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Figure 1: Regional Location of Facility and Facility Site Boundary .. **Error! Bookmark not defined.**

ATTACHMENTS

Attachment A: Draft Amended Site Certificate

1 **I. INTRODUCTION**

2 The Oregon Department of Energy (Department), as staff to the Energy Facility Siting Council
3 (Council), issues this Draft Final Order in accordance with ORS 469.405 and OAR 345-027-0400,
4 recommending that the Council approve the Request for Amendment to transfer the Site
5 Certificate for the Sunstone Solar Project (Facility) from Sunstone Solar, LLC to Oregon Solar 1,
6 LLC.

7
8 The Council issued the original Site Certificate for the Sunstone Solar Project on November 18,
9 2024. The certificate authorized construction and operation of a 1,200 megawatt solar
10 photovoltaic facility with up to 7,200 MWh of battery storage in Morrow County.

11
12 This Draft Final Order addresses the request to transfer certificate ownership due to the
13 acquisition of the Facility by Oregon Solar 1, LLC following Sunstone Solar’s bankruptcy
14 proceedings. No changes to facility design, construction, operation, retirement, or site
15 boundary are proposed. No changes to the site certificate are proposed other than updating
16 references to the certificate holder to identify the new owner and its parent company, and
17 updating the name of the facility.

18
19 Pursuant to OAR 345-027-0400(1), a site certificate amendment is required for any transaction
20 that results in a change in ownership, possession, or control of the facility or certificate holder.

21 **I.A. Existing Certificate Holder**

22 Current certificate holder:
23 **Sunstone Solar, LLC**
24 Subsidiary of Pine Gate Renewables, LLC

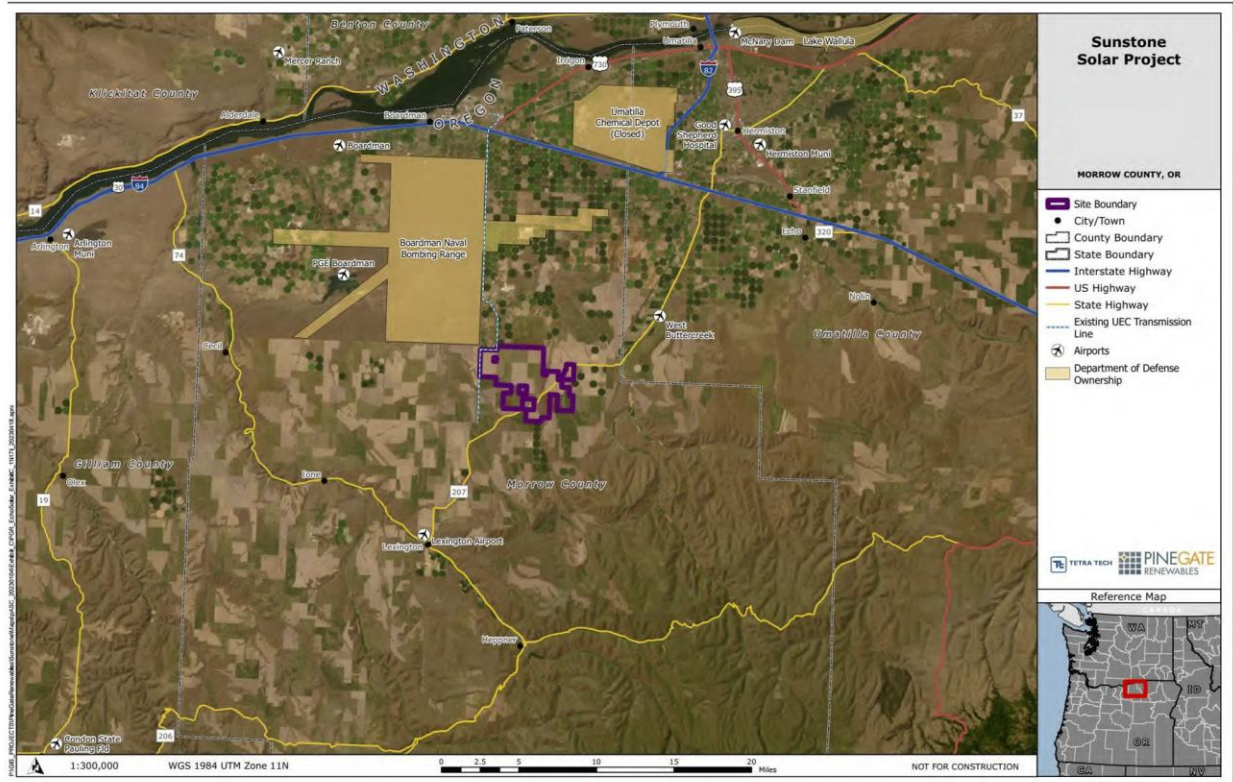
25 **I.B. Proposed New Certificate Holder**

