

# **Request for Amendment 5 for the Biglow Canyon Wind Farm**

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## **Exhibit A. Organizational Expertise**

**Submitted to  
Oregon Energy Facility Siting Council**

**Prepared for**



**Portland General Electric Company**

**Prepared by**



**October 2026**

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- Attachment A-1. Articles of Incorporation
- Attachment A-2. Authorization Letter

## **Acronyms and Abbreviations**

| <b>Acronym/Abbreviation</b> | <b>Definition</b>                                      |
|-----------------------------|--------------------------------------------------------|
| AC                          | alternating current                                    |
| BCWF or Facility            | Biglow Canyon Wind Farm                                |
| BESS                        | battery energy storage system                          |
| BIGL 2 or Project Developer | BIGL 2, LLC                                            |
| Certificate Holder or PGE   | Portland General Electric Company                      |
| Council or EFSC             | Energy Facility Siting Council                         |
| EPA                         | United States Environmental Protection Agency          |
| ESCP                        | Erosion and Sediment Control Plan                      |
| FAA                         | Federal Aviation Administration                        |
| gen-tie                     | generation-tie                                         |
| ISO                         | International Organization for Standardization         |
| kV                          | kilovolt                                               |
| MW                          | megawatt                                               |
| MWh                         | megawatt-hour                                          |
| NPDES                       | National Pollutant Discharge Elimination System        |
| O&M                         | operations and maintenance                             |
| OAR                         | Oregon Administrative Rules                            |
| ODEQ                        | Oregon Department of Environmental Quality             |
| ODOE                        | Oregon Department of Energy                            |
| PV                          | photovoltaic                                           |
| RFA                         | Request for Amendment                                  |
| Site Certificate            | Site Certificate on Amendment 4                        |
| Solar Facility              | solar energy generation and battery storage components |
| WPCF                        | Water Pollution Control Facilities                     |

## **1.0 Introduction**

The Portland General Electric Company (PGE or Certificate Holder) submits this Request for Amendment (RFA) 5 to the Site Certificate on Amendment 4, issued March 27, 2026 (Site Certificate) for the Biglow Canyon Wind Farm (BCWF or Facility) to add a second phase of solar photovoltaic (PV) energy generation and battery storage capacity to the BCWF following the solar power generation and battery storage capacity approved under RFA 4.

BCWF, owned and operated by PGE, is located within an approved site boundary comprising approximately 25,000 acres, approximately 2.5 miles northeast of the town of Wasco in Sherman County, Oregon (Background Exhibit Figure 1). The BCWF operates under the Site Certificate from the Oregon Energy Facility Siting Council (Council or EFSC) as administered by the Oregon Department of Energy (ODOE). BCWF currently consists of 217 operating wind turbines, with a maximum blade tip height of 445 feet, and a peak generating capacity of 450 megawatts (MW) (Wind Facility). RFA 4, approved March 27, 2026, added 125 MW alternating current (AC) generating capacity from PV solar arrays and 500 megawatt-hours (MWh) in battery storage capacity. The solar energy generation and battery storage components (Solar Facility) described in RFA 4 are currently under construction.

In RFA 5, PGE proposes to add up to 200 MW AC generating capacity from PV solar arrays and 1,000 MWh in battery storage capacity (RFA 5 Solar Facility) by expanding the overall BCWF site boundary by approximately 839 acres. The RFA 5 Solar Facility is located across approximately 622 acres of the existing BCWF site boundary and 839 acres of the expanded site boundary, for a total of approximately 1,461 acres (together, RFA 5 Site Boundary; see Background Exhibit Figure 4).

The RFA 5 Site Boundary provides a conservative estimate of the maximum area needed for development and micrositing through final design and construction for the RFA 5 Solar Facility, rather than the anticipated disturbance footprint. Primary infrastructure includes solar arrays, inverters, battery energy storage system (BESS) facilities and their subcomponents (i.e., inverters), one collector substation, and medium-voltage collector lines (herein collectively referred to as “Solar Components”). Additionally, the Solar Components include operations and maintenance (O&M) structures, site access roads, internal roads, perimeter fencing, facility entry gates, and temporary laydown areas. The maximum generating capacity from the Solar Components will be 200 MW AC. Power generated from the Solar Components will be transferred to the grid via a 230-kilovolt (kV) generation tie (gen-tie) transmission line, approximately 2.7 miles long. The Solar Facility as proposed under RFA 5 includes the Solar Components and the gen-tie transmission line.

