BEFORE THE ENERGY FACILITY SITING COUNCIL
OF THE STATE OF OREGON

IN THE MATTER OF THE SITE CERTIFICATE FOR )
THE PORT WESTWARD GENERATING PROJECT ) FINAL ORDER
REQUEST FOR AMENDMENT NO. TWO )

Summary
The Energy Facility Siting Council ("Council") approves this amendment request with
modifications.

I. Summary and Background of the Request for Amendment
On May 7, 2004, Portland General Electric Company ("PGE" or the "Certificate Holder")
submitted to the Council its Request for Second Amendment to the Site Certificate for the
Port Westward Generating Project ("PWGP" or the "Project"). PGE proposed to extend by
24 months the deadlines for beginning and completing construction of the facility.

Pursuant to OAR 345-027-0030(4), the Energy Facility Siting Council may extend the
deadlines for up to 24 months. The request to amend the Site Certificate was timely under
OAR 345-027-0030(1) because it was submitted more than six months before the first
applicable deadline.

On July 1, 2004, the Certificate Holder requested to amend its amendment request in order
to include an alternative energy facility site layout as an option in the Site Certificate. The
alternative layout would exclude from the energy facility site an area 180 feet wide that
includes the existing roadway across the energy facility site.

On August 10, 2004, in response to questions from the Department of Energy
("Department") and Department of Justice, the Certificate Holder proposed additional
amendments to conditions relating to the Council's Fish and Wildlife Habitat Standard to
ensure that the facility met the new requirements in Columbia County's Zoning Ordinance
relating to the Riparian Corridors, Wetlands, Water Quality, and Fish and Wildlife Habitat
Overlay Zone.

A. Name and Address of the Certificate Holder
Portland General Electric Company
121 SW Salmon Street
Portland, OR 97204

The individual responsible for submitting the request:
Arya Behbehani-Divers
Portland General Electric Company
121 SW Salmon Street, 3WTC-BR03
Portland, OR 97204
503-464-8141
B. Description of the Facility

The Council granted the Site Certificate for the facility on November 8, 2002, and amended the Site Certificate on December 5, 2003. It issued the Final Orders for the Site Certificate and the First Amended Site Certificates (“Final Orders”) on the same dates, respectively.

The facility is a 560 megawatt (“MW”) natural-gas-fired, combined-cycle generating facility. The facility will be located in Columbia County, Oregon, about seven miles by road northeast of the City of Clatskanie. PGE has not begun construction of the facility.

II. Description of the Proposed Amendment

1. Extension of Construction Commencement and Completion Dates.

Pursuant to Section F.1(5) of the First Amended Site Certificate, the Certificate Holder is required to begin construction of the energy facility by November 8, 2004. Pursuant to Condition F.1(6), the Certificate Holder must complete construction of the facility by May 8, 2007. The Certificate Holder requested that the deadline to begin construction of the facility be extended to November 8, 2006 and that the deadline to complete construction of the facility be extended to May 8, 2009.

2. Optional Energy Facility Site Layout.

PGE revised its amendment request on July 1, 2004, to incorporate an optional layout for the energy facility site plan, Figure B-1. The optional layout for Figure B-1 was identified as “Alternative-1, Preliminary Conceptual Design” in Attachment 5 to its letter of July 1, 2004. The option layout excludes from the energy facility site an area 180 feet wide. It includes an existing road across the energy facility site.

The optional layout would permit PGE to develop Phase 1 of the facility without using any portion of the 180-foot wide strip. The proposed amendment request would also give PGE the option of deciding before beginning construction of Phase 2 about whether the 180-foot strip would be included in that phase.

The Council has previously approved the entire area of the energy facility site in the Site Certificate. This amendment provides an option of excluding part of the energy facility site from development, but it does not enlarge move the approved energy facility site. PGE noted that it might need to request further amendments before beginning construction of Phase 2, depending on the final site layout and equipment it chooses, but it is too early to anticipate what additional amendments it might request.

3. Columbia County’s Riparian Corridors, Wetlands, Water Quality, and Fish and Wildlife Habitat Overlay Zone (“Riparian Overlay Zone”).

At the request of the Department of Energy and the Department of Justice, the Certificate Holder proposed amendments to two conditions to align them more closely with the standards in the new Riparian Overlay Zone. It proposed to amend Condition D.8(12) to make an explicit reference to the appropriate section of the County Zoning Ordinance and
to amend to Condition D.12(16) to clarify when vegetation clearing in the Riparian Zone
would be permitted.

III. Procedural History
A. Department of Energy Review Steps
1. The Certificate Holder's Request
PGE submitted the Request for Second Amendment to the Site Certificate for the Port
Westward Generating Project on May 7, 2004. It amended its request on July 1, and
August 10, 2004, and provided additional information in support of its amendment
requests.

2. Extended Review of Amendment Request
In a letter dated May 19, 2004, PGE requested that the Department approve an extended
review of the Certificate Holder's Request for Second Amendment to the Site Certificate
for the Port Westward Generating Project, pursuant to OAR 345-027-0070(2)(a). On
May 20, 2004, the Department extended the notice and review of the amendment request
while matters before the Public Utility Commission progressed and while PGE prepared
responses to questions that the Department raised in its initial review of the amendment
request.

3. Review by Other Agencies, Local Governments, and Tribes
The Department, pursuant to OAR 345-027-0070(1)(a), identified potentially affected
agencies, local governments, and tribes and asked them to review the request for
amendment. The Department mailed a copy of the amendment request along with a review
report form on July 2, 2004, to those agencies, local governments and tribes and asked
them to reply by July 26, 2004. The Department sent the request to the following agencies,
local governments and tribes:

Department of Geology and Mineral Industries  Department of Fish and Wildlife
Department of State Lands  Department of Agriculture
Water Resources Department  Department of Parks and Recreation
State Historic Preservation Office  Department of Environmental Quality
Office of State Fire Marshall  Public Utilities Commission
Oregon Building Codes Division  Department of Forestry
Northwest Power and Conservation Council  Department of Transportation
Dept. of Land Conservation and Development  Department of Aviation
City of Astoria  City of Rainier
City of Saint Helens  City of Clatskanie
City of Columbia City  Columbia County
Confederated Tribes of the Grand Ronde  Clatsop County
Confederated Tribes of the Warm Springs  Chinook Indian Tribe
Confederated Tribes of the Siletz
4. Replies
No agency, local government, or tribe stated objections to the requested amendment or
recommended conditions.

