

Docket No. 20000-520-EA-17
Witness: Roderick D. Fisher

BEFORE THE WYOMING PUBLIC SERVICE
COMMISSION

ROCKY MOUNTAIN POWER

Rebuttal Testimony of Roderick D. Fisher

December 2017

1 **Q. Please state your name, business address, and present position with PacifiCorp**
2 **d/b/a Rocky Mountain Power (“Company”).**

3 A. My name is Roderick D. Fisher. My business address is 1407 West North Temple, Suite
4 250, Salt Lake City, UT 84116. I am a Principal Project Manager for the Gateway
5 Transmission program and am testifying on behalf of Rocky Mountain Power.

6 **QUALIFICATIONS**

7 **Q. Briefly describe your educational and professional background.**

8 A. I have an accounting certificate from Merritt Davis College of Business in Salem,
9 Oregon. I have been employed by PacifiCorp for nearly 38 years and have held
10 management positions in customer service, industrial account management,
11 community relations, and project management.

12 **Q. What are your responsibilities as Principal Project Manager?**

13 A. As a Principal Project Manager, since 2007 I have led the permitting effort for the
14 Gateway Transmission expansion program at the federal, state, and local levels. The
15 Gateway Transmission expansion program includes Gateway West, Gateway South,
16 Sigurd-to-Red Butte, Mona-to-Oquirrh, and Populus-to-Terminal projects. My
17 responsibilities also include public outreach, attending and presenting at public
18 meetings, and coordinating with elected officials and their staff.

19 **Q. Have you had any previous opportunities to testify before the Wyoming Public**
20 **Service Commission (“Commission”)?**

21 A. No. This is my first appearance as a witness before the Commission. I have had the
22 opportunity, however, to participate in technical conferences with the Commission’s
23 staff. I have also attended many open meetings of the Commission over the years.

1 **PURPOSE AND SUMMARY OF REBUTTAL TESTIMONY**

2 **Q. What is the purpose of your rebuttal testimony in this proceeding?**

3 A. In support of the Company’s request for conditional certificates of public convenience
4 and necessity (“CPCNs”) and nontraditional ratemaking treatment for the Company’s
5 proposal to construct or procure new wind resources (“Wind Projects”) and construct
6 the Aeolus-to-Bridger/Anticline transmission line and 230 kV Network Upgrades
7 (“Transmission Projects”) (collectively, the “Combined Projects”), I summarize the
8 extensive permitting requirements that the Transmission Projects must meet before they
9 can be built. I also describe the multi-year federal Environment Impact Statement
10 (“EIS”) process conducted by the Bureau of Land Management (“BLM”) during which
11 the transmission line was sited. I explain the permitting process that has already taken
12 place at the federal level and the extensive opportunities that affected landowners and
13 stakeholders have had and will continue to have in other proceedings to voice concerns
14 over the proposed Transmission Projects.

15 My rebuttal testimony also responds to the direct testimonies of Rocky
16 Mountain Sheep Company landowner Ms. Kristy V. Thompson, and BP America
17 leaseholder Mr. Shannon W. Martin. Peterson Outfitters recently submitted a motion to
18 withdraw as an intervenor on December 14, 2017, so the Company is not responding
19 to its testimony at this time.

20 **Q. Please summarize your testimony.**

21 A. Several landowners and a leaseholder in this case have raised issues specific to the
22 siting of the Transmission Projects. The Company is committed to working in good
23 faith with all affected landowners to minimize the impact of the Transmission Projects

1 and reach agreement for the acquisition of the necessary rights-of-way. The Company
2 has been successful in accomplishing those same objectives in siting and construction
3 of other similar transmission lines throughout PacifiCorp’s service territory. To that
4 end, the Company has obtained the required federal permits after a thorough and
5 comprehensive siting process, with a particular focus on issues raised by landowners
6 along the proposed route. Multiple notices were provided to affected landowners, and
7 the process included numerous opportunities for public participation. In addition,
8 landowner issues will be addressed again following this CPCN case when the Company
9 engages in further siting proceedings at both the state and local level, many of which
10 include the opportunity for affected landowner issues to be addressed and resolved. The
11 Company believes that many of the landowner issues raised here are better addressed
12 in forums designed to specifically address landowner issues, not in this case. Moreover,
13 many of the issues raised here have already been addressed during the federal
14 permitting process.