PGE will own and operate the RFA 5 Solar Facility as a part of the BCWF, which, to date, has been developed by BIGL 2, LLC (BIGL 2, or Project Developer). BIGL 2, in its capacity as the Project Developer, supports PGE in this RFA 5 and may construct and temporarily operate the RFA 5 Solar Facility on behalf of PGE under a Build-Transfer Agreement.

The information contained herein supports demonstration of compliance with the Organizational Expertise approval standard for Oregon Administrative Rules (OAR) 345-022-0010.

## **2.0 Applicant Contact Information – OAR 345-022-0010(5)(a)**

*(5) To assist the Council in determining whether the standard outlined in (1) through (4) has been met, the Applicant must submit:*

*(a) Information about the applicant and participating persons, including:*

### **2.1 Applicant and Participating Persons – OAR 345-022-0010(5)(a)(A)**

*(A) The name and address of the applicant including all co-owners of the proposed facility, the name, mailing address, email address and telephone number of the contact person for the application, and if there is a contact person other than the applicant, the name, title, mailing address, email address and telephone number of that person;*

Tables A-1 through A-4 provide the contact information for important individuals related to the Facility.

**Table A-1. Name and Address of Site Certificate Holder**

|                         |                                   |
|-------------------------|-----------------------------------|
| <b>Entity Name</b>      | Portland General Electric Company |
| <b>Street Address</b>   | 121 SW Salmon Street, 3WTC0403    |
| <b>City, State, ZIP</b> | Portland, OR 97204                |

**Table A-2. Applicant Project Manager Contact Information**

|                         |                                                  |
|-------------------------|--------------------------------------------------|
| <b>Name</b>             | Forrest Carithers                                |
| <b>Title</b>            | Senior Director, Environmental Health and Safety |
| <b>Company Name</b>     | Portland General Electric Company                |
| <b>Street Address</b>   | 121 SW Salmon Street                             |
| <b>City, State, ZIP</b> | Portland, OR 97204                               |
| <b>Email</b>            | Forrest.Carithers@pgn.com                        |
| <b>Phone</b>            | (971) 400-2936                                   |

**Table A-3. Lead Consultant Project Manager Contact Information**

|                         |                                                                            |
|-------------------------|----------------------------------------------------------------------------|
| <b>Name</b>             | Kiana Ziola                                                                |
| <b>Title</b>            | Environmental Planner/Project Manager                                      |
| <b>Company Name</b>     | Tetra Tech, Inc.                                                           |
| <b>Street Address</b>   | 3380 Americana Terrace, Suite 210                                          |
| <b>City, State, ZIP</b> | Boise, ID 83706                                                            |
| <b>Email</b>            | <a href="mailto:Kiana.Ziola@tetrattech.com">Kiana.Ziola@tetrattech.com</a> |
| <b>Phone</b>            | (208) 489-2872                                                             |

## 2.2 Other Participants – OAR 345-022-0010(5)(a)(B)

*(B) The contact name, mailing address, email address and telephone number of all participating persons, other than individuals, including but not limited to any parent corporation of the applicant, persons upon whom the applicant will rely for third-party permits or approvals related to the facility, and, if known, other persons upon whom the applicant will rely in meeting any facility standard adopted by the Council;*

**Table A-4. Other Participant Contact Information**

|                         |                                                                        |
|-------------------------|------------------------------------------------------------------------|
| <b>Name</b>             | Duane Duclaux                                                          |
| <b>Title</b>            | General Counsel                                                        |
| <b>Company Name</b>     | BIGL 2, LLC                                                            |
| <b>Street Address</b>   | 515 N Flagler Drive, Suite mP200                                       |
| <b>City, State, ZIP</b> | West Palm Beach, FL 33401                                              |
| <b>Email</b>            | <a href="mailto:Duane@brihtnighpower.com">Duane@brihtnighpower.com</a> |
| <b>Phone</b>            | (888) 614-2626                                                         |