5. Initial Public Notice
On July 2, 2004, the Department mailed a notice of the request for amendment to all
persons on the Council’s general mailing list and persons on the Council’s special mailing
list for the Project, pursuant to OAR 345-027-0070(1)(b). The notice asked for comments
to the Department by July 26, 2004.

6. Public Comments on the Request
The Department received a telephone call from Ms. Pat Powell, who stated that she lives
adjacent to the transmission line easement between the energy facility site and the
Bonneville Power Administration’s Allston Substation. She raised questions about the
safety of the natural gas line that is also in the easement for the transmission line and about
the effect of induced currents on that gas line. She was also concerned about a cedar tree in
the easement that she believed might be an endangered plant species. Ms. Powell did not
submit written comments.

The natural gas line is not an energy facility under the Council’s jurisdiction. The Site
Certificate has conditions in Section E.1.c that relate to the safe construction of the
transmission line and induced currents. The Council reviewed threatened, endangered, and
sensitive plant species in the analysis area for the facility, including the transmission line
corridor between the Project and the Allston Substation, prior to granting the Site
Certificate. The Council did not identify a species of cedar in that corridor that was a
threatened, endangered, or sensitive species.

7. Proposed Order
The Department issued its proposed order on August 10, 2004.

8. Public Notice of Proposed Order
On August 10, 2004, the Department mailed a notice of its proposed order to all persons on
the Council’s general mailing list and persons on the Council’s special mailing list for the
Project, pursuant to OAR 345-027-0070(1)(b). The notice asked for comments to the
Department by September 13, 2004.

9. Comments on the Proposed Order
There were no comments on the proposed order.

B. Council Review Steps
1. Council Notice
The Department mailed the request for amendment and a memo summarizing the request
to the Council on July 2, 2004. On August 10, 2004, the Department mailed the proposed
order to the Council and to persons who had requested it.
2. Council Action on the Amendment Request
On September 24, 2004, the Council took action on the amendment request during its
regular meeting in Tigard, Oregon.

IV. Proposed Changes to Site Certificate
OAR 345-027-0060(1)(d) requires that a certificate holder must include in a request for an
amendment to a Site Certificate “The specific language of the site certificate, including
affected conditions, that the certificate holder proposes to change, add or delete by an
amendment.”

A. Site Certificate Holder’s Proposed Changes
PGE proposed changes to specific conditions of the Site Certificate are shown below with
additions double-underlined and deletions shown by strikethrough.

1. Title Page and Page 1: First Second Amended Site Certificate for the Port Westward
Generating Project.

2. Page 1, Section A, Introduction:
This site certificate for the Port Westward Generating Project (“PWGP or Project”) is
issued and executed in the manner provided by ORS Chapter 469, by and between the
State of Oregon (“State”), acting by and through its Energy Facility Siting Council
(“Council”), and the Portland General Electric Company (“PGE” or “Certificate
Holder”).

The findings of fact, reasoning and conclusions of law underlying the terms and
conditions of this site certificate are set forth in the following documents, which by
this reference are incorporated herein: (a) the Council’s Final Order in the Matter of
the Application for a Site Certificate for the Port Westward Generating Project, which
the Council granted on November 8, 2002; and (b) the Council’s Final Order in the
Matter of the Site Certificate for the Port Westward Generating Project Request for
Amendment No. One, which the Council granted on December 5, 2003. [Amendment
No. 12003; and (c) the Council’s Final Order in the Matter of the Site Certificate for
the Port Westward Generating Project Request for Amendment No. Two, which the
Council granted on ____________, 2004. [Amendment No. 2]

In interpreting this site certificate, any ambiguity shall be clarified by reference to,
and in the following priority: this Site Certificate, the record of the proceedings
which led to the Final Order, and the Application for a Site Certificate for the Port
Westward Generating Project. As used in this Site Certificate, the “application for
site certificate” or the “ASC” includes: (a) the Application for a Site Certificate for
the Port Westward Generating Project, which the Office of Energy (“Office”) filed on
April 11, 2002; and (b) the Certificate Holder’s Request for First Amendment to the
Site Certificate for the Port Westward Generating Project, which the Council received
on October 25, 2003. [Amendment No. 12003; and (c) the Certificate Holder’s
3. **Page 8, Section C.2.a. The Energy Facility Site:**
The energy facility will be located about seven miles by road northeast of the city of Clatskanie in Columbia County, Oregon. The energy facility site will be located on an approximately 852-acre parcel leased to PGE by the Port of St. Helens in Section 15, Township 8 North, Range 4 West, Willamette Meridian. The energy facility site will be fenced and will comprise about 17.5 acres of the larger parcel. [Amendment No. 1] An alternative configuration of the energy facility site excludes a strip 180 feet wide (50 feet south and 130 feet north of an existing road across the site). Under this alternative, the Certificate Holder could choose to exclude this strip from the energy facility site for Phase 1, if the Certificate Holder develops only Unit 1 or develops Units 1 and 2 in two phases. If the strip is excluded during Phase 1, the Certificate Holder will have to declare in writing to the Office of Energy before beginning construction of Phase 2 whether the energy facility site for Phase 2 will include the 180-foot wide strip. [Amendment No. 2]

4. **Page 20, Section D.8. Fish and Wildlife Habitat (12):**
The Certificate Holder shall not construct any structures (other than fences and signs) and the water supply pipeline within the riparian corridors established under Columbia County Zoning Ordinance Section 1172. [Amendment No. 2] within 50 feet of any Class I river, stream or the emergent vegetation adjacent to such a river or stream or within 25 feet of any other rivers, streams, and sloughs or the emergent vegetation adjacent to such a river, stream, or slough.