15 **OVERVIEW OF FEDERAL PERMITTING PROCESS**

16 **Q. Please describe how the federal permitting effort for the 1,000-mile Gateway West**
17 **transmission project relates to the Transmission Projects.**

18 A. The Gateway West transmission project was permitted as 10 unique segments,
19 substation to substation. The Transmission Projects include a portion of Segment 1
20 (Shirley Basin-to-Aeolus - 230kV Network Upgrade), and Segments 2 and 3 (Aeolus-
21 to-Bridger/Anticline). Exhibit RMP___(RDF-1R) includes maps from the 2013 Record
22 of Decision (“ROD”) for the overall Gateway West project, along with a map of the
23 Transmission Projects.

1 **Q. Was the 230 kV Network Upgrade project included in the Gateway West EIS and**
2 **ROD?**

3 A. Not entirely. Only the portion between the Shirley Basin substation and the Freezeout
4 Substation was included in the EIS and ROD. Approximately 11 miles of
5 reconstruction from the Freezeout substation to Standpipe substation is the subject of
6 an environmental analysis currently underway with the Rawlins BLM field office and
7 a “Finding of No Significant Impact” is expected to be published in August 2018.

8 **Q. How did the Company initiate the federal permitting process?**

9 A. As part of the planning efforts for the Gateway West project, the Company determined
10 that almost all of the potential corridors crossed BLM lands at some point, particularly
11 in Carbon and Sweetwater counties. To obtain a right-of-way (“ROW”) grant from the
12 BLM, the Company prepared and submitted a ROW application to initiate the federal
13 review and approval process.

14 The Company’s initial ROW application was submitted to the BLM in May
15 2007. The BLM was designated as the agency to lead the National Environmental
16 Policy Act (“NEPA”) process. After reviewing the scope of the project, the BLM
17 determined that granting a ROW for constructing, operating, and maintaining the
18 proposed transmission line and associated facilities would be a major federal action
19 and would require an EIS in compliance with the requirements of NEPA.

20 **Q. How did the BLM initiate the NEPA analysis of the project and inform the**
21 **public?**

22 A. The BLM published a Notice of Intent (“NOI”) to prepare the EIS in the Federal
23 Register on May 16, 2008. The publication of the NOI began the 45-day scoping period

1 intended to formally solicit comments from federal, state, and local agencies and the
2 public early in the preparation of the EIS, identify significant issues and concerns for
3 analysis in the EIS, and review the potential alternative corridors and substation siting
4 areas of the project.

5 **Q. Did the BLM engage state and local agencies and other organizations in the EIS**
6 **process?**

7 A. Yes. The BLM was the lead federal agency under NEPA and coordinated the
8 preparation of the environmental analysis. The cooperating agencies included: the U.S.
9 Department of Agriculture Forest Service (“Forest Service”); the National Park
10 Service; the U.S. Fish and Wildlife Service; the U.S. Army Corps of Engineers; the
11 Bureau of Indian Affairs; the States of Idaho and Wyoming; Idaho Army National
12 Guard; Cassia, Power, and Twin Falls Counties in Idaho; Lincoln, Sweetwater, and
13 Carbon Counties in Wyoming; the Medicine Bow and Saratoga Encampment-Rawlins
14 Conservation Districts in Wyoming; and the City of Kuna in Idaho.

15 **Q. What actions did the BLM take to identify issues and concerns related to the**
16 **Gateway West Project?**

17 A. The BLM:

- 18 • Held numerous agency, interagency, and stakeholder meetings to discuss the
19 Gateway West Project and solicit comments.
- 20 • Provided announcements to inform the public of the project, EIS preparation,
21 and public scoping meetings, including announcements published in the
22 Federal Register NOI, media releases to local newspapers and radio stations,
23 and legal notices.

- 1 • Distributed a newsletter to interested parties on the project mailing list, which
2 included federal, state, and local government agencies; special interest
3 groups; and individuals. The newsletter introduced the project, solicited input
4 for the environmental analysis, and announced upcoming public scoping
5 meetings.
- 6 • Established a telephone number to provide an opportunity for the public to
7 learn about the project status and/or request information.
- 8 • Established a project page on the BLM website. The website contained a brief
9 description of the project, including a map, the need for the project, and a
10 project timeline. A link was provided for the public to submit comments via
11 email.
- 12 • Posted the project on the BLM's Environmental Notification Bulletin
13 Board.
- 14 • Held four formal public scoping meetings in Wyoming in June 2008 (in
15 Casper, Rawlins, Rock Springs, and Kemmerer) to introduce the project,
16 explain the purpose and need for the project, describe the project, present the
17 potential alternative transmission line corridors and substation sites, explain
18 the planning and permitting process, and formally solicit comments useful
19 for the environmental analysis.

