

January 5, 2023

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

VIA HUDDLE AND EMAIL

**Re: Docket Nos. UM 2211, UM 2210, UM 2209, AR 638, AR 626, PCN 5, LC 78
Stop B2H Coalition Response** to “IDAHO POWER COMPANY’S RESPONSE TO STOP B2H COALITION’S
REQUEST TO BE FOUND ELIGIBLE FOR INTERVENOR FUNDING” (Dec 28, 2022).

Dear Filing Center,

Attached for filing in the above-referenced dockets is the Stop B2H Coalition’s Response to Idaho Power Company’s Response to the STOP B2H Coalition’s Request to Be Found Eligible for Intervenor Funding.

Should you have any questions feel free to contact me. Thank You.

Submitted by:



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Attachments:

**Response of the Stop B2H Coalition regarding Intervenor Funding Application; and
[LINK](#) to Attachment 1: PCN 5 - STOP B2H Response to IPCs First Set of Data Requests to STOP B2H.**

Response of the Stop B2H Coalition regarding Intervenor Funding Application

On December 28, 2022 the Idaho Power Company filed, "IDAHO POWER COMPANY'S RESPONSE TO STOP B2H COALITION'S REQUEST TO BE FOUND ELIGIBLE FOR INTERVENOR FUNDING," an oppositional response to our application to be eligible for intervenor funding. This Response from the Stop B2H Coalition (aka, STOP, Stop B2H) includes our initial response to Idaho Power's data request (on December 16, 2022) asking for an expedited response which was impossible to fulfill due to medical issues. While medical issues continue, STOP filed the DR reply as soon as possible, on December 28, 2022, before this filing deadline and it is included herein as Attachment 1 ([Linked](#)).

Attachment 1 should clarify questions about our nonprofit organization and why we believe that we qualify under House Bill (HB) 2475, for groups that represent utility customers that are also members of an environmental justice community or are low-income residential customers. Rather than repeat the answers in Attachment 1 again, we will generally respond to the tenor of Idaho Power's Response and continue to clarify who we are and what we stand for, showing our eligibility.

Idaho Power correctly acknowledges that Stop B2H Coalition is not applying for funding for groups that represent a broad class of customers (ORS 757.072(2)(a)(A)). STOP is applying as a rural nonprofit organization operating in Oregon and representing people in a rural-frontier part of our state, with little access to, and/or barriers to, decision making, which is what HB 2475 was intended to alleviate. In a nutshell, it is an attempt to help level the playing field in policy and funding decisions, with monopoly, corporate utilities.

We offer these additions to our specific DR responses (see Attachment 1), based on Idaho Power's misrepresentation of our organization in their Response on 12/28/2022:

1. **Stop B2H is not a landowner organization.** STOP [has its roots](#) in landowner angst but deliberately made a decision early-on (2015) to be more than an NIMBY organization. As a matter of fact, it was clear from the start that the conservationists, environmentalists, climate activists, historical preservationists, anti-government swaying individuals, and advocates for keeping electrical rates low, had various agendas. It was at that initial forming stage, that STOP B2H Coalition made a commitment to honest and professional research of the issues: i.e.: a) the **Energy sector**: the status and innovating trends of energy generation, distribution, resiliency, and the decarbonization or reduced reliance on fossil fuels, especially coal; b) the **Regulatory arena**: the rules and decision making processes of federal land management agencies, state land management agencies, public utility commissions, and local control; and c) the **Impacts (positive and negative) to our region**: rates and ratemaking, coops and IOUs, wildfire prevention and protections, and effects on our local industries and economies. We wanted to be certain that we were on the right side of history in our opposition to the centralized B2H transmission project.