5. **Page 21, Section D.8. Fish and Wildlife Habitat (16):**
During construction of the transmission line(s) and maintenance of the rights-of-way, the Certificate Holder shall limit clearing of vegetation in riparian areas and wetlands to that needed to prevent contact with the transmission line and to meet clearance standards for safety and transmission line reliability, as provided in the appropriate sections of the National Electrical Code. [Amendment No. 2]

6. **Page 35, Section F.1. Mandatory Conditions in Site Certificates, Legal Description (2):**
Before beginning construction of Phase 1 of the energy facility, the Certificate Holder shall submit to the Office a legal description of the site, except as provided in OAR 345-027-0023(6). [Amendment No. 4] If the Certificate Holder develops only Unit 1 or develops Units 1 and 2 in two phases, the legal description of the site for purposes of beginning construction of Phase 1 may exclude the 180-foot wide strip (50 feet south and 130 feet north of an existing road) immediately north of Unit 1. If the strip is excluded from the legal description during Phase 1, the Certificate Holder shall submit to the Office, before beginning construction of Phase 2 of the energy facility, a
legal description indicating whether the energy facility site for Phase 2 will include
the 180-foot wide strip. [Amendment No. 2]

7. Page 36, Section F.1, Mandatory Conditions in Site Certificates. Construction Rights
on Site (4):
Except as necessary for the initial survey or as otherwise allowed for transmission
lines or pipelines in this condition, the Certificate Holder shall not begin
construction, as defined in OAR 345-001-0010, or create a clearing on any part of the
site until the Certificate Holder has construction rights on all parts of the site. For the
purpose of this condition, “construction rights” means the legal right to engage in
construction activities. For transmission lines or pipelines, if the Certificate Holder
does not have construction rights on all parts of the site, the Certificate Holder may
nevertheless begin construction or create a clearing on a part of the site if:

(a) The Certificate Holder has construction rights on that part of the site; and,

(b) The Certificate Holder would construct and operate part of the facility on
that part of the site even if a change in the planned route of the transmission
line or pipeline occurs during the Certificate Holder’s negotiations to acquire
construction rights on another part of the site.

For purposes of this condition, if the Certificate Holder develops only Unit 1 or
develops Units 1 and 2 in phases, the “site” for purposes of beginning construction of
Phase 1 may exclude the 180-foot wide strip (50 feet south and 130 feet north of an
existing road) immediately north of Unit 1. [Amendment No. 2]

8. Page 36, Section F.1, Mandatory Conditions in Site Certificates. Beginning and
Completing Construction (5):
The Certificate Holder shall begin construction of the energy facility by November 8,
2004-2006. Beginning construction of the Port Westward to BPA Allston Substation
Transmission Line shall not satisfy this requirement. [Amendment No. 2].
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9. Page 36-37, Section F.1, Mandatory Conditions in Site Certificates. Beginning and
Completing Construction (6):
The Certificate Holder shall complete construction of the facility by May 8,
2007-2009. The completion of construction date is the day by which (1) the facility is
substantially complete as defined by the Certificate Holder’s construction contract
documents; (2) acceptance testing is satisfactorily completed; and, (3) the energy
facility is ready to commence continuous operation consistent with the Site
Certificate. Completion of construction of the Port Westward to BPA Allston
Substation Transmission Line separately shall not satisfy this requirement.
[Amendment No. 2]
B. Department of Energy’s Conforming Changes

The Council adopts the amendments that PGE requested along with making certain changes to the proposed conditions to simplify and clarify the conditions and to update the Site Certificate. Section B.2, below, restores the condition and adds the proposed change from PGE to ensure the general applicability of the condition. The changes the Department proposed are highlighted.

1. Page 8, Section C.2.a. The Energy Facility Site:

The energy facility will be located about seven miles by road northeast of the city of Clatskanie in Columbia County, Oregon. The energy facility site will be located on an approximately 852-acre parcel leased to PGE by the Port of St. Helens in Section 15, Township 8 North, Range 4 West, Willamette Meridian. The energy facility site will be fenced and will comprise about 17.5 acres of the larger parcel.

[Amendment No. 1]An alternative configuration of the energy facility site excludes a strip 180 feet wide (50 feet south and 130 feet north of an existing road across the site). Under this alternative, the Certificate Holder could choose to exclude this strip from the energy facility site for Phase 1, if the Certificate Holder develops only Unit 1 or develops Units 1 and 2 in two phases. If the strip is excluded during Phase 1, the Certificate Holder will have to shall declare in writing to the Office Department of Energy before beginning construction of Phase 2 whether the energy facility site for Phase 2 will include the 180-foot wide strip. [Amendment No. 2]

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2. Page 20, Section D.8, Fish and Wildlife Habitat (12):

The Council restores the original language of the condition and adds the reference to the Columbia County Zoning Ordinance to the end of the condition. In that way, the original condition continues to apply to the area in the City of Rainier that is not covered by the new County ordinance:

The Certificate Holder shall not construct any structure (other than fences and signs) and the water supply pipeline within 50 feet of any Class I river, stream or the emergent vegetation adjacent to such a river or stream or within 25 feet of any other rivers, streams, and sloughs or the emergent vegetation adjacent to such a river, stream, or slough or within the riparian corridors established under Columbia County Zoning Ordinance Section 1172, as appropriate for the local jurisdiction. [Amendment No. 2]

3. Page 35, Section F.1, Mandatory Conditions in Site Certificates, Legal Description (2):

Before beginning construction of Phase 1 of the energy facility, the Certificate Holder shall submit to the Office a legal description of the site, except as provided in OAR 345-027-0023(6). [Amendment No. 1] If the Certificate Holder develops only Unit 1 or develops Units 1 and 2 in two phases the
(a) The legal description of the site for purposes of beginning construction of Phase 1 may exclude the 180-foot wide strip (50 feet south and 130 feet north of an existing road) immediately north of Unit Phase 1.

(b) The Certificate Holder shall notify the Department in writing if it is exercising the option to exclude the 180-foot wide strip from Phase 1.

