



Oregon

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To: Energy Facility Siting Council

From: Jo Morgan, Policy Analyst
Todd Cornett, Siting Division Administrator

RE: Amendment Handout

Introduction

ODOE staff have begun to gather amendment data to help us better understand trends and issues relative to amendment rules and process. Some questions we would like the data to help answer include:

- What types of amendments are requested?
- Have the numbers of amendment requests been increasing?
- Is there a correlation between the type of facility and the type(s) of amendments requested?
- Is there a correlation between the numbers of public comment and the type of amendment?
- Do data trends provide hints about possible rule or process improvements to consider?

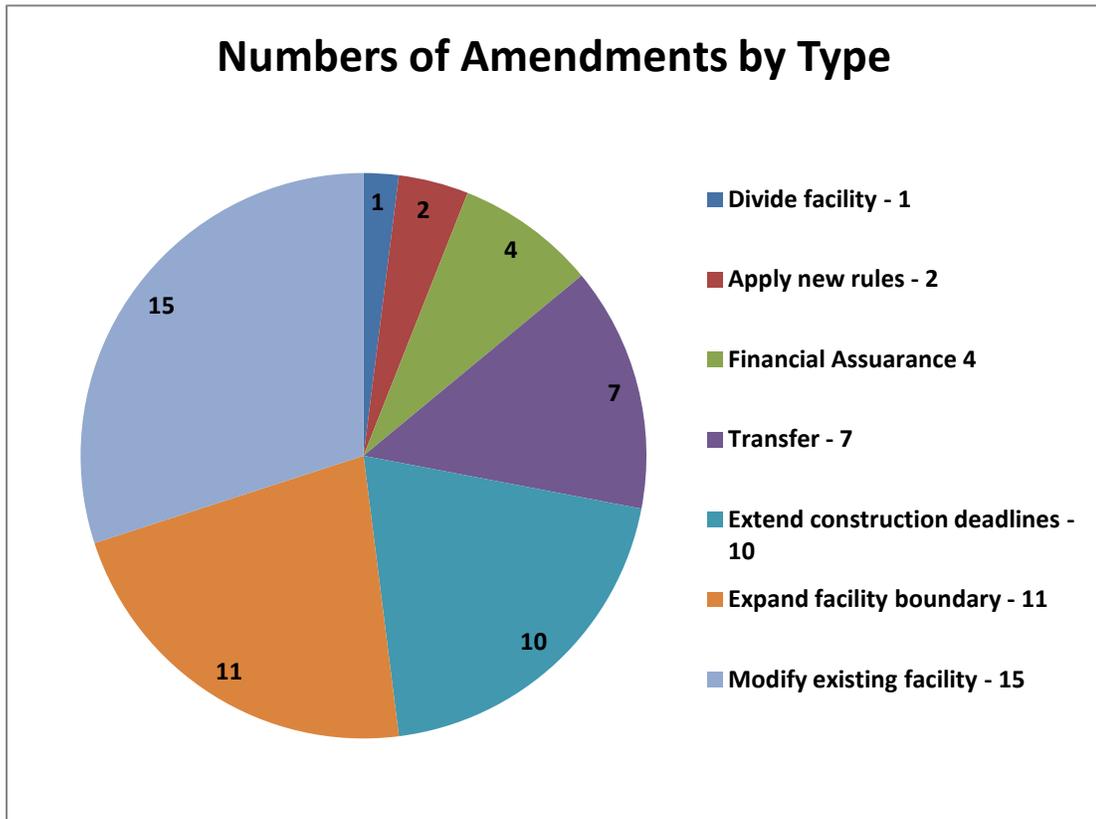
To this end, we have compiled a list of all amendments the Council has approved or that are under review. Information so far includes:

- Type of amendment
—see page 3 of this memo for a start at sorting and defining these
- Number of amendments per facility
- Submittal and approval dates
- Number of comments received
- Rules and statutes by amendment type

The data gathering and analysis is at a very early stage, and we anticipate that what we gather, and how we organize and evaluate these data will evolve as we learn. Today, I would like to share some interesting information from our initial work.

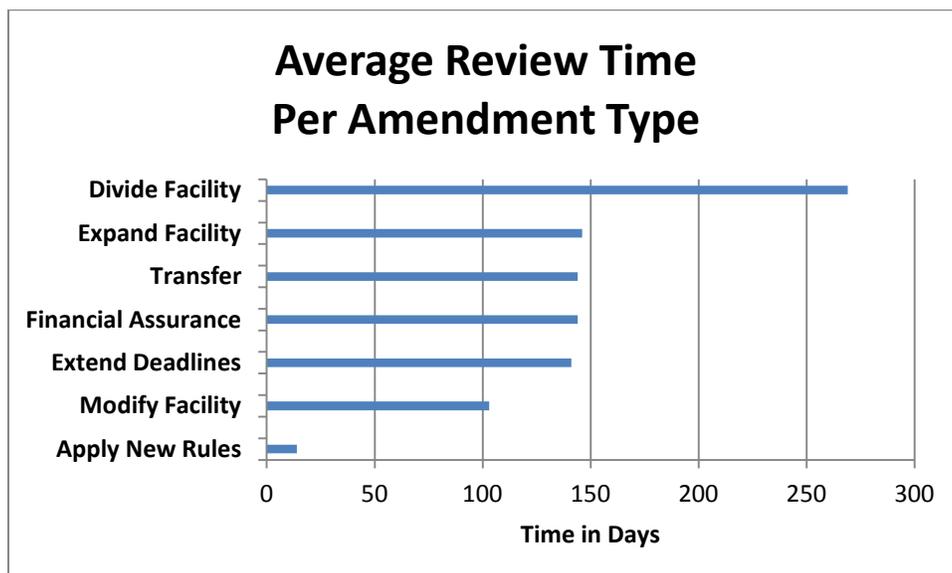
Preliminary Results

- Of the 28 approved site certificates, the Council has approved 75 amendments.



Note: The numbers of the pie chart will add up to 75 once data entry has been completed.

The time, from submittal to approval, ranges from 14 days to 340 days with an average review time of 123 days.



Next steps include:

- Complete a first draft of results of our data collection and analysis
- Vet issues surrounding the amendment process and rules with stakeholders
- Explore a range of solutions with stakeholders at one or more workshops
- Return to the Council in early 2013 to report on workshop results
- Provide staff recommendations
- Seek Council direction on whether rulemaking, procedural changes or other actions are needed

Types of Amendments¹

“Apply subsequent laws” are amendments where an applicant or the department requests amendment to apply a local government ordinance, statute, or Council rule adopted after the date the site certificate was executed.

“Divide facility” are amendments when a facility is divided into two or more stand-alone facilities with separate site certificates.

“Expand facility boundary” are amendments that alter the original ‘footprint’ of the facility. These amendments add acreage for a variety of purposes including increasing capacity, adding corridors for transmission or pipelines, construct roads, add surface or underground structures, expand micro-siting corridors or add a test site.

“Extend construction deadlines” are amendments that delay the beginning or completion of facility construction.

“Financial assurance” are amendments that change the financial assurance information.

“Modify existing facility” are amendments that alter operations within the existing site certificate boundary. These amendments include those that change the generating capacity, change the type of facility, facility structures or improve the facility operation.

“Transfer” are amendments to transfer a site certificate from one certificate holder to another certificate holder, inclusive of partial or total transfers.

¹ Consider this grouping of types of amendments a first iteration that will likely change as we get further along with the data collection and analysis.