

From: Anne Morrison <amorrison@eoni.com>
Sent: Wednesday, August 10, 2022 9:33 AM
To: PUC PUC.FilingCenter * PUC
Subject: AR 626 – Certificate of Public Convince and Necessarily

Commissioners,

I am an attorney, a resident of eastern Oregon, and an Oregon taxpayer. Only in recent months have I become aware that the Oregon Public Utilities Commission has been putting in place a system to allow utilities to enter upon and to seize privately owned land in eastern Oregon without first requiring the utility to obtain the permits required by the laws which establish the condemnation process.

This information concerns me deeply as an attorney, because of course condemnation or “taking” of private land implicates landowners’ legal (including Constitutional) rights. It is completely predictable that any seizure of land done without following the required legal process will result in lengthy and costly litigation. Worse, any decision allowing a private company to circumvent the law at the expense of private landowners would have questionable legal validity, with a strong possibility that it would be overturned by the courts. As a taxpayer and as an attorney, I object to any waivers of the established legal process because I anticipate such a decision will result in a legal battle, at taxpayer expense, and in an area in which the law strongly favors private landowners.

Additionally, as an eastern Oregonian, I feel compelled to raise the issue of the extreme urban-rural divide which exists within our state. As the Commissioners should know, there has been substantial support in eastern Oregon counties for the idea that the interests and values of eastern Oregonians are not seriously considered by west-side politicians. Any decision by representatives of the state of Oregon to ignore the rights of private eastern Oregon landowners in favor of a billion-dollar, out-of-state utility company could only fuel the existing resentment of eastern Oregonians who feel that their state fails to acknowledge or respect their values, including particularly the rights of private landowners. As someone who has lived for decades in eastern Oregon, I hear the complaints of my neighbors on a disturbingly frequent basis, and view the increasing political division within our state as frightening and extremely serious. I urge the Commissioners to consider whether a decision to circumvent laws which protect private landowners can do anything but further inflame the growing animosity that divides our state.

For all of these reasons, I urge the OPUC to exercise common sense and not allow a waiver to of the rules if condemnation of private land is required. There is no reason to give utility companies a “pass” which will predictably result in millions of dollars in unnecessary legal fees and an even deeper, more rancorous political division between the residents of our state.

Finally, I was dismayed to have recently discovered that OPUC does not now incorporate “environmental justice” standards to address issues such as the cumulative economic,

health, and environmental impacts, or the demographic effects of Commission decisions. Because the Commission is charged with protecting the public's values, health, and security when making decisions, I strongly urge the Commission to incorporate such standards into Commission rules in order to protect the interests of the people of our state.

Thank you,

Anne Morrison
Attorney at Law
La Grande, Oregon
541-663-1392

cc: Senator Ron Wyden
Senator Jeff Merkley
Governor Kate Brown
Union County Commissioners