26 New owner / certificate holder:
27 **Oregon Solar 1, LLC**
28 Owned by Amazon Energy, LLC, a wholly-owned subsidiary of Amazon.com, Inc.

29 **I.C. Description of Facility and Location**

30 Sunstone Solar Project is an approved not yet constructed 1,200 MW solar photovoltaic power
31 generation facility. Under the existing site certificate, the facility is authorized to occupy up to
32 9,442 acres of private Exclusive Farm Use (EFU)-zoned land within a 10,960-acre site boundary
33 in north-central Morrow County. Figure 1 below presents the regional location of the approved
34 facility site.

Figure 1: Regional Location of Facility Site



1 **II. THE TRANSFER PROCESS**

2 **II.A. Description of the Transfer Request**

3 Oregon Solar 1, LLC requests Council approval to transfer the Site Certificate from Sunstone
 4 Solar, LLC to Oregon Solar 1, LLC. The request seeks no other changes to certificate conditions,
 5 facility design, or components.

6 **II.B. Procedural History**

- 7
- 8 • **November 18, 2024** – EFSC issued a Final Order approving the application for site
 9 certificate submitted by Sunstone Solar, LLC and issued a Site Certificate for Sunstone
 10 Solar Project.
 - 11 • **October 31, 2025** – Sunstone Solar, LLC submitted an amendment request to divide the
 12 Facility. The request was later withdrawn.
 - 13 • **February 4, 2026** – Sunstone Solar, LLC notified the Department of its pending transfer
 14 of ownership to Oregon Solar 1, LLC, consistent with OAR 345-027-0400(2).
 - 15 • **February 27, 2026** – Oregon Solar 1, LLC closed on acquisition of the facility.
 - **May 14, 2026** – Oregon Solar 1, LLC submitted the Request for Amendment to Transfer.

1 On May 29 2026, the Department issued Public Notice of Request for Transfer of the Sunstone
2 Solar Site Certificate to all persons on the Council’s general mailing list, the special mailing list
3 established for the facility, an updated list of property owners supplied by the new owner, and
4 reviewing agencies as defined in OAR 345-001-0010(28).

5
6 The comment period ran from May 29 through June 26, 2026. During its June 26, 2026 meeting,
7 Council conducted a public hearing on the Request for Transfer of Sunstone Solar Project Site
8 Certificate. Following the public hearing, Council received a staff presentation on the details of
9 the transfer request, including the Department’s recommendations as presented in a June 12,
10 2026 staff report (including the draft Final Order). Following review of the transfer request and
11 comments received, Council **approved/rejected** the Request for Transfer and issued this Final
12 Order **granting/denying** the Request for Transfer and issuance of the related First Amended Site
13 Certificate.

14 **II.C. Comments on the Transfer Request**

15 **[Summarize comments received]**

16 **III. APPLICABLE COUNCIL STANDARDS AND EVALUATION OF TRANSFER REQUEST**

17 Under OAR 345-027-0400(4):

18 To request an amendment to transfer the site certificate, the new owner must submit a
19 written request to the Department that includes the information described in OAR 345-
20 022-0010 and OAR 345-022-0050, a certification that the new owner agrees to abide by
21 all terms and conditions of the site certificate currently in effect and, if known, the
22 expected date of the transaction. If applicable, the new owner must include in the
23 request the information described in 345-024-0500(4)(b)(O)(iv).

