



Oregon

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To: Energy Facility Siting Council

From: Sarah Esterson, Senior Policy Advisor

Date: November 6, 2020

Subject: Agenda Item B (Action Item): Council Review of draft Final Order on Request for Amendment 5 to Transfer Certificate Holder Ownership of the Summit Ridge Wind Farm Site Certificate for the November 19-20, 2020 EFSC Meeting

Attachments: Attachment 1:
Request for Amendment 5 to Transfer Certificate Holder Ownership (Available via hyperlink: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/SRW.aspx>)
Attachment 2:
Draft Final Order on Request for Amendment 5 to Transfer the Summit Ridge Wind Farm Site Certificate*
(*To be provided in supplemental Council packet materials)

STAFF RECOMMENDATION

The Oregon Department of Energy (Department) recommends that the Energy Facility Siting Council (Council) review Request for Amendment 5 to Transfer Certificate Holder Ownership of the Summit Ridge Wind Farm site certificate, the Department's draft Final Order on the Request for Amendment, any comments received during the comment period (September 30 through November 19, 2020) and take action at the November 19, 2020 Council meeting to either approve or reject the request.

BACKGROUND

The Summit Ridge Wind Farm (facility) is an approved wind energy generation facility in Wasco County, with a peak generating capacity of up to 194.4 megawatts (MW) of electricity. The facility is approved for up to 72 wind turbines (maximum blade-tip height of 499 feet; minimum blade tip height of 59 feet) as well as related and supporting facilities including: up to 49 miles of above and belowground 34.5 kV collector lines (power collection system), a step-up collector substation, an approximately 8-mile 230-kilovolt (kV) transmission line on wooden H-frame structures extending up to 70 feet in height, a Supervisory Control and Data Acquisition system, an Operation and Maintenance building, up to 3 meteorological towers, access roads, temporary roadway modifications, and additional temporary construction areas. Construction of the facility commenced in June 2020 including substantial modifications to an existing road

to be used to access wind turbine strings (i.e., a related or supporting facility). The remaining facility components must be constructed on or before August 2023.

Pursuant to OAR 345-027-0400(1), “A request for amendment to a site certificate to transfer the site certificate is required for a transaction that results in a change in the ownership, possession or control of the facility or the certificate holder.” A “new owner” refers to the person or entity that will gain ownership, possession or control of the facility or the certificate holder. In the Request for Amendment to Transfer, the new owner requests a site certificate transfer to reflect the change in certificate holder ownership from Pattern Renewables 2 LP to Aypa Power LLC, a subsidiary of Blackstone Energy Partners, where Aypa Power LLC would be the “new owner.”

On September 14, 2020, the new owner filed its Request for Amendment to Transfer the Summit Ridge Wind Farm Site Certificate. On August 21, 2020, the certificate holder, Summit Ridge Wind, LLC, provided notice to the Department, pursuant to OAR 345-027-0400(2), of a transfer of ownership of the site certificate.¹ On September 30, 2020, the Department issued Public Notice of the Request for Amendment to Transfer to all persons on the Council’s general mailing list, the special mailing list established for the facility, an updated list of property owners supplied by the new owner, and reviewing agencies as defined in OAR 345-001-0010(52). The notice included a request for comments and established a comment deadline of November 19, 2020.

To date, the Department has not received comments on the Request for Amendment to Transfer. The notice also included the date and time of the Transfer Hearing, as required for site certificate transfers pursuant to OAR 345-027-0400(7), to be conducted during the November 19, 2020 Council meeting via WebEx and teleconference. The Department also provided notice of the Transfer Hearing in its November 19-20, 2020 Council agenda issued on November 9, 2020. In addition to issuing the notice, the Department posted the public notice, date and time of the Transfer Hearing, and transfer request materials on the Department’s project webpage.

TRANSFER REQUEST PROCESS

The procedural requirements for a Request for Amendment to Transfer a Site Certificate are established in OAR 345-027-0400, and require that the Council conduct a transfer hearing prior to its approval or denial of the request. The transfer hearing is scheduled to occur at the November 19, 2020 Council meeting, via WebEx and teleconference, at 4:45 p.m. (Additional details on WebEx login and conference call-in number for the transfer hearing are provided on the Department’s Council meeting webpage at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Council-Meetings.aspx>)

Following the transfer hearing, the Department will present its recommendations included in the draft Final Order on the Request for Amendment to Transfer Certificate Holder Ownership

¹ Site Certification 2.10 of the site certificate requires that the certificate holder, prior to any transfer of ownership of the facility or ownership of the certificate holder, inform the Department of the proposed new owners.

of the Summit Ridge Wind Farm Site Certificate, to be provided as Attachment 2 of this staff report in supplemental materials to be provided to Council prior to the November 19-20, Council meeting. To approve a Request for Amendment to Transfer a Site Certificate, Council must find that the new owner has the ability to satisfy the requirements of the Organizational Expertise (OAR 345-022-0010) and Retirement and Financial Assurance (OAR 345-022-0050) standards; and if applicable, Standards for Facilities that Emit Carbon Dioxide (OAR 345-024-0710(1)). Council must also find that the new owner is or will be lawfully entitled to possession or control of the site or facility.

STAFF EVALUATION OF THE REQUEST FOR TRANSFER

The Department evaluated the new owner's request to transfer certificate holder ownership of the Summit Ridge Wind Farm site certificate from the current certificate holder owner, Pattern Renewables 2 LP to the new owner, Aypa Power LLC. The Department will also evaluate any comments received in writing before the comment deadline, or during the November 19, 2020 transfer hearing, and will incorporate any necessary modifications into the draft Final Order as directed by the Council.

The Department requested additional information from the new owner on October 30, 2020 to be received on or before November 19, 2020. Upon receipt and evaluation, the Department will complete recommended findings in the draft Final Order and expects to recommend that Council find that the new owner would satisfy the requirements of the Organizational Expertise and Retirement and Financial Assurance standards. As a wind energy generation facility, the facility does not emit carbon dioxide, and thus the evaluation of compliance with Standards for Facilities that Emit Carbon Dioxide – Monetary Path Payment Requirement is not applicable.

ATTACHMENTS:

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