

REDACTED

Docket No. 20000-520-EA-17

Witness: Roderick D. Fisher

BEFORE THE WYOMING PUBLIC SERVICE
COMMISSION

ROCKY MOUNTAIN POWER

REDACTED

Supplemental Rebuttal Testimony of Roderick D. Fisher (Part 2)

March 2018

1 **Q. Are you the same Roderick D. Fisher who previously submitted testimony in this**
2 **case on behalf of Rocky Mountain Power (“Company”), a division of PacifiCorp?**

3 A. Yes.

4 **PURPOSE AND SUMMARY**

5 **Q. What is the purpose of your supplemental rebuttal testimony (part 2) in this**
6 **proceeding?**

7 A. I support the Company’s request for conditional certificates of public convenience and
8 necessity (“CPCNs”) for new wind resources (“Wind Projects”) and the Aeolus-to-
9 Bridger/Anticline line and 230 kilovolt (“kV”) network upgrades (“Transmission
10 Projects”) (collectively, the “Combined Projects”), by responding to the supplemental
11 testimony submitted by the following witnesses: Anadarko Land Corp. (“Anadarko”)
12 witnesses Susan Aldridge, Andrew Wurdack, Brent Naherny, and Tom Taylor;
13 Southland Royalty Company (“Southland”) witness Jonathan Holmes; Rocky
14 Mountain Sheep Company (“RMSC”) witness Kristy V. Thompson; and Overland Trail
15 Company (“Overland”) witness Garry L. Miller.

16 **Q. Please summarize your testimony.**

17 A. The Company’s application for CPCNs meets the Commission’s public interest
18 standard because the Combined Projects are necessary, the Company has pursued their
19 development in good faith, and the Company has the financial ability to construct the
20 facilities. The property owner intervenors have improperly ignored this public interest
21 standard, and instead propose various conditions designed to promote or protect their
22 private interests. It is inappropriate to condition the CPCNs on such issues. I address
23 each of the private property issues raised and explain that, to the extent these concerns

1 have merit, they will be addressed in the right-of-way or permitting processes following
2 issuance of the CPCNs.

3 **REBUTTAL TO ANADARKO**

4 **Q. Please provide a general response to Anadarko’s supplemental response**
5 **testimony.**

6 A. When Anadarko intervened in this case, it represented that it “would not broaden the
7 issues to be considered.” (Anadarko Petition to Intervene, page 4.) Since that time,
8 Anadarko has filed extensive testimony addressing issues specific to its individual
9 property interests, with little or no apparent connection to the Commission’s public
10 interest standard. That standard, as I understand it, requires the Company to
11 demonstrate that: (1) it has the financial ability to construct the facilities; (2) it has acted
12 in good faith; and (3) the new facilities are necessary.

13 Anadarko fails to address this standard. Anadarko focused its initial testimony
14 on compensation, arguing that the Company should be required to “revise its land
15 acquisition budget to include the significant mineral rights that are at risk of not being
16 developed” and acknowledge “the need to compensate the landowners and the oil and
17 gas lessees on the federal land.” (Aldridge Direct, page 3, lines 12–15.) In its
18 supplemental testimony, Anadarko asks the Commission to condition the CPCN on a
19 set of permitting restrictions designed to address Anadarko’s private property issues.

20 **Anadarko’s Proposed Conditions**

21 **Q. Can you explain what CPCN conditions Anadarko proposes?**

22 A. Yes. Anadarko witness Susan Aldridge proposes conditions requiring the Company to:
23 (1) undertake mitigation to allow longwall coal mining to continue; (2) maintain a

1 2,500 foot separation between transmission line and pipelines or adopt grounding
2 systems and install and maintain testing equipment to monitor alternating-current
3 (“AC”) induced corrosion; (3) adhere to existing surface use agreements; (4) assume
4 responsibility where reclamation plans or bonds are affected; (5) not interfere with
5 access for mineral development; (6) map abandoned mines and take measures to avoid
6 subsidence and cave-ins; and (7) allow future oil and gas wells and other mineral
7 development within and adjacent to wind projects as needed. (Aldridge Supp.
8 Response, page 2, line 2 to page 16, line 12.)

9 **Q. Has Anadarko cited any precedent for the Commission imposing these types of**
10 **permitting restrictions in a CPCN?**

11 A. No. Wyoming’s CPCN statute, Wyo. Stat. 37-2-205(c), allows the Commission to
12 condition a CPCN if the public convenience and necessity require, but I understand that
13 the Commission has not previously relied on this provision to condition a CPCN on
14 permitting restrictions proposed by private property owners like Anadarko. This makes
15 sense because including conditions in a CPCN that provide an advantage to an
16 intervening property owner could increase the costs or risks of a project to all
17 customers, which would be contrary the public convenience and necessity. In addition,
18 the CPCNs here would be conditioned upon the Company obtaining the necessary
19 rights-of-way, which will inherently require the Company to continue its engagements
20 with landowners, leaseholders, and mineral rights owners.

21 **Q. Has Anadarko explained how its proposed conditions are required to address**
22 **public convenience and necessity?**

23 A. No. The only public interest justification that Anadarko provides is a conclusory

1 statement that the conditions “would protect the public interest in safety and protect
2 land rights.” (Aldridge Supp. Response, page 2, lines 11–13.)

3 **Q. How does Anadarko justify these conditions?**

4 A. Anadarko claims that Wyoming Commission Procedural Rules, Chapter 3, Rule
5 21(c)(ii)(C) and (H) requires the Company’s application “to address active mine and
6 oil and gas development within one mile and to explain how the applicant will address
7 split-estate issues.” (Aldridge Supp. Response, page 2, lines 14–21.) Anadarko asserts
8 that its seven proposed permitting restrictions are required for compliance with this
9 rule. (Aldridge Supp. Response, page 3, lines 11–13.)