24 Oregon Solar 1, LLC certified it will comply with all terms and conditions of the existing Site
25 Certificate.¹ The Department recommends the Council find that this certification satisfies OAR
26 345-027-0400(4).

27 Under OAR 345-027-0400(8), the Council may approve a transfer if:

- 28 a. The new owner complies with OAR 345-022-0010 (Organizational Expertise), OAR
29 345-022-0050 (Retirement and Financial Assurance), and, if applicable, OAR
30 345-024-0710 (Monetary Path Payment re: Carbon Dioxide Standard); and
- 31 b. The new owner is or will be lawfully entitled to possession or control of the site or
32 Facility.

¹ Request for Transfer, p. 2.

1 The evaluation of OAR 345-027-0400(8)(a) is presented in Section III.A. *Organizational Expertise*
2 and III.B. *Retirement and Financial Assurance* of this order. OAR 345-024-0710(1), *Monetary*
3 *Path Payment Requirement* is related to the Carbon Standard; it doesn't apply to solar energy
4 facilities and therefore is not evaluated in this order.

5
6 The evaluation of OAR 345-027-0400(8)(b) is presented in Section III.C of this order, *Possession*
7 *or Control of the Facility*.

8 **III.A. Organizational Expertise [OAR 345-022-0010]**

9 *(1) To issue a site certificate, the Council must find that the applicant has the*
10 *organizational expertise to construct, operate and retire the proposed facility in*
11 *compliance with Council standards and conditions of the site certificate. To conclude*
12 *that the applicant has this expertise, the Council must find that the applicant has*
13 *demonstrated the ability to design, construct and operate the proposed facility in*
14 *compliance with site certificate conditions and in a manner that protects public*
15 *health and safety and has demonstrated the ability to restore the site to a useful,*
16 *non-hazardous condition. The Council may consider the applicant's experience, the*
17 *applicant's access to technical expertise and the applicant's past performance in*
18 *constructing, operating and retiring other facilities, including, but not limited to, the*
19 *number and severity of regulatory citations issued to the applicant. ***2*

20 Findings of Fact

21 The new owner, Oregon Solar 1, LLC ("Oregon Solar 1"), is a limited liability company that was
22 formed in the State of Delaware on December 29, 2025. Oregon Solar 1 filed Articles of
23 Organization and registered to do business in the State of Oregon on April 23, 2026.³ Oregon
24 Solar 1 is owned by Amazon Energy, LLC, a wholly owned subsidiary of Amazon.com, Inc.
25 (Amazon or parent company).

26
27 Because Oregon Solar 1 is a newly formed project-specific LLC, to meet the Council's
28 Organizational Expertise standard it seeks to rely on the organizational expertise of its parent
29 company and Amazon Energy, as well as Amazon Services, Inc. (AWS) and Amazon Data
30 Services, Inc. (ADS), each of which is a subsidiary or indirect subsidiary of Amazon. Oregon Solar
31 1 has provided a letter in which Amazon (Amazon.com, Inc.) confirms that Oregon Solar 1 will
32 have access to resources and expertise, through Amazon.com, Inc. or an affiliate thereof,
33 sufficient to construct, own, operate and maintain Sunstone Solar Project.⁴

34

² OAR 345-022-0010(2) through (4) are not relevant to this Request to Transfer because the certificate holder does not rely on an ISO 9000 or ISO 14000 certificate to meet the standard, and because the proposed transfer of ownership would not require any new or different third-party permits to be obtained.

³ Request to Transfer, Attachment A and Attachment B.

⁴ Request for Transfer, Attachment C.

1 Amazon and its affiliates (AWS, ADS) possess substantial organizational expertise in the
2 development, construction and operation of large-scale infrastructure and energy generation
3 facilities, as well as with renewable energy procurement and operations.

