



Oregon

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To: Energy Facility Siting Council

From: Sarah Esterson, Senior Policy Advisor

Date: July, 9, 2021

Subject: Agenda Item G (Action Item):
Hearing Officer Appointment for proposed Wagon Trail Solar Project for the
July 23, 2021 EFSC Meeting

BACKGROUND

In accordance with Oregon Administrative Rule (OAR) 345-015-0023 and 345-015-0220, the Oregon Department of Energy (Department) requests that the Energy Facility Siting Council (Council) appoint a hearing officer to conduct the public hearing for the draft proposed order (DPO) on the Application for Site Certificate (ASC) and the contested case proceeding on the proposed order for the Wagon Trail Solar Project, a proposed 500 megawatt photovoltaic solar energy facility to be located in Morrow County. The public hearing on the DPO is anticipated to occur in 2022, following release of the DPO. A contested case proceeding is a required process step by Council's rules for all ASCs, and will proceed following release of the Department's proposed order.

HEARING OFFICER EXPERIENCE AND QUALIFICATIONS

The Department recommends Council appoint Joe Allen, Senior Administrative Law Judge (ALJ) with the Oregon Office of Administrative Hearings (OAH), as its hearing officer for the Madras Solar Energy Facility proceedings. ALJ Allen received a Bachelor's in business administration from the University of La Verne, and his J.D. from Trinity Law School in Santa Ana, California. ALJ Allen has served the OAH since August 2007. In that capacity, he has presided over numerous contested case hearings for a variety of state agencies, boards, and commissions, including the Oregon Department of Water Resources, the Oregon Department of Environmental Quality, Oregon Department of Education, Oregon Health Authority, Oregon Department of Human Services - Employment Department Tax Section, and the Oregon State Hospital. ALJ Allen has presided over some of the most complex hearings referred to the OAH, including the water rights adjudication in the Klamath Basin, Hydro-electric dam proposals/hearings, and Special Education Due Process hearings for the Department of Education. ALJ Allen has also served as a trainer, mentor, and peer reviewer for other administrative law judges. ALJ Allen recently served as the hearing officer for the Madras Solar Energy Facility Application for Site Certificate, and is currently serving as the hearing officer for the Obsidian Solar Center Application for Site Certificate.

RECOMMENDED COUNCIL ACTION

Based upon his experience and qualifications, the Department recommends Council appoint ALJ Allen as the hearing officer for the proposed Wagon Trail Solar Project.