20 The scoping process and results are documented in the Gateway West
21 Transmission Line Project Scoping Summary Report (Tetra Tech 2009). As a result of
22 the public scoping meetings, the potential alternative corridors and substation siting
23 areas were refined to establish the network of alternative transmission line routes and

1 substation sites to be studied in detail.

2 **Q. Did the Company provide any notification of the project in addition to the**
3 **notices provided by the BLM?**

4 A. Yes. In 2008 and 2009, the Company held multiple meetings with landowners that were
5 within a two-mile-wide transmission line corridor. The landowner comments provided
6 at these meetings, or later in writing, were submitted to BLM and incorporated in the
7 Scoping Report. The Company also maintained a mailing list of more than 12,600
8 landowners and interested parties for the project. The Company mailed newsletters
9 providing project updates and meeting invitations in July 2009, August 2010, January
10 2011, and September 2012.

11 **Q. How many of the 12,600 landowners and interested parties on the mailing list**
12 **were in Carbon and Sweetwater Counties?**

13 A. The mailing list included 236 landowners and interested parties in Carbon County and
14 278 landowners and interested parties in Sweetwater County.

15 **Q. Please describe the next step in the EIS review process for siting the project.**

16 A. As part of the Draft EIS process, the BLM conducted a comprehensive environmental
17 analysis of all the alternative routes and substation sites. This analysis process consisted
18 of several steps, including: (1) data inventory, (2) impact assessment and mitigation
19 planning, (3) screening and comparison, (4) identification of the alternative routes, and
20 (5) selection of the BLM's preferred alternative.

21 **Q. Please describe the BLM's data inventory process.**

22 A. Each alternative route and substation site was inventoried to establish a baseline of
23 existing environmental conditions and data. Through scoping and data inventory, many

1 environmental issues were identified. These environmental issues helped to determine
2 the level of the analyses required and were considered in developing criteria for
3 assessing impacts of the project facilities.

4 Identified environmental resources that could be affected by the project were
5 then carried forward for analysis in the EIS. “Environmental Resources” as used in the
6 EIS and this testimony includes:

- 7 • Land use and recreation resources;
- 8 • Social and economic conditions;
- 9 • Public health and safety, electric and magnetic fields, noise, hazardous
10 materials;
- 11 • Visual resources;
- 12 • Climate and air quality;
- 13 • Earth and water resources;
- 14 • Biological resources that included
 - 15 ◦ Vegetation,
 - 16 ◦ Wildlife, and
 - 17 ◦ Special status species;
- 18 • Cultural resources;
- 19 • Paleontological resources;
- 20 • Special designations; and
- 21 • Environmental justice.

22 **Q. Please describe the BLM’s impact assessment and mitigation planning process.**

23 A. The alternative routes and substation sites were assessed to identify the potential

1 impacts on the Environmental Resources that would result from the construction,
2 operation, and maintenance of the project alternatives. Where warranted,
3 environmental protection measures were recommended to mitigate impacts.
4 Environmental protection measures were reviewed and discussed between the BLM,
5 cooperating agencies, and the Company to ensure applicability and feasibility. Notably,
6 these protection measures were established for all land affected by the project, not just
7 BLM land.

8 **Q. Please describe the BLM's comparison process.**

9 A. Through a systematic analysis, all of the alternative transmission corridors studied in
10 the EIS were compared in order to select a preferred alternative.

11 **Q. Please describe the process to compare transmission line routes.**

12 A. The alternatives were inventoried and assessed to determine the Environmental
13 Resources present and identify potential impacts. The alternatives were then
14 systematically compared in order to identify the most preferable alternative routes from
15 an environmental standpoint.

16 The Company evaluated routes and identified a proposed route based on the
17 following siting criteria:

- 18 • Meeting purpose and need for the project;
- 19 • System planning and reliability;
- 20 • Meeting national and regional planning standards;
- 21 • Costs;
- 22 • Access;
- 23 • Route length;

- 1 • Right-of-way limitations and restrictions;
- 2 • Miles parallel to other linear facilities (*i.e.*, 230 kV lines, pipelines,
- 3 railroads, etc.);
- 4 • Constructability, operations and maintenance;
- 5 • Existing and planned land use;
- 6 • Known Environmental Resource constraints;
- 7 • Safety; and
- 8 • Project scheduling-in-service date.

