



Oregon

Kate Brown, Governor



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Kevin Wetzel, Project Development Manager
Pattern Energy Group 2 LP
Pier 1, Bay 3
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Sent via email: Kevin.Wetzel@Patternenergy.com; Linnea.Fossum@Tetrattech.com

RE: Type A Review Determination on Request for Amendment 4 of the Summit Ridge Wind Farm Site Certificate

Dear Mr. Wetzel:

On August 16, 2018 the Oregon Department of Energy (ODOE or the Department) received Pattern Energy Group's preliminary Request for Amendment (pRFA) 4 to the Summit Ridge Wind Farm site certificate. The Summit Ridge Wind Farm is an approved, but not yet constructed, wind energy generation facility consisting of up to 72 wind turbines with a peak generating capacity of 194.4 megawatts, located within a site boundary of approximately 11,000 acres. In accordance with the existing site certificate, construction must begin by August 19, 2018 and must be completed by August 19, 2021. The pRFA requests to extend each of these deadlines by two years.

In its pRFA, Pattern Energy Group LLC included a Type B review amendment determination request (ADR) that requests the Department's consideration of the Type B amendment review path.

The Type A review is the standard or "default" site certificate amendment process (see OAR 345-027-0051(2)). A certificate holder may request a Department determination of the Type B review process, but the certificate holder maintains the burden of justifying the appropriateness of whether a Type B review process should apply to the amendment. The Department may consider, but is not limited to, factors identified in OAR 345-027-0057(8) when determining whether to process an amendment request under Type B review. The Department's evaluation of the OAR 345-027-0057(8) factors is presented below. The Department concludes that the certificate holder has not justified the appropriateness of the Type B review process, and has determined that Type A review is the appropriate review process for the reasons discussed below.

Amendment Review Process

Energy Facility Siting Council (EFSC or Council) rules describe the process for Type A and Type B review of a request for amendment at OAR 345-027-0051. The table below summarizes key differences in the review phases/steps and timelines between the two processes. Council rules describe both processes in greater detail.

Review Phase/Step	Timeline	
	Type A	Type B
ODOE Issues Determination of Completeness on Preliminary Request for Amendment	Within 60 days	Within 21 days
ODOE Issues Draft Proposed Order	Within 120 days of notice of Determination of Completeness	Within 60 days of notice of Determination of Completeness
Public Hearing	At least 20 days after issuance of Draft Proposed Order	Not applicable
ODOE Issues Proposed Order	Within 30 days following the Public Hearing	Within 21 days of close of comment period on Draft Proposed Order
Deadline for Contested Case Requests	At least 30 days after issuance of Proposed Order	Not applicable
ODOE Review and Council Decision on Contested Case (CC) Requests	Next regularly scheduled Council meeting following deadline for CC requests	Not applicable
Contested Case Proceeding	At Council's discretion (no specific timeline)	Not applicable
Issuance of Final Order and Amended Site Certificate	Next regularly scheduled Council meeting following deadline for CC requests	Next regularly scheduled Council meeting following issuance of PO

As presented in the above table, the key procedural difference between the Type A and Type B review is that the Type A review includes a public hearing on the draft proposed order and an opportunity for a contested case proceeding. The key timing differences between Type A and Type B review relate to the maximum allowed timelines for the Department to determine completeness of the preliminary amendment request, and to issue the draft proposed order and proposed order. It is important to note that Council rules authorize the Department to adjust the timelines, if necessary.

Considerations for Determining Whether to Process an Amendment Request as Type B Review

OAR 345-027-0057(8) provides a non-exhaustive list of factors the Department may consider in determining whether to process an amendment request under Type B review. The listed factors are evaluated as follows:

- (a) *The complexity of the proposed change;*

Summit Ridge's Type B Review ADR states that proposed change is not complex because the change consists only of an extension of the construction start and completion deadlines. However, the ADR does not provide evidence, within the Amendment Determination Request itself, to demonstrate that there are no changes in facts or law since the date the current site certificate was executed, or other facts that would otherwise indicate that the proposed change is not complex. As such, the Department is unable to evaluate the considerations in this factor.

(b) The anticipated level of public interest in the proposed change;

Summit Ridge Wind Farm's Type B Review ADR states that the anticipated level of public interest is expected to be low because the change is not complex; however, supporting evidence or analysis was not provided within the Amendment Determination Request. As such, the Department is unable to evaluate the considerations in this factor.

(c) The anticipated level of interest by reviewing agencies;

Summit Ridge's Type B Review ADR states that the anticipated level of interest from agencies is expected to be low because there no changes to resource impacts would arise from a change to the construction deadlines; however, supporting analysis was not provided. The certificate holder did not provide evidence, within the Amendment Determination Request, to demonstrate that there are no changes in facts or law since the date of the issuance of the site certificate, which could generate interest by reviewing agencies. As such, the Department is unable to evaluate the considerations in this factor.

(d) The likelihood of significant adverse impact;

Summit Ridge's Type B Review ADR states that there are no significant adverse impacts resulting from the proposed change, and references the pRFA. However, no supporting analysis was provided for factor (d) as part of the Type B Review ADR, and the Department does not consider simply incorporating the pRFA by reference sufficient to justify the appropriateness of the Type B review process.

(e) The type and amount of mitigation, if any.

Summit Ridge's Type B Review ADR states that no mitigation would result from the proposed change because no new impacts will occur as a result of the construction deadline extension; however, supporting analysis was not provided. As such, the Department is unable to evaluate the considerations in this factor.

Amendment Type Determination

The Department has reviewed the Type B Review ADR and considered the information provided by Summit Ridge Wind, LLC, to support the Department's analysis under the OAR 345-027-0057(8) factors. The Department has determined that the Type B Review ADR does not provide sufficient evidence or analysis for factors (a) through (e). Since Type A is considered to be the default review process, under OAR 345-027-0051(2), the Department determines that Type A remains the appropriate review process for this RFA.

Summit Ridge Wind Farm has the right to refer the Department's determination to the Energy Facility Siting Council. Pursuant to OAR 345-027-0057(7), at the request of the certificate holder, the Department must refer its determination to the Council for concurrence, modification or rejection. Please inform the Department if Summit Ridge Wind Farm requests to refer the determination to Council, and the Department will do so at an upcoming regularly-scheduled Council meeting.

Please feel free to contact me with any questions or comments.

Oregon Department of Energy

Sincerely,

/LM/

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cc via e-mail distribution:

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