(c) If the Certificate Holder excludes the strip is excluded from the legal description during Phase 1, the Certificate Holder shall submit to the Office, before beginning construction of Phase 2 of the energy facility, a legal description indicating whether the energy facility site for Phase 2 will includes the 180-foot wide strip. [Amendment No. 2]

4. Page 36, Section F.1, Mandatory Conditions in Site Certificates, Construction Rights on Site (4):
Except as necessary for the initial survey or as otherwise allowed for transmission lines or pipelines in this condition, the Certificate Holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the Certificate Holder has construction rights on all parts of the site. For the purpose of this condition, “construction rights” means the legal right to engage in construction activities. For transmission lines or pipelines, if the Certificate Holder does not have construction rights on all parts of the site, the Certificate Holder may nevertheless begin construction or create a clearing on a part of the site if:

(a) The Certificate Holder has construction rights on that part of the site; and,

(b) The Certificate Holder would construct and operate part of the facility on that part of the site even if a change in the planned route of the transmission line or pipeline occurs during the Certificate Holder’s negotiations to acquire construction rights on another part of the site.

For purposes of this condition, if the Certificate Holder develops only Unit 1 or develops Units 1 and 2 in phases, the “site” for purposes of beginning construction of Phase 1 may exclude the 180-foot wide strip (50 feet south and 130 feet north of an existing road) immediately north of Unit Phase 1. [Amendment No. 2]

5. Update
The Council updates the entire Site Certificate by replacing “Office” with “Department” in references to the Oregon Department of Energy and by indicating the appropriate amendment number for changes to conditions.

Discussion. These proposed changes simplify the requested amendments to the Site Certificate and correct an inadvertent change. They do not change the intent as proposed.
Conclusion. The Council adopts the amendments to Site Certificate descriptions and conditions discussed in Section IV(A) and (B), pursuant to the findings in Section V.

V. Compliance with Siting Standards

In addressing the standards set forth in this section, the Council assesses the impacts of the changes proposed in the amendment request and the compliance with applicable standards, pursuant to OAR 235-027-0070(9).

OAR 345-027-0070(9) provides:

In making a decision to grant or deny issuance of an amended site certificate, the Council shall apply the applicable substantive criteria, as described in OAR 345-022-0030, in effect on the date the certificate holder submitted the request for amendment and all other state statutes, administrative rules, and local government ordinances in effect on the date the Council makes its decision. ***

A. Considerations for Extending Construction Deadlines

OAR 345-027-0070(9)(b) identifies three factors the Council must consider when considering an amendment that extends the deadlines for beginning or completing construction. Each factor is discussed below:

“(A) Whether the Council has previously granted an extension of the deadline.”

The Council has not previously granted an extension of the deadline for beginning construction or the deadline for completing construction for the Port Westward Generating Project.

“(B) Whether there has been any change of circumstances that affects a previous Council finding that was required for issuance of a site certificate or amended site certificate.”

There is a discussion below of previous Council findings. Based on that discussion, the Council finds that there is no change of circumstances that affects a previous Council finding required for issuance of the Site Certificate or the First Amended Site Certificate.

“(C) Whether the facility complies with all Council standards.”

The Council approved the Site Certificate for the Port Westward Generating Project on November 8, 2002, and it approved the First Amended Site Certificate on December 5, 2003. The Council has adopted substantive changes to the applicable approval standards addressed in the Final Order for the Site Certificate. It has not adopted substantive changes since it approved the Final Order and First Amended Site Certificate. The following discussion of applicable standards, substantive criteria, state statutes, administrative rules, and local government ordinances
addresses the current versions of Chapter 345, Divisions 22 and 24, rules and other applicable criteria. The requested amendment would change the construction beginning and completion dates and would provide an option of excluding an area from the energy facility site, but would not affect other geographical areas or human, plant or animal populations in any manner not considered in the Final Orders.

B. Updated List of Property Owners
OAR 345-027-0060(1)(g) requires, for an amendment to extend the deadlines for beginning or completing construction of the facility, “an updated list of the owners of property located within or adjacent to the site of the facility, as described in OAR 345-021-0010(1)(f).” PGE provided an updated list as part of its amendment request.

C. Organizational Expertise Standard, OAR 345-022-0010
This standard has four paragraphs. The first two paragraphs, -0010(1) and -0010(2), relate to application qualifications and capability and the final two paragraphs, -0010(3) and -0010(4), relate to third-party permits.

1. Applicant Qualification and Capability, OAR 345-022-0010(1)
To issue a site certificate, the Council must find that the applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate. To conclude that the applicant has this expertise, the Council must find that the applicant has demonstrated the ability to design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety and has demonstrated the ability to restore the site to a useful, non-hazardous condition. The Council may consider the applicant’s experience, the applicant’s access to technical expertise and the applicant’s past performance in constructing, operating and retiring other facilities, including, but not limited to, the number and severity of regulatory citations issued to the applicant.

Discussion. The proposed changes to the facility are within the scope of PGE’s overall responsibilities to construct, operate, and retire the facility. The findings in the Final Orders apply. The Council finds that this amendment will not impact PGE’s qualifications as the Certificate Holder.

Conclusion. The Council finds that the Certificate Holder meets the requirements of OAR 345-022-0010(1).

2. Applicant Qualification and Capability OAR 345-022-0010(2)
The Council may base its findings under section (1) on a rebuttable presumption that an applicant has organizational, managerial and technical expertise, if the applicant has an ISO 9000 or ISO 14000 certified program
and proposes to design, construct and operate the facility according to that program.

Discussion. OAR 345-022-0010(2) is not addressed herein because the Certificate Holder does not have an ISO 9000 or 14000 certified program.

3. Third-Party Services and Permits, OAR 345-022-0010(3)
If the applicant does not itself obtain a state or local government permit or approval for which the Council would ordinarily determine compliance but instead relies on a permit or approval issued to a third party, the Council, to issue a site certificate, must find that the third party has, or has a reasonable likelihood of obtaining, the necessary permit or approval, and that the applicant has, or has a reasonable likelihood of entering into, a contractual or other arrangement with the third party for access to the resource or service secured by that permit or approval.

Discussion. The Council finds that the proposed amendment will not change the findings of the Final Orders regarding third party permits.

Conclusion. The Council finds that the Certificate Holder meets the requirements of OAR 345-022-0010(3).

4. Third-Party Services and Permits, OAR 345-022-0010(4)
If the applicant relies on a permit or approval issued to a third party and the third party does not have the necessary permit or approval at the time the Council issues the site certificate, the Council may issue the site certificate subject to the condition that the certificate holder shall not commence construction or operation as appropriate until the third party has obtained the necessary permit or approval and the applicant has a contract or other arrangement for access to the resource or service secured by that permit or approval.