9 The comparison process resulted in the identification of the Company's
10 proposed route for each segment of the project and a range of alternative routes.

11 **Q. Please describe the BLM's process to select its preferred alternative route.**

12 A. The BLM did not identify a preferred alternative in the Draft EIS in order to maintain
13 objectivity and seek route consensus following the Draft EIS comment period.

14 The BLM published a Notice of Availability for the Draft EIS in the Federal
15 Register on July 29, 2011, which was followed by a 90-day public comment period and
16 17 public meetings held at various locations across the entire the project. Four public
17 meetings were held in Wyoming in October 2011. Public comments received by the
18 BLM on the Draft EIS were incorporated and responded to in the Final EIS.

19 **Q. How did the BLM first inform the Company and the public of the BLM's**
20 **preferred route?**

21 A. On August 20, 2012, the BLM announced its preferred alternative that would be
22 considered in the Final EIS. The BLM individually notified cooperating agencies,
23 government agencies, and the Company. Following these notifications, the project

1 website was updated with a project overview map to reflect the agency preferred
2 alternative. The agency preferred alternative was updated in December 2012. The BLM
3 issued a press release on December 7, 2012, announcing these changes.

4 **Q. Please describe how the preferred route selected by the BLM compares to the**
5 **Company's proposed route.**

6 A. The BLM's preferred route was shown in the Final EIS which was released to the
7 Company and the public on April 26, 2013. In that document, the BLM's preferred
8 route and the Company's proposed route consisted of the same alignment throughout
9 Carbon and Sweetwater Counties.

10 **Q. Did the Company provide any additional notifications to the public regarding**
11 **the Draft EIS or Final EIS?**

12 A. Yes. The Company posted a basic description of the project on the communications
13 website (www.pacificorp.com/transmission) and met with elected federal, state, and
14 local officials to brief them on the purpose of the project.

15 **Q. What was the final step in the BLM approval process?**

16 A. The BLM published a Record of Decision on the preferred alternative route on
17 November 14, 2013, which identified the BLM authorized route for the transmission
18 line on public lands in Wyoming.

19 **UPDATE ON STATE PERMITTING PROCESS**

20 **Q. Please briefly explain the other major permit that will be required from the state**
21 **of Wyoming for the Transmission Projects.**

22 A. The Transmission Projects will require a permit from the Wyoming Industrial Siting
23 Council.

1 **Q. Will the permitting process before the Wyoming Industrial Siting Council include**
2 **an additional public hearing process open to affected landowners?**

3 A. Yes. The Wyoming Industrial Siting Council will provide public notice once the
4 Company submits an application and again when the public hearing is scheduled.

5 **Q. When does the Company expect to apply for and receive the required permits**
6 **described above?**

7 A. The Company plans to submit an application to the Wyoming Industrial Siting Council
8 in July 2018 and anticipates approval of the permit by the end of 2018. The Company
9 has met with the Wyoming Industrial Siting Council staff multiple times since April
10 2017 to discuss the Combined Projects, and has received an updated notice of
11 jurisdiction. See Exhibit RMP___(RDF-2R).

12 **Q. Do the Transmission Projects comply with the Wyoming Greater Sage Grouse**
13 **Conservation Plan set forth in Wyoming Executive Order 2015-4?**

14 A. Yes. In core areas, the Transmission Projects are located in the corridors designated by
15 Executive Order.

16 **UPDATE ON COUNTY PERMITTING PROCESS**

17 **Q. Which counties in Wyoming will be affected by the Transmission Projects?**

18 A. The Transmission Projects are located in Carbon and Sweetwater Counties.

19 **Q. Please briefly explain the additional county permits that will be required.**

20 A. Carbon County requires a Conditional Use Permit (“CUP”) for the new transmission
21 line and substations. Once a CUP is approved, Carbon County also requires building
22 permits for the transmission structures and substations. Sweetwater County only
23 requires a construction permit.

1 **Q. When does the Company plan to apply for and receive the required county**
2 **permits?**

3 A. The Company plans to submit a CUP application to Carbon County in May 2018 and
4 anticipates approval of the CUP and building permits by the end of 2018. In Sweetwater
5 County, the EPC contractor will be responsible for obtaining the construction permit in
6 2019 prior to construction.

