



VIA EMAIL & U.S. MAIL

March 17, 2017

Todd Cornett
Siting Division Administrator
Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301

Re: Montague Wind Energy Facility Change Order Request #2 (O&M Building)

Dear Todd:

As we previously discussed, Montague Wind Power Facility, LLC ("Certificate Holder") is proceeding with construction of the Montague Wind Power Facility ("Facility") under the Second Amended Site Certificate, dated December 4, 2015 ("Site Certificate"). This letter requests that Oregon Department of Energy ("ODOE") approve a change in Facility design to allow Certificate Holder to use the existing operation and maintenance ("O&M") building at the Leaning Juniper IIB Wind Power Facility ("LJIIB").

The Facility is adjacent to LJIIB, and in some places, the projects have overlapping site boundaries. See [Attachment 1](#) (Project Figure). Certificate Holder proposes to interconnect Montague fiber with LJIIB's existing fiber and 34.5 kV collector line at Turbine JJ18 within both the LJIIB and Montague site boundaries. From there, Montague and LJIIB operational data would transfer over the existing installed fiberoptic lines that return to the LJIIB O&M building. Attachment 1 shows the relationship between the Montague and LJIIB site boundaries and the proposed design modification. If approved, Certificate Holder would enter into a shared facilities agreement with LJIIB, LLC to share the O&M building and associated equipment. No improvements, with the exception of additional communications equipment within the O&M building are proposed. No construction would occur outside of the Montague site boundary. By sharing the LJIIB O&M building, Certificate Holder minimizes permanent impacts and avoids construction of an on-site well and septic system at Montague.

Nothing in the Site Certificate prevents Certificate Holder from using shared facilities. There are no conditions that require Certificate Holder to construct the two approved O&M buildings. And the change has no impact on Certificate Holder's ability to comply with the existing Site Certificate conditions. Overall, the proposed change is minor and minimizes impacts. It does not trigger the need for an amendment and may be approved by ODOE through a change order in the project file.