4
5 *Relevant experience*

6
7 The new owner describes the following relevant experience of its parent company and
8 affiliates⁵:

- 9 • Extensive global and U.S. experience developing, constructing, and operating data
10 centers with large on-site energy generation facilities.
- 11 • Experience constructing and managing solar energy systems on rooftops and grounds of
12 its facilities (more than 270 on-site solar arrays).
- 13 • A large renewable energy portfolio exceeding 40 GW worldwide, including more than
14 300 utility-scale solar and wind farms.
- 15 • Experienced internal personnel and engagement of qualified development partners,
16 including Gallatin Power.
- 17 • Robust procurement, contractor qualification, and safety programs.

18
19 Oregon Solar 1 has provided a summary table describing the work that it, its parent company,
20 Gallatin Power and an engineering, procurement and construction (“EPC”) contractor would be
21 responsible for in the design, construction, operation and retirement of the facility.⁶ In short,
22 Oregon Solar 1 would maintain overall responsibility for construction, operation and retirement
23 of the facility. Amazon and entities will provide overall project oversight from design through
24 retirement, Gallatin Power will support project design, development and construction activities
25 and a qualified EPC contractor will perform physical construction of the facility.

26
27 *Compliance history*

28
29 As to its compliance history / regulatory citations, the new owner acknowledges certain past
30 violations that the Oregon Department of Environmental Quality (“DEQ”) identified related to
31 Amazon Data Services facilities in Oregon (e.g., failure to collect monitoring data required
32 under a water pollution control facilities permit (WPCF) and construction of a wastewater pond
33 without DEQ approval, and violation of an air contaminant discharge permit by operating an
34 emergency stationary internal combustion engine for more than 50 hours in a non-emergency
35 situation). The Request for Transfer describes corrective actions Amazon took to address those
36 violations and the payment of a penalty related to the WPCF permit violations.⁷

37
38 The Department evaluated the aforementioned regulatory compliance matters and corrective
39 responses and conferred with DEQ about them. DEQ confirmed that Amazon Data Services

⁵ Request for Transfer, pp. 7-9.

⁶ Request for Transfer, June 2, 2026 Response to ODOE’s Requests for Additional Information.

⁷ Request for Transfer, pp. 18-19.

1 corrected the violations that could be corrected, paid a \$10,400 penalty on 10/15/2025 and the
2 DEQ closed that case on October 27, 2025.

3
4 DEQ informed ODOE that it also has an active enforcement referral for Amazon.com Services,
5 LLC for stormwater violations at the Amazon PDX6, Amazon SOR3, and Amazon EUG5 facilities
6 (all in Portland). The violations relate to industrial stormwater permit coverage, including
7 effluent exceedances that were not promptly addressed (but have since been addressed),
8 failure to implement certain best management practices related to garbage at the facility,
9 poorly maintained catch basins (which has also been corrected), and failure to collect
10 monitoring samples. As of June 11, 2026 this matter is still pending before DEQ.

11
12 Given that there have not been a significant number of compliance issues and that these
13 Amazon entities took corrective actions regarding the identified permit violations the
14 Department recommends Council find that the new owner’s parent company and affiliates
15 have taken appropriate actions in response to environmental regulatory compliance matters in
16 Oregon.

17
18 Here, because the new owner’s parent company and affiliates have substantial experience with
19 constructing and operating energy facilities, including utility-scale solar facilities, and because
20 the parent company has provided a letter committing to provide the resources and expertise
21 needed for the new owner to construct, operate and maintain the facility, the Department
22 recommends Council find Oregon Solar 1 has the organizational expertise to construct, operate
23 and retire the proposed facility in compliance with Council standards and conditions of the site
24 certificate.

25 26 Conclusions of Law

27
28 Based on the above findings, the Department recommends the Council conclude that Oregon
29 Solar 1 has demonstrated adequate organizational expertise to construct, operate, and retire
30 the facility in compliance with Council standards and site certificate conditions.