10 **Q. What do the Commission’s CPCN rules actually provide?**

11 A. Rule 21(c)(ii) requires the filing of background information on the proposed project in
12 a CPCN application. Subsection (H) requires that a CPCN application include “[a]
13 description of all mineral rights associated with the facility and plans for addressing
14 any split-estate issues.” Contrary to Anadarko’s testimony, subsection (C) does not
15 specifically address mineral rights issues, and there is no reference to a one-mile radius
16 in either subsection; the only reference to such a radius is in subsection (B), describing
17 the requirements of the geological report.

18 **Q. Did the Company include information responsive to subsection (H) in its CPCN
19 application and supplemental filings?**

20 A. Yes. The Company filed testimony (and exhibits) for the Combined Projects that were
21 responsive to this requirement. The specific testimony and exhibits are:

- 22 • Direct Testimony of Chad A. Teply;
- 23 • Confidential Exhibit RMP__(CAT-1);

- 1 • Confidential Exhibit RMP__(CAT-2);
- 2 • Confidential Exhibit RMP__(CAT-3);
- 3 • Exhibit RMP__(CAT-1SD);
- 4 • Exhibit RMP__(CAT-2SD);
- 5 • Exhibit RMP__(CAT-3SD);
- 6 • Exhibit RMP__(CAT-4SD);
- 7 • Exhibit RMP__(CAT-1SS);
- 8 • Confidential Exhibit RMP__(CAT-1SS-17);
- 9 • Confidential Exhibit RMP__(CAT-2SS-17);
- 10 • Confidential Exhibit RMP__(CAT-3SS-12);
- 11 • Confidential Exhibit RMP__(CAT-4SS-8); and
- 12 • Direct Testimony of Rick A. Vail.

13 **Q. Is there language in Rule 21(c)(ii) that sets specific approval requirements for a**
14 **CPCN, as Anadarko alleges?**

15 A. No. Rule 21(c)(ii) requires the filing of certain information about a project. It does not
16 purport to set a standard for approval or authorize conditions for approval.

17 **Q. Are Anadarko's proposed conditions reasonable?**

18 A. No. A majority of the conditions proposed by Anadarko are specific to their individual
19 property interests and the Company intends to address these directly with Anadarko in
20 right-of-way negotiations or permitting processes, as appropriate. The Company has
21 already asked for CPCNs conditional on obtaining rights-of-way, and additional, party-
22 specific conditions are inappropriate. The Commission should not pre-judge the
23 outcome of the right-of-way negotiations or the permitting process by adopting

1 Anadarko's conditions. That said, as stated below, the Company is willing to address
2 Anadarko's reasonable issues in the right-of-way process, and has already started work
3 on resolving its concerns.

4 **Q. What would be the effect of these CPCN conditions on the Combined Projects?**

5 A. As a practical matter, CPCN conditions such as those Anadarko proposes are so broad
6 and general that their imposition could preclude the Company from moving forward
7 with the Combined Projects. The conditions could increase the costs and risks of the
8 Combined Projects, and allow Anadarko to unreasonably delay their construction.
9 Anadarko's proposed conditions (1), (2), (5), and (7) appear crafted to leverage
10 Anadarko's positions in rights-of-way negotiations, while Anadarko's proposed
11 conditions (3), (4), and (6) incorporate real estate law and civil/structural detailed
12 design issues that the Company would inherently address in good-faith rights-of-way
13 negotiations and project planning.

14 **Sufficiency of Right-of-Way Budget**

15 **Q. Ms. Aldridge argues that the Company has been inconsistent regarding potential**
16 **need to include mineral rights in right-of-way costs. (Aldridge Supp. Response,**
17 **page 6, line 15.) Is this accurate?**

18 A. No. It is not inconsistent for the Company to take the position that (1) the Combined
19 Projects are generally compatible with mineral development, and have been sited to
20 minimize conflict with mineral rights; and (2) the Company is prepared to address
21 micro-siting, specific terms and conditions for future development opportunities, and
22 valuation issues where potential impairment of near-term mineral extraction is
23 identified in the right-of-way process, as appropriate. The Company has extensive

1 experience in implementing projects with these very underpinnings. Ms. Aldridge
2 claims that my testimony simultaneously both restates and changes the Company's
3 position on this issue, an argument which makes little sense. (Aldridge Supp. Response
4 at page 6, line 2; page 7, line 4.)

5 **Q. Ms. Aldridge further alleges that a \$22.08 million right-of-way budget is too low**
6 **given the size of mineral interests that may be affected. (Aldridge Supp. Response,**
7 **page 7, line 10.) How do you respond?**

8 A. As I previously noted in my Supplemental Rebuttal testimony, the currently estimated
9 right-of-way costs that the Company has incorporated into its Transmission Projects'
10 budget are based upon the Company's experience securing similarly situated rights-of-
11 way on its recent major transmission projects. (Fisher Supp. Rebuttal, page 4, line 3 to
12 page 5, line 3.) In addition, the figure that Ms. Aldridge cites is out-of-date. Mr. Rick
13 A. Vail's second supplemental testimony supplied an updated budget for network
14 upgrade costs, which included a new estimate for right-of-way costs. The total budget
15 for network upgrade rights-of-way is now [REDACTED] million, resulting in a total right-of-
16 way budget of [REDACTED] million for the Transmission Projects. (Vail Direct, page 12, Conf.
17 Table 1; Vail Second Supp., page 5, Conf. Table 1.) The Company's estimated right-of-
18 way costs are reasonable, taking into consideration the fair market value of the property
19 impacted, including potentially impacted mineral interests.

