

ENERGY FACILITY SITING COUNCIL

CINDY CONDON, CHAIR~ ANN BEIER, VICE CHAIR
MARCY GRAIL, KENT HOWE, RICHARD DEVLIN, PATRICIA PERRY

Energy Facility Siting Council April Meeting Minutes

ODOE Office/ Meitner Room
Friday, April 17, 2026 8:30 AM

- A. Consent Calendar (Action & Information Item)¹ – Approval of March 19-20, 2026 Meeting Minutes; Council Secretary Report; and other routine Council business)²
- B. Modernization Rulemaking Final Consideration (Action Item)³
- C. Exemption Rulemaking Final Consideration (Action Item)
- D. Public Comment Period⁴
- E. Tribal Communications Rulemaking Final Consideration (Action Item)⁵
- F. Leaseback Transactions Overview (Information Item)⁶
- G. Wheatridge Energy Facility East Request for Amendment 2 – Request to Waive In-Person Public Hearing (Action Item)⁷
- H. Biglow Canyon Wind Farm Request for Amendment 4 – Petition for Rehearing (Action Item)⁸

The meeting materials presented to Council are available online at:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Council-Meetings.aspx>

¹ Audio/Video for Agenda Item A = 00:03:03 – 2026-04-17-EFSC-Meeting-Audio/Video

² Audio/Video for Agenda Item B = 00:19:58 – 2026-04-17-EFSC-Meeting-Audio/Video

³ Audio/Video for Agenda Item C = 00:58:09 – 2026-04-17-EFSC-Meeting-Audio/Video

⁴ Audio/Video for Agenda Item D = 01:18:51 – 2026-04-17-EFSC-Meeting-Audio/Video

⁵ Audio/Video for Agenda Item E = 01:36:52 – 2026-04-17-EFSC-Meeting-Audio/Video

⁶ Audio/Video for Agenda Item F = 02:03:14 – 2026-04-17-EFSC-Meeting-Audio/Video

⁷ Audio/Video for Agenda Item G = 02:23:28 – 2026-04-17-EFSC-Meeting-Audio/Video

⁸ Audio/Video for Agenda Item H = 02:32:10 – 2026-04-17-EFSC-Meeting-Audio/Video

Call to Order: Chair Condon called the meeting to order at 8:30 am

Roll Call: Chair Cindy Condon, Vice-Chair Ann Beier, Council Members Kent Howe and Patty Perry were present in person. Council Member Richard Devlin was present virtually.

Oregon Department of Energy representatives present were Assistant Director for Siting/Council Secretary Todd Cornett, Senior Operations and Policy Advisor Sarah Esterson, Senior Siting Analyst Chris Clark, Rule Coordinator Tom Jackman, and Administrative Assistant Nancy Hatch. Oregon Department of Justice Senior Assistant Attorney General Patrick Rowe was also present.

Agenda Modification: There were no agenda modifications.

A. Consent Calendar (Action & Information Item)⁹ – Approval of March 2026 Meeting Minutes; Council Secretary Report; and other routine Council business.

- Approval of March 2026 Meeting Minutes

Council Member Howe motioned that the Council approve the minutes of the March 19-20 2026 meeting as presented and recommended by staff.

Vice Chair Beier seconded the motion.

The motion was carried unanimously.

- Council Secretary Report

Project Updates

Boardman to Hemingway Transmission Line

The project is an approved and in construction 300 mile long 500 kV transmission line from near Melba, Idaho to Boardman, Oregon. The certificate holder is Idaho Power Corporation. The Department received two Amendment Determination Requests on March 6 and 8, 2026; 1) ADR-002: Seeks Department review and concurrence of whether expansion of temporary access road widths from 60 to 100 feet requires review through the amendment process. The change is requested to allow a safer workspace while helping to prevent erosion and sediment from leaving the work area. The increase in disturbance equates to 31.1 acres; 2) ADR-006: Seeks Department review and concurrence of whether the addition of 4.26 miles of access road and shifting of a pulling and tensioning site location requires review through the amendment process. These changes are a result of landowner coordination/requests while also providing

⁹ Audio/Video for Agenda Item A = 00:03:03 – 2026-04-17-EFSC-Meeting-Audio/Video

safe construction conditions. The Department is reviewing the ADRs and plans to issue a determination next week.

