



Oregon

Tina Kotek, Governor



550 Capitol St. NE

Salem, OR 97301

Phone: 503-378-4040

Toll Free: 1-800-221-8035

FAX: 503-373-7806

www.oregon.gov/energy

To: Oregon Energy Facility Siting Council

From: Thomas L. Jackman, Rules Coordinator

Date: March 7, 2025

Subject: Agenda Item F (Action Item) – Modernization – Initiation of Informal Rulemaking for the March 21, 2025 EFSC Meeting

BACKGROUND AND SUMMARY

As part of the 2025-2027 Rulemaking Schedule, the Council directed staff to explore a rulemaking designed to modernize Council's rules. Specifically, the proposed Modernization Rulemaking is designed to identify the sort of housekeeping items, like outdated paper copy requirements, which would not merit their own rulemaking.

SCOPE AND OBJECTIVES

The intended scope of this rulemaking is to consider various ways to modernize the Council and Department's application process, including an examination of hard copy submission requirements, notice requirements—including specific notice requirements for the Department of Defense—and the possibility of requiring applicants and certificate holders to submit GIS data for energy facilities. Staff plans to use this informal rulemaking period to research additional possibilities for minor improvements to the rules, focusing on potentially outdated or unnecessary steps and requirements in the siting process.

RULEMAKING ADVISORY COMMITTEE

Given the administrative and/or non-substantive nature of the rule requirements being looked at, staff is of the belief that a Rulemaking Advisory Committee (RAC) would not be a good use of stakeholder time. Of course, an opportunity will be given to all who are interested in these rules to provide comments during an upcoming public comment period.

If the Council is not convinced that this approach is the best way forward, staff can form a RAC.

STAFF RECOMMENDATION

Staff recommends that the Council initiate informal proceedings on the Modernization Rulemaking, which was approved for the 2025-2027 Rulemaking Schedule. Staff recommends that Council approve the scope and general direction of the rulemaking as outlined above. Staff also requests that the Council approve forgoing a RAC in the development of the draft proposed language. Please note that the Council is not being asked at this time to consider proposed rule amendments or the adoption of permanent rules.