20 **Q. In challenging the sufficiency of the right-of-way budget, Anadarko points to its**
21 **"high value" Wyoming coal prospects. (Aldridge Supp. Response, page 7, lines 10–**
22 **12.) Can you please comment on this claim?**

23 A. Yes. As Anadarko acknowledged in its direct testimony, it currently has only one active

1 coal mine interest in Wyoming, the Black Butte mine. (Wurdack Direct, page 3, lines
2 18–22.) The Company has purchased coal from the Black Butte mine for the Jim
3 Bridger plant for decades, and the Company is very familiar with this mine. In response
4 to market conditions, the Black Butte mine has significantly reduced its operations in
5 the last several years, and to the best of my knowledge, the joint owners of the Jim
6 Bridger power plant (PacifiCorp and Idaho Power) are the sole contract customer of
7 the mine (Black Butte periodically sells small volumes of coal as spot business).

8 The Company was unable to identify any public information available
9 regarding Anadarko’s current plans, if any, to develop new coal prospects and, given
10 current and projected U.S. coal markets, such a venture seems unlikely. Given this
11 context, the claim that the Company’s right-of-way budget is understated because of
12 Anadarko’s coal prospects is highly speculative. I would also note that Anadarko
13 admits it has entered into only one coal lease agreement from January 1, 2015 through
14 the present. (See Exhibit RMP__(RDF-3SR) Anadarko Response to Rocky Mountain
15 Power Data Request 1.2.)

16 **Q. As a long-time customer of the Black Butte mine, is it in the Company’s interest**
17 **to ensure that the operations of that mine are not impacted by the Combined**
18 **Projects?**

19 A. Yes.

1 Q. **Anadarko witness Mr. Shannon claims that, because Anadarko intends to develop**
2 **coal projects where coal is less than 180 feet from the surface, it will use surface**
3 **or longwall mining, not room and pillar mining, so that mining cannot occur**
4 **directly under the transmission line. (Shannon Supp. Response, pages 2–4.) Please**
5 **respond.**

6 A. In the proper forum of rights-of-way negotiations, the Company will explore with
7 Anadarko opportunities to minimize or otherwise address potential impacts to future
8 surface or longwall mining developments that may occur within the footprints of
9 Anadarko’s identified coal interests. The Company’s experience is that safe and reliable
10 mining operations and maintenance of transmission infrastructure can be achieved
11 together, including certain operational activities under transmission lines. The
12 Company also understands that the Transmission Projects could preclude the extraction
13 of some minerals depending upon the scope of future developments, for example, an
14 area around and under the transmission line towers, and the Company is prepared to
15 address micro-siting, right-of-way terms and conditions for future development
16 opportunities, and valuation issues where potential impairment of near-term mineral
17 extraction is identified in the right-of-way process, as appropriate.

18 Q. **Mr. Shannon also contends that the 500 kV line will interfere with Anadarko’s**
19 **mining interests even though the existing 230 kV line in the same corridor does**
20 **not because the transmission towers and line are heavier. (Shannon Supp.**
21 **Response, page 5, lines 14–20.) What is your perspective on this contention?**

22 A. While the 500 kV towers are, in fact, heavier than their 230 kV counterparts and will
23 result in different below-grade impacts and requirements to maintain subadjacent

1 support, the overall right-of-way requirements for the 500 kV line are similar in nature
2 to the 230 kV line as it relates to Anadarko's future coal mining interests. Anadarko's
3 future coal mining interests are predominately co-mingled in the federal checker-board
4 interests across which the Company received its Record of Decision to construct and
5 operate the 500 kV line. The Company effectively worked within an energy corridor
6 concept, which was supported by the multiple stakeholders engaged in that important
7 process. In discussing future 500 kV infrastructure, the context of the existing 230 kV
8 infrastructure should facilitate right-of-way negotiations that protect the interests of
9 both parties.

10 **Q. Mr. Shannon contends that there are safety issues related to mining near the**
11 **transmission line. (Shannon Supp. Response, pages 5–6.) How do you respond?**

12 A. There can be safety-related issues associated with mining near overhead power lines
13 and structures. However, these safety issues can be mitigated through prudent planning,
14 engineering, and the execution of proper mine plans. If a new mine site was developed
15 in the future, the Company would work with Anadarko to determine potential re-
16 routing of an existing transmission line. For example, the Company worked directly
17 with Anadarko at the Black Butte mine in the early 2000s to re-route an existing 230 kV
18 transmission line to allow for the mine expansion and to prevent safety issues.

19 **Notice and Right-of-Way Discussions**

20 **Q. Ms. Aldridge claims that “Rocky Mountain Power has not begun negotiations with**
21 **Anadarko for the necessary rights-of-way.” (Aldridge Supp. Response, pages 9–**
22 **10.) Is this true?**

23 A. No. For reasons not entirely clear, Ms. Aldridge acknowledges communications with

1 the Company regarding rights-of-way for Combined Projects, but denies the fact of any
2 negotiations. Ms. Aldridge took a similar position in her direct testimony filed in
3 December 2017 (Aldridge Direct, page 6, lines 8–12.) But in its petition to intervene in
4 October 2017, Anadarko stated the following: “While the Applicant and its parent
5 company, PacifiCorp, have *started negotiations for the requisite rights-of-way or*
6 *easements* across Anadarko’s property for the Aeolus-to-Bridger/Anticline Line and the
7 Shirley Basin-to-Aeolus Line, no agreement has been reached.” (Anadarko Petition to
8 Intervene, page 4, emphasis added.) Anadarko’s current position that the Company has
9 not initiated negotiations is directly contradicted by its acknowledgment in
10 October 2017 that negotiations were already underway.