Discussion. The Council finds that the request will not affect the findings in the Final Orders or conditions in the Site Certificate relating to acquiring third party permits or contracts.

Conclusion. The Council finds that the Certificate Holder meets the requirements of OAR 345-022-0010(4).

D. Retirement and Financial Assurance Standard, OAR 345-022-0050
To issue a site certificate, the Council must find that:
(1) The site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility.
The applicant has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.

Discussion. The Council finds that the findings in the Final Orders regarding PGE's ability to obtain a bond or letter of credit for retiring the energy facility apply to this request.

Conclusion. The Council finds that the Certificate Holder meets the requirements of OAR 345-022-0050.

E. Structural Standard, OAR 345-022-0020

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that:

(a) The applicant, through appropriate site-specific study, has adequately characterized the site as to seismic zone and expected ground motion and ground failure, taking into account amplification, during the maximum credible and maximum probable seismic events; and

(b) The applicant can design, engineer, and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule "seismic hazard" includes ground shaking, landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement, and subsidence;

(c) The applicant, through appropriate site-specific study, has adequately characterized the potential geological and soils hazards of the site and its vicinity that could, in the absence of a seismic event, adversely affect, or be aggravated by, the construction and operation of the proposed facility; and

(d) The applicant can design, engineer and construct the facility to avoid dangers to human safety presented by the hazards identified in subsection (c).***

Discussion. The Council finds that the findings in the Final Orders regarding the Structural Standard apply to this request.

Conclusion. The Council finds that the proposed changes to the facility meet the requirements of OAR 345-022-0020.

F. Soil Protection Standard, OAR 345-022-0022

To issue a site certificate, the Council must find that the design, construction, operation and retirement of the facility, taking into account mitigation, are not likely to result in a significant adverse impact to soils including, but not limited to, erosion and chemical factors such as salt
deposition from cooling towers, land application of liquid effluent, and chemical spills.

Discussion. The Council finds that the findings in the Final Orders regarding the Soil Protection Standard apply to this request.

Conclusion. The Council finds that the proposed changes to the facility meet the requirements of OAR 345-022-0022.

G. Land Use Standard, OAR 345-022-0030
(1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.
(2) The Council shall find that a proposed facility complies with section (1) if:
   (a) The applicant elects to obtain local land use approvals under ORS 469.504(1)(a) and the Council finds that the facility has received local land use approval under the acknowledged comprehensive plan and land use regulations of the affected local government; or
   (b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that:
       (A) The proposed facility complies with applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3);
       (B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or
       (C) For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4).***

Discussion. PGE submitted an “Analysis of Local and State Land Use Standards” in its letter of July 1, 2004. At the request of the Department and the Department of Justice, it submitted supplemental information on August 10, 2004. The purpose of the analysis was to identify changes to the applicable county, city and state land use regulations and
standards adopted after October 2001, the date of the Application for a Site Certificate for
the Proposed Port Westward Generating Project ("ASC").

As part of its periodic review process, Columbia County amended its Comprehensive Plan
and adopted new zoning standards for some Goal 5 resources during the summer of 2003.
The County elected to use the safe harbor provisions allowed by administrative rule to
comply with the Goal 5 rule. The County revised the following code sections: CCZO §
1170 - Riparian Corridors, Wetlands, Water Quality, and Fish and Wildlife Habitat Overlay
Zone; CCZO § 1180 - Wetland Area Overlay of their code; and CCZO § 1550 – Site
Design Review (minor changes only).

Columbia County’s new standards protect establish varying widths for riparian corridors,
depending on the nature of the water body. The County has not mapped those corridors as
an overlay zone on the County zoning map. Rather, the applicable riparian corridor width
must be determined, for streams, by determining whether the average annual stream flow is
greater or less than 1,000 cubic feet per second ("cfs") and whether the stream segment at
issue is “fish bearing” or “non-fish bearing.” CCZO § 1172. The Columbia River and
Bradbury Slough are the only water bodies for which the riparian corridor boundary is 75
feet upland from the top of the bank due to classification as “fish-bearing and non-fish
bearing streams, rivers and sloughs (greater than 1,000 cfs).” See CCZO § 1172.A.3.

Streams along the transmission line corridor and alternative transmission line corridor are
shown as overlays on aerial photographs in Appendices J-4 and J-5 of the ASC. Those
aerial photographs also show approximate locations for towers. Streams are also shown on
Figures P-3a through P-3d in Exhibit P of the ASC. Riparian corridors along the
transmission line would be 50 feet from the top of the bank for fish-bearing streams and
25 feet upland from the top of the bank for all other streams. Most tower locations, as
shown, are not within several hundred feet of a stream. Given the flexibility available with
respect to tower spacing, the Certificate Holder is able to avoid constructing towers within
riparian corridors.

One perennial stream adjacent to the transmission line corridor, Fox Creek, is located
within the City of Rainier and, therefore, is not subject to the Columbia County Zoning
Ordinance standards for riparian corridors. See ASC, Figure P-3d. Therefore, in Section
IV.B(2) above, the Council retains the language of the original Condition D.8(12) and add
a reference to the new County ordinance so that the condition applies in both the City of
Rainier and in Columbia County.

Conditions D.8(15) and (16) already restrict clearing of vegetation. PGE proposed
revisions, as detailed in Section IV.A(4) and (5) and IV.B(2) above, to incorporate explicit
compliance with the riparian corridor standards and to clarify when vegetation clearing will
be necessary. The proposed amendment to Condition D.8(16) is consistent with CCZO §
1175.A.1, which allows removal within the riparian corridor boundary of “trees and
vegetation in danger of falling and/or posing a hazard to life and property.”
Finally, the water supply pipeline is a water-related or water-dependent use allowed within
the riparian corridor. Pursuant to CCZO § 1175A.2, vegetation can be removed for a
water-related or water-dependent use, but must be “kept to a minimum necessary to allow
the water-dependent and water-related use.” Condition D.8(15) already requires that the
Certificate Holder clear no more riparian vegetation “than is necessary for the permitted
land use.”

Relevant changes to CCZO Section 1180 and the associated subsections address the
protection of significant wetlands within identified Wetland Areas.