7 **Q. Will the county permitting processes include an opportunity for public**
8 **participation?**

9 A. The Carbon County CUP process includes notification to all landowners, and public
10 hearings before the Planning Commission and the Board of County Commissioners. In
11 Sweetwater County, there are no public hearings associated with a construction permit.

12 **UPDATE ON ROW ACQUISITION PROCESS**

13 **Q. When did the Company initiate discussions with landowners to obtain rights-of-**
14 **entry to conduct various surveys required for the Transmission Projects?**

15 A. The Company initiated the rights-of-entry process with all landowners in early 2009.

16 **Q. Did the Company originally receive rights-of-entry from all landowners for the**
17 **Aeolus-to-Bridger/Anticline line segment?**

18 A. Yes.

19 **Q. Did that include the landowner interveners in this case?**

20 A. Yes.

1 **Q. When the Company announced plans in April 2017 to move forward with the**
2 **Transmission Projects, did the Company have additional discussions with**
3 **landowners?**

4 A. Yes. Since several years had elapsed since the federal permitting process, the Company
5 did not want to assume that the right-of-entry permissions granted in 2009 to 2011 were
6 still valid so the Company contacted landowners for updated rights-of-entry.

7 **Q. Is the Company in the process of negotiating with landowners to obtain ROW for**
8 **the Transmission Projects?**

9 A. Yes. The Company is committed to continue to work in good faith with landowners to
10 obtain the ROW necessary to construct the Transmission Projects. Offer letters have
11 been presented to almost half of the 47 landowners. Exhibits are being finalized for the
12 remainder and are expected to be mailed in early January 2018.

13 **Q. What is included in the Company's formal offer letters to landowners?**

14 A. In addition to a confidential payment for the land rights to be acquired, the Company
15 has asked for input from the owner regarding any improvements on the property or land
16 uses that may need to be addressed (*i.e.*, acquired, removed, or relocated) as a result of
17 the transmission line, access to the transmission lines, or concerns regarding
18 construction activities. The Company has offered to meet with the landowners on-site
19 to discuss any issue the landowner may have and review specific matters of concern.

20 **Q. Will the Company initiate eminent domain proceedings immediately if a**
21 **conditional CPCN is granted?**

22 A. No. The Company uses its power of eminent domain sparingly and as a last
23 resort—only after it has exhausted all other efforts to work with each landowner, both

1 in terms of locating the transmission line and individual structures as well as land
2 valuation. The Company also follows all statutory requirements and industry standards
3 for negotiating land rights and valuation.

4 **REBUTTAL TESTIMONY**

5 **Q. Certain landowners have intervened in this case and raise issues specific to the**
6 **acquisition of the ROW over their property. Does the Company have concerns**
7 **about addressing individual landowner issues in this case?**

8 A. Yes, for several reasons. First, given the Company's efforts over many years to work
9 with affected landowners and resolve issues, reopening those efforts and reconsidering
10 siting and other issues could create new problems and concerns for other landowners.
11 The process to this point has carefully considered and balanced all landowner issues
12 raised while maintaining some degree of flexibility for additional micro-siting in
13 individual private lands. The Company is concerned that reopening decisions made in
14 other forums may unfairly affect landowners who are not parties to this proceeding.

15 Second, litigation over individual landowner issues in this case could delay the
16 issuance of the conditional CPCN, which could ultimately derail the Combined
17 Projects. The Company recognizes that a conditional CPCN is required to obtain land
18 rights through the eminent domain process; however, the Company uses eminent
19 domain only as a last resort. A conditional CPCN will not accelerate the use of eminent
20 domain or allow the Company to circumvent all other processes required to permit the
21 line and acquire individual land rights.

22 Third, the CPCN process is not well suited to address individual landowner
23 siting concerns because the scope of the Commission's review is necessarily broader,

1 considering the benefits to all electric customers. The Commission uses a public
2 interest standard when reviewing a CPCN, meaning that the more limited perspectives
3 of affected landowners must be viewed against the larger public interest. In this case,
4 the Company has shown that the Combined Projects will provide substantial benefits
5 to the Company's customers and to Wyoming by virtue of the construction of much
6 needed transmission infrastructure. Indeed, in light of Governor Mead's ENDOW
7 initiative to diversify the state's economy, it seems particularly important to the public
8 interest that the Transmission Projects are built.