11 **Q. Ms. Aldridge states that “there does not appear to be any question” that mineral**
12 **rights owners are landowners for purposes of receiving notice under Wyo. Stat.**
13 **37-2-205(c). Please comment.**

14 A. I disagree with Ms. Aldridge. As I understand, mineral rights owners may be “property
15 owners” as described elsewhere in this statute, but they are not “landowners,” entitled
16 to notice under Wyo. Stat. 37-2-205(c).

17 **Q. Ms. Aldridge also claims that it was entitled to notice regarding the Wind Projects**
18 **as an impacted landowner. (Aldridge Supp. Response, page 12, line 18.) How do**
19 **you respond?**

20 A. I disagree, and it is unclear why Anadarko makes this argument. It is undisputed that
21 Anadarko received actual notice of the Transmission Project in September 2017, and it
22 has received all testimony filed in this case thereafter. (Petition to Intervene, page 2.)
23 There is no requirement that the Company re-notify landowners who have already

1 received notice of the CPCN filing. Second, Wyo. Stat. 37-2-205(c) requires notice to
2 landowners regarding high voltage transmission lines only, and by its terms does not
3 apply to new generation resources.

4 **Q. Ms. Aldridge claims that the 65-day notice letter to Rock Springs Grazing**
5 **Association and a similar letter sent to Black Butte Coal are evidence that the**
6 **Company will use its condemnation authority to push through right-of-way**
7 **acquisition. (Aldridge Supp. Response, page 13, line 18.) How do you respond?**

8 A. Anadarko simultaneously complains that the Company has been too slow to initiate
9 rights-of-way discussions with Anadarko, and that it has moved too quickly to initiate
10 discussions with other landowners. As noted in my earlier testimony, to ensure enough
11 time for constructive negotiations, the Company began the outreach process to
12 landowners in 2017. (Fisher Supp. Rebuttal at 6, lines 14–16.) Contrary to what
13 Anadarko insinuates, the Company has never represented that it intends to commence
14 eminent domain proceedings with a CPCN from the Commission, but it has
15 incorporated what it believes to be the appropriate language into its offer letters to
16 landowners regarding the potential for eminent domain proceedings as required by
17 Wyoming law. As I have also stated, the Company’s hope is to avoid eminent domain
18 proceedings altogether by negotiating mutually acceptable rights-of-way agreements.
19 The best evidence of the Company’s commitment to the good faith negotiations for
20 rights-of-way is the Company’s track record for previous transmission projects, which
21 reveals very few instances where the Company initiated condemnation proceedings.

1 **Impact of Combined Projects on Wyoming**

2 **Q. Ms. Aldridge claims that because the Combined Projects will prevent or burden**
3 **mineral development, they will reduce revenues that would otherwise be received**
4 **by state and local governments through taxes, royalties, and jobs. (Aldridge Supp.**
5 **Response, page 8.) How do you respond?**

6 A. As I noted in my Supplemental Rebuttal testimony, Anadarko made this claim in its
7 direct testimony without any supporting evidence. (Fisher Supp. Rebuttal at 6, lines
8 12–22.) Ms. Aldridge repeats this claim here, pointing to only one specific example—
9 a potential loss in tax revenues from the Bridger Mine if longwall mining is impacted.
10 (Aldridge Supp. Response, page 8, line 17.) The Company co-owns the Bridger Mine,
11 and given the Company’s knowledge of the mine’s operations, it can definitively state
12 that the Combined Projects will have no impact on longwall mining at the mine.

13 **Q. Ms. Aldridge claims that there will be some core habitat disturbance outside the**
14 **exempt transmission corridor. (Aldridge Supp. Response, page 14, line 14.) Has**
15 **the Company addressed this impact?**

16 A. Yes, I explained the Company’s approach in my earlier testimony. (Fisher Supp.
17 Rebuttal, pages 6–7.) The Company’s Habitat Equivalency Analysis (“HEA”) will
18 quantify all direct and indirect impacts caused from construction and operation of the
19 Transmission Projects. The Company will also run a segment specific Density
20 Disturbance Calculation Tool analysis to identify direct impacts outside of the
21 Governor’s Transmission Line Corridor. If disturbance is under the five percent
22 threshold, no additional mitigation will be required.

23 Additionally, the Company is preparing a Mitigation Plan that adheres to state

1 and federal guidelines provided in the Bureau of Land Management’s (“BLM”) Rocky
2 Mountain Record Of Decision and Wyoming Approved Resource Management Plan
3 Amendment, the State of WY Executive Order 2015-4, and the United States Fish and
4 Wildlife Service Rangelwide Greater Sage-Grouse Mitigation Framework (among
5 others). The Mitigation Plan frames a detailed compensatory mitigation strategy that
6 will be used to offset residual direct and indirect impacts. The HEA is a fundamental
7 component of this plan and will ensure functional acres lost from construction and
8 operation of the Project are offset through measurable mitigation measures to achieve
9 a net conservation benefit.

10 **Q. Ms. Aldridge equates the development of wind with displacement of coal and oil**
11 **and gas and argues that is not an objective of ENDOW. (Aldridge Supp. Response,**
12 **page 15, line 12.) How do you respond?**

13 A. The Company does not equate the development of wind with the displacement of coal
14 and oil and gas in Wyoming. While not incorporated into the top ten ENDOW
15 recommendations, the Company believes its Energy Vision 2020 initiative and the
16 Combined Projects directly align with the ENDOW initiative. For example, an excerpt
17 from the ENDOW December 2017 Report (page 7) is as follows:

18 In addition to our ten recommendations we also support efforts
19 encouraging research and development of Blockchain, Vertical Take
20 Off and Landing (VTOL) technology, and renewable, wind energy
21 development which are considered to have high potential for
22 diversifying and differentiating Wyoming’s economy.

