



# Oregon

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**To:** Energy Facility Siting Council

**From:** Sisily Fleming, Fiscal Analyst

**Date:** October 11, 2020

**Subject:** Agenda Item E (Action Item):  
Biennial Fee Update for the October 23, 2020 EFSC Meeting

**Attachments:** Attachment 1: Current Fee Schedule with Proposed Changes  
Attachment 2: Order Adopting a Schedule of Fees with Fee Schedule

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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”*

**PROPOSED FEE SCHEDULE CHANGES**

The staff proposed fee schedule reflects adjustments for inflation from 1<sup>st</sup> quarter 2019 to 4<sup>th</sup> quarter 2022 and rounded to the nearest thousand. Due to this rounding factor, fee increases have not been proposed to the fees associated with requests for expedited review, requests for exemptions or requests for pipeline. 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.

Review and analysis of the fee structure over the last biennium confirmed that actual expenses are consistent with the current structure, and changes beyond inflation adjustments are not necessary at this time.

**RECOMMENDED COUNCIL ACTION**

Staff recommends Council adopt the proposed fee schedule with an effective date of January 1, 2021, to meet the requirements of ORS 469.441(1).