



ENERGY FACILITY SITING COUNCIL

Energy Facility Siting Council Meeting Notice and Agenda

Oregon Department of Energy WebEx Teleconference/Webinar

Thursday, November 19, 2020 at 4:30 p.m.

<https://odoe.webex.com/odoe/onstage/g.php?MTID=eae3e9e0fa05d4b5d2f3a25155e885e77>

Dial in: 1-408-418-9388, Access Code: 173 267 1595

Friday, November 20, 2020 at 8:30 a.m.

WebEx Webinar Presentation:

<https://odoe.webex.com/odoe/onstage/g.php?MTID=e40573f3e77acf28667029063ce79f3ca>

Dial in: 1-408-418-9388, Access Code: 173 012 1140

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.

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Roll Call and Opening Remarks

- A. **Consent Calendar** – Approval of September and October minutes; Council Secretary Report; and other routine Council business.
- B. **[4:45 p.m.] Summit Ridge Wind Farm, Request for Amendment to Transfer Certificate Holder Ownership**
 - 1. **Transfer Hearing (Hearing, 4:45 p.m.):** Chair Jenkins, acting as Hearing Officer. The Council will conduct a transfer hearing on the request to transfer certificate holder ownership of the Summit Ridge Wind Farm site certificate from Pattern Renewables 2 LP to Aypa Power LLC. The purpose of the transfer hearing is to provide the general public an opportunity to provide oral comments on the transfer request and applicable Council standards (Organizational Expertise and Retirement and Financial Assurance) to Council.
 - 2. **Council Review and Decision on Request to Transfer Certificate Holder Ownership (Action Item):** Sarah Esterson, Senior Policy Advisor. 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 a fifth amended site certificate to reflect the new certificate holder owner.

- B.3 Summit Ridge Wind Farm: Request to Amend the Form of Letter of Credit for Financial Institution (Action Item)** – Sisily Fleming, Fiscal Analyst. The Council will consider whether to approve or deny a request from Summit Ridge Wind, LLC, Summit Ridge Wind Farm certificate holder, to amend the Council’s previously approved letter of credit form for Citibank, a financial institution determined suitable to issue the financial assurance instrument.
- C. Carty Generating Station, Council Review of Proposed Order on Request for Amendment 2 of Site Certificate (Action Item).** Chase McVeigh-Walker, Senior Siting Analyst. Council will receive a staff presentation on the Proposed Order on Request for Amendment 2 of the Carty Generating Station Site Certificate. The amendment request included a request for review under the Type B process, which the Department determined was justified. The amendment request seeks Council approval to incorporate existing infrastructure shared by the facility and Boardman Coal Plant (BCP); modify the site boundary; construct and operate new related or supporting facilities; and, amend conditions associated with its Water Pollution Control Facility (WPCF) permit, a permit governed by the site certificate, and other site certificate conditions. The amendment is related to the pending shut down of BCP, which is scheduled to occur by the end of 2020. Council will take action to either approve or modify the Proposed Order as the Final Order and issue an amended site certificate; or, may reject the Proposed Order and deny issuance of an amended site certificate.
- D. Wheatridge Renewable Energy Facility II, Council Review of Proposed Order on Request for Amendment 1 of Site Certificate (Action Item).** Sarah Esterson, Senior Policy Advisor. Council will receive a staff presentation on the Proposed Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate. The amendment request included a request for review under the Type B process, which the Department determined was justified. The amendment request seeks Council approval to split 550 megawatts (MW) of previously approved wind and solar facility components and site boundary into three facilities, under individual site certificates, resulting in an amended and two new site certificates. Council will take action to either approve or modify the Proposed Order as the Final Order and issue an amended and two original site certificates; or, may reject the Proposed Order and deny issuance of an amended and two original site certificates.

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 Webex meeting by phone, phone participants 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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- E. **Wagon Trail Solar Project, Special Advisory Group Appointment (Action Item).** Sarah Esterson, Senior Policy Advisor. Council will appoint the Morrow County Board of Commissioners as the Special Advisory Group under ORS 469.480(1) for EFSC proceedings related to the proposed Wagon Trail Solar Project, a 500 megawatt solar facility proposed in Morrow County.
- 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. **Petitioner Appeals of Hearing Officer Order on Party Status for Boardman to Hemingway Transmission Line (Hearing/Action Item).** Chair Jenkins, as Hearing Officer. The Council will conduct a hearing to provide an opportunity for petitioners to provide oral arguments on timely filed appeals (filed by November 6, 2020) of the Hearing Officer’s Order on Party Status issued for the contested case proceeding of the Proposed Order on the Application for Site Certificate on the Boardman to Hemingway Transmission Line, a proposed 300-mile 500 kilovolt transmission line extending across five counties in Oregon (Morrow, Umatilla, Baker, Union and Malheur counties). Participation in the hearing is optional and is not required in order for Council to review and take action on the appeal as filed.

The following hearing format, proposed by Chair Jenkins in consultation with Counsel to Council Jesse Ratcliffe, is subject to adjustment by Council at the meeting. The proposed hearing format is as follows:

Introduction: Counsel to Council Jesse Ratcliffe will provide an overview of the contested case procedural history (e.g., petitions for party status, Hearing Officer Order on Party Status, petitioner appeals, and responses to appeals) and other procedural matters.

Oral Argument: Each petitioner identified below will have an opportunity to present oral argument to the Council in support of their appeal. Each petitioner will have three (3) minutes to present oral argument. Following each person’s oral argument, Council may ask questions concerning the appeal. [*There will not be an opportunity for oral argument on responses to appeals]

Council Review: The Council will deliberate and issue decisions on each of the appeals. The Council may choose to deliberate and issue a decision immediately after each person’s oral argument, or may choose to hear several oral arguments back-to-back before deliberating and deciding on each of them. The Council will announce these decisions at the meeting, and a written record of the decisions will be provided to the Boardman to Hemingway service list and the Hearing Officer following the meeting.

In order to assist with planning for oral argument, here is the order in which petitioners will be called for oral argument:

Stop B2H
Suzanne Fouty
Kathryn Andrew
Colin Andrew
Susan Geer

Lois Barry
Gail Carbiener
Greg Larkin
Irene Gilbert
Kaye Foss

John Williams
Charles Lyons
Stacia Jo Webster
Anne March
Peter Barry

Dale Mammen
Sam Myers
Whit Deschner
Matthew Cooper
Michael McAllister
JoAnn Marlette

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Adjourn approximately 3:30 p.m.

Anticipated Future Energy Facility Siting Council Meetings:

- **December 17-18, 2020** – Agenda and Location TBD
- **January 21-22, 2021**– Agenda and Location TBD

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 503-378-3895; Fax 503-373-7806, or toll free in Oregon at 800-221-8035. TTY users should call the Oregon Relay Service at 711.