23 Governor Mead also provided a quote to support the media releases in early 2017
24 announcing the Company’s Energy Vision 2020 initiative is as follows:

25 “This ambitious plan - a nearly \$3 billion investment in Wyoming -
26 diversifies Wyoming’s economy, expands markets, presents workforce
27 training opportunities, adds jobs and strengthens the tax base in local

1 communities,” said Wyoming Governor Matt Mead. “I look forward
2 to working closely with Rocky Mountain Power. I see great potential
3 for Wyoming workers and rate payers as this plan is implemented.”

4 Additional examples of references to the importance of wind development are available
5 in the available ENDOW reports which would further dispute Ms. Aldridge’s assertion
6 that development of the Wind Projects and associated Transmission Projects are not
7 objectives of the ENDOW initiative.

8 **Permitting Issues**

9 **Q. Mr. Wurdack claims that because the proposed wind farms are an integral and**
10 **mutually interdependent part of the transmission line, they are “connected**
11 **actions” that require the Company to file a supplemental Environmental Impact**
12 **Statement (“EIS”). (Wurdack Supp. Response, page 24, line 2.) Is this correct?**

13 A. No. The BLM or other federal agency would “require” the Company to file an
14 Application for Right of Way if they determined the Wind Projects were a connected
15 action. The BLM has not requested the Company or the wind developers to address this
16 item due to the fact that the wind development is contained within private property.

17 **Q. Please explain.**

18 A. The Final Gateway West EIS and Record of Decision presented a full National
19 Environmental Policy Act (“NEPA”) analysis of each transmission line segment
20 addressing interrelated segments of the same action, dependent actions, reasonably
21 foreseeable future actions, and a cumulative analysis of all actions. The Final EIS
22 addresses the transmission line segments as having independent utility, i.e., as being
23 usable regardless of additional transmission segments or generation improvements in
24 the project area are constructed.

25 The Wind Projects as “renewable generation” were considered in the Final EIS

1 analysis as part of potential projects contained in PacifiCorp’s large generator
2 interconnection queue, and the Wind Projects do not require NEPA analysis as they are
3 fully contained on private land. Thus, contrary to Mr. Wurdack’s claims, the Wind
4 Projects are not “connected actions” that require the Company to file a supplemental
5 EIS. Each of the Wind Projects have their own permitting requirements (as shown in
6 numerous exhibits submitted with Mr. Teply’s testimony) that will be completed by the
7 respective project developers.

8 **Q. Mr. Wurdack claims that his research identifies several abandoned mines not**
9 **previously identified that would be crossed by the project on Anadarko lands.**
10 **(Wurdack Supp. Response, page 9, line 11). He claims that construction of the**
11 **Combined Projects could cause subsidence or cave-ins. Is this a reasonable**
12 **concern?**

13 A. The Company has conducted a review of publicly available information for abandoned
14 mines in the proposed right-of-way and found none. If there are known abandoned
15 mines located on Anadarko’s property in the area of the Combined Projects (or any
16 other landowner), the Company is committed to addressing such concerns during the
17 right-of-way negotiations and project design and engineering processes to address
18 subsidence and cave-in risks.

19 **Q. Mr. Wurdack claims that there are concerns with regard to access to mines in the**
20 **reclamation process. (Wurdack Supp. Response, page 9, line 19 to page 10, line 2.)**
21 **How do you respond to this claim?**

22 A. PacifiCorp has experience with permitting and demonstrating regulatory compliance
23 with developing access roads across fully reclaimed mine lands to allow for

1 construction and mine reclamation activities to co-exist within the respective
2 designated areas. Developing these access roads requires changing the approved post
3 mining land use in the approved mine permit from wildlife/livestock grazing to
4 industrial use. The access roads were developed with a 200 foot wide buffer zone
5 (100 feet on each side of the centerline). Upon completion of the construction projects,
6 the access roads with their buffer zones were removed from the mine permit, released
7 from bonding requirements and mine regulatory jurisdiction. The Company anticipates
8 that its currently proposed projects can be managed with a similar approach in
9 coordination with the individual mine permit holder(s) and will be discussed during
10 rights-of-way negotiations.

11 **Pipeline Issues**

12 **Q. Anadarko witness Mr. Naherny claims that RMP did not address corrosion or**
13 **cathodic protection issues for pipelines in the application, but has since recognized**
14 **those issues exist. (Naherny Supp. Response, page 3, line 1). Did you address this**
15 **issue in your supplemental rebuttal testimony?**

16 A. Yes. I explained how the Company planned to address these issues, and the success the
17 Company has had in using a similar approach for other large transmission lines. (Fisher
18 Supp. Rebuttal, pages 9–10.)

19 **Q. Can you provide some additional background on this issue?**

20 A. Yes. Cathodic protection is an issue the Company takes very seriously. The type of
21 interference to which Mr. Naherny refers is the potential for AC Interference on
22 pipeline facilities (including oil and gas wells) from nearby transmission lines. It is
23 common for linear projects, such as transmission lines, to be located in varying degrees

1 of proximity, and even within the very same right-of-way, as other linear facilities such
2 as pipelines and their associated facilities. Thus, it falls within the Company’s normal
3 business operations to work with pipeline companies to address potential AC
4 Interference, as needed, when the Company is constructing and operating transmission
5 lines.

6 The Company has a process for developing plans to address AC Interference,
7 which involves working with each pipeline company on an individual basis. These
8 plans are included in every transmission project. The Company is diligently addressing
9 cathodic protection and AC Interference for the Transmission Projects. We have already
10 initiated discussions with 12 separate pipeline companies associated with the
11 Transmission Projects, and will continue to work with these companies to develop and
12 maintain an AC Interference plan to mitigate the effect of the Transmission Projects on
13 infrastructure in the area.