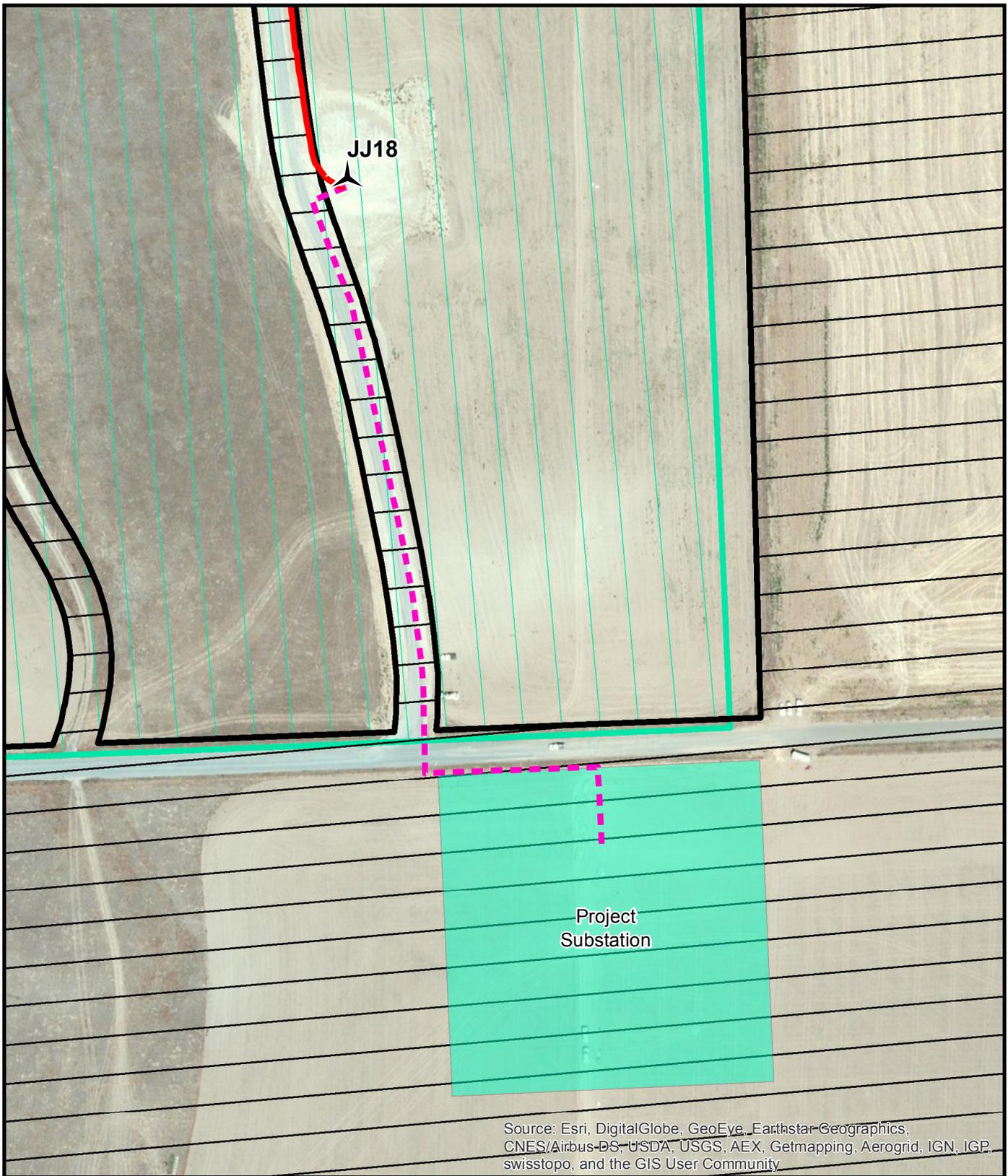
Please let me know if you have questions or would like to discuss. Thank you for your time.

Very truly yours,


Brian Walsh

Enclosure

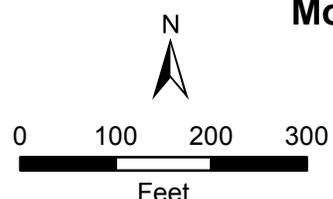
cc: Duane Kilsdonk
Max Woods
Elaine Albrich
Carrie Konkol
Linnea Eng



Source: Esri, DigitalGlobe, GeoEye, Earthstar-Geographics, CNES/Airbus-DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Legend

-  Leaning Juniper II Turbine
-  Existing Fiber & 34.5-kV Collector Line
-  Proposed Fiber Line
-  Substation
-  Montague EFSC Boundary
-  Leaning Juniper IIb EFSC Boundary



**Proposed Fiber Connection from
Monague to Leaning Juniper IIb
Montague Wind Project**





Oregon

Kate Brown, Governor

MWPOPSDoc85
LJWbOPSDoc44



550 Capitol St. NE
Salem, OR 97301-3737
Phone: (503) 378-4040
Toll Free: 1-800-221-8035
FAX: (503) 373-7806
www.Oregon.gov/ENERGY

May 22, 2017

Mr. Brian Walsh & Mr. Jace Fabrycki
Avangrid Renewables, LLC
1125 NW Couch Street, Suite 700
Portland, Oregon 97209

Sent via email: brian.walsh@avangrid.com; matthew.hutchinson@avangrid.com;
jace.fabrycki@avangrid.com; linnea.eng@ch2m.com ElaineAlbrich@dwt.com;
carrie.konkol@tetrattech.com

RE: Request for Determination Pursuant to OAR 345-027-0050(5) for Proposed Change to Montague Wind Power Facility – Change Request #2 (O&M Building)

Dear Messrs. Walsh and Fabrycki,

On March 17, 2017, the Oregon Department of Energy (ODOE or the Department) received a change request submitted pursuant to OAR 345-027-0050(5) from Montague Wind Power Facility, LLC (Montague or certificate holder) for the Montague Wind Power Facility (facility) requesting the shared use of the O&M building at the Leaning Juniper IIB Wind Power Facility (LJIIB). The change request explains that Montague may use the existing operations and maintenance (O&M) building at the adjacent LJIIB Facility without triggering an amendment both the Montague and LJIIB site certificates. The certificate holder previously represented that there are no conditions that require the construction of the two approved O&M buildings. The Montague facility and the LJIIB facility are both owned by Avangrid Renewables.