Many of the current leaders were deeply rooted in the [Oregon Rural Action](#) (ORA)¹ Energy Team. At the time of the Stop B2H incorporation, ORA was a struggling nonprofit; it was decided to branch out on our own and keep our issues focused on our vision of distributed energy and a decentralized grid, rather than the varied grassroots issues of ORA (e.g.: agriculture, land stewardship, community energy resiliency, and access to healthcare.) The Energy Team hosted Sol-West for two years, a renewable energy fair that had been operating in John Day for many years but could not sustain itself, as well as “Solarize” (a Union and Baker County program) which helped homeowners with 2% loans for solar hot water systems, and other energy efficiency projects. While ORA is a member organization of STOP’s and not “the lead” organization, we still wanted to share these roots and our story, so that the Commission can better understand the evolution -- and survival -- of rural nonprofits in this part of the state.

2. **Idaho Power has chosen itself, to define and articulate what *it believes are the values of its Oregon customer base.*** STOP disagrees. Idaho Power (IPC) claims that it has the best interests of rural people (including Oregonians) in mind while making decisions. However, actions speak louder.

Idaho Power has a dismal track record of energy efficiency and demand-response programs.² It has taken-on nonprofits and residential customers in Idaho by repeatedly trying to change rate classifications for roof-top solar customers, by producing a controversial “[value of roof-top solar study](#),” and by making plans to implement [a reduced net-metering](#) arrangement with customers. It begrudgingly partners with its commercial customers, in programs and technologies like, CHP (co-generation)³, to reduce energy burdens on businesses which impacts jobs. They green-wash the public (their customers) with their “clean-energy by 2045” narrative, including the promise to environmental groups that they would close the coal plants at Bridger if they got the B2H. Meanwhile, they have reneged on the Bridger promises, and STOP uncovered in their 2019 IRP, their undisclosed increase of natural gas use and increased emissions at Langley Gulch⁴, as well as their plans to build and decommission another natural gas facility before 2045 goal. These are clearly NOT Oregonian ratepayers’ values and goals.

Stop B2H has continuously been involved in IPC’s energy planning processes for at least five years or some would argue, earlier. We have provided value to these processes on behalf of all IPC customers but especially, for rural eastern Oregonians, who do not have the skills to engage in such a highly technical decision making processes. We have pushed and pushed (one could say by using the B2H as a tool) to get the company to move from its vertically integrated single service provider

¹ ORA has its HQ in La Grande but operates in the same five counties in eastern Oregon.

² Well documented comments from STOP in: [Amended and Revised Opening Comments #LC74](#) pp. 48-56; [LC#68, Redacted Final Comments](#), pp. 30-33; and [Opening Amended Comments LC#68](#) pp. 15-18.

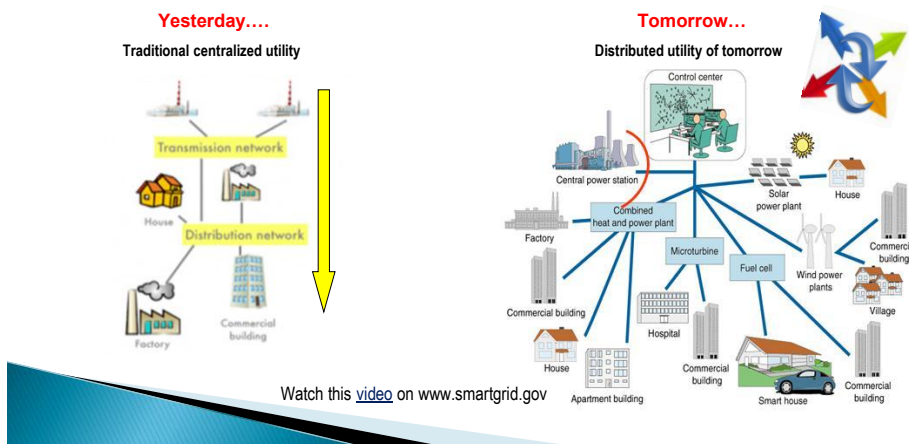
³ [Opening Amended Comments LC#68](#) pp.26-28; [Amended and Revised Opening Comments #LC74](#) p 51.

