



Oregon

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To: Energy Facility Siting Council

From: Chase McVeigh-Walker, Senior Siting Analyst

Date: November 6, 2025

Subject: Agenda Item D (Public Hearing): Sunstone Solar Project, Public Hearing on Request for Site Certificate Amendment 1 (RFA1)/Proposed Order on RFA1 for the November 21, 2025 EFSC Meeting

Attachments: Attachment 1: Proposed Order on RFA1
Attachment 2: Comments (to be provided in supplemental staff report, if received)

STAFF RECOMMENDATION

The Proposed Order on RFA1 recommends that the Energy Facility Siting Council (EFSC or Council) approve the requested site certificate amendment and grant issuance of the First Amended Site Certificate for the Sunstone Solar Project, and five new Site Certificates, subject to compliance with existing and recommended new and amended site certificate conditions.

APPROVED FACILITY

The facility is an approved, but not yet constructed 1,200 megawatt solar photovoltaic power generation facility. The facility is approved to occupy up to 9,442 acres of a 10,600 (17 sq. miles) site boundary in Morrow County, Oregon. The certificate holder is Sunstone Solar, LLC, a wholly owned subsidiary of Pine Gate Renewables, LLC.

PROPOSED FACILITY MODIFICATIONS

In Request for Amendment 1 of the Sunstone Solar Site Certificate (RFA1), the certificate holder seeks Council approval for the following changes:

- 1) Split the approved facility into six separate facilities, each with their own site boundary and certificate holder under separate site certificates. All infrastructure and facility components are shown in *Table 2* (pg. 15 of the Proposed Order) and in the draft amended Sunstone Solar Project Site Certificate and five additional draft site certificates. The split would result in the sharing of specific facility components, but would not result in the sharing of decommissioning costs. Shared facility components would be decommissioned, as identified in *Table 2*, by their respective certificate holder;
- 2) Three facility design modifications:

- a. Modify the transmission line corridor, in length and location;
 - b. Reduce the number of switchyards from two to one;
 - c. Increase the footprint (acreage) of the Phase 1 substation from 1.6 to 7.3 acres.
- 3) Amend several conditions to be consistent with the site certificate split.

PROCEDURAL HISTORY

July 24, 2025: Department received preliminary RFA1 (pRFA1).

July 31, 2025: Department issued Public Notice of receipt of pRFA1.

September 19, 2025: Department notified the certificate holder that pRFA1 was incomplete and provided a first set of Requests for Additional Information (RAI1).

October 3, 2025: Certificate holder provided responses to RAI1.

October 10, 2025: Department issued second set of RAIs (RAI2).

October 29, 2025: Certificate holder provided responses to RAI2.

October 29, 2025: Department notified the certificate holder that RFA1, with RAI responses, was complete and requested consolidated request with all information.

October 31, 2025: Department received complete RFA1.

October 31, 2025: Department issued Proposed Order on RFA1 and issued Public Notice of the Complete Request for Amendment and Proposed Order.

November 21, 2025: (10:00 a.m. PST) Public Hearing on RFA1 and Proposed Order.

December 5, 2025: (5:00 p.m. PST) Written comment period ends.

SCOPE OF COUNCIL REVIEW

Under OAR 345-027-0375, the Council must determine whether the preponderance of evidence on the record supports the following conclusion:

The facility as amended complies with all applicable laws and Council standards.

In making findings, the Council must apply the applicable laws and Council standards in effect on the following dates, regardless of when the site certificate was previously approved or amended:

*(a) For the applicable substantive criteria under the Council's land use standard, as described in OAR 345-022-0030, the date the request for amendment was submitted;
and*

(b) For all other applicable laws and Council standards, the date the Council issues its final order on the request for amendment.

DEPARTMENT EVALUATION OF RFA1 AND SUMMARY OF PROPOSED ORDER

As presented in the Proposed Order, the Department recommends Council find that, subject to existing, and recommended amended and new conditions of approval, the preponderance of evidence on the record supports the conclusion that the facility, with the changes proposed in RFA1, would comply with the Council's general standards in OAR chapter 345, division 022, and with other applicable provisions of OAR chapter 345 and ORS chapter 469.

In the Proposed Order, the Department recommends that based on the administrative scope of the amendment request, the Council find that the standards listed below are not impacted by RFA1. The Department also recommends that the Council rely on its prior evaluation presented in the November 2024 Final Order on the ASC for its determination of compliance with these standards:

Structural Standard (Proposed Order Section III.B.1.)

Soil Protection (Proposed Order Section III.B.2.)

Protected Areas (Proposed Order Section III.B.3.)

Threatened and Endangered Species (Proposed Order Section III.B.4.)

Scenic Resources (Proposed Order Section III.B.5.)

Historic, Cultural, and Archeological Resources (Proposed Order Section III.B.6.)

Recreation (Proposed Order Section III.B.7.)

Public Services (Proposed Order Section III.B.8.)

Wildfire Prevention and Risk Mitigation (Proposed Order Section III.B.9.)

Waste Minimization (Proposed Order Section III.B.10.)

Siting Standards for Transmission Lines (Proposed Order Section III.B.11.)

Other Applicable Regulatory Requirements (Proposed Order Section III.B.12.)

