



July 30, 2020

Via Electronic Filing

Public Utility Commission of Oregon
Attn: Filing Center
201 High St. SE, Suite 100
Salem, OR 97301

Re: Docket No. UE 374 Errata Sierra Club Rebuttal Testimony

Enclosed please for filing in Docket No. UE 374 the Errata to the Rebuttal Testimony on Behalf of Sierra Club.

This errata corrects a footnote in the public version of Sierra Club/400 at Fisher/34 which excluded a note regarding two exhibits. Since the additional text impacted Fisher/35, Sierra Club is including that page in the errata as well. Sierra Club inadvertently excluded the certificate of service in the July 24, 2020 filing and is therefore including it with this filing.

For convenience, both a redline and clean version of the corrections to Sierra Club/400 are enclosed. This error was only contained in the public version of Sierra Club/400 and therefore no confidential version is being provided.

If you have any questions or require any additional information, please do not hesitate to contact me.

Respectfully submitted,

Gloria Smith (pro hac vice)
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Docket No. UE 374
Errata Exhibit Sierra Club/400
Witness: Jeremy Fisher

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

In the Matter of
PACIFICORP d/b/a PACIFIC POWER
Request for a General Rate Revision.

UE 374

**Rebuttal Testimony of
Jeremy Fisher, PhD**

**On Behalf of
Sierra Club**

**Public Version
Errata (Redline Version)**

July 30, 2020

1 PacifiCorp's intentions to retrofit Bridger with SCRs pre-date the 2009 letters. In
2 fact, in 2003, [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED] Reviewing
8 the Company's own documents, it is clear the Bridger SCRs were neither a
9 surprise nor unwelcome.

10 **Q Mr. Owen testified that once Wyoming DEQ issued its BART permit in 2009,**
11 **the Company was under a legal obligation to install the 4 SCRs, do you**
12 **agree?**

13 **A** No. I am not a lawyer but Mr. Owen did not point to any Wyoming law
14 specifying that PacifiCorp was legally required to begin planning to install SCRs
15 at units 3 and 4 SCRs before EPA reviewed and acted upon Wyoming's regional
16 haze plan. Instead, Mr. Owen referred to a 2010 settlement agreement as proof
17 that the Company was legally bound. But that document makes clear that EPA's
18 approval of the Wyoming regional haze SIP reflecting the terms of the settlement

⁸⁹ *In the Matter of PacifiCorp, dba Pacific Power Request for a General Rate Revision*, Docket No. UE 246, Confidential Ex. Sierra Club/114, at Fisher/4 (Ore. P.U.C., June 20, 2012) [hereinafter "2003 PacifiCorp Control Report"] (attached as Exhibit Sierra Club/411); *See also, In the Matter of PacifiCorp, dba Pacific Power Request for a General Rate Revision*, Docket No. UE 246 Confidential Ex. Sierra Club/115 (Ore. P.U.C. June 20, 2012) (attached as Exhibit Sierra Club/412) (As of this filing the Sierra Club is still waiting on fully unredacted copies of Sierra Club/411 and 412 from the company in response to a data request.).

⁹⁰ 2003 PacifiCorp Control Report at Fisher/4.

1 was a pre-condition of the settlement taking effect.⁹¹ Mr. Owen also claimed
2 Wyoming DEQ refused to grant the Company leeway but that letter simply
3 circled back and said the Company must adhere to the settlement; again,
4 conditioned on EPA's final Regional Haze rule.⁹²

5 **Q Mr. Owen testified that you misapplied the BART timing regulations.⁹³ Was**
6 **he correct?**

7 **A** No. Mr. Owen provided an explanation on the difference between two EPA
8 programs under the Regional Haze Rule: Best Available Retrofit Technology and
9 EPA's Long Term Strategy process. Any distinction here is irrelevant. The point I
10 made in my opening testimony was that the Company should not have begun
11 making plans to retrofit Jim Bridger, let alone issue the FNTF, until it had
12 assessed EPA's final federal implementation plan for Wyoming issued on January
13 30, 2014, irrespective of its details.

14 Mr. Owen testified that EPA's final Regional Haze determination required it to
15 retrofit Bridger 3 and 4 within two years: in 2015 and 2016.⁹⁴ And based on a
16 compressed schedule, it was forced to speculate what EPA might require in its
17 final rule and issue the FNTF. What Mr. Owen failed to explain is why the
18 Company did not request that EPA's impose the normal five-year BART deadline
19 to install those major retrofits.⁹⁵ As I understand the process, EPA was acting

⁹¹ PAC/2510 at Owen 4, 6(d)).

⁹² PAC/830.

⁹³ PAC/2500 at Owen/8:3-13.

⁹⁴ *Id.* at Owen/9:1-2.

⁹⁵ PacifiCorp filed suit in federal court challenging EPA's Wyoming FIP with regard to SCR requirements for its other units in Wyoming. The Company successfully obtained a stay of the FIP with respect to those other units, but it did not challenge or seek a stay of the EPA's decision to require the Jim Bridger SCRs.

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11 making plans to retrofit Jim Bridger, let alone issue the FNTTP, until it had
12 assessed EPA's final federal implementation plan for Wyoming issued on January
13 30, 2014, irrespective of its details.

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15 retrofit Bridger 3 and 4 within two years: in 2015 and 2016.⁹⁴ And based on a
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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of July, 2020, I have served the foregoing Rebuttal Testimony and Exhibits of Jeremy Fisher and Ezra Hausman upon all party representatives on the official service list for this proceeding. The public version of this document was served upon parties via email, and the confidential portions of this document were served pursuant to Protective Order No. 20-040 and 20-131 respectively upon all eligible party representatives electronically via encrypted password protected ZIP folders.

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Dated this 24th day of July, 2020 at Redwood City, CA.

/s/ Ana Boyd

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