the Intervenors and a delay of the entire docket schedule.
17 In a contested proceeding, parties typically respond only to the assertions relevant to their
18 interests during each round of testimony. While the Motion asserts that each Intervenor must
19 analyze *all* of Idaho Power’s testimony and exhibits, each Intervenor may likely only address the
20 smaller subset of issues relevant to their interests in their rebuttal testimony—which would
21 require a review of only the portions of the testimony and exhibits relevant to their interests and
22 the arguments they will address in their rebuttal testimony. The purpose of allowing multiple
23 rounds of testimony in a contested case is to ensure that the issues in dispute are analyzed, and

⁴ See *generally* Idaho Power’s Supplement to Petition for CPCN (Oct. 7, 2022).

1 to narrow the scope of contested issues as the parties better understand the positions and
2 evidence in the record.⁵ Importantly, the Intervenors’ Cross-Answering and Rebuttal Testimony
3 may respond to all issues or a subset of the issues in Idaho Power’s Reply Testimony, but given
4 the narrowing of issues as the case proceeds, it should not raise any new issues.

5 **B. *It is Critical that This Case Proceed in Time to Allow the Project to Be Put into***
6 ***Service in 2026.***

7 Intervenors question the need and timing for B2H, asserting there is no immediate
8 reliability need and that because the Company has planned for additional resource acquisitions
9 in the near term, “we do not see the lights going out in Idaho.”⁶ Specifically, Intervenors allege
10 that the “perceived rush” is due to inaccuracies in the 2019 IRP. However, in these assertions,
11 Intervenors are conflating and mischaracterizing various different proceedings. Importantly, both
12 the 2019 and 2021 IRPs identified a need for B2H in 2026 as the least-cost, least-risk portfolio.
13 In those proceedings, Staff recommended acknowledgement of B2H, and the Commission
14 ultimately adopted Staff’s recommendations with regard to B2H. Additionally, Idaho Power’s
15 Reply Testimony of Jared Ellsworth (Idaho Power/500, Ellsworth/27-35) discusses in detail the
16 need for B2H to come online for reliability purposes by 2026. Further, Idaho Power is currently
17 developing its 2023 IRP, which includes the gas conversion of Bridger as well as the additions
18 of all currently signed contracts for solar and battery additions between 2023 and 2025. The
19 Company’s preliminary results continue to demonstrate that B2H is necessary in 2026 to ensure
20 the Company has sufficient capacity to serve load.

21 Intervenors also assert that the Company is relying too heavily on market purchases
22 rather than building its own resources or executing power purchase agreements (“PPA”), while

⁵ *In re Avista Corp., dba Avista Utils., Request for a Gen. Rate Revision and Application for Authorization to Defer Expenses or Revenues Related to the Nat. Gas Decoupling Mechanism*, Dockets UG 288 and UM 1753, Order No. 16-109 at 22 (Mar. 15, 2016).

⁶ Motion at 3.

1 noting also that the Company is planning near term additions of 952 MW of energy. Through the
2 IRP process, Idaho Power utilized AURORA's long-term capacity expansion model to determine
3 the ability of a multitude of resources to meet load expectations, including the Company self-
4 build of multiple types of generation, from wind, solar, and batteries, to combined cycle gas
5 plants. The AURORA modeling clearly indicated that a portfolio with B2H is the least-cost, least-
6 risk option, relative to the extensive consideration of non-B2H options. Additionally, Idaho Power
7 discusses the challenges associated with utilizing wind, solar, and batteries to meet the expected
8 resource deficits without B2H in detail in the Company's Reply Testimony of Jared Ellsworth,
9 Idaho Power/500, Ellsworth/30. Moreover, contrary to Intervenor's assertions regarding the use
10 of PPAs to meet Idaho Power's capacity need, the Company has entered into four PPAs for utility
11 scale solar spanning from 2023 to 2025 alone, including Jackpot Solar (120 MW, online
12 December 2022), Black Mesa Solar (40 MW, expected online in 2023), Franklin (100 MW,
13 expected online in 2024), and Pleasant Valley (200 MW, expected online in 2025). However,
14 these resources alone are not adequate to meet the capacity need that will be fulfilled by B2H.

