

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
OREGON DEPARTMENT OF ENERGY**

IN THE MATTER OF:)	CONTESTED CASE STATUS
)	UPDATE TO COUNCIL
THE APPLICATION FOR SITE)	PURSUANT TO OAR 345-015-0023(4)
CERTIFICATE FOR THE)	
BOARDMAN TO HEMINGWAY)	OAH Case No. 2019-ABC-02833
TRANSMISSION LINE)	

OAR 345-015-0023(4) requires that the Administrative Law Judge (ALJ) “keep the Council informed regularly on the status of the contested case.” In accordance with this requirement, the ALJ offers the following status update. The ALJ anticipates providing written updates to Council in this matter on a bi-monthly basis, on or before the 15th of the month, through the course of the contested case. Additional updates will be issued as needed if significant developments arise in the contested case in between scheduled updates.

Status of the Boardman to Hemingway Transmission Line Application for Site Certificate Contested Case as of February 10, 2021:

Following Council’s November 24, 2020 issuance of the *Order on Appeals*, the Administrative Law Judge (ALJ) issued the *Amended Order on Party Status* on December 4, 2020. Concurrently with the *Amended Order on Party Status*, the ALJ issued the *Notice of Pre-Hearing Conference; Pre-Hearing Conference Agenda on Case Management Matters; Proposed Contested Case Schedule and Revised Service List*. That notice set the prehearing conference for January 7, 2021.

On December 22, 2020, in response to queries from limited party Irene Gilbert, the ALJ issued a *Response to Request for Clarification Regarding OAR 345-015-0022, Petitions for Indigent Status*. The response set out the definition of indigent and the eligibility standard for purposes of OAR 345-015-0022.

On January 4, 2021, in response to a question from limited party Charles Gillis, the ALJ issued a *Response to Question Regarding Attendance at Pre-Hearing Conference on Contested Case Matters*. The response clarified that once the parties, limited parties and issues for the contested case have been identified, a party or limited party does not lose standing to participate in the contested case by failing to attend a prehearing conference on case management or scheduling matters.

On January 7, 2021, the ALJ convened the Prehearing Conference on Case Management Matters. Thereafter, on January 14, 2021, the ALJ issued the *Order on Case Management Matters and Contested Case Schedule*.

On February 3, 2021, in response to motions from limited party Irene Gilbert, the ALJ issued a *Response to Motions for Clarification Regarding Informal Discovery Requests*. The response explained that it was not appropriate for the ALJ to rule on objections to informal discovery requests or to provide legal advice or direction to the parties and/or limited parties regarding the informal exchange of information.

As set out in the Contested Case Schedule, the contested case is currently in the Discovery Phase. The time for responding to informal information requests ended on February 5, 2021. The parties and limited parties have until Friday, February 19, 2021 to request a discovery order under OAR 137-003-0025(3). The deadline for filing objections to discovery order requests is March 5, 2021. The ALJ anticipates issuing rulings on discovery requests/discovery orders on or before March 26, 2021. Thereafter, the parties and limited parties will have until April 16, 2021 to respond and produce the authorized discovery.

Following the Discovery Phase, the contested case will go into the Motion for Summary Determination Phase. The ALJ opted to include the summary determination process in the schedule. The deadline for filing motions for summary determination is May 28, 2021. The ALJ anticipates ruling on any motions for summary determination on or before August 13, 2021.

As set out in the Contested Case Schedule, the Testimony Cross-Examination and Briefing Phase is set to begin on September 17, 2021. This is the deadline for the parties and limited parties to submit direct testimony and evidence pursuant to OAR 345-015-0043, and proposed site certificate conditions pursuant to OAR 345-015-0085.

The next status update will be issued on April 15, 2021, absent significant developments requiring another update in the interim.

Alison Greene Webster

Senior Administrative Law Judge
Office of Administrative Hearings

CERTIFICATE OF MAILING

On February 11, 2021, I mailed the foregoing CONTESTED CASE STATUS UPDATE TO COUNCIL PURSUANT TO OAR 345-015-0023(4) issued on this date in OAH Case No. 2019-ABC-02833.

By: First Class Mail:

John C. Williams
PO Box 1384
La Grande, OR 97850

By: Electronic Mail:

David Stanish
Attorney at Law
Idaho Power Company
dstanish@idahopower.com

Lisa Rackner
Attorney at Law
Idaho Power Company
lisa@mrg-law.com

Jocelyn Pease
Idaho Power Company
Attorney at Law
jocelyn@mrg-law.com

Alisha Till
alisha@mrg-law.com

Joseph Stippel
Agency Representative
Idaho Power Company
jstippel@idahopower.com

Christopher Burford
Attorney at Law
Office of the President
Eastern Oregon University
cburford@eou.edu

Mike Sargetakis
Attorney at La
Oxbow Law Group, LLC
mike@oxbowlaw.com

Karl G. Anuta
Attorney at Law
Law Office of Karl G. Anuta
kga@integra.net

Kellen Tardaewether
Agency Representative
Kellen.tardaewether@oregon.gov

Sarah Esterson
Oregon Department of Energy
Sarah.Esterson@oregon.gov

Patrick Rowe
Assistant Attorney General
Patrick.g.rowe@doj.state.or.us

Jesse Ratcliffe
Assistant Attorney General
jesse.d.ratcliffe@doj.state.or.us

Jeffery R. Seeley
jeff.seeley@doj.state.or.us

Stop B2H Coalition
fuji@stopb2h.org

Stop B2H Coalition
Jim Kreider
jkreider@campblackdog.org

Colin Andrew
candrew@eou.edu

Kathryn Andrew
lkathrynandrew@gmail.com

Dr. Karen Antell
Professor of Biology Eastern Oregon
University, Science Office
kantell@eou.edu

Susan Badger-Jones
sbadgerjones@oni.com

Lois Barry
loisbarry31@gmail.com

Peter Barry
petebarry99@yahoo.com

Ryan W. Browne
browner@eou.edu

Gail Carbiener
mcgccarb@bendbroadband.com

Matt Cooper
mcooperpiano@gmail.com

Whit Deschner
deschnerwhit@yahoo.com

Jim and Kaye Foss
onthehoof1@gmail.com

Suzanne Fouty
suzannefouty2004@gmail.com

Susan Geer
susanmgeer@gmail.com

Irene Gilbert
ott.irene@frontier.com

Charles H. Gillis
charlie@gillis-law.com

Dianne B. Gray
diannebgray@gmail.com

Joe Horst and Ann Cavinato
joehorst@eoni.com

Jim and Jane Howell
d.janehowell@gmail.com

Virginia and Dale Mammen
dmammen@eoni.com

Anne March
amarch@eoni.com

Kevin March
amarch@eoni.com

JoAnn Marlette
garymarlette@yahoo.com

Michael McAllister
wildlandmm@netscape.net

John B. Milbert
jmfisherman9@gmail.com

Jennifer Miller
rutnut@eoni.com

David Moyal
moyald@gmail.com

Sam Myers
sam.myers84@gmail.com

Timothy C. Proesch
tranquilhorizonscooperative@gmail.com

Louise Squire
squirrel@eoni.com

Stacia Jo Webster
staciajwebster@gmail.com

Daniel L. White
danno@bighdesign.biz

Jonathan White
jondwhite418@gmail.com

John Winters
wintersnd@gmail.com

Charles A Lyons
marvinroadman@gmail.com

Anesia N Valihov
Hearing Coordinator