## 2.3 Corporate Status – OAR 345-022-0010(5)(a)(C)

*(C) If the applicant is a corporation:*

### 2.3.1 Officer Responsible

*(i) The full name, official designation, mailing address, email address and telephone number of the officer responsible for submitting the application;*

**Table A-5. Officer Responsible Contact Information**

|                       |                                   |
|-----------------------|-----------------------------------|
| <b>Name</b>           | Debbie Powell                     |
| <b>Title</b>          | Vice President Utility Operations |
| <b>Company Name</b>   | Portland General Electric Company |
| <b>Street Address</b> | 121 SW Salmon Street, 1WTC17      |

|                         |                         |
|-------------------------|-------------------------|
| <b>City, State, ZIP</b> | Portland, Oregon, 97204 |
| <b>Email</b>            | Debbie.Powell@pgn.com   |
| <b>Phone</b>            | 971-359-4260            |

### **2.3.2 Date and Location of Incorporation**

*(ii) The date and place of its incorporation;*

The initial date of filing of PGE's Articles of Incorporation was July 25, 1930. The Third Amended and Restated Articles of Incorporation of PGE was adopted on May 7, 2014, in Salem, Oregon.

### **2.3.3 Copy of Articles of Incorporation**

*(iii) A copy of its articles of incorporation and its authorization for submitting the application; and*

Attachment A-1 includes a copy of the Third Amended and Restated Articles of Incorporation of PGE, as adopted on May 7, 2014. Attachment A-2 includes documentation showing the authorization for PGE to submit this RFA on the Biglow Canyon Wind Farm Site Certificate.

### **2.3.4 Applicant's Attorney-in-Fact**

*(iv) In the case of a corporation not incorporated in Oregon, the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon;*

The Certificate Holder is incorporated in Oregon, so this section is not applicable.

## **2.4 Ownership – OAR 345-022-0010(5)(a)(D)**

*(D) If the applicant is a wholly owned subsidiary of a company, corporation or other business entity, in addition to the information required by paragraph (C), the full name and business address of each of the applicant's full or partial owners;*

The Certificate Holder is not a wholly owned subsidiary of a company, corporation, or other business entity, so this section is not applicable.

## **2.5 Association/Joint-Venture Information – OAR 345-022-0010(5)(a)(E)**

*(E) If the applicant is an association of citizens, a joint venture or a partnership:*

*(i) The full name, official designation, mailing address, email address and telephone number of the person responsible for submitting the application;*

*(ii) The name, business address and telephone number of each person participating in the association, joint venture or partnership and the percentage interest held by each;*

*(iii) Proof of registration to do business in Oregon;*

*(iv) A copy of its articles of association, joint venture agreement or partnership agreement and a list of its members and their cities of residence; and*

*(v) If there are no articles of association, joint venture agreement or partnership agreement, the applicant must state that fact over the signature of each member;*

The Certificate Holder is not an association of citizens, a joint venture, or a partnership, so this section is not applicable.

## **2.6 Public/Government Entity Information – OAR 345-022-0010(5)(a)(F)**

*(F) If the applicant is a public or governmental entity:*

*(i) The full name, official designation, mailing address, email address and telephone number of the person responsible for submitting the application; and*

*(ii) Written authorization from the entity's governing body to submit an application;*

The Certificate Holder is not a public or governmental entity, so this section is not applicable.

## **2.7 Individual Applicant – OAR 345-022-0010(5)(a)(G)**

*(G) If the applicant is an individual, the individual's mailing address, email address and telephone number; and*

The Certificate Holder is not an individual, so this section is not applicable.

## **2.8 Limited Liability Company Information – OAR 345-022-0010(5)(a)(H)**

*(H) If the applicant is a limited liability company:*

*(i) The full name, official designation, mailing address, email address and telephone number of the officer responsible for submitting the application;*

*(ii) The date and place of its formation;*

*(iii) A copy of its articles of organization and its authorization for submitting the application; and*

*(iv) In the case of a limited liability company not registered in Oregon, the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon.*

The Certificate Holder is not a Limited Liability Company, so this section is not applicable.

