Attachment 2: Comments on the Proposed Order

(Any comments received in advance of the hearing will be provided via email to Council and made available through the Department's comment portal.)

From: Jonathan Tallman
Sent: Saturday, October 31, 2026 11:07 AM
To: MCVEIGH-WALKER Chase * ODOE; zachary.rogala@pacificorp.com; Tamra Mabbott; jake@praxispolitical.com; DL_Planning Dept
Cc: donna_anderson@doubledalpaca.com; Barrett Dash
Subject: PCN 9 and Carty RFA4 public hearing — Project connections, public records, and Protective Order 26-235

Zach and others,

Please add this correspondence and the attached materials to the Apex–Maverick project file. Please also identify the steps necessary to place them in the public record of PUC docket PCN 9. Also with the county and the communications that Tamra Mabott (county planning director) has been talking with with Morrow County Commissioner Gus Peterson on more suitable routes. Are these what they were discussing?

I also intend to submit these concerns separately as written public comments for the Carty Generating Station Request for Amendment 4 and Proposed Order, in connection with the November 19, 2026 public hearing. Please identify the appropriate contacts and any coordination between these proceedings.

My name is Jonathan Tallman. I live in Boardman, and my family has been in Morrow County since 1978.

As a resident, I want an understandable explanation of how these developments relate to one another, what they mean for our community, and who is responsible for their costs and impacts. I recognize that the projects have separate approval processes. I am requesting disclosure of their relationships rather than assuming a connection exists.

The attached materials include:

• An MN8 presentation slide marked ©2022, titled “Future Energy Infrastructure in Morrow County – Unique Opportunity,” showing Apex, Maverick, Carty/Grassland, transmission infrastructure, solar development, and named data center projects.

• The County’s agenda cover sheet submitted April 2, 2026, for the April 15 meeting, item 6.d, concerning public involvement for the 31.8-mile transmission line.

• The accompanying “Maverick to Apex Landowners” route map.

Please address the following:

1. Project relationships, demand, and necessity

Does the need analysis for Apex–Maverick include the proposed Carty solar and battery expansion, data center demand, or other identified generation and customer projects?

Please distinguish existing demand, committed projects, and speculative future demand. Identify the public studies and forecasts supporting those distinctions, including whether the projects shown on the MN8 slide remain part of current planning assumptions.

Does Carty's proposed expansion require Apex–Maverick or associated substation upgrades to operate at its proposed capacity? Conversely, does the justification for Apex–Maverick rely on Carty's expansion? What happens to each project if the other is delayed, reduced, or never constructed?

Please identify the relevant interconnection studies, queue numbers, capacity limitations, alternatives, and connections involving Grassland, Apex, Maverick, and Boardman–Hemingway. Please explain any identified relationship to particular data center customers, subject to applicable disclosure restrictions.

2. Protective Order 26-235 and public access

Please explain how Modified Protective Order 26-235 applies to these questions and supporting records.

I am requesting public information and a usable public explanation. Where information is withheld or redacted, please identify the applicable protection and provide a nonconfidential summary where permitted.

The attached MN8 slide bears a confidentiality marking. Please clarify whether you contend that it is covered by Order 26-235, another protective order, or another restriction, and identify the basis. Please advise how it should be handled before public filing and whether a public version is available.

Please also explain whether I may seek intervenor status and, if eligible, access to protected information under the order. Identify the applicable qualifications, forms, deadlines, and process. This email is not an agreement to be bound by a protective order.

3. Filing history and meaningful public participation

The County's April agenda cover sheet states that PacifiCorp "has filed" a CPCN for this project. However, the public PCN 9 page I reviewed lists July 6, 2026, and describes the filing as "Filing Forthcoming."

Please reconcile these statements and identify the application or other submission the County relied upon in April.

Please provide the current application status, anticipated schedule, and opportunities to submit comments, seek party status, and contest the evidence. Please distinguish these opportunities from the ORS 469.442 outreach process and the County land-use review.

The County cover sheet also describes an option to request ODOE involvement in coordinating public review. Please identify whether that option was requested, the County's decision, and the supporting record.

4. Maps, routes, easements, and cost responsibility

Please provide current maps showing the Carty boundary changes, proposed solar panels and batteries, substations, transmission connections, access roads, and any necessary facilities outside the site boundary.

Please also provide the current Apex–Maverick route and identify changes from the attached County map and the older MN8 concept. Identify additional private property rights or easements required and explain how affected landowners were notified.

Which facilities and upgrades are required for specific customers or generators, and which serve broader system needs? Who will pay for construction, maintenance, mitigation, and any stranded costs if anticipated development does not occur?