- Noise Control Regulations
- Removal Fill
- Water Rights

Based on the Department’s review of RFA1, the Proposed Order includes new analysis and new recommended findings, not previously relied upon by Council, or recommended amended conditions for the following standards:

General Standard of Review (Proposed Order Section III.A.1., pg. 22-29)

Recommended New General Standard Condition 11 (GEN-GS-07) – New condition proposed by the certificate holder, to provide the Council and the Department the ability to track and document legal and financial responsibilities of shared infrastructure, and ensure regulatory oversight in the event of modifications to the shared equipment or ownership/control of the shared equipment.

Recommended Amended General Standard Condition 2 (GEN-GS-02) – Proposed amendment to the condition to reflect specific, non-contingent dates to the construction schedules for each of the six facilities to implement the facilities’ separation. Furthermore, the recommended amendment to Condition GEN-GS-02 would impose the existing “first facility phase or project” construction commencement deadline on Sunstone Solar Project 1 (SS1), the existing “final facility phase” construction commencement deadline on Sunstone Solar Project 2 (SS2) through Sunstone Solar Project 6 (SS6) and impose the existing deadline for all facility construction on each facility, SS1 through SS6.

Recommended Amended General Standard Condition 6 (GEN-GS-06) – Proposed amendment to the condition to reflect the revised transmission line length and location and to not include Site Certificate Condition GEN-GS-06 in the site certificates for SS2 through SS6.

Recommended Deletion of Siting Standards for Transmission Line Condition 1 (GEN-TL-01) and Land Use Condition 2 (PRE-LU-02) from the SS2, SS3, SS4, SS5, and SS6 site certificates, as these two conditions impose obligations regarding the construction and operation of the transmission line. These two conditions would be retained only in the site certificate for SS1 because that is the only certificate holder that will be authorized to construct the transmission line.

Organizational Expertise (Proposed Order Section III.A.2., pg. 29-31)

Because RFA1 splits the previously approved facility into an amended and 5 new site certificates for LLCs owned by the existing parent company, the Department evaluated the certificate holder's information in RFA1 and the record of proceeding for the ASC, and recommends Council consider the prior letter and assurances affirmed through the letter relevant to and supportive for the 5 new certificate holders and site certificates. RFA1 did not propose any changes to existing site certificate conditions pertaining to Organizational Expertise.

Land Use (Proposed Order Section III.A.3., pg. 32-39)

Recommended Amendments to Land Use Condition 12 (GEN-LU-02) and Land Use Condition 11 (GEN-LU-02) – Proposed amendment to revise both conditions to require each certificate holder to adhere to and implement the existing Memorandum of Agreement (MOA), or a subsequent amendment, and require that any amendment to the MOA be provided to the Department within 30-days.

Retirement and Financial Assurance (Proposed Order Section III.A.4., pg. 39-51)

Recommended Amendment to Retirement and Financial Assurance Condition 4 (PRE-RF-01) – Proposed amendment to the condition specifying the total decommissioning amounts for each site certificate, SS1 through SS6. *Table 5* of the Proposed Order illustrates the quantities, unit costs, and total decommissioning amounts for each facility. The Departments decommissioning estimate, per facility, is as follows: \$24,690,693 (SS1); \$23,894,173 (SS2); \$23,892,171 (SS3); \$23,896,784 (SS4); \$25,835,454 (SS5); \$23,895,458 (SS6).

Fish and Wildlife Habitat (Proposed Order Section III.A.5., pg. 51-56)

Proposed updates to both the draft Habitat Mitigation Plan, and draft Revegetation and Reclamation Plan (Attachments H and G respectively, as applicable per facility) to align with dispersed impacts across each of the 6 facility sites.

PUBLIC COMMENT PERIOD AND NEXT STEPS

The October 31, 2025 public notice initiated a 35-day public comment period on RFA1 and the Proposed Order, concluding at 5:00 p.m. (PST) on December 5, 2025. The public notice also identified the date and time of the public hearing on RFA1 and Proposed Order, to be held at 10:00 a.m. on November 21, 2025, at the Oregon Department of Energy's office in Salem.¹ As of the date of this staff report, the Department has not received any written comments on RFA1

¹ On October 28, 2025, Chair Howe waived the in-proximity requirement for the public hearing due to the limited scope of the amendment request. Therefore, the public hearing will be held in-person and remotely in Salem, Oregon.

or the Proposed Order. Any comments that are received will be provided to the Council and certificate holder in advance of the November 21, 2025 hearing.

As explained in the Public Notice, commenters contending that the Council should reject the RFA or the Department's Proposed Order must raise their issues on the record, with sufficient specificity. To raise an issue on the record, a person must raise the issue in person during the public hearing or in a written comment submitted during the 35-day comment period, with a comment deadline of December 5, 2025.

Following the close of the public comment period on December 5, 2025, commenters may participate in the following process:

1. Certificate holder must submit written responses to written and verbal comments by December 19, 2025.
2. Department may submit written responses to written and verbal comments by December 19, 2025.
3. Commenters may submit replies to certificate holder and Department responses by December 29, 2025.
4. Certificate holder and Department may submit sur-replies to commenters by January 7, 2026.

If no comments are received during the comment period, the process and deadlines above do not apply.

Following the December 5, 2025 deadline or sur-reply deadline, if triggered based on receipt of comments, the Department will issue a draft Final Order, to be reviewed during a future EFSC meeting. EFSC will review the Department's draft Final Order and if comments are received, will review the Department's written analysis of comments, responses, replies and sur-replies. EFSC will then issue a Final Order either approving or rejecting RFA1. If approved, one Amended, and five new Site Certificate's will be issued.