



Oregon

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To: Energy Facility Siting Council

From: Kellen Tardaewether, Senior Siting Analyst

Date: September 13, 2022

Subject: Agenda Item B (Action Item): Boardman to Hemingway Transmission Line (B2H) – Council Review of Draft Final Order; Material Change Hearing and Hearing to Adopt Final Order under ORS 469.370(7) at the September 27, 2022 EFSC Meeting

Attachments: Attachment A: Transcripts of the August 29-30-31, 2022 EFSC Meeting

AGENDA ITEM OVERVIEW AND NEXT STEPS

By September 14, 2022, Council Secretary issued the September 27, 2022 EFSC Meeting Agenda which includes Agenda Item B, Public Notice of the Hearing to Adopt a Final Order including the Material Change Hearing for the Boardman to Hemingway Transmission Line Application for Site Certificate.¹

Based on the Council's review of the Proposed Order, Hearing Officer's Proposed Contested Case Order (PCCO), Exceptions to the PCCO, and Responses to Exceptions provided at the July and August 2022 EFSC Meetings, Department staff is incorporating Council-directed modifications to the Proposed Order and Proposed Contested Case Order, including supporting facts, into a draft Final Order. The draft Final Order (dFO) will be made available electronically on September 16, 2022. On the same date, the Department will provide an updated Staff Report which will provide a summary description of all material changes from the Proposed Order to dFO.² ORS 469.370(7) states, in part, the council may amend or reject the proposed order, so long as the council provides public notice of its hearing to adopt a final order, *and provides an opportunity for the applicant and any party to the contested case to comment on material changes to the proposed order, including material changes to conditions of approval resulting from the council's review.*

¹ EFSC Agendas are issued under OAR 345-011-0015(1), consistent with ORS 192.640, for public notice requirements.

² Material changes include substantive changes to conditions of approval imposed to meet a standard or conditions imposed based upon an applicant representation. Material changes could also include any reversal of recommendations under a standard or reversal of Council acceptance or rejection of a site certificate.

Transcripts from the August 29, 30, 31, 2020 EFSC Meetings and PCCO Exception Hearings are Attached and available on the Department's webpage at:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/B2H.aspx>

At the September 27, 2022 EFSC Meeting, Council will conduct a "material change" hearing, where parties and limited parties to the contested case may provide oral exception on the modifications. Following the "material change" hearing, the Council will conduct a hearing to Adopt a Final Order where they will review the draft Final Order and will may issue a final order either approving or reject the ASC based upon the standards adopted under ORS 469.501, and any additional state statutes, rules, or local government regulations or ordinances determined to be applicable to the facility in the amended project order.³

ATTACHMENTS

Attachment A: Transcripts of the August 29-30-31, 2022 EFSC Meeting

³ ORS 469.370 (7) and ORS 469.370 (9).