31 **III.B. Retirement and Financial Assurance [OAR 345-022-0050]**

32 *To issue a site certificate, the Council must find that:*

33
34 *(1) The site, taking into account mitigation, can be restored adequately to a useful, non-*
35 *hazardous condition following permanent cessation of construction or operation of the*
36 *facility.*

37
38 *(2) To assist the Council in determining whether the standard outlined in (1) has been*
39 *met, the applicant must submit information about site restoration, providing evidence to*
40 *support a finding by the Council as required by this rule. The applicant must include:*

41 *(a) The estimated useful life of the proposed facility;*

- 1 (b) Specific actions and tasks to restore the site to a useful, non-hazardous
2 condition;
3 (c) An estimate, in current dollars, of the total and unit costs of restoring the site
4 to a useful, non-hazardous condition;
5 (d) A discussion and justification of the methods and assumptions used to
6 estimate site restoration costs; and
7 (e) For facilities that might produce site contamination by hazardous materials, a
8 proposed monitoring plan, such as periodic environmental site assessment and
9 reporting, or an explanation why a monitoring plan is unnecessary.

10
11 (3) The applicant has a reasonable likelihood of obtaining a bond or letter of credit in
12 a form and amount satisfactory to the Council to restore the site to
13 a useful, non- hazardous condition.

14
15 (4) To assist the Council in determining whether the standard outlined in (3) has been
16 met, the applicant must submit information:

- 17 (a) about the applicant's financial capability, providing evidence to support a
18 finding by the Council as required by OAR 345-022-0050(2). Nothing in this
19 section requires the disclosure of information or records protected from public
20 disclosure by any provision of state or federal law. The applicant must include:
21 (A) An opinion or opinions from legal counsel stating that, to counsel's
22 best knowledge, the applicant has the legal authority to construct and
23 operate the facility without violating its bond indenture provisions,
24 articles of incorporation, common stock covenants, or similar agreements;
25 (B) The type and amount of the applicant's proposed bond or letter of
26 credit to meet the requirements of OAR 345-022-0050; and
27 (C) Evidence that the applicant has a reasonable likelihood of obtaining
28 the proposed bond or letter of credit in the amount proposed in
29 paragraph (B), before beginning construction of the facility.

30 (b) A materials analysis, including:

- 31 (A) An inventory of substantial quantities of industrial materials flowing
32 into and out of the proposed facility during construction and operation;
33 (B) The applicant's plans to manage hazardous substances during
34 construction and operation, including measures to prevent and contain
35 spills; and
36 (C) The applicant's plans to manage non-hazardous waste materials
37 during construction and operation.

38 Findings of Fact

39 In its Final Order on the Sunstone Solar Project Application for Site Certificate, the Council
40 found that the site, taking into account mitigation, can be restored adequately to a useful, non-
41 hazardous condition following permanent cessation of construction or operation of the facility.

1 Council further found that \$117,945,000 (Q1 2023 dollars) was a satisfactory amount to restore
2 the site to a useful, nonhazardous condition.⁸

3
4 No changes to the design, construction, operation or retirement of the facility are proposed as
5 part of the Request for Transfer. The proposed change in ownership will not change the
6 decommissioning tasks or decommissioning estimate for the facility that Council previously
7 approved, therefore the Department recommends Council find that the proposed transfer of
8 ownership does not impact its previous finding of compliance with OAR 345-022-0050(1) – *i.e.*,
9 that the site, taking into account mitigation, can be restored adequately to a useful, non-
10 hazardous condition following permanent cessation of construction of the facility.

11
12 Under OAR 345-022-0050(3), the Council must find that the new owner has a reasonable
13 likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the
14 Council to restore the site to a useful, non-hazardous condition. Under the existing site
15 certificate, Condition PRE-RF-01, the certificate holder must provide a bond or letter of credit
16 prior to construction of the facility or phase, using the unit costs and contingencies presented in
17 the Final Order Table 8. Subject to criteria set forth in the condition, the approved amount of
18 \$117,945,000 (Q1 2023 dollars) may be adjusted based on the design configuration of the
19 facility, or phase of the facility and must be adjusted for inflation.