On March 27, 2026, the Department issued its determination on ADR 004, which sought Department review and concurrence on whether a proposed 0.96-acre micrositing corridor expansion in Union County warranted review through the Council's amendment process. The Department determined that the proposed change would not trigger any of the "three could's" under OAR 345-027-0350. Electronic notification was issued notifying the public of the Department's determination; the determination is available on the Department's project webpage for the facility. OAR 345-027-0357(5) allows for Council to more formally review the Department's determination if requested.

Vice Chair Beier asked whether, although not an issue for the Boardman-to-Hemingway project, an increased road width near a natural resource such as a stream corridor would be something Staff would flag and seek input on from ODFW or another appropriate agency.

Secretary Cornett stated there are threshold questions, referred to as the "three could's," that must be evaluated to determine if an amendment review is required.

- Could result in a significant adverse impact that the Council has not addressed in an earlier order and the impact affects a resource or interest protected by an applicable law or Council standard;*
- Could impair the certificate holder's ability to comply with a site certificate condition; or*
- Could require a new condition or a change to a condition in the site certificate.*

The certificate holder must identify that it is not triggering any of those three "could's" and if there is some evidence that they want to include in the request to prove that an amendment is not required, they must include it.

Chair Condon questioned whether the landowner coordination noted in the ADR meant the landowner requested the changes.

Secretary Cornett stated the certificate holder and their contractors are visiting project sites and private properties, and they are getting questions about whether changes can be made. Some adjustments are driven by landowner preferences, while others come from realizing that the original engineering plans will not work and need to be revised.

Chair Condon questioned the timing in the process for the courtesy public notice as the decision for the ADR has been determined prior to the notice.

Secretary Cornett stated an ADR is an evaluation of the request by Staff. The courtesy public notice is in effort to provide transparency of the process to the public.

West End Solar Project

This project is an approved but not yet constructed 50 MW solar generation and 70 battery energy storage project in Umatilla County. The parent company of the certificate holder is Eurus Energy America Corporation. Council approved the project in March of 2023 and established a March 24, 2026 deadline to begin construction. In February of 2026 Staff reached out to the certificate holder to remind them of the construction date. They did not begin construction by the required date, and the site certificate has expired. We plan to bring a request to Council to formally terminate the site certificate at the May meeting.

Chair Condon questioned the reason that the certificate holder did not meet the construction deadline and whether there had been communication with them.

Secretary Cornett stated while the certificate holder has not specified a reason, but they have acknowledged they are aware of the requirements but have not moved forward on the project.

Compliance and Inspections Updates

Bakeoven Solar Project

This project is a 60 MW operational solar facility in Wasco County. The parent company of the certificate holder is Avangrid Power. Prior to the completion of construction, the Bakeoven project team made a minor update to their Revegetation Plan and established their revegetation monitoring plot locations outside of the actual temporary disturbance area. In order for the monitoring plots to provide relevant data, they need to be within the disturbance area. After this mistake was identified by Compliance Staff, the five plots were moved laterally into the as-built temporary disturbance area. This change has occurred prior to the first monitoring season to ensure relevant data.

Upcoming Council Meeting Dates

The May 15th EFSC meeting will be held virtually only via Webex.

Vice Chair Beier, noting her approval for the virtual meeting, acknowledged her preference for in person meetings as she believes the Council discussions are more robust in the in person setting.

Secretary Cornett agreed, noting that Council meetings are typically held in person and virtual meetings are not undertaken lightly.

Vice Chair Condon stated as incoming council members, in-person meetings are essential for onboarding. They allow you to meet fellow members, get up to speed on projects and discussions, and learn how Council reviews documents and approach the work in a more informal, supportive setting. It's a valuable part of the training process.

Acknowledgement

Vice Chair Beier acknowledged Nancy Hatch's hard work, especially during our EFSC meetings. In Klamath County, she handled an overflow situation smoothly, keeping everyone calm and organized. She thanked Nancy for her efforts and for creating a welcoming environment that helps Council do our jobs.

Secretary Cornett thanked Vice Chair Beier for the comment. He added many people do not realize how much work goes into organizing even a simple meeting—let alone an EFSC meeting which are anything but simple. When everything runs smoothly, it is because of a tremendous amount of preparation, and that's largely thanks to Nancy.

B. Modernization Rulemaking Final Consideration (Action Item)¹⁰ – Tom Jackman, Siting Policy Analyst & Rules Coordinator, presented final draft rules for consideration by Council.