15 The timing of this proceeding is critical to meeting the resource need. As Idaho Power
16 has previously explained, the B2H project is intended, in part, to serve the 2026 resource deficit
17 identified in Idaho Power's 2021 IRP. In order to complete the B2H project by 2026, construction
18 must begin in Summer 2023. And to begin construction in Summer 2023, the Company will need
19 access to the affected parcels. Idaho Power anticipates it will need to initiate condemnation
20 proceedings to gain access to certain parcels along the B2H project but cannot initiate those
21 condemnation proceedings without first obtaining a certificate of public convenience and
22 necessity ("CPCN"). At the same time, Idaho Power's timing for initiating the proceeding was

1 informed by the timing for the conclusion of the EFSC proceeding and the conclusion of the AR
2 626 rulemaking, both of which occurred in September 2022.⁷

3 Contrary to Intervenors' assertion that the timeline of this proceeding is arbitrary,⁸ the
4 existing procedural schedule in this proceeding was carefully negotiated to include a target date
5 for a Commission order which provided sufficient time to meet Idaho Power's demonstrated need
6 to complete B2H by 2026. Idaho Power initially proposed a schedule that would produce a
7 Commission order by May 5, 2023.⁹ After discussing the procedural schedule with parties, Idaho
8 Power, Staff, and intervenors agreed to a schedule resulting in a June 30, 2023 target date for a
9 Commission order. This timing is essential to commencing construction of B2H in Summer 2023
10 and to meeting the 2026 in-service date. There is simply no further room for delay in this
11 proceeding, and any further delay in the procedural schedule risks delay in the completion of
12 B2H and increases risk for Idaho Power's customers.

13 **C. The Commission Should Reject the Request for Delay.**

14 Finally, one of the intervenors, STOP B2H Coalition ("STOP B2H"), has publicly stated
15 that their intent in this proceeding is to delay the construction of B2H as much as possible.¹⁰

⁷ Over the course of the recent AR 626 rulemaking proceeding, Commission Staff ("Staff") made clear to Idaho Power that Staff had a strong preference that Idaho Power wait to file its petition for a CPCN until after the site certificate for B2H was issued and asked that Idaho Power wait to file its Petition until after the new CPCN rules were adopted by the Commission—both of which occurred in late September 2022. Idaho Power in good faith waited to initiate this proceeding so that it could file under the new CPCN rules. Additionally, the contested case regarding the EFSC Site Certificate was a long process—totaling approximately 27 months—which has left less time available before construction must commence. Thus, due to Staff's preference that Idaho Power file the Petition after receiving approval of the Site Certificate and due to the need to start construction in Summer 2023, Idaho Power submitted the Petition on September 30, 2022 in order to obtain a final order in time to allow for the project to be placed in service by Summer 2026.

⁸ Motion at 2.

⁹ Idaho Power Company's Notice of Intent to File a Petition for Certificate of Public Convenience and Necessity at 3 (Sept. 1, 2022).

¹⁰ Idaho Power Company's Response to STOP B2H Coalition's Request to be Found Eligible for Intervenor Funding, Attachment 1 at 9 (Dec. 28, 2022) ("[The o]verall strategy [of STOP B2H] is to DELAY [the B2H project] as much as possible.").

1 Indeed, in addition to the request for a two-week extension, the Motion seeks to “revisit the entire
2 calendar.”¹¹ Thus, any argument for a delay in the procedural schedule on behalf of STOP B2H
3 must be considered in light of this position.

4 Additionally, contrary to Intervenor’s assertions that the new CPCN rules resulting from
5 the AR 626 proceeding should slow down the cadence of this proceeding,¹² the bulk of the
6 amendments to the rules relate to the information to be contained in a utility’s initial Petition for
7 CPCN, as well as several clarifications regarding land use related issues that are not at issue in
8 this proceeding. These rules, therefore, have no bearing on the ability of Intervenor to assert
9 their interests in the proceeding in response to Idaho Power’s Reply Testimony. Indeed, the
10 Commission’s review criteria for a Petition for CPCN continues to be consistent with the statutory
11 criteria in ORS 758.015 that the Commission has historically applied. As discussed above, the
12 Motion appears to be aimed at achieving the Intervenor’s goal of indefinitely delaying the
13 construction of the much-needed B2H transmission line.

14 In considering Ms. King’s recent intervention and request for an extension, ALJ Mellgren
15 specifically considered whether Ms. King’s participation would delay the proceeding.¹³ Judge
16 Mellgren concluded in that case that further extending the existing deadlines would, in fact,
17 unreasonably delay the proceedings.¹⁴ Similarly here, Idaho Power asks the ALJ to find that an
18 extension would unreasonably delay the proceeding.

19 **III. CONCLUSION**

20 For the foregoing reasons, Idaho Power respectfully requests that ALJ Lackey deny the
21 Intervenor’s Motion and retain the agreed-upon procedural schedule.

¹¹ Motion at 3.

¹² *Id.* at 2.

¹³ Ruling Granting Ms. King’s Petition to Intervene and Denying Motion for an Extension (Feb. 7, 2023).

¹⁴ *Id.*

DATED: March 7, 2023

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DOCKET PCN 5 - CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2023 Idaho Power Company's Response to Intervenors' Motion for Extension of Time to File Cross-Answering Testimony was served by USPS First Class Mail and Copy Center to said person(s) at his or her last-known address(es) as indicated below:

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DATED: March 7, 2023

/s/ Alisha Till

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