## **3.0 Organizational Expertise – OAR 345-022-0010(5)(b)**

*(b) Information about the organizational expertise of the applicant to construct and operate the proposed facility, including:*

### 3.1 Applicant's Previous Experience – OAR 345-022-0010(5)(b)(A)

*(A) The applicant's previous experience, if any, in constructing and operating similar facilities;*

PGE is a fully integrated energy company based in Portland, Oregon, serving over 900,000 customers in 51 cities. PGE generates electricity from plants it owns, and purchases power on the wholesale market. PGE operates wholly and jointly owned hydroelectric, natural gas, wind, and solar generating plants. For more than 130 years, PGE has been delivering energy to residents of the state of Oregon. PGE has significant experience in constructing, supervising the construction of, and operating generation projects.

The Council previously found that the Certificate Holder has the ability to design, construct, operate, and retire the BCWF, in compliance with all Council standards and conditions, as required by the Organizational Expertise standard.<sup>1</sup> The Certificate Holder provides the following to support findings of compliance with the Council's Organizational Standard in OAR 345-022-0010.

The Certificate Holder currently owns and/or operates a combination of six natural gas facilities (2,102 MW), seven hydro-electric facilities (684 MW), four wind facilities (1,025 MW), and five small solar facilities (9 MW). Additionally, PGE has approximately 304 MW of BESS operational at nine facilities (Coffee Creek, Constable, Port Westward, Seaside, IOC Battery, Salem Smart Power Center, and three additional projects less than 1 MW each) (see Table A-6 below). Since the Final Order on Amendment 4, PGE has begun construction of the RFA 4 Solar Facility. PGE also has experience successfully retiring facilities as shown by the retirement of the Trojan Nuclear Plant and more recently the Boardman Coal Plant and the Salem Smart Power Center, which was a BESS facility.

**Table A-6. Portland General Electric Company's Generation Facilities**

| Project Name (Commercial Operation Date)     | Technology                                                       | Maximum Generation Name Plate (MW) |
|----------------------------------------------|------------------------------------------------------------------|------------------------------------|
| Carty Generating Station Unit 1 (2016)       | Natural Gas Combined-Cycle Combustion Turbine                    | 503                                |
| Port Westward Generating Plant Unit 2 (2014) | Natural Gas Reciprocating Engines                                | 225                                |
| Port Westward Generating Plant Unit 1 (2007) | Natural Gas Combined-Cycle Combustion Turbine                    | 483                                |
| Beaver Generating Facility (1974, 1977)      | Natural Gas and Distillate Oil Combined-Cycle Combustion Turbine | 570                                |
| Beaver Unit 8 (2001)                         | Natural Gas Simple-Cycle Combustion Turbine                      | 24.9                               |

<sup>1</sup> Biglow Canyon Wind Farm Final Order on Request for Amendment 3, p. 9 and 10 (October 2008).