Section 1180: Wetland Area Overlay.

Section 1181: Purpose. The purpose of this zone is to protect significant wetland
within the identified Wetland Areas as shown on the State Wetland Inventory and
Local Wetland Inventories, from filling, drainage, or other alteration which would
destroy or reduce their biological value. The Wetland Area Overlay does not apply
to land legally used for commercial forestry operations or standard farm practices,
both of which are exempt from these wetland area corridor standards. The use of
land for commercial forestry is regulated by the Oregon Department of Forestry.
The use of land for standard farm practices is regulated by the Oregon Department
of Agriculture, with riparian area and water quality issues governed by ORS
568.210 to ORS 568.805.

Section 1182: Definition. A significant wetland is an area that is inundated or
saturated by surface water or ground water at a frequency and duration sufficient
to support, and that under normal circumstances does support, a prevalence of
vegetation typically adapted for life in saturated soil conditions. In case of dispute
over whether an area is of biological value and should be considered a significant
wetland, the County shall obtain the recommendation of the Oregon Department of
Fish and Wildlife, the Columbia County Soil and Water Conservation District, and
the Division of State Lands.

Before it was amended in 2003, the Comprehensive Plan explicitly exempted the Port
Westward area from the Wetland Area Overlay Zone. The amendments to the
Comprehensive Plan deleted that exemption and extended the Wetland Area Overlay Zone
to all “significant” wetlands, as defined in CCZO Section 1182, within the “identified
Wetland Areas as shown on the State Wetland Inventory maintained by the Department of
State Lands (“DSL”), which includes the National Wetland Inventory and any Local
Wetland Inventory. Columbia County Comprehensive Plan, Article X(A)(2). For
purposes of this order, the Council is assuming that the wetlands present on the Project site
are “significant wetlands” as that term is defined in CCZO Section 1182.

Section 1183: Permitted Uses. Uses and development activities permitted outright
or conditionally in the underlying zone shall be permitted in the Wetland Area
Overlay Zone if they will not result in filling, drainage, removal of vegetation, or
other alteration which would destroy or degrade a significant wetland as defined in
Section 1182. Minor drainage improvements necessary to ensure effective
drainage on surrounding agricultural lands under Oregon Department of
Agriculture wetland rules shall be allowed where such an action has been fully
coordinated with the Oregon Department of Fish and Wildlife, the Columbia
County Soil and Water Conservation District, and the Division of State Lands.
Existing drainage ditches may be cleared to original specifications without County
review.

In a letter dated August 30, 2004, PGE’s attorney noted an incorrect statement in his earlier
description of Wetland Overlay Zone requirements. The wetland area at the energy facility
site had been excluded from protected wetland areas by earlier versions of the Columbia
County Comprehensive Plan, but amendments that the County adopted on September 17,
2003, removed the exclusion for that wetland area. Therefore, the provisions of the
Wetland Overlay Zone now apply to the facility site.

PGE argued that CCZO Section 1183’s requirement that the permitted activity “not result
in filling, drainage, removal of vegetation, or other alteration which would destroy or
degrade a significant wetland” does not preclude an activity in the Wetland Area Overlay
Zone that is authorized by a removal-fill permit from DSL and the U.S. Army Corps of
Engineers. It argued that if an activity is permitted outright or conditionally in the
underlying zone, and any wetland fill or other impacts to significant wetlands included in
the Wetland Area Overlay Zone are authorized by a valid removal-permit, the activity is a
permitted use in the Wetland Area Overlay.

PGE submitted a copy of a letter that Columbia County assistant county counsel, Sarah
Tyson, sent to Adam Bless, Oregon Department of Energy, on August 23, 2004, that
supported PGE’s interpretation of compliance with the Wetland Overlay Zone. In addition,
in a letter dated July 19, 2004, Mr. Todd Dugdale, director of the Columbia County
Department of Land Development Services, wrote that he concurred with the analysis of
land use standards that PGE submitted and concurred that the Project would comply with
new provisions protecting wetlands and riparian areas.

The Council finds compliance with the Wetland Overlay Zone through a separate analysis.
By virtue of an approved removal/fill permit, DSL, via the Council’s original Final Order
and the First Amended Site Certificate, and the U.S. Army Corps of Engineers have
authorized the Certificate Holder to fill 0.43 acre of wetland on the Project site. Exhibit J
of the ASC, the Joint Removal-Fill Permit Application, and the original Final Order
provide a complete analysis of wetland impacts and compensatory mitigation. Included
with the authorizations for the removal/fill permit is the requirement that the Certificate
Holder mitigate for the wetland fill by enhancing 1.5 acres of palustine emergent wetlands
in the same wetland area. As a result, there will be no net destruction or degradation (by
loss of functional value) of the particular wetland area. Therefore, the Council finds that
the Certificate Holder complies with the pertinent requirements of CCZO Section 1183, as
amended.
There are no applicable changes to the City of Rainier Zoning Ordinance or the City of Rainier Comprehensive Plan.

The Land Conservation and Development Commission revised OAR 660-033-0130, Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses. This administrative rule has been changed to include requirements that are stated in ORS 215.275, which was addressed in the ASC and in the Final Order approving the Site Certificate. This administrative rule simply mirrors that statute; therefore, the Council’s findings in the Final Order address the requirements of this rule.

The Council finds that the analysis demonstrated that the facility complies with the new regulations and standards.

Conclusion. The Council finds that the proposed changes to the facility meet the requirements of OAR 345-022-0030.

II. **Protected Area Standard, OAR 345-022-0040**

(1) Except as provided in sections (2) and (3), the Council shall not issue a site certificate for a proposed facility located in the areas listed below. To issue a site certificate for a proposed facility located outside the areas listed below, the Council must find that, taking into account mitigation, the design, construction and operation of the facility are not likely to result in significant adverse impact to the areas listed below. Cross-references in this rule to federal or state statutes or regulations are to the version of the statutes or regulations in effect as of August 28, 2003;***

Discussion. The Council finds that the findings in the Final Orders are sufficient to demonstrate compliance with the Protected Areas Standard.

Conclusion. The Council finds that the proposed changes to the facility meet the requirements of OAR 345-022-0040.

