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The Honorable Sharon A. Rice

BEFORE THE HEARING EXAMINER
FOR THE CITY OF REDMOND, WASHINGTON

In re:

Puget Sound Energy, Inc.
Energize Eastside/LAND-2021-00487
AND LAND-2021-00521

**PUGET SOUND ENERGY'S
PREHEARING MEMORANDUM**

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1 Construction is near-complete in Renton and is beginning in south Bellevue.⁴ In Redmond,
2 PSE proposes replacing 35 wooden H-frame poles and six single poles (41 total existing
3 poles) with 28 steel monopoles supporting new heavier gauge transmission lines and an
4 associated shield wire.

5 The City’s Technical Committee Report (“Staff Report”) and PSE’s application
6 materials demonstrate how the Project complies with the specific criteria set forth in the
7 Redmond Zoning Code (“RZC”). PSE has reviewed the Staff Report and concurs with its
8 analysis and with all Recommended Conditions of Approval. The evidence to be presented
9 at the public hearing will provide further evidence of how the Project meets the criteria for
10 approval. Attached as **Appendix A** to this Memorandum is a Proposed Findings of Fact,
11 Conclusions of Law, and Decision (“Proposed Decision”) that addresses each approval
12 criterion with reference to the associated supporting evidence.

13 This Memorandum sets forth limited additional analysis to aid the Hearing
14 Examiner in reviewing the City’s robust record.

15 **II. REGULATORY BACKGROUND AND DISCUSSION**

16 **A. The Project has undergone extensive environmental review**

17 The Project underwent four years of thorough environmental review under the State
18 Environmental Policy Act (“SEPA”), in a process that included multiple scoping meetings,
19 public comment periods, and public informational meetings. With Bellevue as the nominal
20 SEPA lead agency, Redmond, Renton, Newcastle, and Kirkland (collectively the “partner
21 Cities”) published a two-phased Environmental Impact Statement (“EIS”). The Phase 1
22 Draft EIS assessed both wire (i.e., overhead, underground, and underwater transmission
23

24 Revised Findings of Fact, Conclusions of Law, Decision and Conditions of Approval (May 10, 2022)
(attached as Exhibit E). The decision was not appealed.

25 ⁴ Testimony of Lowell Rogers.

1 lines) and non-wire alternatives (ranging from battery storage, distributed solar, and the
2 construction of natural gas peak shaving facilities in neighborhoods throughout the
3 Eastside, among others).⁵ The Phase 2 Draft EIS contains an in-depth analysis of overhead
4 transmission line route alternatives and associated potential impacts.⁶ The Final EIS
5 contains responses to public comments and a focused assessment of the impacts of certain
6 routing alternatives proposed for the Project, including the existing corridor presently
7 occupied by PSE's 115 kV lines. The environmental review concluded that out of all
8 technologies and route options analyzed, the construction of an upgraded transmission line
9 in the existing corridor best addressed the need for improved transmission reliability in the
10 Eastside while limiting costs and potential environmental impacts.⁷ Accordingly, PSE
11 selected the existing corridor as the proposed route for the upgrade.

12 Project opponents appealed both the first issued conditional use permit and the
13 challenged the EIS documents' adequacy. The EIS and associated permit were affirmed on
14 appeal.⁸ The adequacy of the Project's environmental review stands as a verity in these
15 proceedings and the City appropriately relies on the EIS in making its permitting
16 recommendations. To ensure a full and complete record in the upcoming hearing, PSE is
17 providing a complete copy of the EIS documents as a hearing exhibit. Additionally, for ease
18 of reference, **Appendix B** to this Memorandum provides citations to the sections and page
19 numbers of the EIS that contain discussion specific to the Redmond segment.

20 **B. The Project satisfies all Redmond CUP criteria**

21 CUP approval requires the Hearing Examiner to conclude the Project satisfies the
22 requirements of RZC 21.76.070.K.4. The City's Staff Report and the Proposed Decision

23 _____
24 ⁵ Ex. A at 15.
25 ⁶ *Id.*
⁷ *Id.* at 16
⁸ Ex. C.

1 detail the evidence in the record and the evidence to be presented at hearing supporting each
2 criterion for approval of the CUP. In addition, the following analysis further addresses
3 certain criteria and topics that may be raised at the upcoming public hearing.