**Request for Amendment 5**  
**Exhibit A. Organizational Expertise**

| Project Name (Commercial Operation Date)                                                                                                                                                                                                                                                                                                                                   | Technology                                                                                | Maximum Generation Name Plate (MW)              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------|
| Coyote Springs Unit 1 (1995)                                                                                                                                                                                                                                                                                                                                               | Natural Gas and Distillate Oil Combined-Cycle Combustion Turbine                          | 296                                             |
| Faraday (1907/1958)                                                                                                                                                                                                                                                                                                                                                        | Hydroelectric                                                                             | 50                                              |
| North Fork (1958)                                                                                                                                                                                                                                                                                                                                                          | Hydroelectric                                                                             | 62                                              |
| Oak Grove (1924)                                                                                                                                                                                                                                                                                                                                                           | Hydroelectric                                                                             | 51                                              |
| River Mill (1911/1952)                                                                                                                                                                                                                                                                                                                                                     | Hydroelectric                                                                             | 21                                              |
| Sullivan (1895)                                                                                                                                                                                                                                                                                                                                                            | Hydroelectric                                                                             | 17                                              |
| Round Butte (1964)                                                                                                                                                                                                                                                                                                                                                         | Hydroelectric (jointly owned)                                                             | 373                                             |
| Pelton (1957)                                                                                                                                                                                                                                                                                                                                                              | Hydroelectric (jointly owned)                                                             | 110                                             |
| Wheatridge Renewable Energy Facility I (2018)                                                                                                                                                                                                                                                                                                                              | Wind                                                                                      | 100                                             |
| Tucannon River Wind Farm (2014)                                                                                                                                                                                                                                                                                                                                            | Wind                                                                                      | 267                                             |
| Biglow Canyon Wind Farm (2007, 2009, 2010 [2027 pending])                                                                                                                                                                                                                                                                                                                  | Wind (Phases I, II, and III; operating), Solar and BESS (under construction, COD 11/2027) | 450 (wind, operating);<br>125 (solar, approved) |
| Clearwater Wind Energy Center (2024)                                                                                                                                                                                                                                                                                                                                       | Wind                                                                                      | 208                                             |
| Portland Public Schools (2015)                                                                                                                                                                                                                                                                                                                                             | Solar                                                                                     | 9 (combined for these 5 facilities)             |
| Baldock Solar Station (2012)                                                                                                                                                                                                                                                                                                                                               | Solar                                                                                     |                                                 |
| Sunway 3 (2010)                                                                                                                                                                                                                                                                                                                                                            | Solar                                                                                     |                                                 |
| Sunway 2 (2009)                                                                                                                                                                                                                                                                                                                                                            | Solar                                                                                     |                                                 |
| Sunway 1 (2009)                                                                                                                                                                                                                                                                                                                                                            | Solar                                                                                     |                                                 |
| Coffee Creek (2024)                                                                                                                                                                                                                                                                                                                                                        | BESS                                                                                      | 17                                              |
| Constable (2024)                                                                                                                                                                                                                                                                                                                                                           | BESS                                                                                      | 75                                              |
| Port Westward BESS (2021)                                                                                                                                                                                                                                                                                                                                                  | BESS                                                                                      | 5                                               |
| Seaside (2025)                                                                                                                                                                                                                                                                                                                                                             | BESS                                                                                      | 200                                             |
| IOC Battery (2025)                                                                                                                                                                                                                                                                                                                                                         | BESS                                                                                      | 2                                               |
| Salem Smart Power Center (repower) (2026)                                                                                                                                                                                                                                                                                                                                  | BESS                                                                                      | 3.9                                             |
| Three additional projects less than 1 MW each                                                                                                                                                                                                                                                                                                                              | BESS                                                                                      | 0.75/0.5/0.25                                   |
| <b>Retired, Decommissioned, and Demolished</b>                                                                                                                                                                                                                                                                                                                             |                                                                                           |                                                 |
| Boardman Coal Plant                                                                                                                                                                                                                                                                                                                                                        | Coal (jointly owned)                                                                      | N/A                                             |
| Trojan                                                                                                                                                                                                                                                                                                                                                                     | Nuclear                                                                                   | N/A                                             |
| Original Salem Smart Power Center                                                                                                                                                                                                                                                                                                                                          | BESS                                                                                      | N/A                                             |
| 1. The Salem Smart Power Center was originally built as part of the Pacific Northwest Smart Grid Demonstration Project, a U.S. Department of Energy research effort. The Project ended in mid-2015 and PGE continued to operate the facility until its end of life. The original Salem Smart Power Center has been fully decommissioned, and a new project is in service . |                                                                                           |                                                 |

### **3.2 Qualifications of Applicant's Personnel – OAR 345-022-0010(5)(b)(B)**

*(B) The qualifications of the applicant's personnel who will be responsible for constructing and operating the facility, to the extent that the identities of such personnel are known when the application is submitted;*

PGE will own and operate the RFA 5 Solar Facility as a part of the BCWF, which, to date, has been developed by BIGL 2. BIGL 2, in its capacity as the Project Developer, supports PGE in this RFA 5 and may construct and temporarily operate the RFA 5 Solar Facility on behalf of PGE under a Build-Transfer Agreement.