I. **Fish and Wildlife Habitat Standard, OAR 345-022-0060**

To issue a site certificate, the Council must find that the design, construction, operation and retirement of the facility, taking into account mitigation, are consistent with the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025 in effect as of September 1, 2000.

Discussion. The Council finds that the findings in the Final Orders are sufficient to demonstrate compliance with the Fish and Wildlife Habitat Standard.

Conclusion. The Council finds that the proposed changes to the facility meet the requirements of OAR 345-022-0060.
J. **Threatened and Endangered Species Standard, OAR 345-022-0070**

To issue a site certificate, the Council, after consultation with appropriate state agencies, must find that:

1. For plant species that the Oregon Department of Agriculture has listed as threatened or endangered under ORS 564.105(2), the design, construction, operation and retirement of the proposed facility, taking into account mitigation:
   a. Are consistent with the protection and conservation program, if any, that the Oregon Department of Agriculture has adopted under ORS 564.105(3); or
   b. If the Oregon Department of Agriculture has not adopted a protection and conservation program, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species; and

2. For wildlife species that the Oregon Fish and Wildlife Commission has listed as threatened or endangered under ORS 496.172(2), the design, construction, operation and retirement of the proposed facility, taking into account mitigation, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species.

**Discussion.** The Council finds that the findings in the Final Orders are sufficient to demonstrate compliance with the Threatened and Endangered Species Standard.

**Conclusion.** The Council finds that the proposed changes to the facility meet the requirements of OAR 345-022-0070.

K. **Scenic and Aesthetic Values Standard, OAR 345-022-0080**

1. Except for facilities described in sections (2), to issue a site certificate, the Council must find that the design, construction, operation and retirement of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic and aesthetic values identified as significant or important in applicable federal land management plans or in local land use plans in the analysis area described in the project order. ***

**Discussion.** The Council finds that the findings in the Final Orders are sufficient to demonstrate compliance with the Scenic and Aesthetic Values Standard.

**Conclusion.** The Council finds that the proposed changes to the facility meet the requirements of OAR 345-022-0080.

L. **Historic, Cultural, and Archeological Resources Standard, OAR 345-022-0090**

1. Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction, operation and
retirement of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to:
(a) Historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places;
(b) For a facility on private land, archaeological objects, as defined in ORS 358.905(1)(a), or archaeological sites, as defined in ORS 358.905(1)(c); and
(c) For a facility on public land, archaeological sites, as defined in ORS 358.905(1)(c). ***

Discussion. The Council finds that the findings in the Final Orders are sufficient to demonstrate compliance with the Historic, Cultural, and Archeological Resources Standard.

Conclusion. The Council finds that the proposed changes to the facility meet the requirements of OAR 345-022-0090.

M. Recreation Standard, OAR 345-022-0100
(1) Except for facilities described in section (2), to issue a site certificate, the Council must find that the design, construction and operation of a facility, taking into account mitigation, are not likely to result in a significant adverse impact to important recreational opportunities in the analysis area as described in the project order. The Council shall consider the following factors in judging the importance of a recreational opportunity:
(a) Any special designation or management of the location;
(b) The degree of demand;
(c) Outstanding or unusual qualities;
(d) Availability or rareness;
(e) Irreplaceability or irretrievability of the opportunity. ***

Discussion. The Council finds that the findings in the Final Orders are sufficient to demonstrate compliance with the Recreation Standard.

Conclusion. The Council finds that the proposed changes to the facility meet the requirements of OAR 345-022-0100.

N. Public Services Standard, OAR 345-022-0110
(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to the ability of public and private providers within the analysis area described in the project order to provide: sewers and sewage treatment, water, storm water drainage,
solid waste management, housing, traffic safety, police and fire
protection, health care and schools.***

Discussion. The Council finds that the findings in the Final Orders are sufficient to
demonstrate compliance with the Public Services Standard.

Conclusion. The Council finds that the proposed changes to the facility meet the
requirements of OAR 345-022-0110.

O. Waste Minimization Standard, OAR 345-022-0120
(1) Except for facilities described in sections (2) and (3), to issue a site
certificate, the Council must find that, to the extent reasonably practicable:
(a) The applicant’s solid waste and wastewater plans are likely to
minimize generation of solid waste and wastewater in the
construction, operation, and retirement of the facility, and when solid
waste or wastewater is generated, to result in recycling and reuse of
such wastes;
(b) The applicant’s plans to manage the accumulation, storage, disposal
and transportation of waste generated by the construction and
operation of the facility are likely to result in minimal adverse impact
on surrounding and adjacent areas.***

Discussion. The Council finds that the findings in the Final Orders are sufficient to
demonstrate compliance with the Waste Minimization Standard.

Conclusion. The Council finds that the proposed changes to the facility meet the
requirements of OAR 345-022-0120.

P. Carbon Dioxide Standard
Standard for Base Load Gas Plants, OAR 345-024-0550
To issue a site certificate for a base load gas plant, the Council must find
that the net carbon dioxide emissions rate of the proposed facility does not
exceed 0.675 pounds of carbon dioxide per kilowatt-hour of net electric
power output, with carbon dioxide emissions and net electric power output
measured on a new and clean basis. For a base load gas plant designed with
power or augmentation technology as defined in OAR 345-001-0010, the
Council shall apply the standard for a non-base load power plant, as
described in OAR 345-024-0590, to the incremental carbon dioxide
emissions from the designed operation of the power augmentation
technology.***

Discussion. The Council finds that the findings in the Final Orders are sufficient to
demonstrate compliance with the Carbon Dioxide Standard. Specifically, the Certificate
Holder complies with the carbon dioxide standard in effect at the time of the Council’s
order on the amendment request, pursuant to OAR 345-027-0030(5).
Conclusion. The Council finds that the proposed changes to the facility meet the requirements of OAR 345-024-0550 through -0710.