⁴ IPC later filed a CO2 emissions correction.

model⁵, toward more innovation: solar and batteries closer to load, use of AMI/smart grid technologies, pushing greater EE and conservation programs, and more. When we began engaging in IPC's planning processes, there was not a solar panel or battery in any of its portfolios. While STOP can't claim that IPC has begun to adapt solely because of our advocacy, some allied groups believe that we have played a big part in it.

Our entire advocacy efforts has been for the interest of the customers who want cleaner generation at reasonable prices, and who prefer a decentralized, more secure grid, rather than over-building long-distance, expensive grid infrastructures, that result in environmental and cultural degradations. STOP believes that this is the Oregon-way; and that this is what our members/constituents want from their electric utilities. Forward-thinking, innovative, more secure, and local.

Our Vision... Our Future!



[Slide #7 from Stop B2H Coalition's [introductory presentations](#) in 2017.]

3. **STOP has more than one objective.** It is clearly not true that STOP has only one objective. While stopping the B2H project may have been an initial rallying cry and organizing tool for engaging

⁵ Case No. IPC-E-21-41p 22 The state of Idaho and Idaho Power's customers are better served by the traditional, rate-based, vertically integrated single service provider model, as discussed and held lawful in *Bloomquist*, than the various incarnations of competition and eroded monopolies subjected to undue competition by modern forces. By design, Idaho's chosen system of regulation is set up to protect the utility service provider from competition in its certificated service area, whilst subject to Commission oversight, and not to promote competitive forces against the utility such that the utility eventually erodes and ceases to be viable. Instead, Idaho's long-standing, successful, and lawful system of utility regulation relies upon and needs financially healthy utilities that are able to rate base investment that is used and useful in the public service and have an opportunity to earn a return on that investment at a regulated rate.

activism, STOP has grown and matured over the years, and while most dockets that we have been involved with are related in some way to B2H, it is not the only objective. Some examples:

1) In docket UM 2211 we were supporting low income groups, EJ communities, and rural customers by wanting to level the playing field with intervenor funding. This will be helpful for public participation in these quasi-judicial decision making and public policy decisions at the OPUC. While somewhat self-serving, it is essential for small (or even large) nonprofits--who too often struggle for survival and need some financial relief--and help to level the playing field.

2) In dockets AR 638, UM 2209, and with Oregon Trail Electric Co-op, we are looking out for our entire region--watch-dogging all utilities and their wildfire plans. Our arid climate, high winds, and remoteness, are recipes for a utility-created wildfire disaster.

3) In docket UM 2210 we were watching out for ratepayers and compliance with Oregon rules, when IPC wanted to go around competitive bidding rules. While we may be Oregon-centric, we are concerned about *any utility* that is trying to circumvent rules of fairness and commerce in our region.

- 4. STOP is very mission-driven and is not a one-off outcome driven organization.** Read our entire mission statement--especially the final clause-- "promoting energy conservation and supporting the rapid development of new technologies in energy generation, storage and distribution throughout the western region and the USA ." Additionally, we've gone back to our roots as grassroots organizers, similar to the ORA model. We are proud local capacity builders, as demonstrated by the number of rural people that stepped-up and participated in the multi-year processes and contested case with ODOE/EFSC.

We are also proud that we operate across all political spectrums and life-styles. This is no easy feat for any organization; and we are offended when we are labeled as strictly environmental or rednecks opposed to development, or as IPC likes to frame us: NIMBY's. It is a rare organization that can claim the diversity of our members and constituents, who can train and support the people who are least able to advocate for themselves and who have barriers which we've mentioned in our initial application.

We are a loosely networked coalition that has connected with diverse people and organizations, and has been able to raise the capacities of rural frontier people to engage in decisions that affect their future and impact their lives and livelihoods. Our vision has been clear from the start yet Idaho Power ignores this vision and cherry-picks old statements from our website to make us appear like NIMBY's. But like many low-budget or volunteer nonprofits, we don't update our website too often and we haven't changed our name or branding to align better with our mission. Why? Because we don't have the time when we are enmeshed and entangled in Idaho Power's highly-funded public relations, planning processes, rulemaking or whatever else seems to come across in another docket.