### **3.3 Qualifications of Known Contractors – OAR 345-022-0010(5)(b)(C)**

*(C) The qualifications of any architect, engineer, major component vendor, or prime contractor upon whom the applicant will rely in constructing and operating the facility, to the extent that the identities of such persons are known when the application is submitted;*

The BIGL 2 team through its parent company, BrightNight, LLC, has more than 6 gigawatts of experience developing, designing, and constructing solar and storage projects across the United States. Currently, BIGL's global 30+ gigawatt development pipeline has converted to projects under or nearing construction in Arizona and Washington, and under current operations in India. BIGL is the lead developer for the RFA 4 Solar Facility, which includes 125 MW solar PV energy generation and 125 MW battery storage. This facility is currently under construction, with an anticipated Commercial Operation Date of November 2027.

The Project Developer's selection and management of external vendors, including architects, engineers, major component suppliers, and prime contractors, will be guided by a team of experienced experts from BIGL. While the specific vendors and partners are yet to be determined, the BIGL's team of experienced professionals will be responsible for identifying, engaging, and overseeing these key external parties to ensure alignment with project goals and successful execution. The Project Developer's construction and operations will be overseen by a seasoned team of industry leaders.

### **3.4 Applicant's Past Performance – OAR 345-022-0010(5)(b)(D)**

*(D) The past performance of the applicant, including but not limited to the number and severity of any regulatory citations in constructing or operating a facility, type of equipment, or process similar to the proposed facility;*

In the last 10 years, PGE has been issued the following violations and citations for constructing or operating a facility, type of equipment, or process similar to the proposed facility. For each notice, PGE responded promptly and immediately implemented corrective actions.

- On February 15, 2016, a backhoe rolled into Lake Simtustus during a construction project at Pelton Park (there were no injuries). This incident was reported to both state and federal agencies by PGE on February 15, 2016, even though at the time no sheen was observed. A plan for removal of the backhoe was developed and the backhoe was removed on February

17, 2016; part of the removal plan included placement of oil containment booms around the work area. When the backhoe was removed, a sheen was observed. PGE was fined \$1,600 for release of oil into waters of the State. Although construction of the Solar Components will not involve operating any equipment in proximity to water, this violation is listed here because it relates to construction.

- On April 15, 2019, a warning letter was issued by the Oregon Department of Environmental Quality (ODEQ) for nine missed pH samples required by Water Pollution Control Facilities (WPCF) permit No. 100189 for the Boardman Coal Plant and Carty Generating Station. The Certificate Holder identified the issue on February 8, 2019, and immediately self-reported the issue to ODEQ and implemented corrective actions in consultation with ODEQ. In the warning letter, ODEQ noted they did not intend to take enforcement action. Note that although this warning letter was not for a solar farm, it is listed here because the solar panel wash water disposal would be permitted through a general WPCF permit.
- On August 14, 2023, PGE received a pre-enforcement notice from ODEQ regarding oil and grease releases from the BCWF Phase 1 turbines. The pre-enforcement notice was the result of an inspection conducted by ODEQ on May 12, 2023, at the request of ODOE. PGE responded to ODEQ for the pre-enforcement notice on August 28, 2023, and documented that PGE has completed cleanup of affected soils including those specifically cited in the notice and outlined steps PGE would take to prevent and address future releases. On October 13, 2023, PGE provided a report to ODOE in the format required by OAR 345-029-0010(3) at ODOE's request. On April 12, 2024, PGE received an expedited enforcement offer from ODEQ, which PGE accepted and paid a fine of \$2,400 for. PGE continues to work to address the failing components at the Phase 1 turbines that result in the oil and grease releases through implementation of a wind enhancement program to replace components and improved operational practices to address any releases that do occur while implementation of the wind enhancement program occurs.
- Per Conditions GEN-OE-07 and OPR-SP-02 of the BCWF site certificate, PGE continues to report incidents that occur at our facilities in accordance with guidance issued by ODOE on October 27, 2022. None of these incident reports have resulted in a violation or citation being issued to PGE; however, several of them have required PGE to implement corrective action plans to reduce the likelihood of recurrence. The incidents reported since approval of RFA 4 in March 2026 include a portions of Federal Aviation Administration (FAA) lighting found on the ground and an exceedance of 5,000 gallons of water used in one day from the exempt onsite well due to a leaking toilet. The FAA lights have been repaired and are operational, the leaking toilet was replaced, and monitoring of the well is now tracked through a supervisory control and data acquisition system. PGE meets regularly with ODOE to ensure issues are adequately being addressed.

