



# Oregon

Kate Brown, Governor



550 Capitol St. NE  
Salem, OR 97301  
Phone: 503-378-4040  
Toll Free: 1-800-221-8035  
FAX: 503-373-7806  
[www.oregon.gov/energy](http://www.oregon.gov/energy)

**To:** Energy Facility Siting Council

**From:** Sisily Fleming, Fiscal Analyst

**Date:** November 4, 2022

**Subject:** Agenda Item C (Action Item):  
Biennial Fee Update

**Attachments:** Attachment 1: Proposed Fee Schedule  
Attachment 2: Order Adopting Schedule of Fees w/ Attachment A

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## REQUIREMENTS

ORS 469.421(2) requires any person submitting a notice of intent, request for exemption, request for expedited review, request for pipeline, application for site certificate, or request for amendment to:

*".....submit the fee required under the fee schedule established under ORS 469.441 to the State Department of Energy when the notice or request is submitted to the council. To the extent possible, the full cost of the evaluation shall be paid from the fee paid under the subsection. However, if costs of the evaluation exceed the fee, the person submitting the notice or request shall pay any excess costs shown in an itemized statement prepared by the council."*

ORS 469.441(1) requires the Council to:

*"...Not later than January 1 of each odd-numbered year, the council by order shall establish a schedule of fees which those persons submitting a notice of intent, a request for an exemption, a request for pipeline described in ORS 469.405(3) or a request for expedited review must submit under ORS 469.421 at the time of submitting the notice of intent, request for exemption, request for pipeline or request for expedited review. The fee schedule shall be designed to recover the council's actual costs of evaluating the notice of intent, request for exemption, request for pipeline, or request for expedited review subject to any applicable expenditure limitation in the council's budget. Fees shall be based on actual, historical costs incurred by the council and department to the extent historical costs are available. The fees established by the schedule shall reflect the size and complexity of the project for which the notice of intent, request for exemption request for pipeline or request for expedited review is submitted, whether the notice of intent, request for exemption, request for pipeline or request for expedited review is for a new or existing facility and other appropriate variables having an effect on the expense of evaluation"*

## RECOMMENDED COUNCIL ACTION

Based on the analysis of actual expenses from the most recent projects, Staff recommends making modifications to the fee schedule as follows:

- Adjust all fee amounts for inflation to bring them current (from 1<sup>st</sup> quarter 2019, to 4<sup>th</sup> quarter 2022)
  - *Average Actuals costs by category were used where available (Wind, Solar, Geothermal NOI, Determination for Expedited Review, and request for Exemption) and adjusted for inflation.*
  - *If actual costs were not available, the previously approved fee has been adjusted.*
  - *This inflation calculation is consistent with the methodology used in site certificate conditions for calculating annual inflation adjustments for financial assurance instruments required for retirement.*

No changes are proposed to the structures associated with Application Review, Request to Amend a Site Certificate, or Site Certificate Annual Fees.

Staff recommends Council adopt the proposed fee schedule with an effective date of January 1, 2023, to meet the requirements of ORS 469.441(1).

### Attachments

- Current Fee Schedule with Proposed Changes
- Order Adopting a Schedule of Fees with Fee Schedule Attachment

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Attachment 1: Current Fee Schedule with Proposed Changes

Attachment 2: Order Adopting a Schedule of Fees with Fee Schedule Attachment