14 **Q. Anadarko witness Mr. Naherny stated in direct testimony that “there should be at
15 least 1,000 feet of separation between a transmission line and an oil and gas well
16 to ensure minimal interference” (Naherny Direct, page 5, lines 2–4), but now
17 claims the separation should be at least 2,500 feet. (Naherny, Supp. Response, page
18 3, lines 19–22). How do you respond?**

19 **A.** Mr. Naherny specifically cites the Interstate Natural Gas Association of America
20 (“INGAA”) Criteria for Pipelines Co-Existing with Electric Power Lines
21 (October, 2015) for both his 1,000 feet and 2,500 feet separations. These distances are
22 not mandated separation requirements, but rather “best practice guidelines and
23 summary criteria,” designed to convey the degree of AC Interference present at

1 different levels of proximity between facilities. The cited INGAA reference discusses
2 separation requirements in the context of severity risk. AC Interference, when present,
3 decreases as the distance increases between the associated facilities. AC Interference
4 mitigation will be different for each individual situation between a transmission line
5 and any associated infrastructure that is present. Therefore, the Company has developed
6 a process to work with each pipeline owner to identify potential mitigation measures
7 for AC Interference on a case-by-case basis, taking into account separation distances.
8 The process will generally include pre-project information gathering and evaluation
9 and pre- and post-project monitoring. This process may take up to five years after a
10 project is put into service to complete in order to identify actual impacts and associated
11 mitigation measures, if needed.

12 **Q. Anadarko witness Mr. Taylor claims that he has evaluated potential impacts of the**
13 **proposed transmission line on existing pipeline systems and recommends**
14 **monitoring and mitigation as a condition of the CPCN. (Taylor Supp. Response,**
15 **page 1, line 18.) Please respond.**

16 A. As noted, the Company's AC Interference plans and procedures include discussing a
17 process with each pipeline owner to identify potential mitigation measures for AC
18 Interference on a case-by-case basis. The conditions proposed by Anadarko are specific
19 to their individual property interests and will be addressed under the proper forum,
20 which is during the discussions that will be held with each individual pipeline company
21 (including Anadarko) to discuss AC Interference and mitigation plans. These plans
22 should be tailored to address each pipeline company's individual site-specific
23 conditions. If the Commission were to impose the condition Anadarko proposes in the

1 CPCN approval process, it may become unduly burdensome and allow for less
2 flexibility than the process that is currently in place.

3 **Q. Mr. Taylor alleges that a case-by-case analysis of AC interference effects as**
4 **suggested by the Company is inadequate because interconnections of multiple**
5 **pipelines in affected areas will required a whole system evaluation. (Taylor Supp.**
6 **Response, page 3, line 16.) Do you agree?**

7 A. No. The Company will study AC interference for impacted systems, including
8 interconnections, where conditions exist that indicate the potential for impacts. It is
9 unlikely that whole systems are impacted, as AC Interference diminishes as proximity
10 increases. As noted above, the approach to AC Inference mitigation varies widely
11 between pipeline companies and should be based on site-specific conditions.
12 Additionally, there are many variables associated with quantifying the impacts of AC
13 Interference on pipelines, which are site-specific and vary depending on transmission
14 line and pipeline infrastructure locations, soil types, etc.

15 **Q. Mr. Taylor claims that he has seen no documentation showing adequate mitigation**
16 **on those lines of induced or fault AC currents. (Taylor Supp. Response, page 4,**
17 **line 11.) How do you respond?**

18 A. The information Mr. Taylor cites as lacking is an important aspect of the detailed design
19 and engineering of transmission systems, which is still underway at this stage of the
20 Project. The Company has initiated discussions with 12 pipeline companies and has
21 received information from six companies to date, as part of its discussions with pipeline
22 owners pertaining to the necessary information gathering at this phase of the project.
23 Upon completion of these initial information gathering and evaluations, the Company

1 will provide them to the respective pipeline owners as part of the ongoing process to
2 identify and mitigate AC Interference.

3 **Q. Mr. Taylor concludes that, based on responses to data requests, the Company will**
4 **not accept minimum separation between pipelines and transmission lines,**
5 **although he claims that this is industry standard. Without minimum spacing of**
6 **36 feet from grounding electrodes at crossings and minimum spacing of 2,500 feet**
7 **for parallel segments, he concludes that there would be safety issues. (Taylor Supp.**
8 **Response, page 6, lines 10–16.) Please respond.**

9 A. I disagree with Mr. Taylor’s conclusion. Safety is the Company’s number one objective
10 in constructing and operating its system, and the Company’s approach to AC
11 Interference is designed to achieve the safest outcome possible, and is fully consistent
12 with industry standards.

13 As noted, AC Interference mitigation will be different for each individual
14 situation between a transmission line and any associated infrastructure that is present.
15 In many locations, the minimum suggested spacing cannot be maintained due to
16 existing infrastructure in the right-of-way or other naturally occurring physical issues.
17 In these instances, the Company’s AC Interference mitigation strategies emphasize
18 safety concerns, and that is why the Company will work with each pipeline owner to
19 identify individual mitigation measures for AC Interference. The Company’s
20 discussions with pipeline companies creates a customized process with each pipeline
21 owner. Determination of actual impacts will be necessary, as well as appropriate
22 mitigation measures for those impacts, in accordance with applicable codes and
23 industry standards.