4 *1. RZC 21.76.070.K.4.a – Consistency with the Comprehensive Plan and*
5 *RZC*

6 The City’s Comprehensive Plan vision is for a thriving, opportunity-rich
7 community.⁹ Reliable electrical infrastructure — including the Energize Eastside project
8 bringing a 230 kV power source to the Eastside including Redmond — facilitates the City’s
9 vision by providing electrical resources that will support new residential and commercial
10 facilities contributing to the health of the community.¹⁰ By using the existing transmission
11 line corridor (which has been in place since the late 1920s and predates the surrounding
12 development) rather than proposing the siting of an entirely new corridor, the Project is
13 consistent with Comprehensive Plan policies that encourage maximizing existing land uses
14 and minimizing adverse impacts.¹¹

15 For example, consistent with policy UT-64, which “encourage[s] pruning of trees to
16 direct growth away from overhead utility lines,” the Project includes vegetation
17 management and replacement that exceeds the RZC’s mitigation standards. Specifically,
18 the North American Electric Reliability Corporation (“NERC”) requires utilities to manage
19 vegetation height in transmission line corridors operated above 200 kV. This requirement
20 seeks to prevent trees from growing into or falling on power lines, which can cause power
21 outages.¹² To comply with NERC requirements, certain trees in the existing corridor will
22 need to be trimmed or removed. The required tree removal resulting from this upgrade will

23 _____
24 ⁹ See Comprehensive Plan policies LU-14, EV-15, UT-1, UT-2, UT-58.

25 ¹⁰ *Id.*

¹¹ See Comprehensive Plan policies UT-9, UT-12.

¹² Testimony of Brad Strauch; Staff Report at 34-35.

1 be mitigated in excess of RZC standards. Around half of the trees inventoried in the Project
2 area will be retained, exceeding the 35% tree retention requirements established in RZC
3 21.72.060.A.1.

4 PSE's Program Manager for the Energize Eastside project, Brad Strauch, will
5 explain PSE's proposed vegetation replacement approach at the upcoming hearing, which
6 includes working with property owners to develop draft replacement landscaping plans
7 (resulting in over 250 transmission line compatible trees being proposed on the draft plans),
8 as well as over 1,500 additional trees proposed on PSE property near the Sammamish
9 substation. PSE's approach results in more than three times the number of trees being
10 planted than are expected to be removed, well beyond the replacement ratio required under
11 the RZC.¹³

12 Consistent with policy UT-12, which encourages designing facilities to "minimize
13 impacts through actions such as: . . . [l]ocating utility corridors in existing cleared areas,"
14 the Project was designed to utilize the existing corridor and associated historically disturbed
15 areas to the greatest possible degree, and pole locations have been adjusted to avoid critical
16 area impacts wherever practicable. Certain impacts, however, were unavoidable. Impacts to
17 wetlands or wetland buffers will occur primarily due to the removal of tree canopy for
18 transmission line clearances. These impacts will be mitigated to meet or exceed RZC
19 standards through on-site mitigation located on PSE's property south of the Sammamish
20 Substation. This mitigation is part of a larger, comprehensive project designed to improve
21 riparian, wetland, and stream functions and habitat in the Willows Creek watershed. This
22 work will provide up to 104,900 square feet of wetland enhancement, (sufficient to meet
23 Redmond's wetland mitigation ratios as outlined in RZC 21.64.030.B) and will meet the
24

25 ¹³ Testimony of Brad Strauch.

1 riparian stream corridor performance standards and the mitigation requirements specified
2 in RZC 21.64.020.F.¹⁴ As the City concludes, consolidating mitigation at this location (as
3 opposed to spot mitigation along the corridor) will provide higher value and functions and
4 best facilitates long-term mitigation survival.¹⁵

5 *2. RZC 21.76.070.K.4.b – Compatibility with existing character*

6 In addition to promoting compatibility with the Comprehensive Plan, the Project is
7 compatible with, and responds to the existing character of the corridor and its vicinity.
8 Importantly, the transmission facilities are already integrated into the existing corridor
9 character, and this character will not change as the upgraded poles will be installed in the
10 same general location as the existing poles. PSE’s proposed design also minimizes impacts
11 by reducing the poles’ height and footprint to the extent practicable.¹⁶

12 As additional evidence of the Project’s compatibility with the existing character of
13 the transmission corridor, PSE developed visual simulations depicting the proposed
14 facilities and potential vegetation removal and regrowth. These visual simulations are
15 consistent with the EIS conclusions in that they show that the Project’s aesthetic impacts
16 are not significant, due to the nature of the existing corridor, the surrounding vegetation,
17 and the reduction of visual clutter through reducing the number of poles.¹⁷ Indeed, the Final
18 EIS not only concluded that there were no significant adverse aesthetic impacts in
19 Redmond, but that the Project “would not adversely affect existing or future land use
20 patterns,” and that “the degree of contrast with the existing environment would be
21 minimal.”¹⁸

22

23 ¹⁴ Staff Report at 21-22.

24 ¹⁵ *Id.* at 22.