20
21 The new owner proposes no changes to retirement tasks or methodologies previously
22 approved in the Site Certificate. The new owner submitted:

- 23 • An updated retirement cost estimate adjusted for inflation.⁹
- 24 • A commitment that the bond or letter of credit will equal the approved net retirement
25 costs and will be adjusted for inflation.
- 26 • Evidence that Amazon has strong financial capability and established relationships with
27 qualified financial institutions, along with a May 28, 2026 letter from Deutsche Bank.¹⁰
28 The letter states that Amazon is a valued client of the bank, the bank has issued letters
29 of credit to support the contractual obligations of Amazon and its' subsidiaries and the
30 Bank understands Oregon Solar 1 may be asked to provided a letter of credit up to
31 \$124,608,607.18. The letter does not represent a binding commitment to providing such
32 financial assurance, rather it states the bank would be interested in potentially providing
33 a letter of credit, subject to its regular review.

34
35 Under OAR 345-022-0050(4), an applicant must submit an opinion from legal counsel stating
36 that, to counsel's best knowledge, the applicant has the legal authority to construct and
37 operate the facility without violating its bond indenture provisions, articles of incorporation,
38 common stock covenants, or similar agreements. Here, Oregon Solar has provided a June 3,

⁸ Sunstone Solar Project – Final Order on Application for Site Certificate, pp. 144-147, including Table 8.

⁹ Request for Transfer, Attachment D. Estimated Retirement Costs.

¹⁰ Request for Transfer, June 2, 2026 Response to ODOE's Requests for Additional Information (Bank letter attached following summary table).

1 2026 letter from the law firm Davis Wright Tremaine opining that Oregon Solar meets
2 applicable laws and has the authority to construct and operate the project without violating its
3 entity documents.¹¹

4 Conclusions of Law

5 In light of the foregoing items, the Department recommends the Council find that the facility
6 can be restored adequately to a useful, non-hazardous condition following cessation of
7 construction or operation, and that Oregon Solar 1, LLC has a reasonable likelihood of obtaining
8 the required financial assurance to restore the site to a useful, non- hazardous condition, and
9 therefore, the proposed transfer to Oregon Solar 1 complies with OAR 345-022-0050.

10 **III.C. Possession or Control of the Facility [OAR 345-027-0400(8)(b)]**

11 Per OAR 345-027-0400(8)(b), to approve a transfer of the site certificate, the Council must find
12 that the new owner is or will be lawfully entitled to possession or control of the site or the
13 facility described in the site certificate. To evaluate whether the new owner is lawfully entitled
14 to possession or control of the site or facility, OAR 345-027-0400(5) states, “The Department
15 may require the new owner to submit a written statement from the current certificate
16 holder...verifying the new owner’s right, subject to the provisions of ORS Chapter 469 and the
17 rules of this chapter, to possession or control of the site or the facility.” [statement pending]¹²
18 The Department recommends Council find that this letter satisfies the requirements of OAR
19 345-027-0400(8)(b).

20 The Department recommends the Council find that this satisfies OAR 345-027-0400(8)(b).

21 **IV. GENERAL CONCLUSIONS**

22 Subject to compliance with all existing Site Certificate conditions, the proposed transfer of
23 ownership from Sunstone Solar, LLC to Oregon Solar 1, LLC will not affect compliance with
24 applicable Council standards. The Department recommends the Council find:

- 25 1. The new owner meets the requirements of OAR 345-022-0010 and OAR 345-022-0050.
- 26 2. The new owner is lawfully entitled to possession or control of the Facility under OAR
27 345-027-0400(8)(b).
- 28 3. Issuance of an amended Site Certificate naming Oregon Solar 1, LLC as certificate holder
29 is warranted.

30 **V. ORDER**

¹¹ Request for Transfer, Attachment F.

¹² Pending receipt of letter/statement.

- 1 Based on the findings and conclusions above, the Department recommends that the Council:
- 2 Approve the Request for Amendment to transfer the Site Certificate for the Sunstone Solar
- 3 Project to Oregon Solar 1, LLC, and issue an amended Site Certificate naming Oregon Solar 1,
- 4 LLC as the certificate holder.

Issued this 26th day of June 2026

OREGON ENERGY FACILITY SITING COUNCIL

By: _____
Cindy Condon, Chair

- 5 **ATTACHMENTS**
- 6 Attachment A: Draft Amended Site Certificate
- 7

DRAFT