Chair Condon questioned whether the Rulemaking contained language regarding requirements for the disclosure of the use of AI in the creation of documents.

Mr. Jackman stated while it is not included in this rulemaking, the disclosure of the use of AI is something that Staff is reviewing for future rulemaking.

Secretary Cornett agreed with Mr. Jackman, adding the use of AI is here and is going to be used. There is no reason why developers should not be using it to create efficiencies in what they submit, especially if it makes it easier and cheaper for them. EFSC and Staff need to embrace that recognizing the potential downside of its use as well. It can reduce cost and effort, and we support that while staying mindful of its limitations. We are also beginning to use AI within the Siting Division. Staff are exploring how it can improve our own efficiency. This is early work, and we recognize both the opportunities and the potential risks as we move forward. It is an interesting point in time and for all the values of it, there are a lot of downsides. We want to ensure the information is accurate and reliable so that our recommendations to Council are well-supported.

Chair Condon and Vice Chair Beier had suggestions to clean up the language in the rulemaking. After Council discussion, Mr. Jackman processed the non-substantive changes and later in the meeting he presented the following language for the rulemaking:

- 5) ~~*For the purposes of this rule, “construction rights” means the legal right to engage in construction activities (i.e., the certificate holder has authority to construct in the area, e.g., in the form of a deed, lease or court-approved condemnation right).*~~ For all energy facilities, regardless of whether the certificate holder has construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on

¹⁰ Audio/Video for Agenda Item B = 00:19:58 – 2026-04-17-EFSC-Meeting-Audio/Video

that part of the site, is in compliance with the site certificate conditions applicable to that part of the site, and:

(a) 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 a transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or (b) The certificate holder would construct and operate part of an energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not built.

(6) For the purposes of this rule, "construction rights" means the legal right to engage in construction activities (i.e., the certificate holder has authority to construct in the area, e.g., in the form of a deed, lease or court-approved condemnation right).

(67) ~~This rule in~~ Section (5) applies retroactively to all site certificate and site certificate amendments previously approved by Council, ~~and i.e.,~~ notwithstanding OAR 345-025-0006(1), ~~section (5)~~ takes precedence over any conditions contained in site certificate and site certificate amendments that state or suggest a certificate holder must have construction rights on all parts of the site before creating a clearing or beginning construction on any part of the site.

Council Member Howe motioned the Council adopt the proposed Modernization rules as presented in the Staff Report with the changes shown above.

Vice Chair Beier seconded the motion.

The motion was carried unanimously.

C. Exemption Rulemaking Final Consideration (Action Item)¹¹ – Tom Jackman, Siting Policy Analyst & Rules Coordinator presented final draft rules for consideration by Council.

Chair Condon questioned the rule for compliance reviews of exemptions and whether a desktop review was adequate.

Secretary Cornett provided one reason for this rulemaking is that current rules do not require annual reporting for exempted projects. When a project receives an exemption, there is no ongoing compliance or oversight, and historically some projects were approved just under the threshold. In some cases, the Department does not know whether a decades-old exemption was constructed, remains below the exemption threshold, or is still valid. This rulemaking introduces annual reporting requirements so the compliance team can monitor

¹¹ Audio/Video for Agenda Item C = 00:58:09 – 2026-04-17-EFSC-Meeting-Audio/Video

these facilities, confirm their status, and ensure they continue to operate within the thresholds that justified their original exemption.

Council Member Howe confirmed his understanding that previously there were no monitoring or reporting requirements included in the Exemption Rules.

Mr. Jackman confirmed that was correct.

Council Member Howe questioned whether the new requirements would be retroactive to other projects with an exemption.

Mr. Jackman stated the additional requirements would not be retroactive.

Chair Condon questioned whether it could be retroactive.

Mr. Jackman provided it is harder to impose retroactive requirements because they place a burden on the developer and require meeting a higher threshold. While it is still possible, Staff would need to clearly establish any potential health and safety harms first.

Secretary Cornett stated we do not currently know how many have been built or are operating, how many are out there or whether they're all operating within the limits they presented to Council as it's been some time since Staff last conducted the research. That will likely be a research project Staff will take on after this rulemaking.

Mr. Jackman noted if the Department conducted a survey next year and found operators who no longer qualify for the exemption, the current rules would still allow action to be taken if needed.