Despite the issues identified in the section above, the Facility is currently operated in compliance with its respective Site Certificate Conditions and in a manner that protects public health and safety. The Fourth Amended Site Certificate conditions require additional oversight and reporting

during construction, operation, and decommissioning of the approved Biglow Solar facility within the BCWF site boundary, beyond what is required for the BCWF wind facility; these conditions will also apply to the Solar Facility as proposed under RFA 5. Given the Certificate Holder's successful expansion of their renewable energy generation portfolio and ability to address issues if they arise, and their demonstrated ability to restore the BCWF to a useful, non-hazardous condition (see Conditions GEN-GS-05, GEN-RF-01, and RET-RF-01), the Council may conclude that the BCWF, as amended by RFA 5, will continue to comply with OAR 345-022-0010.

### **3.5 Warrant to Secure Necessary Expertise – OAR 345-022-0010(5)(b)(E)**

*(E) If the applicant has no previous experience in constructing or operating similar facilities and has not identified a prime contractor for construction or operation of the proposed facility, other evidence that the applicant can successfully construct and operate the proposed facility. The applicant may include, as evidence, a warranty that it will, through contracts, secure the necessary expertise;*

The Certificate Holder has extensive experience with constructing and operating solar PV generation facilities, as described under Section 3.1 above. Therefore, this section is not applicable.

### **3.6 ISO Certified Program – OAR 345-022-0010(5)(b)(F)**

*(F) 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, a description of the program; and*

The Applicant (i.e., Certificate Holder) does not have an International Organization for Standardization (ISO) 9000 or ISO 14000 certified program under which it is proposing to design, construct, and operate the facility.

### **3.7 Mitigation – OAR 345-022-0010(5)(b)(G)**

*(G) If the applicant relies on mitigation to demonstrate compliance with any standards of Division 22 or 24 of this chapter, evidence that the applicant can successfully complete such proposed mitigation, including past experience with other projects and the qualifications and experience of personnel upon whom the applicant will rely, to the extent that the identities of such persons are known at the date of submittal.*

The Certificate Holder and the developer BIGL 2 have demonstrated the capability to successfully implement mitigation measures through our experience with planning, constructing, and operating renewable energy generation facilities requiring environmental compliance, resource protection, and long-term land management. The Certificate Holder has completed and managed habitat mitigation activities, including habitat restoration, revegetation, invasive species management, monitoring, and adaptive management programs designed to avoid, minimize, and compensate for impacts to sensitive resources, including at the existing Carty Habitat Management Area. These efforts have required coordination with regulatory agencies, implementation of mitigation plans, performance monitoring, and reporting to ensure mitigation objectives are achieved.

The Certificate Holder, BIGL 2, and their contractors also have substantial experience implementing wildfire mitigation measures, including vegetation management, fuel reduction, defensible space maintenance, and operational practices intended to reduce wildfire risk and protect both natural resources and infrastructure. In addition, the Certificate Holder, BIGL 2, and their contractors routinely conduct vegetation and soil management activities such as erosion and sediment control, soil stabilization, reclamation, noxious weed management, and revegetation of disturbed areas to maintain environmental compliance and support successful site restoration following energy facility construction and decommissioning.

The Certificate Holder maintains operations and maintenance programs that include ongoing inspection, monitoring, maintenance, and adaptive management of facilities and associated mitigation areas. These programs are designed to ensure the long-term effectiveness of mitigation measures and compliance with applicable permit conditions, regulatory requirements, and environmental commitments.