Please identify the proceeding that determines whether those costs fall on developers, particular customers, or general ratepayers.

5. Carty battery safety and emergency response

The state's Carty project page identifies proposed solar generation and 200 MW of battery storage. Please explain the battery component plainly, including its specific chemistry, total megawatt-hour capacity, discharge duration, location, and potential emergency scenarios.

Have the responsible fire districts reviewed the proposed battery installation and emergency response plan? Please identify the review documents and any unresolved concerns.

What training, equipment, staffing, water supply, mutual aid, public notification, and evacuation or shelter procedures would be required? Who would pay for initial readiness and continuing needs over the facility's life?

I request enforceable requirements ensuring that necessary emergency plans, training, access, and response resources are in place before battery delivery and energization. Please also address incident reporting, contaminated runoff, damaged-battery handling, and cleanup responsibility.

6. Water requirements and protection of existing users

Please identify construction and operational water requirements, including dust control, panel washing, and emergency response. Provide estimated total use, peak demand, sources, and applicable water rights or licenses.

What evidence supports the conclusion that existing water users will be protected, including during drought or simultaneous emergency demands?

Please distinguish water supplies already authorized and available from supplies requiring additional approvals or agreements.

7. Overlapping impacts and agency coordination

Morrow County residents are seeing multiple proposals involving data centers, transmission lines, solar generation, and battery storage.

Within each agency's authority, how are overlapping construction schedules and demands on roads, emergency responders, water supplies, and other local services being evaluated for existing and reasonably foreseeable projects?

Please identify coordination among PacifiCorp, PGE, ODOE, the PUC, Morrow County, and local service providers. Identify which agency addresses each issue and where its findings and enforceable protections appear.

For the Carty review, please explain how the public-services standard applies to the combined gas, solar, and battery facility and whether the Council will impose conditions addressing identified service needs.

8. Financial assurance, retirement, and cleanup

Please identify the financial assurance protecting residents if the Carty expansion closes, equipment fails, or the operator becomes insolvent.

Who will pay for battery and panel removal, necessary cleanup, disposal or recycling, and land restoration? What costs are covered by retirement security, and what separate protections address an operational accident?

Please provide the secured amount, calculation method, funding instrument, review schedule, and provisions for updating costs over the project's life. Identify corresponding responsibilities for associated transmission facilities.

9. Carty hearing record and written responses

I request that these concerns be addressed in the Carty RFA4 public hearing and written comment process, as well as in PCN 9 to the extent relevant to that proceeding.

Please identify the findings and enforceable certificate conditions addressing these concerns. Where information or protections remain necessary to support the applicable findings, I ask that they be required before approval, with clear compliance deadlines.

For matters outside PacifiCorp's responsibility or PCN 9's scope, please identify the responsible party and proceeding. Where answers already exist, please provide the document title, page number, finding, or condition number.

10. Commissioner Jeff Wenholz — UEC relationships and conflict disclosures

My understanding is that Commissioner Jeff Wenholz has previously declared conflicts involving Umatilla Electric Cooperative (UEC), and that matters concerning those relationships remain under OGEC review. I am not asserting that OGEC has made a finding of a violation.

Please identify UEC's role, if any, in Apex–Maverick, associated substations and transmission connections, or arrangements serving the customer demand used to justify the project.

Please identify any participation by Commissioner Wenholz in related County decisions, meetings, or communications with PacifiCorp, PGE, UEC, developers, or their representatives. In what capacity did he participate, and what relevant interests were disclosed?

Please provide any conflict declarations, recusals, meeting minutes, or written determinations addressing his participation, including whether his previously disclosed UEC relationships were considered in connection with:

• The County's position on Apex–Maverick and PCN 9.

• The decision whether to request ODOE assistance under ORS 469.442.

• Related land-use decisions, route discussions, or coordination concerning the Carty expansion.

Please also clarify whether Commissioner Wenholz or UEC representatives have received information protected by Order 26-235 and, if so, identify their authorized capacity without disclosing protected information.

Given the previously declared conflicts and the OGEC review I understand remains pending, I request a clear explanation of how these relationships are being addressed in these proceedings. For records or determinations outside PacifiCorp's knowledge or responsibility, please identify the appropriate County, PUC, or UEC contact.

I understand that sending this email to PacifiCorp does not itself place my comments in the PUC or ODOE public record. Please identify the submission procedures and any applicable deadlines so I can file directly and obtain confirmation of receipt.

Our community deserves understandable information, meaningful participation, and clear accountability for the costs and impacts of this development.

Please confirm receipt, identify where these materials will be retained, and provide an anticipated timeline for a written response.

Thank you,

Jonathan Tallman
Boardman, Oregon