IPC loves to point out in one of our slides that "delay" is a strategy, as if that somehow disqualifies our sincerity. Delay is a common strategy or tactic in some advocacy campaigns, this is not unique.

However, in our case, it is not delay for delay-sake. It has a purpose. If you read the whole slide and were part of any presentations, you would understand that the “delay” is important to enable the energy industry to adapt to the new innovations and energy future that we envision. We believe that IPC’s more recent IRP’s that include solar, wind, battery (at least one, finally) and demand response, are examples of the kind of change and innovation that we are striving for, and that we believe better serves our low-income rural communities and aligns with the values of Oregonians.

Taking our mission another step forward, we share our “[theory of change](#)” diagram which guides our grassroots, rural capacity building. Since this was updated in 2020, it is probably a better reflection of our current work and strategies. As our campaign grows, the skills and engagement of our grassroots are honed and refined through experience. We continue to work in various arenas and in the trenches to eventually realize (we hope) our vision of an Energy Democracy for all. While this revised vision may not be directly pertinent to this response, we share it with the Commission to help better understand how our nonprofit continues to mature and grow, no small feat given the 100% volunteer wagon-train and diversity described above.

- 5. No other nonprofit in Eastern Oregon can represent in interests of Eastern Oregon in the highly technical dockets before the OPUC.** Idaho Power argues that “under STOP B2H’s reasoning, any non-profit organization in Eastern Oregon could claim eligibility for intervenor funding...”. This is blatantly not true. We are deeply connected to our region and know that our advocacy work cannot be matched in skill, knowledge, time, and contribution to the dockets⁶.

The dockets tend to be highly technical and the intervening organizations must be able to contribute in a meaningful way to the discussions and processes to be eligible. This is not for “any nonprofit.” With all due respect for the nonprofits that work directly with consumers in helping to reduce their energy burdens, none of them dive into the technical details, or have been able to contribute to the IPC-related dockets at the OPUC the way STOP has.

We welcome and are excited that more nonprofits may potentially get involved now that there are limited funds available to them. We do not believe that HB 2475 funding was intended to only to serve social service or direct service-types of organizations. Rather, it is a small step in leveling the playing field between large IOU’s and policy change advocates.

- 6. Idaho Power suggests that STOP only represents a small fraction of Idaho Power’s customers.** While it may be true that Oregon residents represent a fairly small fraction of Idaho Power’s retail electricity customers, the statistic is irrelevant when considering the impact of B2H on Oregon ratepayers. This is because all of Idaho Power’s transmission capacity is sold on a wholesale basis to utilities, generators, and energy service organizations throughout the region.

⁶ <http://stopb2h.org/tech-filings/#PUC>

In fact, all, or most all Oregon residents pay a share of their monthly electric bills to Idaho Power through the transmission component embedded in their retail rates because both BPA and PacifiCorp must buy firm transmission from Idaho Power to serve their loads in Oregon and other states. Even PGE purchases wholesale transmission from Idaho Power. Every customer of BPA, PacifiCorp or PGE in Oregon is assessed their share of these transmission costs in their retail rates. In 2022, Idaho Power charged BPA over \$15 million for transmission, or over 11% of Idaho Power's transmission revenue requirement. Likewise, in 2022, Idaho Power charged PacifiCorp over \$16 million for transmission. In this docket PCN-5, Idaho Power has represented that B2H will result in an over 100% increase in Idaho Power's wholesale transmission rate, representing an increase to BPA and PacifiCorp of over \$30 million. Much of this increase will fall across all customers in Oregon.