9 **Q. Were landowner concerns addressed in the BLM's siting process discussed above?**

10 A. Yes. The BLM process included many opportunities for landowner engagement,
11 including the opportunity for landowners, or any interested party, to file written
12 comments with the BLM. Those written comments, along with other issues raised at
13 public meetings, were included in the BLM's Draft and Final EIS and were addressed
14 by the BLM when it approved its preferred transmission line route and rejected the
15 alternatives. Indeed, many of the mitigation measures required by the BLM permit are
16 directly responsive to landowner concerns and intended to minimize the impact of the
17 transmission line on existing land uses.

18 **Q. BP America claims that the Company's surface use could directly impact BP's**
19 **ability to explore and develop its mineral interests because the "surface occupied**
20 **by RMP is surface that cannot be utilized by BP in its operations." (Martin Direct,**
21 **page 3, lines 1-2). How do you respond?**

22 A. If the Company locates a transmission tower on the surface, BP America cannot
23 construct a well pad at that very same site or under the specific transmission line. To

1 minimize impacts to BP America and other landowners, the new transmission line was
2 sited adjacent to an existing 230 kV transmission line. Efforts will be made to
3 coordinate with BP America and further minimize the impact. I would also note that
4 transmission lines in Wyoming cross thousands of acres of land that are encumbered
5 by mineral interests which, to my knowledge, are generally compatible with those uses.

6 **Q. Rocky Mountain Sheep Company claims that the Company acted in “bad faith”**
7 **and made no reasonable effort to contact affected landowners until June 2017.**
8 **(Thompson Direct, page 6, lines 121–124.) BP America also claims that it has not**
9 **been notified or engaged in discussions for this project. (Martin Direct, page 8,**
10 **lines 13–16.) Were intervening parties to this docket included on the mailing list**
11 **for the newsletters and meeting invitations sent from 2009 through 2012?**

12 A. Yes. Rocky Mountain Sheep Company, Peterson Outfitters, LLC, Anadarko, and the
13 Overland Trail Cattle Company, LLC, were all included in each of the mailings
14 discussed above. It is simply untrue that the Company made no reasonable effort to
15 contact affected landowners.

16 Moreover, although BP America was not individually notified (because it is not
17 an affected landowner), the Company has provided numerous public notices and BP
18 America has had many opportunities to participate in the permitting and siting process,
19 as discussed above. The broader public notices provided by BLM during the siting
20 process are specifically intended to capture the attention of interested or affected parties
21 that are not required to be separately notified.

1 **Q. Did Rocky Mountain Sheep Company, Peterson Outfitters, LLC, and the**
2 **Overland Trail Cattle Company, LLC, have the opportunity to engage in the siting**
3 **process with both the BLM and the Company?**

4 A. Yes. Exhibit RMP___(RDF-3R) attached to my testimony provides the correspondence
5 that was mailed to Rocky Mountain Sheep Company. The same type of mailings were
6 sent to all parties on the mailing list, including those that have intervened in this case.
7 Moreover, affected landowners and interested parties such as BP America, will have
8 the opportunity to participate in the state and local permitting processes that will follow
9 this case.

10 **Q. Rocky Mountain Sheep Company claims there are nesting bald eagles within two**
11 **miles of the Transmission Project route that will be affected, (Thompson Direct,**
12 **page 4, lines 73–80); that there are Greater Sage-Grouse in the area, (Thompson**
13 **Direct, page 4, lines 83–86); and that there are archaeological sites in the**
14 **Walcott/Ft. Steele area that will be affected. (Thompson Direct, page 5, lines 90–**
15 **92.) How do you respond to these claims?**

16 A. All of the resources identified by Rocky Mountain Sheep Company were addressed
17 thoroughly and comprehensively in BLM’s data inventory process and subsequent
18 impact and mitigation processes described above. The Environment Protection
19 Measures (“EPMs”) require preconstruction surveys for avian nests and sage grouse.
20 Appropriate buffers and seasonal restrictions will be in applied and adhered to during
21 construction. For archaeological and cultural resources, a monitor will be on site during
22 construction.

