

**Minutes
Energy Facility Siting Council Meeting
Oregon Department of Energy
625 Marion St. NE
Salem, Oregon
Conference Room C/D
Telephone Conference
August 19, 2005**

Approved with minor revision by the Energy Facility Siting Council September 27, 2005

Energy Facility Siting Council

Hans Neukomm, Chair
Lori Brogoitti
Martha Dibblee
Robert Shiprack
David Tegart

Oregon Department of Energy:

Tom Stoops, Council Secretary
Adam Bless, Project Officer
Catherine Van Horn, Project Officer
John White, Project Officer
Debbie Juve, Budget Coordinator
Sisily Fleming, Administrative Assistant

Oregon Department of Justice:

Janet L. Prewitt, Assistant Attorney General

Portland General Electric:

Jay Dudley

Interested Persons:

Brett Gray, Landowner
Junieta Macnab, Landowner

Chair Hans Neukomm called the meeting to order at 9:38 a.m.

The meeting began by a roll call taken by Sisily Fleming, Administrative Assistant.

Chair Neukomm verified that all participants received the agenda packets with information on the items to be considered.

I. Action Items:

A. Council Decision on Whether to Entertain PGE Petition for Declaratory Ruling.

Adam Bless began by explaining Portland General Electric's petition for a Declaratory Ruling and the 60-day deadline to notify the petitioner in writing whether the agency will issue a ruling. He further stated that PGE has received three similar declaratory rulings within the last five years. He explained the background of the previous rulings. In the packet given to Council members Mr. Bless reviewed the requests, which involved the following: 1) Issuance of new PGE Common Stock to the creditors of Enron Corp; 2) The issuance of new PGE Common Stock to Steven Forbes Cooper LLC (SFC) as Disbursing Agent on behalf of the reserve for Disputed Claims and subsequent release for shares from the Reserve to creditors of Enron; and 3) The associated separation of PGE from Enron resulting in PGE being a "stand-alone" public utility company. In its petition, PGE has requested a Council finding that these items are not a transfer of ownership that would require a transfer of site certificates of PGE's energy facilities pursuant to EFSC rule OAR 345-027-0100.

Mr. Bless reviewed the legal background, the decision to be made, and the steps to follow. If the Council moves forward notice would be issued to PGE and other persons listed in PGE's petition – county commissions which have energy facilities in their counties, Oregon Department of Fish & Wildlife (ODFW) and the U.S. Nuclear Regulatory Commission. Mr. Bless did make one correction on the address for ODFW, which is now Salem instead of Portland. He also said that in the past the Department of Energy (ODOE) has also sent notice to persons on the general mailing list and members of the public that are on site certificate lists for the various facilities. The ODOE is suggesting this same procedure be followed.

Mr. Bless suggested that the deadline to petition for intervener status in this matter be set for a date before September 27th. If there are no petitions to intervene, then the Council could consider the merits of PGE's petition at its September 27th meeting. If there were requests to intervene, then the petition would not be considered on that meeting agenda, and a hearing would be scheduled in which the interveners could participate.

David Tegart asked about the Public Utility Commission (PUC) review on this case. Mr. Bless said it takes the PUC several months to review. Mr. Tegart expressed his concern about the ultimate package from Enron in terms of the new PGE and he felt the Council's

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decision should be postponed until PUC has done their review. Mr. Bless referred to Jan Prewitt, Oregon Department of Justice for an explanation.

Jan Prewitt referred to Jay Dudley, Associate General Council with PGE, and asked whether PGE has filed with the PUC. Mr. Dudley said PGE has filed and the next event is testimony and hearings to be scheduled. Ms. Prewitt discussed the Council's determination and the procedure. There was discussion about assurance that the facilities would be decommissioned as required. Ms. Prewitt explained that PGE's structure would not be changed. Mr. Dudley also agreed. Ms. Prewitt also explained that the bankruptcy court is not dealing with PGE.

Chair Neukomm asked for questions; there were none. Martha Dibblee made a motion to initiate the proceeding as described in OAR 137-002-0010 et. seq., and that the Council direct ODOE to issue the notice required by OAR 137-002-0020. Lori Brogoitti seconded the motion and Council members approved unanimously:

Lori Brogoitti	Y	Hans Neukomm	Y
Martha Dibblee	Y	Bob Shiprack	Y
David Tegart	Y		

B. Biglow Canyon Wind Farm: Appointment of Sherman County Commission as the Special Advisory Group

Dr. Van Horn requested that the Council appoint the Sherman County Commission as a Special Advisory Group for the proposed Biglow Canyon Wind Farm project. Martha Dibblee moved to appoint as a Special Advisory Group the Sherman County Commission. Dave Tegart seconded the motion; Council was polled and approved unanimously:

Lori Brogoitti	Y	Hans Neukomm	Y
Martha Dibblee	Y	Bob Shiprack	Y
David Tegart	Y		

There being no further discussion Chair Neukomm adjourned the meeting at 10:07 a.m.