Council Member Devlin motioned the Council adopt the proposed Exemption rules as presented in the Staff Report.

Council Member Howe seconded the motion.

The motion was carried unanimously.

D. Public Comments (Information Item)¹² – This time was reserved for the public to address the Council regarding any item within Council jurisdiction that is not otherwise closed for comment or where a public hearing has occurred and only a written comment period is still open. Items closed for comment include the Klamath Falls Energy Center Notice of Intent and the Wheatridge Renewable Energy Facility III Amendment 1 Proposed Order.

¹² Audio/Video for Agenda Item D = 01:18:51 – 2026-04-17-EFSC-Meeting-Audio/Video

Mr. Troy Jones

Troy Jones, representing the Friends of Gap Road in Harrisburg, Oregon, thanked the Council for its work and expressed concerns about the upcoming Muddy Creek Energy Park application. He emphasized the importance of maintaining siting standards and protecting rural landscapes, livelihoods, and farmland. Mr. Jones stated that large-scale solar projects threaten rural ways of life and advocated for alternative siting on non-arable or previously developed lands, as well as requiring energy-intensive industrial facilities to use rooftop solar. He said the group will continue opposing the project and pursue legislative changes to protect Oregon's rural land and communities.

Ms. Sydney Villanueva

Ms. Villanueva began to provide public comments on the Modernization Rulemaking, but because the second public comment period for that rulemaking was closed, she was not allowed to continue making her public comment.

Ms. Constance Lee

Ms. Lee, from the Maupin area, expressed concern that neighbors will be surrounded by a large solar project and highlighted the broader cumulative impacts of multiple energy facilities along rural transmission corridors. She noted that, in her area alone, over 33,000 acres of solar development are planned within 25 square miles. She questioned how the Council evaluates cumulative impacts on the environment, water resources, and agricultural economies when projects are reviewed individually, and whether there is a process to consider the broader regional picture.

Chair Condon explained that while the Council reviews projects individually, each review includes a thorough look at existing water conditions, agricultural land, and how the project was presented. Although cumulative impacts aren't a formal part of the process, the Council does consider what is happening in the surrounding area with every project.

Secretary Cornett agreed with Chair Condon's comment, adding while there are cumulative impacts rules related to wind facilities, there is no specific standard or requirement in statute to evaluate cumulative effects when evaluating other types of energy facilities.

Ms. Lee urged the Council to consider the broader, cumulative impact of rapidly expanding solar development, noting that expiring tax credits are driving a rush of project approvals at both county and state levels. With multiple facilities proposed, under review, or partially operating, she stated that rural residents under transmission lines feel overwhelmed and questioned how much development is enough. She called for a big-picture approach to evaluating these projects. She stated the community has spoken with legislators but feel the current political climate—and the governor's executive orders—favor rapid energy development without meaningful review. She again urged the council to recognize the cumulative impacts on rural communities, noting that multiple projects are being evaluated separately while all plan to draw from the same inadequate water source. She stressed the need for a broader regional approach because large-scale development is quickly overtaking

rural eastern Oregon, and proactive planning is needed before resource shortages become a crisis.

The Public Comment period was closed.

- E. Tribal Communications Rulemaking Final Consideration (Action Item)** ¹³— Tom Jackman, Siting Policy Analyst & Rules Coordinator, presented final draft rules for consideration by Council.

Chair Condon questioned the language in the proposed changes as the language does not require any evidence regarding the proposed facilities possible effects on Tribal land.

Mr. Jackman stated the purpose of the proposed language is for the developer to provide the evidence of consultation with Legislative Commission on Indian Services (LCIS). The possible effects evaluation occurs during the review process as is the case with all other resources.

Secretary Cornett added the current requirement recognizes Oregon's nine federally recognized tribes, whose reservations do not necessarily reflect their historical homelands. Because of this, developers must consult with LCIS, which has the expertise to identify which tribes have historical ties to a project area. After a Notice of Intent is submitted, those tribes receive notice, may review project materials, provide comments, and can be reimbursed for their participation. The proposed language keeps these elements but adds that developers must make a good-faith effort to contact the identified tribes before submitting a Notice of Intent. Tribes consistently emphasize the need for early engagement so they can alert developers to concerns while there is still time to adjust project plans. Many developers already do this, but some do not, which has led to significant project impacts later in the process. The goal of the new language is to ensure meaningful early communication and allow tribes to share their concerns before projects advance too far.