Under OAR 345-027-0050(5), a certificate holder may submit a change request in writing to the Department for a determination regarding whether a proposed change requires a site certificate amendment. The rule requires that the change request include a description of the proposed change, an explanation as to why the certificate holder has concluded that an amendment is not required, and the certificate holder's evaluation demonstrating that the proposed change would comply with the applicable Council standards and would not require an amendment as per OAR 345-027-0050(1).

In accordance with OAR 345-027-0050(5), the Department reviewed Avangrid's change request evaluation. On April 12, 2017, the Department submitted a request for additional information (RAI). On May 2, 2017, Avangrid responded to the information request, with a joint response from both Montague and LJIIB, to the satisfaction of the Department. The Avangrid response letter clarified and

requested that the Department review the requested change for use of the shared O&M building as a change for both the Montague and the LJIB facilities.

As presented in Attachment 1, the Department determined that the evaluation and RAI response: 1) includes all information required by OAR 345-027-0050(3), and 2) the requested sharing of the LJIB O&M building does not require a site certificate amendment to either Montague or LJIB site certificates, for the reasons in staff's analysis provided below. Please note that the Department is also providing a separate response letter to the LJIB facility.

Additionally, OAR 345-027-0050(5) allows that at the request of an Energy Facility Siting Council (EFSC or Council) member, the Department's determination must be referred to the Council for concurrence, modification, or rejection. In compliance with this rule, the Department will provide its determination to EFSC, informing Council of their rights under the rule. Should a Council member request to review the determination, the determination would likely go before EFSC at an upcoming Council meeting.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Chase McVeigh-Walker, Siting Analyst
Oregon Department of Energy
E: chase.mcveigh-walker@oregon.gov
P: (503) 934-1582

Attachment: Staff Evaluation of Change Request No. 2 (O&M Building) and Determination

cc (via e-mail distribution)

Oregon Energy Facility Siting Council
Todd Cornett, Oregon Department of Energy
Max Woods, Oregon Department of Energy
Duane Kilsdonk, Oregon Department of Energy
Sarah Esterson, Oregon Department of Energy
Jesse Ratcliffe, Oregon Department of Justice

Attachment 1: Staff Evaluation of Change Request No. 2 and Determination

Background and Description of Proposed Change

As described above, the certificate holder requests the confirmation that the shared use of the LJIB O&M building, and the interconnection (and subsequent sharing) of the associated fiber optic collection network (fiber) with the O&M building would not trigger an amendment of the LJIB site certificate or the Montague site certificate. The Department agrees and finds that the request is consistent with the site certificates for both Montague and LJIB. The Montague site certificate approved the construction of up to two O&M buildings, but does not require the certificate holder to construct the two approved O&M buildings. The use of a shared facility (O&M building) is also consistent with the site certificate, and there are no conditions preventing either facility from doing so.

The certificate holder is not requesting a change to the previously approved number of O&M buildings. Pursuant to OAR 345-001-010(51), the Department does not consider the LJIB's existing O&M building and supporting infrastructure (fiber) any new or additional related or supporting facilities for the Montague site certificate. Conditions from the LJIB site certificate (dated June 21, 2013) that are applicable to the use of the existing operations and maintenance building and fiber were evaluated and responded to by Montague.