25 ¹⁶ Testimony of Jack Middleton.

¹⁷ *Id.*

¹⁸ Final EIS at p. 4.1-7, 4.2-15.

1 and operational parameters to limit potential pipeline interactions. As Mr. Kemp will testify,
2 PSE's proposed design keeps interaction between the transmission lines and pipelines
3 below industry thresholds for risk and minimizes and mitigates pipeline safety concerns.

4 This is not PSE's opinion alone. The Final EIS concluded that under the Project, the
5 risk of a pipeline safety incident would remain low, and the probability of an incident would
6 be the same or lower compared to the No Action Alternative.²⁰ Further, as part of the EIS
7 development, the Partner Cities engaged an independent consultant, Wolfgang Fieltsch with
8 Stantec, to review the Project and DNV's work, and Mr. Fieltsch confirmed that DNV's
9 analysis complied with industry standards.²¹ More recently, during the permit hearing for
10 the Newcastle segment earlier this year, Mr. Fieltsch confirmed that PSE's design approach
11 and DNV's analysis of the final design comprehensively analyzed and mitigated pipeline
12 safety risks.²²

13 Finally, PSE and OPL have been cooperatively working on assessing potential AC
14 interaction for years. Mr. Kemp met regularly with OPL to provide them with multiple
15 opportunities to review and provide input on DNV's analysis.²³ Further, PSE and OPL have
16 had standing monthly construction coordination meetings since the beginning of 2018,
17 during which key company representatives discuss and share technical matters, including
18 but not limited to assessments of AC interaction readings on the pipelines, the installation
19 of additional pipeline monitoring equipment, and damage prevention plans.²⁴

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²⁰ Final EIS at p. 4.9-24.

²¹ Ex. A at 27-28.

²² Ex. E at 40-44.

²³ Testimony of David Kemp.

²⁴ *Id.*

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C. Project opponents likely will raise issues not implicated in the RZC

Demonstration that the Project is needed to address a transmission reliability deficiency on the Eastside is not a decisional criterion in Redmond, and challenges to the Project need are not relevant in a decision in these proceedings. Nevertheless, if recent history is any indication, PSE anticipates that project opponents may seek to challenge Project need. These challenges have been unsuccessfully raised in prior permit proceedings. While not a decisional criterion in Redmond, the need to upgrade the Eastside's transmission system has been confirmed by multiple studies, including by PSE's annual transmission planning assessments (a federally mandated and audited process), as well as by multiple experts engaged by the permitting jurisdictions. Most recently, Newcastle engaged independent consultants who confirmed an operational need for the Project, and earlier this year, the Newcastle Hearing Examiner confirmed the consultants' findings.²⁵

Similarly, project opponents or members of the public may offer up examples of what they believe to be better solutions to the Eastside's transmission deficiency. PSE appreciates the public's interest in its utility operations. However, nothing in the RZC or the Redmond Municipal Code gives the City the authority to reject this application on the grounds that the public may prefer some other (likely unstudied) technology to resolve the issue. As the utility provider mandated to make electricity available to all customers in its service area, PSE alone is responsible for solving the identified transmission deficiency. Further, multiple solutions were evaluated in the Phase I DEIS, a process that included robust public participation and examination.

²⁵ Ex. E at 28-31,44-53.

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III. CONCLUSION

Energize Eastside has been recommended to the Hearing Examiner for approval subject to the conditions contained in the Staff Report. The Project is compatible with adjacent land uses, causes no significant adverse impacts to the built and natural environment, and is consistent with all applicable plans, codes, and policies of the City of Redmond. Having agreed to all conditions in the Staff Report, PSE respectfully requests that the Hearing Examiner approve PSE's permit applications for the Project.

DATED this 1st day of June, 2022.

VAN NESS FELDMAN

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CERTIFICATE OF SERVICE

I, I’sha Willis, declare as follows:

That I am over the age of 18 years, not a party to this action, and competent to be a witness herein:

That I, as a Legal Assistant in the office of Van Ness Feldman LLP, caused true and correct copies of the following documents to be delivered as set forth:

- 1. PSE’s Pre-Hearing Memorandum;
- 2. Certificate of Service

and that on June 1, 2022, I addressed said documents and deposited them for delivery as follows:

HEARING EXAMINER
 Sharon Rice
 City of Redmond Hearing Examiner
 15670 NE 85th Street
 Redmond, WA 98052

By email:
kbiegel@redmond.gov

COURTESY COPIES
 Cathy Beam, Principal Planner

E-mail:
cbeam@redmond.gov

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED at Seattle, Washington on this 1st day of June, 2022.

s/ I’sha Willis
 I’sha Willis, Declarant