Council Member Perry expressed concern for the word "consultation". She explained that "consultation" implies a formal government-to-government process, whereas simple notice is not the same thing. In this context, developers are not formally consulting with tribes, they are notifying them and seeking comments.

Secretary Cornett agreed with Council Member Perry's comment, noting that is the reason for the specific language that consultation is with LCIS and not the tribe. He noted that throughout the remainder of the language in the rule, anything related to tribal governments does not include the word consultation as the Department recognizes the significance of the word for tribal governments.

¹³ Audio/Video for Agenda Item E = 01:36:52 – 2026-04-17-EFSC-Meeting-Audio/Video

Chair Condon confirmed her understanding that the LCIS's responsibility in this situation is only to identify appropriate tribes within a proposed project area. It is the developer's responsibility to at least try to make contact with the appropriate tribe and provide evidence of the effort.

Secretary Cornett stated we do not want to create an additional step in the process. Early communication is important, but the Notice of Intent is already a pre-application step, and we were careful not to turn this into a pre-pre-application requirement or add unnecessary burdens on developers. Most developers who follow best practices are already engaging with tribes early. This rule simply clarifies and formalizes what many are already doing.

Vice Chair Beier noted, as represented on the chevron graph for the EFSC process, the proposed changes are not taking any opportunity for engagement away. They are adding this pre notice requirements while all the other opportunities for engagement remain the same.

Council Member Howe motioned the Council adopt the proposed Tribal Communication rules as presented in the Staff Report.

Vice Chair Beier seconded the motion.

The motion was carried unanimously.

F. Leaseback Transactions Overview (Information Item)¹⁴ – Patrick Rowe, Senior Assistant Attorney General and Counsel to EFSC, provided a brief informational overview of Sale-Leaseback Transactions as they pertain to the construction and operation of Energy.

Council Member Howe questioned whether the requirement for the bonding to restore the site continues to apply to the original site certificate holder in the leaseback/buyback process.

Mr. Rowe confirmed that is correct as they are not purchasing the site certificate, they are only purchasing the assets and hardware. All of the obligations under the site certificate remain with the site certificate holder including retirement and financial assurance obligations.

Chair Condon stated most of our site certificate applicants and holders are LLCs, which may be financially tied to parent companies. Her concern is that even with a bond in place, an LLC could walk away from a project with no assets; no land, no facility ownership, and no remaining financial resources, and leave the site abandoned and the state responsible for remediation. There is a similar concern with wildfire risk. EFSC does not require facilities to carry insurance, so if a wildfire is started by activity on the site and the leaseholder has no insurance, the state

¹⁴ Audio/Video for Agenda Item F = 02:03:14 – 2026-04-17-EFSC-Meeting-Audio/Video

could again be exposed. While landscape-wide wildfire risk may go beyond this rule, it remains a significant concern.

Mr. Rowe noted the certificate holder would not own the assets under a sale leaseback transaction, but they still receive revenue from selling the electricity the facility produces. A sale leaseback transaction doesn't change the certificate holder's retirement or financial-assurance obligations, which remain tied to the certificate holder through the existing bond or letter of credit.

Regarding wildfire risk, this type of transaction doesn't affect it. If a facility causes a wildfire, liability would be determined by the courts based on all surrounding circumstances, not by Council. Council could consider adopting a rule requiring wildfire insurance to reduce risk to neighboring property owners but before doing so, it would be advisable to form a Rules Advisory Committee to solicit input from stakeholders and an insurance industry expert, to better understand whether such a requirement might be cost prohibitive.

Vice Chair Beier stated Council has seen several lease-back arrangements, and it is important to distinguish them from true site certificate transfers as they function very differently. What matters is clearly identifying who is responsible for meeting the site certificate conditions and making that responsibility visible to the public. Ensuring we retain leverage over the accountable party is essential.

- G. Wheatridge Energy Facility East Request for Amendment 2 – Request to Waive In-Person Public Hearing (Action Item)¹⁵** – Sarah Esterson, Senior Operations and Policy Advisor. The Wheatridge Energy Facility East an approved 300 MW wind project with 200 MW operational. Request for Amendment 2 seeks to split the facility into two site certificates. The first would be the 200 MW operational portion and the second would be the 100 MW not yet constructed portion.

