To: Oregon Energy Facility Siting Council

From: Maxwell Woods, Senior Policy Advisor

Date: October 4, 2017

Re: Agenda Item G – Hearing Officer Appointment for proposed Boardman Solar Energy Facility (Action Item) - For October 19, 2017 EFSC Meeting.

On September 1, 2017, the Oregon Department of Energy received a complete application for site certificate for the Boardman Solar Energy Facility from Boardman Solar Energy LLC (a subsidiary of Invenergy LLC). The Department requests that the Council appoint a hearing officer to conduct the public hearing for the draft proposed order (DPO) on the ASC and conduct the contested case proceeding. The public hearing on the DPO will be scheduled following issuance of the DPO, which is anticipated during the fourth quarter of 2017 or the first quarter of 2018. A contested case proceeding is a required process step by Council’s rules for all new site certificate applications, and will proceed following release of the proposed order.

The Council is required to appoint a hearing officer to conduct a contested case proceeding on behalf of the Council pursuant to OAR 345-015-0023. The Council can allow the hearing officer to conduct the DPO hearing per OAR 345-015-0220, and the Department recommends Council do so.

**Hearing Officer Experience and Qualifications**

The Department recommends Council appoint Ms. Alison Greene Webster as its hearing officer for the Boardman Solar Energy Facility. Ms. Greene Webster is a Senior Administrative Law Judge with the Oregon Office of Administrative Hearings. In that capacity, she has presided over numerous contested case hearings for a variety of state agencies, boards, and commissions, including the Oregon Department of Environmental Quality, Oregon Department of Transportation, Oregon Health Authority, and Oregon Department of Human Services. Ms. Greene Webster is also a trainer and peer reviewer for other administrative law judges. Ms. Greene Webster received her J.D. from Loyola Law School in Los Angeles. The Department recently met with Ms. Greene Webster, two of her colleagues, and the director of the OAH, to discuss the EFSC contested case process.
Staff Recommendation

Based upon her experience and qualifications, the Department recommends that the Council appoint Alison Greene Webster as the hearing officer for the proposed Boardman Solar Energy Facility.
BEFORE THE
ENERGY FACILITY SITING COUNCIL
OF THE STATE OF OREGON

IN THE MATTER OF THE )
APPLICATION FOR A SITE )
CERTIFICATE FOR THE ) ORDER
PROPOSED BOARDMAN SOLAR ) APPOINTING A HEARING OFFICER
ENERGY FACILITY )

Boardman Solar Energy LLC submitted an application for a site certificate for a proposed solar photovoltaic energy generation facility to be known as the Boardman Solar Energy Facility. The site for the proposed energy facility is in Morrow and Gilliam counties, Oregon.

The Council is authorized under ORS 469.470 to appoint a hearing officer for such purposes as necessary to carry out its duties. The Council is required to appoint a hearing officer to conduct a contested case proceeding on behalf of the Council pursuant to OAR 345-015-0023.

The Council finds that a hearing officer may be needed to conduct a public hearing on the draft proposed order to be issued by the Oregon Department of Energy regarding the proposed Boardman Solar Energy Facility, as required by OAR 345-015-0220. The Council further finds that a hearing officer will be needed to conduct a contested case proceeding after the issuance of a proposed order on the proposed Boardman Solar Energy Facility, as required by OAR 345-015-0230.

The Council finds that Alison Greene Webster, J.D., Oregon Office of Administrative Hearings, is qualified and capable to serve as hearing officer for the proposed Boardman Solar Energy Facility.

THEREFORE, the Council hereby appoints Alison Greene Webster, J.D. as the hearing officer for such purposes as necessary for the review of the proposed Boardman Solar Energy Facility site certificate application and future project proceedings.

Barry Beyeler, Chair
Oregon Energy Facility Siting Council

Dated this 19th day of October, 2017.