



ENERGY FACILITY SITING COUNCIL

Energy Facility Siting Council Meeting Notice and Agenda

Oregon Department of Energy Webex Teleconference/Webinar

The Oregon Department of Energy will hold the in-person portion of the public hearing according to policies and guidelines for social distancing, safety of the public and staff in place at the time of the hearing.

Friday, August 21, 2020 at 8:30 a.m.

Webex Webinar Presentation:

<https://odoe.webex.com/odoe/onstage/g.php?MTID=e313c3e3b2089ac20b251b67831cef6f7>

Dial in: 1-408-418-9388, Access Code: 129 363 3552

Please Note: Every effort will be made to consider items as they are indicated. However, the Council agenda and the order of agenda items are subject to change.

**Friday, August 21, 2020
8:30 AM**

Roll Call and Opening Remarks

- A. Consent Calendar** – Approval of minutes; Council Secretary Report; and other routine Council business.
- B. Request to Transfer Ownership of Wheatridge Renewable Energy Facility I Site Certificate**
 - 1. Transfer Hearing (Hearing, 8:45 a.m.):** The Council will conduct a transfer hearing on the request to transfer ownership of the Wheatridge Renewable Energy Facility I site certificate from Wheatridge Wind Energy, LLC to Portland General Electric. The purpose of the transfer hearing is to provide the general public an opportunity to provide oral comments on the transfer request to Council.
 - 2. Council Review and Decision on Request to Transfer Site Certificate (Action Item):** Sarah Esterson, Senior Siting Analyst. Council will receive a presentation from staff on the transfer request, comments received on the record of the transfer request, and will take action to approve or deny the transfer request. If approved, Council will issue an amended site certificate for the new certificate holder.

- C. **Rulemaking to Clarify Standard for Contested Case Requests for Type A Amendments, Council Review of Comments and Possible Final Decision – Continuation (Action Item)** – Christopher Clark, Rules Coordinator. The Council will continue its review of public comments received on the proposed amendment of OAR 345-027-0371(9), and will consider the adoption of permanent rules.
- D. **Council Review of Obsidian Solar Center DPO (Information Item)** – Kellen Tardaewether, Senior Siting Analyst will continue the presentation of the draft proposed order (DPO) for the Obsidian Solar Center, comments received during the DPO comment period, and applicant responses to comments on the DPO, which extended from March 12, 2020 through July 20, 2020 (comment period closed at the conclusion of the public hearing on July 20, 2020). The deadline for the applicant to respond to comments on the DPO was July 22, 2020.
- E. **Council Appointment Process Options for The Climate Trust’s Oregon Offset Committee (Information Item/Possible Action Item)** – Todd Cornett, Division Administrator. The Council will receive an overview of its options for filling a vacancy on the Oregon Offset Committee which approves offset purchase contracts where The Climate Trust potentially intends to use monetary payment funds to purchase offsets consistent with the Council’s carbon standard.
- F. **Public Comment Period** – This time is reserved for the public to address the Council regarding any item within Council jurisdiction that is not otherwise closed for comment.
- G. **Summit Ridge Wind, LLC. Financial Assurance Institution List Request** – Sisily Fleming, Fiscal Analyst. The Council will consider a request from Summit Ridge Wind, LLC, developer of the Summit Ridge Wind Farm, to add Citibank to the list of financial institutions approved to act as issuers of financial instruments for the retirement of energy facilities.
- H. **Eugene to Medford Transmission Line Request for Amendment 4 Consultant Appointment (Action Item)** – Katie Clifford, Senior Siting Analyst. Council will consider appointing a consultant to support the review of application materials related to the EFSC Historic, Cultural and Archaeological Resources standard for the Request for Amendment 4 to the site certificate.
- I. ***Applicable Procedural Rules in EFSC Contested Cases when administered by an Office of Administrative Hearings Administrative Law Judge (Action Item)** – Maxwell Woods, Senior Policy Advisor. EFSC contested case procedural rules are a combination of Model Rules of Procedure for Contested Cases (OAR 137-003-001 through 137-003-0092) and specific rules adopted by EFSC (OAR 345, Division 15). When an agency uses an Office of Administrative Hearings Administrative Law Judge to administer a contested case, the OAH ALJ must use a separate set of Model Rules of Procedure (OAR 137-003-501 through OAR 137-003-700) unless specifically exempted in whole or in part by the Attorney General. Because EFSC has appointed OAH ALJs as its hearing officers for multiple energy facility applications, the Department recommends Council request the Attorney General provide a general exemption from the application of OAR 137-003-501 through 137-003-700, with one exception. The Department recommends not seeking an exemption from the application of OAR 137-003-0580 (Motion for Summary Determination). Neither the Model Rules adopted by the Council nor the Council's contested case rules contain a rule specifically pertaining to motions for summary determination. Application of OAR 137-003-0580 would improve Council’s contested case proceedings.

*This item was added after the paper notice of the agenda was mailed on August 10, 2020. An updated paper notice was mailed on August 11, 2020.

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ODOE strongly recommends joining the Webex meeting online, if possible. When you join, please use your full name so it is easier to identify attendees and manage public comments. Public participants will be in listen-only mode, but can use the Webex tool to “raise your hand” to share public comments. Additional instructions will be provided during the meeting for comments over the phone.

Or join the Webex meeting by phone, phone participants will remain on mute and do not have an option to “raise your hand” to notify Council that you wish to speak, however Council will offer an opportunity for phone participants to provide comments:

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Adjourn approximately 2:30 pm

Anticipated Future Energy Facility Siting Council Meetings:

- **September 24-25, 2020** – Virtual/Webex
- **October 22-23, 2020**
- **November 19-20, 2020**

Meeting Materials associated with the agenda items are available at:

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

Siting Project Updates:

To sign up for siting project updates click here: <http://web.energy.oregon.gov/cn/a6n53/subscribe>

Requests to the Council to Address an Issue:

Pursuant to Oregon Administrative Rule 345-011-0035, the public may ask the Council formally to address relevant issues within the Council’s jurisdiction at future meetings. Please be sure to include information about why the issue should be on the agenda. Your request must be in writing and received at least 14 days before the Council meeting.

To ask the Council to address an issue, call or write:

EFSC Secretary

Energy Siting Division/ODOE

550 Capitol St. NE

Salem, OR 97301-3737

Toll-Free (in Oregon): 1-800-221-8035

Phone: 503-378-8328

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

Americans with Disabilities Act: The Oregon Department of Energy will make reasonable accommodations upon request. Please contact us at least 72 hours before the meeting. Call Michiko Mata at 503-738-3895; Fax 503-373-7806, or toll free in Oregon at 800-221-8035. TTY users should call the Oregon Relay Service at 711.