- 7. It is not uncommon for leadership in small, growing nonprofits to be located (or co-located) in the same community while representing a wider constituent base.** Here again, Idaho Power is trying to portray Stop B2H as a small group of landowners in the La Grande area. If the commission were to look at other rural-frontier nonprofits, it is not unusual for leadership to live in the largest urban area or near each other to be able to conduct business. In fact, even traditionally large nonprofits are often located in urban locations, with possibly some satellite offices if they can afford them. This said, STOP has leaders in all five counties. They are very active; but ironically, none wants to join the board of directors because of the workload that they see required by board members. Over time, we imagine that this will change too.

STOP B2H (or whatever name we eventually become), is a living, organic, growing nonprofit and we advocate fiercely for our region, its people, communities, wildlife, and natural resources. STOP participates substantively in the dockets listed in its request, particularly those involving Idaho Power. Our participation naturally varies; that will be apparent when and if we are approved and can apply for funding with a budget. As STOP read Order 22-043 it is a two step process for organizations without pre-approval. An intent to pursue funding for the organization and specific dockets it would like funding for, had to be applied for first. If approved, then a budget and statement of work for those dockets would be submitted for review. Why would we bother doing the work it takes to apply for funding if we are deemed ineligible? As stated above and in our attachment below, we are a 100% volunteer grassroots organization and must focus our attention on the places that will have impact. If we are not eligible for funding, we won't bother submitting a budget and application.

STOP has been involved in the docket to create such funds, as we knew something had to help level the playing field for groups like ours and other rural, EJ, and low-resourced nonprofits. Since this is a very new program, we request that the Commission show some deference to isolated, low-budget, rural nonprofits like us. It is apparent from Idaho Power's response, that they do not understand the development of the nonprofit sector and how volunteer, grassroots organizations evolve and grow into their roles and achieve their missions. Nor do they appreciate the varied nuances and mission-driven work that nonprofits provide their constituents: be it advocacy in public policy arenas (like STOP), or direct services and supports to individuals (like a CAP agency), or technical assistance and planning

functions in community development (e.g.: Wallowa Resources). All types of nonprofits -- if they represent rural and EJ communities and substantively contribute to dockets--should be eligible to apply for funding under this new mechanism.

Thank you for your time and consideration in this matter,



Jim Kreider
Co-Chair Stop B2H Coalition

Attachment 1

LINK to: Stop B2H Coalition Reply to DR #1

Docket Re: Intervenor Funding

https://drive.google.com/file/d/1eyKzJQOrGZhn1ssh6XzT1dRmB4SAAoit/view?usp=share_link

January 5, 2023

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VIA HUDDLE AND EMAIL

Re: PGE's memo referencing STOP B2H Coalition's request to be found eligible for intervenor funding in UM 2211, AR 638, and AR 626

Dear Filing Center,

Attached for filing in the above-referenced dockets is the Stop B2H Coalition's Response to PGE's Response to the STOP B2H Coalition's Request to Be Found Eligible for Intervenor Funding.

Should you have any questions feel free to contact me. Thank You.

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This is STOP's response to PGE's memo referencing STOP B2H Coalition's request to be found eligible for intervenor funding in UM 2211, AR 638, and AR 626.

Please reference STOP's response to Idaho Power objection to STOP receiving Interviner funds for more background on the organization and how it serves all utility customers in Oregon. STOP's participation in these 3 dockets PGE questions contributed to all customers in the state.

Our 3 years of participation the Certificate of Public Convenience and Necessary rule update (AR 626) as the only public in the meetings with the utilities was significant. STOP was able to get language inserted that brought environmental justice considerations as a filter to the decision making. This helps all Oregonians.

Participation in the Risk based Fire Protection Plan (AR 638) also involved all rate payers in the state. STOP contributed significantly in that docket and if we are allowed to submit a statement of work and budget will demonstrate that.

In UM 2211 implementation of HB 2475 was also significant and STOP participated in panel discussions during all stages of the process and contributed edits to the documentation as it moved through the process.

These 3 dockets affect all Oregonians and therefore benefit all PGE's customers including its low-income customers or PGE environmental justice communities.