



Oregon

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Mr. Bradley Knight, General Manager
Mr. Scott Rose, Operations and Compliance Specialist
Hermiston Generating Project

Sent via email: scott.rose@perennialpower.net; bradley.knight@perennialpower.net

RE: Amendment Determination Request Pursuant to OAR 345-027-0057

Mr. Knight and Mr. Rose,

On March 7, 2018, the Oregon Department of Energy (ODOE or the Department) received an Amendment Determination Request #1 (ADR), pursuant to OAR 345-027-0057 from Hermiston Generating Company, L.P. (HGC) and PacifiCorp. HGC and PacifiCorp are the joint holders of the site certificate issued by Energy Facility Siting Council (EFSC) for the Hermiston Generating Project (HGP or the facility). Umatilla Electric Cooperative (UEC) is the owner and operator of a 230 kV transmission line that moves power from the energy facility to the BPA northwest grid; however, that 230 kV line was considered a related and supporting facility at the time of the HGP site certificate review and approval and as such, it is under the jurisdiction of the site certificate and the Energy Facility Siting Council (EFSC or the Council). UEC is proposing to make modifications to that 230 kV. According to the ADR, the modifications to the 230 kV line consist of installing two taps that would be used by UEC to integrate two new UEC distribution substations to provide electric service to other UEC customers. The new substations and extended transmission lines from the tap to the substations are not considered components of the HGP energy facility and are not otherwise subject to EFSC jurisdiction.

Under OAR 345-027-0057 a certificate holder may submit an ADR in writing to the Department for a determination regarding whether a proposed change requires a site certificate amendment. The rule requires that the ADR include a description of the proposed change, any maps or geospatial layers representing the effects and/or location of the proposed change(s), the certificate holder's evaluation of the requested determination(s) under OAR 345-027-0057(1),(2), and (3), and any additional information that the certificate holder believes will

assist the Department's evaluation. The HGP certificate holder complied with these requirements in its March 7, 2018 submittal to the Department.

In accordance with OAR 345-027-0057, the Department reviewed the certificate holder's ADR. As presented in Attachment 1, the Department determined that the request: 1) includes all information required by OAR 345-027-0057(4), and 2) the change does not require a site certificate amendment for the reasons provided in Attachment 1.

If there are any questions please contact me.

Sincerely,

Duane Kilsdonk

Duane Kilsdonk, Compliance Office

Oregon Department of Energy

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Attachment 1: Oregon Department of Energy Amendment Determination Request Evaluation and Conclusion

Proposed Facility Modifications

As noted above, on March 7, 2018, the Oregon Department of Energy (ODOE or the Department) received an Amendment Determination Request (ADR), pursuant to OAR 345-027-0057 from Hermiston Generating Company, L.P. (HGC) and PacifiCorp are proposing modifications to the 230 kV line.

Site Certificate Amendment Exemption

OAR 345-027-0050 contains the criteria used by ODOE and the Energy Facility Siting Council (EFSC) to determine when a proposed modification requires a site certificate amendment, and specifically references to OAR 345-027-0053, which is a list of changes that are exempt, by rule, from requiring a site certificate amendment. Specifically as relevant to this circumstance, OAR 345-027-0053(5) states “An amendment to a site certificate is not required if the proposed change in the design, construction or operation of a facility is in substantial compliance with the terms and conditions of the site certificate, and is a change: (5) To a transmission line that is a related or supporting facility if the change would extend or modify the transmission line or expand the right-of-way, when the change is exclusively to serve the transmission needs of a separate energy facility or energy user,”

The certificate holder, in its ADR, claims that its change meets the requirements of the sub (5) exemption, and that the change “is in substantial compliance with the terms and conditions of the site certificate.” The Department agrees on both accounts.

The proposed change is to a transmission line that is a related and supporting facility to the energy facility itself. The change would modify the transmission line, by installing taps, for the purpose of UEC then building a new transmission line and new distribution substations to serve needs of separate energy users. The new transmission line and distribution substations are not otherwise EFSC jurisdictional, as, according to the ADR, the new transmission line is approximately ½ mile in length. EFSC jurisdiction of transmission lines requires a line to be 230 kV or above voltage, 10 miles in length, and crossing more than one city or county. The Department finds that the change meets the requirements of the OAR 345-027-0053(5) exemption rule.

The certificate holder, in its ADR, has listed and addressed site certificate conditions that relate specifically to the 230 kV transmission line and concluded that the proposed modification to add taps to the 230 kV line does not affect compliance with any existing site certificate

condition. The Department agrees. The modification would occur in the existing transmission corridor and will not involve relocating or otherwise changing any existing poles or structures on the 230 kV line that serves the facility. The modification will not disturb wetlands, canals, or populated areas, will not change EMF or induced currents, and UEC will design, construct, and operate the change consistent with the National Electric Safety Code.

Determination

The Department finds that the proposed change meets the requirements of OAR 345-027-0057(5) and as such, is exempt from requiring a site certificate amendment.

In accordance with the requirements of OAR 345-027-0055 (2), the certificate holder shall include a description of the modifications and the written evaluation in the Facility Modification Report as required by OAR 345-026-0080(2)(g), submitted as part of the next annual report to the Department. ODOE will also document the change in an order associated with the next site certificate amendment. Finally, as noted in the cover letter, OAR 345-027-0057 (6) requires that at the request of an Energy Facility Siting Council member, the Department's determination must be referred to the Council for concurrence, modification, or rejection. The Department will provide this determination to EFSC, informing Council of their rights under the rule. Should a Council member request to review the determination, the determination would go before EFSC at an upcoming Council meeting. Finally, in accordance with OAR 345-027-0057(6), the Department will post this determination to its website and will inform Council of the determination at the next EFSC meeting, currently scheduled for April 27, 2018, in The Dalles.