1 **Q. Rocky Mountain Sheep Company also claims that the Company’s proposed ROW**
2 **agreement does not address certain issues like Best Management Practices**
3 **(“BMPs”), reclamation, sage grouse issues, among other things. (Thompson**
4 **Direct, page 7, lines 139-148.) Is this true?**

5 A. No. The Company’s BLM permits require that the Company use BMPs which are
6 included in the EPMs to minimize impacts and protect the environment across the entire
7 Transmission Project footprint, not just public lands. The EPMs are included in
8 Appendix Z of the Plan of Development in the ROD.¹ In addition, a Compliance
9 Inspection Contractor will work at the direction of the BLM to insure the EPMs are
10 applied and adhered to during construction.

11 **Q. Rocky Mountain Sheep Company also claims the Company has initiated**
12 **condemnation proceedings against it. (Thompson Direct, page 6, lines 108–125.)**
13 **BP America claims that granting a conditional CPCN gives the Company less of**
14 **an incentive to work with surface and mineral owners and encourages the**
15 **initiation of condemnation proceedings. (Martin Direct, page 7, lines 9–12.) Are**
16 **either of these points true?**

17 A. No. Rocky Mountain Sheep Company admits that the correspondence received from
18 the Company initiated the negotiation process, which is intended to avoid
19 condemnation. Although the letter included a disclosure required by statute that the
20 Company “may” initiate formal condemnation proceedings, that will only occur if we
21 are unable to negotiate a mutually agreeable ROW.²

¹ https://eplanning.blm.gov/epl-front-office/eplanning/docset_view.do?projectId=65164¤tPageId=92763&documentId=78832.

² W.S. § 1-26-509(c) requires the Company’s communications to landowners to include the following disclosure: “You are under no obligation to accept this initial written offer, but if you fail to respond or make a counter-offer

1 BP America’s claim that the Company will not have an incentive to work with
2 surface and mineral owners is also untrue and unfounded. The Company makes every
3 effort to avoid eminent domain proceedings. The Company will only use eminent
4 domain as a last resort. The Company is committed to working in good faith with
5 landowners and leaseholders to reach negotiated agreements.

6 **Q. BP America also states that construction of this project will likely create surface**
7 **disturbance in Core Habitat for the Greater Sage Grouse. (Martin Direct, page 6,**
8 **lines 17–22.)**

9 A. As stated above, in core areas, the Transmission Projects are located in the corridors
10 designated by Executive Order, adjacent to existing transmission lines where possible
11 and disturbance will be minimal.

12 **Q. Does this conclude your rebuttal testimony?**

13 A. Yes.

in writing within sixty-five (65) days from the date of this letter, the right to object to the good faith offer of Rocky Mountain Power may be waived under W.S. § 1-26-510(a). Rocky Mountain Power will provide a written response to any counter-offer in writing made by you to this initial written offer. Rocky Mountain Power is obligated to negotiate in good faith for the purchase of the property right, as are you. Formal legal proceedings may be initiated if negotiations fail. You have a right to seek advice from an attorney, real estate appraiser or any other person of your choice during the negotiations and any subsequent legal proceedings.”

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

IN THE MATTER OF THE)
APPLICATION OF ROCKY MOUNTAIN)
POWER FOR CERTIFICATES OF)
PUBLIC CONVENIENCE AND)
NECESSITY AND NONTRADITIONAL)
RATEMAKING FOR WIND AND)
TRANSMISSION FACILITIES)

DOCKET NO. 20000-520-EA-17
(RECORD NO. 14781)

AFFIDAVIT, OATH AND VERIFICATION

Roderick D. Fisher (Affiant) being of lawful age and being first duly sworn, hereby deposes and says that:

Affiant is the *Principal Project Manager* for PacifiCorp, which is a party in this matter.

Affiant prepared and caused to be filed the foregoing testimony. Affiant has, by all necessary action, been duly authorized to file this testimony and make this Oath and Verification.

Affiant hereby verifies that, based on Affiant's knowledge, all statements and information contained within the testimony and all of its associated attachments are true and complete and constitute the recommendations of the Affiant in his official capacity as *Principal Project Manager*.

Further Affiant Sayeth Not.

Dated this 15 day of December, 2017



Roderick D. Fisher
Principal Project Manager
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Salt Lake City, UT 84116
801-220-4561

STATE OF Utah)
) SS:
COUNTY OF Salt Lake)

The foregoing was acknowledged before me by *Roderick D. Fisher* on this 15 day of December, 2017. Witness my hand and official seal.

Lori Hughes

Notary Public

My Commission Expires: 10/19/19