1 **Q. Mr. Taylor recommends that a minimum 2,500 foot separation be maintained in**
2 **parallel lines. (Taylor Supp. Response, page 6, line 19.) As noted above, Mr.**
3 **Naherny agrees with Mr. Taylor’s 2,500 foot recommendation despite his earlier**
4 **testimony that 1,000 feet would be adequate. (Naherny Supp. Response, page 3,**
5 **line 19.) How do you respond?**

6 A. As noted above, the minimum suggested spacing cannot always be maintained due to
7 pre-existing conditions that do not allow for the suggested separation distance. This can
8 occur when, as here, facilities are co-located in existing infrastructure corridors to
9 mitigate environmental impact or other siting concerns. Rocky Mountain Power will
10 work with Anadarko to develop an AC Interference plan that takes into account
11 separation severity guidelines, as all necessary information is gathered, evaluated, and
12 monitored.

13 **Q. Mr. Naherny recommends a pipeline protection condition to the CPCN requiring**
14 **the Company to adhere to industry guidance by INGAA and NACE, pay for pre-**
15 **and post-installation pipeline corrosion surveys that would be performed at**
16 **Anadarko’s direction, and install and use monitoring equipment as deemed**
17 **appropriate by Anadarko for a least one year after any changes to operating load**
18 **or capacity. (Naherny Supp. Response, page 6, line 7). Are these conditions**
19 **reasonable?**

20 A. No. While the Company is open to addressing AC Interference provisions in its right-
21 of-way discussions with Anadarko, it is unreasonable to condition the CPCN with a
22 customer-specific demand such as this. Each affected landowner’s or pipeline
23 company’s situation is unique and the Company believes it is not in the broader public

1 interest to include specific landowner conditions in a CPCN.

2 **Q. Mr. Taylor and Mr. Naherny assert that pre- and post-installation survey and**
3 **monitoring should be done to identify issues and mitigation. (Naherny Supp.**
4 **Response, page 7, line 1.) In addition, Mr. Taylor asserts that monitoring is more**
5 **feasible than modeling in this case. (Taylor Supp. Response, page 6, line 19; page**
6 **7.) How do you respond?**

7 A. The decision to complete the AC Interference study and to design subsequent
8 mitigations, using modeling or monitoring, will be completed in coordination with each
9 identified pipeline owner (including Anadarko) based on the process I describe above.

10 **RESPONSE TO SOUTHLAND**

11 **Q. Southland witness Jonathan Holmes claims that the maps he provides as Exhibits**
12 **A-1 through A-31 establish that in many instances the proposed right-of-way is**
13 **significant and will make it more costly for Southland to develop its minerals.**
14 **(Holmes Supp. Direct, page 3, lines 5–14.) How do you respond?**

15 A. The proposed right of way for the 500 kV transmission line is 250-foot wide. There are
16 no instances where it will be less or greater. Because the transmission line is an
17 overhead linear feature, it is largely compatible with oil and gas development. Surface
18 activity is only limited within the transmission line right-of-way and subsurface drilling
19 below a certain depth is permitted within the right-of-way. During rights-of-way
20 negotiations, the Company will explore with Southland opportunities to micro-site the
21 transmission line for optimal well pad placement.

22 **Q. Mr. Holmes proposes seven conditions to the CPCN. What are those conditions?**

23 A. Southland proposes the following conditions: (1) require the Company to build the line

1 at a sufficient height to allow oil and gas equipment to be safely moved under it; (2) for
2 the roads being used, require the Company to enter into mutually acceptable
3 agreements for safety and maintenance with Southland and others sharing the roads;
4 (3) require the Company to route the transmission line around existing well locations a
5 sufficient distance to avoid risk of electrocution/fire/explosion if a line were to become
6 detached from a tower; (4) require the Company to route the line toward the middle of
7 the section, or at least at a sufficient distance from the north and south boundary lines
8 of sections, to reduce interference with Southland's ability to site a well pad; (5) require
9 the Company to explain and ensure adequate cathodic protection is being installed;
10 (6) require the Company to install or design the tower to mitigate for raptor-use; and
11 (7) require the Company to cooperate with Southland to minimize surface impacts
12 outside of transmission corridor to avoid adversely impacting Southland's ability or
13 cost to conduct mineral development in sage grouse areas. (Holmes Supp. Direct, pages
14 11-13.)

15 **Q. Does Southland explain how these conditions are required for the public**
16 **convenience and necessity?**

17 A. No. It provides no justification for adoption of these conditions.

18 **Q. Is the bulk of Southland's testimony a land section-by-section discussion of the**
19 **impact of Transmission Project routing on Southland's individual properties?**

20 A. Yes. The testimony is specific to Southland, and addresses proposed re-routing of the
21 Transmission Project around and through Southland's property. This testimony does
22 not attempt to tie back to the public interest standard.

1 **Q. Are the concerns you addressed above regarding Anadarko’s proposed conditions**
2 **also applicable here?**

3 A. Yes.

4 **Q. Are Southland’s proposed conditions reasonable?**

5 A. No. The conditions proposed by Southland are specific to their individual property
6 interests and will be addressed under the proper forum, which is during right-of-way
7 negotiations. If the Commission were to impose the conditions Southland proposes,
8 that are not in the broader public interest, it sets a precedent and opens the door for all
9 landowners to propose their own individual conditions that ultimately may not be in
10 the overall public interest.

11 **RESPONSE TO ROCKY MOUNTAIN SHEEP COMPANY**

12 **Q. Ms. Thompson from RMSC refutes your testimony that RMSC was advised of an**
13 **opportunity to engage in the siting process with the Bureau of Land Management**
14 **(“BLM”). (Thompson, Supp. Response, page 8, line 170 to page 9, line 189.)**
15 **Specifically, she claims that they were advised only that its property was within a**
16 **“study corridor” and “once the final route is determined, you will be provided**
17 **with additional information if it is expected your land will be affected.” (See**
18 **Exhibit RMP__(RDF-3R).) How do you respond?**

19 A. The BLM held multiple public open houses throughout the project area for input into
20 the scoping process for the transmission line. They advertised these events through
21 regional and local public media. The BLM issued the right-of-way grant for final
22 routing on public land in November 2013. The Company is still in final design and
23 routing on private property which requires the engagement and cooperation of the

1 private landowner.

