



Oregon

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To: Energy Facility Siting Council

From: Thomas Jackman, Rules Coordinator

Date: October 10, 2025

Subject: Agenda Item C (Action Item): 5-Year Review of Remote and Electronic Public Meetings and Hearings Rule (OAR 345-015-0003) for the October 24, 2025 EFSC Meeting

STAFF RECOMMENDATION

Staff recommends maintaining OAR 345-015-0003 without revision or repeal. The rule continues to provide a sound, low-maintenance contingency framework for Council meetings in emergency circumstances.

BACKGROUND

OAR 345-015-0003 was adopted in October 2020 in response to the transition to remote operations necessitated by the COVID-19 pandemic. The rule ensures that the Energy Facility Siting Council can conduct meetings and take actions remotely if in-person meetings are impracticable. This provision supports continuity of governance while maintaining compliance with Oregon's Public Meetings Law (ORS 192.610–192.690).

Although the Council has not needed to invoke the rule since adoption, its rationale remains sound. Future emergencies—such as public health events, natural disasters, or extreme weather—could again prevent in-person meetings. Retaining the rule ensures readiness for such circumstances. What follows is an overview of the findings required by the 5-year review as described in ORS 183.405.

Please note that this rule does not apply to Draft Proposed Order hearings on original applications for site certificates. Per ORS 469.370(2) EFSC “must hold one or more public hearings on the application for a site certificate in the affected area and elsewhere, as the council considers necessary.”

REQUIRED FINDINGS

Whether the Rule Has Achieved Its Intended Purpose

OAR 345-015-0003 has not been used but remains fully capable of achieving its intended purpose. It provides a lawful mechanism for EFSC to meet remotely if required. Its presence in rule ensures that emergency contingencies are pre-established and legally supported.

Whether the Rule Is Still Needed

OAR 345-015-0003 remains necessary to preserve EFSC's ability to convene and act in emergency conditions. Its retention provides stability and predictability for both the Council and stakeholders.

Whether the Rule Can Be Repealed, Amended, or Left Unchanged

OAR 345-015-0003 should be left unchanged. There are no identified deficiencies or conflicts, and no amendments are needed at this time.

Whether the Rule Has Had Unintended Effects

Because OAR 345-015-0003 has not been implemented, it has not created administrative burdens, fiscal impacts, or unintended policy consequences.

Whether the Rule Is Harmonized With Other Applicable Rules

OAR 345-015-0003 remains consistent with:

- ORS 192.610–192.690 (Oregon Public Meetings Law)
- ORS 183.335 (Rulemaking Procedures under the Administrative Procedures Act)
- OAR 345, Division 15 (Energy Facility Siting Council Procedural Rules)

No inconsistencies have been identified.

Fiscal and Economic Impact Since Adoption

No fiscal or economic impact has occurred. OAR 345-015-0003 has not been invoked and does not impose costs in its current state.