

Oregon Public Utility Commission
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July 28, 2022

RE: Docket AR 626 – Continuing Comments of Jim Kreider and the STOP B2H Coalition

We are distressed to enter into a dialog on the proper way to condemn land for a utility right of way. There is no proper way to take peoples' land, heritage, way of life, farms, timber, or life dreams.

If we do not respond to this disproportionate, utility-condemnation process with our non-lawyer comments, the utilities (with their lawyers) and investors with (ratepayer funding) will do what they want.

Is that right?

Whose money do we use to counter the utilities' desires, aggression, and acquisitions? We only have our personal time and the few dollars in our pockets to read all this and respond. We're no match.

We fear that the OPUC will not look out for the best interest of the non-lawyered public. Additionally the OPUC commission is taking over the LCDC's and the counties' responsibilities to expedite the condemnation process in OAR 860-025-0040.

Are OPUC staff and the commission trained to make these complex determinations? What training has staff gone through to understand these complicated rules? How will OPUC insulate the agency from prolonged litigation if a decision is unfavorable to the public or utilities? Does the commission want to do that?

Chair Decker dismissed the Environmental Justice (EJ) considerations in the last public meeting on the topic. The EJ considerations were proposed throughout informal rulemaking but did not get traction (see posted comments). They were dismissed or diluted and placed in the incomplete draft standard data requests--which are still incomplete as there is still a blank link in this rule in the document.

Environmental Justice is a core principle of the State of Oregon. All natural resource agencies, of which OPUC is one, are bound by SB 420 and HB 4077. As a member of the Environmental Justice Council I am disappointed in the Commission's insensitivities in rejecting these values in this rule making.

Additionally, the STOP B2H Coalition is the only public in this docket since its inception in 2019. OPUC has EJ advocates and they have not been deployed to solicit public comment on this issue? As we know large facilities tend to be put in neighborhoods less able to engage in the process and defend their neighborhoods. They are at risk of being run over by corporate money again without proper EJ filters.

FERC has come to understand this bias and has established a two-year [Equity Action Plan](#) (EAP) to promote equity and remove barriers that underserved communities, including environmental justice communities, face in the context of FERC's processes and policies. Can OPUC do the same? Or, is the desire to build new transmission to meet a yet to be defined future load for decarbonization -- and reliability at any cost -- driving the Commission's decisions?

What follows are STOP's specific comments

860-025-0030

(2)(b): consider adding interconnection studies done, line itemed costs, and who is funding the interconnection upgrade.

(2)(c)(A): provide a kmz of the route and notification of landowners within a 2 mile linear distance.

(2)(c)(C): alternative routes and EJ considerations along them to compare to proposed routes EJ considerations

(2)(d)(B): what are the cumulative impacts of the parcels to be acquired?

(2)(d)(F): include industry reference to cost and cost containment to rate payer. Consider [Advancement of Cost Engineering \("AACE"\)](#) guidelines or similar and a cost cap sharing risk between shareholders and ratepayers.

(2)(e): include revenues generated against cost of line. Idaho Power is doing for the B2H. Then share profit between shareholder and ratepayer as financing partner's proportional to investment.

(2)(f): notification distance of landowners should be at least 2 miles

(2)(k)(B): include interconnection costs and how allocated and revenue returned for investment.

(2)(p): what is WECC role? Their integration studies should be coordinated and evaluated.

(2)(r): how can a link to an undefined standard data request(s) be included in a rule?

(4) How can a person's land be taken without knowing all the required permits will be granted? A utility could take and therefore own a persons land and be denied a permit to build the transmission line. Thereby taking their land and home without building the transmission line. This need to go to the legislature for resolution.

(4)(d) This wording would allow condemnation before site certificate is issued.

OAR 860-025-0040

(1) [ORS 197.180](#) How will PUC comply with (2) (a)- (d) and what expertise does the staff bring to this issue that couldn't wait for other processes to determine status?

Thank you



Jim Kreider
STOP B2H Coalition