Montague will expand its site boundary to include the additional land that is needed to connect the fiber cable to the LJIB facility. This land is approximately 0.01 acres. The area is within the LJIB site boundary and consists of an entirely graveled pad around existing wind turbine JJ18.

The Department requested an evaluation of the shared use of LJIB's O&M building through a change request pursuant to OAR 345-027-0050(5) by both LJIB, LLC and Montague Wind Power Facility, LLC. The RAI response received on May 2, 2017, from Avangrid, was submitted to the Department as a joint response to the change request. The Department accepts the RAI response letter as a joint response on behalf of both the LJIB site certificate holder, and the Montague certificate holder, because Avangrid remains the parent company of both of the certificate holders.

ODOE Staff Analysis

OAR 345-027-0050(1) contains the criteria used by ODOE and EFSC to determine when a proposed modification requires a site certificate amendment. The certificate holder's May 2, 2017 RAI response documentation included an assessment of each criteria contained in the rule. The rule states:

OAR 345-027-0050(1): ...[T]he certificate holder must submit a request to amend the site certificate to design, construct or operate a facility in a manner different from the description in the site certificate if the proposed change:

- (a) Could result in a significant adverse impact that the Council has not addressed in an earlier order and the impact affects a resource protected by Council standards;*
- (b) Could impair the certificate holder's ability to comply with a site certificate condition; or*
- (c) Could require a new condition or a change to a condition in the site certificate*

A change request assessment affirming any of the above criteria would result in a determination that a site certificate amendment is required. If the change request assessment affirms that none of the above

criteria would be met, the proposed change can be completed without an amendment of the site certificate.

Evaluation Under OAR 345-027-0050(1)(a)

The first factor under OAR 345-027-0050(1) would require a site certificate amendment if the proposed change could result in a significant adverse impact that the Council has not addressed in an earlier order and the impact affects a resource protected by Council standards.

As part of its change request evaluation, Avangrid states that most of the temporary and permanent impacts associated with connecting the Montague fiber to the LJIB Turbine JJ18 would be located within the Montague site boundary, except for about 30 feet within the LJIB site boundary. Avangrid asserts that both facilities are subject to the same obligations when it comes to activities involving the use of the O&M building and its supporting infrastructure. A shared facilities agreement between both of the certificate holders would require Montague to comply with the relevant site certificate conditions of the LJIB site certificate. In the RAI response, Avangrid affirms applicable conditions will be met, and that even though LJIB will contractually obligate Montague to comply with the conditions, LJIB will be the responsible party with respect to ensuring compliance with the site certificate.

In the RAI response, Avangrid evaluated the requirements of each applicable OAR 345 Division 22 and 24 standard. In particular, the Department presents its evaluation of potential impacts of the proposed change for the Organizational Expertise (OAR 345-022-0010), Soil Protection (OAR 345-022-0022), Land Use (OAR 345-022-0030), Public Services (OAR 345-022-0110) and Waste Minimization (OAR 345-022-0120) standards.

Regarding the Land Use standard, Avangrid explains that the requested shared use of the O&M building and its supporting infrastructure would not impact the ability of either facility to comply with existing site certificate conditions imposed to satisfy the requirements of the Land Use standard. Avangrid, on behalf of Montague, explained in its evaluation that all construction related activities will take place in the previously-approved Montague micro-siting corridor and site boundary, except for about 0.01 acres (30 feet by 20 feet) of disturbance within the LJIB site boundary around existing Turbine JJ18. As described above, all work within the LJIB site boundary would be contained within the gravel apron around Turbine JJ18 and would have no effect on the land use of the area, as the land is currently in use for LJIB as an operating wind facility with underground fiber. This area is currently graveled and used by LJIB; as such, there would be no impact to resources protected by Council standards that were not previously considered.

