



# Oregon

Kate Brown, Governor



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**To:** Interested Persons and Parties

**From:** Kellen Tardaewether, Senior Siting Analyst

**Date:** July 24, 2020

**Subject:** Announcement: Boardman to Hemingway Transmission Line Time Extension of Deadline to Request Party Status in Contested Case; **New Deadline of August 27, 2020, 5:00 p.m. (Pacific).**

## OVERVIEW

The Boardman to Hemingway Transmission Line is a proposed transmission line – primarily 500-kilovolt – which would extend approximately 273 miles across five Oregon counties: Morrow, Umatilla, Union, Baker, and Malheur. The applicant, Idaho Power Company, must receive a site certificate from the Energy Facility Siting Council (EFSC) to construct, operate, and retire the proposed facility within Oregon.

### **Proposed Order and Deadline to Request Party Status or Limited Party Status in Contested Case:**

On July 2, 2020, the Department issued a proposed order for the proposed facility and on the same day issued notice of the proposed order and contested case proceeding. The proposed order includes changes from the Draft Proposed Order (DPO) in red-line format, in response to comments raised on the record of the DPO and recommends that EFSC approve the application for site certificate (ASC) and grant a site certificate, subject to recommended conditions. The notice informed individuals or organizations that commented on the record of the DPO public hearing of their right to participate in the contested case proceeding and included a deadline of August 6, 2020, at 5:00 p.m. for persons to submit Request for Party Status or Limited Party Status in the contested case proceeding.

### **Request to Extend Deadline to Request Party Status or Limited Party Status in Contested Case:**

On July 16, 2020, the Department received a process inquiry and request to extend the deadline to submit request for party status from Jim and Fuji Kreider who commented on the DPO as individuals and on behalf of the Stop B2H Coalition. There are not specific administrative rules that designate a process for timeline extensions for this matter, however, under OAR 345-015-0230 and OAR 345-015-0016, the Department is responsible for issuing the public notice of the proposed order and setting the deadline to submit party status requests for the contested case proceeding. Therefore, the Department evaluates the request for an extension provided in the July 2, 2020 notice of proposed order and contested case proceeding.

The Kreider's email identifies the following conditions that are the basis for the extension request:

- The number of individuals involved (commenters on the DPO);
- The current COVID-19 pandemic and associated limitations;
- Complexity of the contested case request process in the Council's rules;
- The amount of information in the record to review as part of individual requests.

The Department acknowledges that the unprecedented COVID-19 pandemic has strained access and resources for many members of the public. To provide individuals who commented on the DPO adequate time to access the information available and complete the petitions for request for party status, the Department is **extending the deadline to submit Requests for Party Status or Limited Party Status in the Contested Case from August 6, 2020 at 5:00 p.m. (Pacific), to August 27, 2020 at 5:00 p.m. (Pacific)**. The petitions must be received in writing by the EFSC-appointed, third party Hearing Officer from the Oregon Office of Administrative Hearings by the new deadline at:

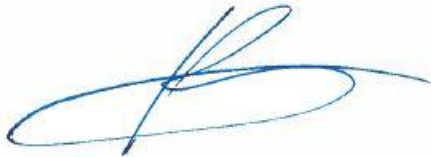
Alison Greene-Webster, Senior Administrative Law Judge  
Oregon Department of Energy  
550 Capitol Street NE, Salem, OR 97301  
Fax: 503-373-7806  
Email: OED\_OAH\_Referral@oregon.gov

Additionally, please submit an electronic copy of the petition to the Department's Siting Analyst at:

Email: [kellen.tardaewether@oregon.gov](mailto:kellen.tardaewether@oregon.gov)

The Department also notes that, whereas there is a significant amount of information provided with the proposed order, this phase of the EFSC review process is more limited than the comment period on the DPO. Further, to assist the public to navigate the issues raised in an individual's DPO comment, and any revisions in the proposed order, the Department provided "cross-walk" tables as Attachment 4 of the proposed order.

Sincerely,



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