



# Oregon

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**To:** Energy Facility Siting Council

**From:** Chase McVeigh-Walker, Senior Siting Analyst

**Date:** December 2, 2022

**Subject:** Agenda Item B (Hearing/Action Item):  
Transfer Hearing and Council Review of Proposed Order on Request for  
Amendment to Transfer Certificate Holder of the Stateline Wind Project Site  
Certificate for the December 16, 2022 EFSC Meeting

**Attachments:** Attachment 1: Request to Transfer (Request for Amendment #8) -  
Available via hyperlink: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/SWP.aspx>  
Attachment 2: Public Comments (to be provided at a later date, if received)  
Attachment 3: Proposed Order on Request for Amendment for Certificate  
Holder Transfer

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## STAFF RECOMMENDATION

The Oregon Department of Energy (Department) recommends that the Energy Facility Siting Council (Council) review the Request for Certificate Holder Transfer of the Stateline Wind Project Site Certificate, the Department's Proposed Order on the Request for Amendment to Transfer, any comments received during the comment period, and take action at the December 16, 2022 Council meeting to either approve or reject the transfer request.

## BACKGROUND

The Stateline Wind Project (facility) is a wind energy facility consisting of two operational units: Unit 1 (Stateline 1 & 2) which is comprised of 186 operating wind turbines with a peak generating capacity of up to 123 MW, and Unit 2 (Vansycle II) which consists of up to 43 operating wind turbines with a generating capacity of 104 MW. The Seventh Amended Site Certificate identifies two certificate holders: FPL Energy Vansycle, LLC is authorized to construct, operate and retire Stateline 1&2 and FPL Energy Stateline II, Inc. is authorized to construct, operate and retire Vansycle II. Both certificate holders are wholly owned subsidiaries of NextEra Energy Resources, LLC (Parent Company).

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 to Transfer, the new owner requests a site certificate transfer to reflect

the change in ownership of the facility (for Vansycle II) from FPL Energy Stateline II, Inc. to Vansycle II Wind, LLC, where Vansycle II Wind, LLC would be the “new owner” and certificate holder authorized to construct, operate and retire components of the facility within Vansycle II.

### **TRANSFER REQUEST PROCESS**

The procedural requirements for a Request for Amendment to Transfer a Site Certificate are established in OAR 345-027-0400. A procedural requirement includes the Department’s issuance of a 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, list of property owners supplied by the certificate holder, and reviewing agencies as defined in OAR 345-001-0010(52). The Department anticipates issuing this notice the week of December 5, 2022. The notice will include a request for comments and a comment deadline, and information about the transfer hearing. Attachment 2 of this staff report will be provided in the Supplemental Council packet materials, if any comments are received following the notice issuance. The transfer hearing is scheduled to occur at the December 16, 2022 Council meeting, at approximately 8:40 am (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>)

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.

The Department’s recommendations are included in the Proposed Order on the Request for Amendment to Transfer Certificate Holder of the Stateline Wind Project Site Certificate, provided as Attachment 3 of this staff report

### **ATTACHMENTS:**

- Attachment 1: Attachment 1: Request to Transfer (Request for Amendment 8) - Available via hyperlink: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/SWP.aspx>
- Attachment 2: Public Comments (to be provided at a later date, if received)
- Attachment 3: Proposed Order on Request for Amendment to Transfer