2 **Q. Ms. Thompson alleges that it was never advised during the environmental review**
3 **process with the BLM that its land would be affected by the route. She further**
4 **alleges the BLM had no authority to, and did not attempt to, site or locate the**
5 **proposed 140-mile Aeolus-to-Anticline 500 kV transmission line across RMSC's**
6 **private property. (Thompson, Supp. Response, page 8, line 170 to page 9, line 189.)**
7 **Do you agree?**

8 A. No. During the Final EIS the BLM identified its preferred alternative for a 250 foot
9 right-of-way for the transmission line. While the BLM only has authority to authorize
10 the route on public lands, the entire route on all land ownership was publicly disclosed
11 and identified throughout the Final EIS and Record of Decision process.

12 **Q. Ms. Thompson claims that RMSC's siting concerns will not be addressed by the**
13 **Industrial Siting Council. (Thompson, Supp. Respond, page 9, line 190 to page 10,**
14 **line 198). Specifically, she claims that pursuant to Wyo. Stat. § 35-12-111(c),**
15 **because a wind project is not proposed to be located on RMSC's property, it is**
16 **only entitled to make a "limited appearance" with the Industrial Siting Council**
17 **by filing a statement during the hearing. Do you agree?**

18 A. My understanding is that RMSC's analysis is incorrect. Pursuant to Wyo. Stat. 35-12-
19 111(a)(iii), as a landowner affected by the Transmission Project, RMSC would be
20 entitled to participate in the hearing before the Industrial Siting Council.

1 **Q. Ms. Thompson claims that its siting concerns will not be addressed by Carbon**
2 **County because Carbon County has publicly supported the Company’s project so**
3 **it is unlikely that its siting concerns will be heard or addressed by the planning**
4 **personnel in Carbon County. (Thompson, Supp. Response, page 10, lines 199–**
5 **201.) Do you agree?**

6 A. No. The Company has no reason to believe that Carbon County will not hear the
7 concerns of RMSC.

8 **Q. Do you agree with Ms. Thompson that the only opportunity for RMSC’s siting**
9 **concerns to be heard and addressed is before the Commission?**

10 A. No. The Commission is concerned with the public interest as a whole. However, several
11 other governmental bodies have considered and will likely consider the individual
12 concerns of the RMSC. Its concerns should be addressed in those forums.

13 **Q. Ms. Thompson argues in her original testimony and supplemental testimony**
14 **(Thompson, Supp. Response, page 10, lines 204–209), that it received**
15 **correspondence from the Company which initiates the pre-condemnation process,**
16 **but it has not otherwise received any contact or correspondence from the**
17 **Company. How do you respond?**

18 A. The correspondence referenced is likely the offer letter for an option and easement
19 mailed November 1, 2017. The offer letter does not represent a “pre-condemnation
20 process” but is an offer for a right-of-way and includes language required by Wyoming
21 law to be disclosed to landowners regarding the Company’s condemnation authority.
22 Since the mailing of the letter, the Company’s land agent has spoken several times with
23 Valerie Vivian and has attempted to reach Mary Withrow by phone to discuss the offer

1 and any counteroffer they wish to propose.

2 **RESPONSE TO THE OVERLAND TRAIL CATTLE COMPANY**

3 **Q. Mr. Miller from Overland contests your testimony that “[PacifiCorp] has been**
4 **coordinating with [TOTCO] for many years on these projects and will continue to**
5 **do so in the future.” (Miller Supp. Response, page 1, lines 11–20) (citing Fisher**
6 **Testimony, page 10, line 23 to page 11, line 4)). How do you respond?**

7 A. The Company has coordinated with Overland on several projects in the past. While
8 many, if not all of those agreements have expired, we are committed to working with
9 Overland on renewing these agreements. In addition, the Company has been
10 successfully working with other landowners to coordinate and micro-site the
11 transmission line to accommodate the Company’s transmission line and the facilities
12 planned by Overland. These agreements will ensure that both parties can site,
13 construction, and operate proposed projects on Overland properties.

14 **Q. Mr. Miller claims that Overland’s concerns are fundamentally different from**
15 **other property owners in that their land will not only accommodate the**
16 **Company’s infrastructure but also two other multi-billion dollar energy**
17 **infrastructure projects. Overland wants assurance that the Company’s project**
18 **will not infringe on the safe and orderly development of other major energy**
19 **projects. (Miller Supp. Response, page 2, lines 10–21). How do you respond?**

20 A. Though Overland has unique and fundamentally different concerns from other
21 landowners, the Company maintains that these issues are best addressed through strong
22 coordination efforts by both parties. This will ensure that both parties’ infrastructure
23 projects can be sited, built, and operated safely on Overland properties.

1 **Q. Mr. Miller alleges that there will potentially be adverse consequences because**
2 **without appropriate coordination, the Transmission Projects create a significant**
3 **risk of interference with the Chokecherry Sierra Madre Project and the**
4 **TransWest Express Project. (Miller Supp. Response, page 2, line 22 to page 5, line**
5 **9). How do you respond?**

6 A. The Company agrees that careful project coordination among Rocky Mountain Power,
7 Overland, the Power Company of Wyoming, and TransWest Express is necessary, but
8 does not agree that this is a necessary or appropriate condition of the CPCNs.

9 **Q. Does this conclude your supplemental rebuttal testimony (part 2)?**

10 A. Yes.

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 13 day of MARCH, 2018



Roderick D. Fisher
Principal Project Manager
1407 West North Temple, Suite 250
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 13 day of March, 2018. Witness my hand and official seal.



Notary Public

My Commission Expires: 10/19/2019