Q. Noise OAR 340-035-0035(1)(b)(B)
The Council applies and enforces the Department of Environmental Quality’s (“DEQ”) noise standards for energy facilities under its jurisdiction. The DEQ noise regulations for industrial and commercial noise sources apply to the Project. Under the DEQ regulations, the generating facility would be located on a “previously unused industrial site” and according to the regulations:

No person owning or controlling a new industrial or commercial noise source located on a previously unused industrial or commercial site shall cause or permit the operation of that noise source if the noise levels generated or indirectly caused by that noise source increase the ambient statistical noise levels, L10 or L50, by more than 10 dBA in any one hour, or exceed the levels specified in Table 8, as measured at an appropriate measurement point. OAR 340-035-0035(1)(b)(B)(i).

Discussion. DEQ noise regulations for industrial and commercial noise sources apply to the energy facility. The Council finds that the findings in the Final Orders demonstrate that the energy facility would meet the DEQ noise standards applicable to the facility, OAR 340-035-0035(1)(b)(B)(i).

Conclusion. The Council finds that the proposed changes to the facility meet the requirements of OAR 340-035-0035(1)(b)(B)(i).

R. Wetlands, OAR 345-022-0000
Pursuant to OAR 345-022-0000, the Council must determine compliance with applicable statutes, ORS 196.800-990, and applicable Department of State Lands (“DSL”) regulations, OAR 141-085-0005 et seq. relating to fill and other operations taking place within wetlands. These regulations require persons to obtain a removal/fill permit if more than 50 cubic yards of material will be removed or altered within “waters of the state.” The overall standard to be considered in granting a removal/fill permit is whether the proposed activity would not “unreasonably interfere with the paramount policy of this state to preserve the use of its waters for navigation, fishing and public recreation.” ORS 196.825(2).

Discussion. In the Final Order for the Site Certificate, the Council found that the energy facility would comply with OAR 345-021-0010(1)(j) and ORS 196.800-990, subject to issuance of a Removal/Fill Permit substantially in the form of Attachment C to the Final Order prior to commencement of construction of the facility. DSL amended its wetland rules in 2003, following the issuance of the Site Certificate in 2002
The Department requested that PGE demonstrate that it could meet the wetland rules now in effect. In its letter of July 1, 2004, PGE provided reports entitled “1.6: Evidence That Fill and Removal Permits Can Be Issued” and “Wetland Assessment for the Port Westward Generating Project.” The first report reviewed the criteria in statute and rule that must be met to in order to demonstrate that a Removal-Fill permit can be issued and an explanation of how each of the criteria is met by the Port Westward Generating Project. The second report was a re-write of Appendix J-2 to the ASC to conform to DSL’s new rules regarding wetland assessment.

Both the Department and DSL staff reviewed the two reports and found that they demonstrated that the facility complies with DSL rules. The Council finds that the findings in the Final Order for the Site Certificate and the Removal/Fill Permit, which is Attachment C to the Amended Site Certificate, meet current DSL standards.

**Conclusion.** The Council finds that approval of this amendment request will satisfy the Council’s obligation to determine compliance with DSL removal/fill permit requirements.

**S. Public Health and Safety, ORS 469.401(2)**

The Council is required to impose conditions in the site certificate for the protection of public health and safety.

**Discussion.** The Council finds that the findings in the Final Orders are sufficient to demonstrate compliance with the Public Health and Safety standard.

**Conclusion.** The Council finds that the proposed changes to the facility continue to meet the Council’s conditions that protect public health and safety, pursuant to ORS 469.401(2).

**VI. Conclusions**

The Council finds that the actions in the Certificate Holder’s request are consistent with current Council rules, with other applicable statutes and rules, and with statewide land use planning goals and would not cause a significant adverse impact to public health and safety or the environment. In preparing this proposed order, the Department limited its consideration to the effects that may be produced by the proposed changes to the energy facility site and the extension of construction deadlines as described in the Certificate Holder’s Request for Second Amendment to the Site Certificate for the Port Westward Generating Project, as amended. In considering those effects, the Department reviewed state statutes, administrative rules, and local government ordinances.

Based on the above findings, the Council concludes that it should amend the First Amended Site Certificate for the Port Westward Generating Project as the Certificate Holder requests with modifications to the conditions as noted above in Section IV.
FINAL ORDER

Based on the above findings of fact, discussions and conclusions of law, the Energy Facility Siting Council determines that it shall approve Amendment Number Two and that the chairperson of the Council shall execute the Site Certificate Amendment in the form of the “Second Amended Site Certificate for the Port Westward Generating Project.” This incorporates Attachments to the First Amended Site Certificate for the Port Westward Generating Project. The Second Amended Site Certificate for the Port Westward Generating Project, with Attachments, is attached to this order and is incorporated by reference into this order.

Approved this 24th day of September 2004.

Karen H. Green, Chair
Oregon Energy Facility Siting Council

ATTACHMENT: SECOND AMENDED SITE CERTIFICATE WITH ATTACHMENTS

NOTICE OF THE RIGHT TO APPEAL

You have the right to appeal this order to the Oregon Supreme Court pursuant to ORS 469.405. To appeal, you must file a petition for judicial review with the Supreme Court within 60 days from the day this order was served on you. If this order was personally delivered to you, the date of service is the date you received this order. If this order was mailed to you, the date of service is the date it was mailed, not the day you received it. If you do not file a petition for judicial review within the 60-day time period, you lose your right to appeal.
ATTACHMENT

SECOND AMENDED SITE CERTIFICATE

FOR THE

PORT WESTWARD GENERATING PROJECT
CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of October, 2004, I served the Final Order in the Matter of the Site Certificate for the Port Westward Generating Project Request for Amendment No. Two and the Second Amended Site Certificate for the Port Westward Generating Project on the following named person(s):

Richard H. Allan  
Ball Janik LLP  
101 SW Main Street, Suite 1100  
Portland, OR 97204-3219  
Attorney for PGE

Janet L. Prewitt  
Assistant Attorney General  
Oregon Department of Justice  
1152 Court Street NE  
Salem, OR 97301  
Attorney for Oregon Department of Energy

Arya Behbehani-Divers  
Portland General Electric Company  
121 SW Salmon Street, 3WTC-BR03  
Portland, OR 97204  
Project Manager for PGE

by causing a true copy of the above-listed documents to be served in the following manner:

Mailing with postage prepaid in a sealed enveloped, addressed to person(s) at the last-known address(es) indicated above.

DATED: October 18, 2004

Samuel R. Sadler  
Oregon Department of Energy