



# Oregon

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**To:** Oregon Energy Facility Siting Council

**From:** Thomas L. Jackman, Rules Coordinator

**Date:** July 3, 2025

**Subject:** Agenda Item H (Action Item) – Organizational Expertise and Financial Assurance –  
Initiation of Informal Rulemaking for the July 18, 2025 EFSC Meeting

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## BACKGROUND AND SUMMARY

As part of the 2025-2027 Rulemaking Schedule, the Council directed staff to explore a rulemaking designed to update the Council's rules that govern its organizational expertise and financial assurance standards. This review is part of a phased approach for holistically reviewing the Council's rules to ensure that the process for applying for and amending a site certificate is as straightforward and efficient as it can be, while serving the direction given to the Council by the legislature to protect the interests and wellbeing of the people of Oregon.

Prior phases of this rulemaking overview effort were intended primarily to improve the structure and clarity of the application process. This final phase is intended to be more substantive in nature, with the aim of amending the rule language for each of the Council's standards to fill in any potential gaps in their scope while also removing any excesses.

## SCOPE AND OBJECTIVES

The rulemaking is intended to update the organizational expertise as well as the retirement and financial assurance standards and associated information requirements to better evaluate the actual experience and ability of an applicant or certificate holder to design, construct, and operate a facility in compliance with site certificate requirements. Possible improvements include:

- Requiring additional or alternative evidence related to an applicant's experience, access to technical expertise, compliance history, financial capabilities, etc. if such information is deemed helpful in evaluating compliance with the Council's standards.
- Combining the two standards being evaluated as part of this project. This would, among other things, remove duplication of information requirements, such as the ability of an applicant to restore the site to a useful non-hazardous condition, which is evaluated under both standards
- Removing information requirements that are unnecessary for the evaluation of compliance with the Council's standards or that could be addressed by a mandatory requirement (such as general information about an applicant and potential third-party permits)

## RULEMAKING ADVISORY COMMITTEE

Given the substantive nature of the rule requirements being looked at, staff is of the belief that a Rulemaking Advisory Committee (RAC) is appropriate. Staff recommends a RAC of 10-12 persons representing:

- Members of the public
- Power providers

- Resource groups
- Federally recognized tribes in Oregon
- Agency partners

Of course, an opportunity will be given to all who are interested in these rules to provide comments during a future public comment period as well as during the public comment of all RAC meetings.

#### **STAFF RECOMMENDATION**

Staff recommends that the Council initiate informal proceedings on the Organizational Expertise and Financial Assurance Rulemaking, which was approved for the 2025-2027 Rulemaking Schedule. Staff recommends that Council approve the scope and general direction of the rulemaking as outlined above. Staff also requests that the Council approve a RAC in the development of the draft proposed language and appoint staff to seek out interested parties to appoint to the RAC as outlined above. Please note that the Council is not being asked at this time to consider proposed rule amendments or the adoption of permanent rules.