Chair Condon questioned the evidence for lack of public interest as a reason for the request to waive the in person public hearing.

Ms. Esterson provided Staff is basing this on prior amendments that only involved administrative splits, most recently the Wheatridge Renewable Energy Facility 3 proposed order. That hearing, held in March, had just one public comment which was narrowly focused on the amendment request.

Chair Condon stated the hearing is still going to be held virtually and anyone would be allowed to speak on it.

¹⁵ Audio/Video for Agenda Item G = 02:23:28 – 2026-04-17-EFSC-Meeting-Audio/Video

Council Member Howe motioned, pursuant to OAR 345-027-0367, that Council waive the in the vicinity public hearing for the Wheatridge Energy Facility East Amendment 2 for the reasons presented and recommended by staff.

Council Member Perry seconded the motion.

The motion was carried unanimously.

Secretary Cornett noted that there was a similar request at the last Council meeting. He stated that under EFSC's previous rules, Type B amendments did not require a public hearing at all, only a written comment period. We expect to see more of these amendments, and Staff will likely bring similar requests forward even when applicants do not because many of these would have been Type B reviews under the old system. We want to appear in person when needed and give the public that opportunity, but based on past experience, we can reasonably anticipate that these types of amendments typically draw little public interest.

H. Biglow Canyon Wind Farm Request for Amendment 4 – Petition for Rehearing (Action Item)¹⁶– Chris Clark, Senior Siting Analyst/Patrick Rowe, Oregon Department of Justice Senior Assistant Attorney General. The Council considered a Petition for Rehearing on the Council's March 27, 2026, Final Order on Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm, submitted by Kathy and Kevin McCullough on April 4, 2026. In the Final Order, the Council approved the construction and operation of a 125 MW of solar photovoltaic power generation facility, battery energy storage system components, and other related or supporting facilities within a proposed 1,924-acre Solar Micrositing Area at the existing energy facility site.

Vice Chair Beier inquired whether a parallel statute for reconsideration is included within EFSC Standards or Administrative Rules.

Mr. Rowe stated there is in Administrative Rule. Later in his presentation, Mr. Rowe explained the Administrative Rule and how it is applied to the Petition for Rehearing.

Council Member Devlin questioned what the process for a Council denial of the Petition for Rehearing is.

Mr. Rowe provided a summary of the options available for Council to approve or deny the Petition.

Council Member Perry stated as Council is not required to act on a petition for rehearing, taking action could set a precedent which could make it look like the rule applies to EFSC. As it is an option for Council, it might be better to not take any action at all.

¹⁶ Audio/Video for Agenda Item H= 02:32:10 – 2026-04-17-EFSC-Meeting-Audio/Video

Mr. Rowe agreed, noting that was an option the Department considered recommending. Staff ultimately decided on their recommended option to deny the request with the idea in mind that Staff are now going to revisit the rule he described (OAR 345-001-0080) and clarify that it does not apply to situations such as this one (where a person requests rehearing of a Council decision on an amendment).

Vice Chair Beier questioned whether Council's decision would be appealable.

Mr. Rowe stated the denial of the petition does not impact Council's Final Order approving the site certificate amendment. The Final Order stands, but the denial of petition would then trigger the deadline for appealing the Final Order. If they chose to seek judicial review, the petitioners would have 30 days to file an appeal of the Final Order (approving the site certificate amendment).

Vice Chair Beier noted her appreciation for the analysis provided. She added there is a need to get this process on EFSC's rulemaking calendar in the near future.

Secretary Cornett stated there may be connections between this rule and our ongoing compliance rulemaking. If there is a relevant link, Staff will address it in compliance rulemaking. If not, Staff will determine another way to address it as soon as possible.

After a brief discussion regarding the appropriate language for a motion, **Council Member Howe moved that the Council deny Kathy and Kevin McCullough's Petition for Rehearing and issue an order denying the Petition for the following reasons and to add the reasons to the order; 1) Under ORS 469.403 and 469.405 petitions for reconsideration or rehearing are only available to parties or limited parties in a contested case; 2) Even if OAR 345-001-0080 were applicable, the petition does not raise an issue that merits reconsideration or rehearing of the Final Order.**

Vice Chair Beier seconded the motion.

The motion was carried unanimously.

The meeting was adjourned at 11:33 am