The Department requested additional information from the certificate holder on the operational use and evaluation of the O&M building, and whether additional or amended conditions would be needed to ensure continued compliance with all standards applicable to the shared use of the O&M building and supporting infrastructure (fiber) for LJIB. The certificate holder confirmed that the adding of Montague's operation and maintenance personnel to these systems will not overburden them; currently, the onsite LJIB workforce is made up of six to ten technicians. Once constructed, it is expected that Montague would add a similar sized workforce. Existing conditions in the LJIB site certificate will remain applicable. Specifically, condition 67 requires the certificate holder (of the O&M building [LJIB]) to develop and implement a site health and safety plan informing employees and other on-site what to do in case of an emergency. Additionally, condition 69 of the LJIB site certificate was

included by Council, requiring the certificate holder to notify the Department within 72 hours if a reportable spill or release of hazardous materials occurs during construction or operation of the facility.

Based on the reasoning and evaluation presented above, the Department concludes that Avangrid's request to share the use of the LJIB O&M building with the Montague facility, and the interconnection (and subsequent sharing) of the fiber associated with the O&M building would not trigger an amendment of the LJIB site certificate or the Montague site certificate. The Department further concludes that the proposed change does not trigger an amendment under OAR 345-027-0050(1)(a).

Evaluation Under OAR 345-027-0050(1)(b)

The second factor under OAR 345-027-0050(1) would require a site certificate amendment if the proposed change "could impair the certificate holder's ability to comply with a site certificate condition." Based upon review of the March 17, 2017 change request, the Department requested additional information to determine whether the proposed shared use of the LJIB O&M building and its supporting infrastructure could impact compliance with either LJIB or Montague site certificates.

In the RAI response, Avangrid identifies and explains that the conditions from the LJIB site certificate, applicable to the Montague's use of the LJIB O&M building and supporting infrastructure are similar to, and correspond with conditions in the Montague site certificate already obligating Montague to conduct its O&M operations in a manner consistent with what is already approved in the LJIB site certificate. All LJIB site certificate conditions, including those conditions related to the O&M building, remain applicable and in force.

Based on the reasoning and evaluation presented above, the Department concludes that the request for shared use of the LJIB O&M building and supporting infrastructure does not trigger an amendment under OAR 345-027-0050(1)(b).

Evaluation Under OAR 345-027-0050(1)(c)

The final factor under OAR 345-027-0050(1) would require a site certificate amendment if the proposed change "could require a new condition or a change to a condition in the site certificate." The Department agrees with the certificate holder's conclusion that the request for the shared use of the O&M building and supporting infrastructure does not result in any new adverse impacts not previously evaluated by EFSC. Therefore, the Department does not consider new site certificate conditions necessary to satisfy an applicable rule, EFSC standard, or statute.

Determination

The Department agrees with Avangrid's evaluation under OAR 345-027-0050 and finds that the proposed request for Montague to share use of the LJIB O&M building and its supporting infrastructure (fiber optic communication network) does not require a site certificate amendment to either facility. The Department agrees that the requested site boundary expansion of 0.01 acres (to incorporate the disturbance of interconnecting Montague's communication fiber to LJIB's Turbine JJ18), does not cause a significant adverse impact to a resource protected by EFSC standards, and does not substantially impair Montague's ability to comply with site certificate conditions. Compliance with applicable EFSC Standards, state and local laws, rules, and ordinances will not be affected by the requested change. In accordance with the requirements of OAR 345-027-0050(4), the certificate holder shall include a

description of the modifications and the Department's determination in the next annual report. ODOE will also document the change in an order associated with the next site certificate amendment.

The Department requests that Montague provide an updated site boundary map for the Montague Facility to show the minor site boundary expansion. Please also provide the Department with updated GIS data corresponding to the updated site boundary.

In the event that the LJIB facility is retired and decommissioned, but the Montague facility remains in operation, and Montague desires to continue using the LJIB O&M building, the Montague site certificate would likely need to be amended at that time. That future amendment would be to incorporate the O&M building and its supporting infrastructure, into the Montague site boundary and site certificate, including retirement and cost estimation.