The personnel and contractors upon whom the Certificate Holder relies possess qualifications and experience in environmental planning, permitting, natural resource management, habitat restoration, biological monitoring, wildfire risk reduction, vegetation management, soil conservation, and operations and maintenance. These personnel routinely develop and implement mitigation plans, conduct field assessments and monitoring, prepare compliance documentation, and coordinate with regulatory agencies and stakeholders. Based on its successful implementation of mitigation measures on previous projects and the expertise of its staff and contractors, the Certificate Holder has the technical, financial, and operational capability to successfully complete the mitigation measures proposed to demonstrate compliance with applicable Division 22 and Division 24 standards.

The Certificate Holder has developed plans applicable to the Solar Facility approved under RFA 4, including the Biglow Solar Habitat Mitigation Plan, Construction Wildfire Mitigation Plan, Comprehensive Solar Revegetation and Soil Management Plan, and Operations and Maintenance Plan Framework. These plans were finalized prior to construction of the RFA 4 Solar Facility. The draft Operations Wildfire Mitigation Plan included with Exhibit M (Attachment M-4) and the final O&M Plan currently under development will be finalized prior to operation of the RFA 4 Solar Facility. All plans will be updated to address mitigation and facility management and restoration needs for the RFA 5 Solar Facility.

## **4.0 Permits – OAR 345-022-0010(5)(c)**

### **4.1 Identification and Description of Required Permits – OAR 345-022-0010(5)(c)(A)(B)**

*(c) Information about permits needed for construction and operation of the facility, including:*

*(A) Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each*

*permit, and the name, mailing address, email address and telephone number of the agency or office responsible for each permit;*

*(B) A description of each permit, the reasons the permit is needed for construction or operation of the facility and the applicant's analysis of whether the permit should or should not be included in and governed by the site certificate;*

This section provides information about permits that the Certificate Holder will need for construction and operation of the Solar Components to meet the submittal requirements of OAR 345-021-0010(5)(c) paragraphs (A) and (B). Permits identified in Table A-7 through Table A-11 are identified in each applicable exhibit included in Background Exhibit Attachment 5. The changes proposed with RFA 5 do not require any new permits, or any new Site Certificate Conditions for permits, that were not previously considered by the Council.

### 4.1.1 Federal Permits

Table A-7 identifies and describes the federal permits potentially required for construction and operation of the Solar Facility.

**Table A-7. Federal Permits**

| Permit                                                      | Agency Name and Contact                                                                                                                                                                                             | Authority                                                                                               | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Notice of Proposed Construction or Alteration (Form 7460-1) | Federal Aviation Administration (FAA)<br><br>Attn: Dan Shoemaker, Airspace Specialist<br>Seattle Obstruction Evaluation Group<br>1601 Lind Avenue SW<br>Renton, WA 98057<br>(425) 227-2791<br>Dan.shoemaker@faa.gov | Federal Aviation Act of 1958 (14 U.S. Code [U.S.C.] § 44718); 14 Code of Federal Regulations (CFR) § 77 | Required for construction or alterations that may affect navigable airspace (e.g., pertaining to potential glare from the Solar Components' solar arrays), or for construction of structures within specified distances of runways or helipads. No permit is issued by the FAA. The Certificate Holder used the FAA Notice Criteria Tool to confirm that the RFA 5 Solar Facility meets the notice criteria. Formal submission of a Form 7460-1 to the FAA under Code of Federal Regulations (CFR) Title 14 Part 77.9 (Safe, Efficient Use, and Preservation of the Navigable Airspace) is anticipated. The Certificate Holder will enter discussions with the FAA and Oregon Department of Aviation regarding the nearby Wasco State Airport and associated flight paths prior to construction of RFA 5, to ensure that there are no significant impacts related to potential glare that could result from construction and operation of the Solar Components. See Exhibit I for further discussion. |

### 4.1.2 State Permits Not Federally Delegated

Table A-8 identifies and describes the state permits not federally delegated that are potentially required for construction and operation of the Solar Facility.

**Table A-8. State Permits Not Federally Delegated**

| Permit                                          | Agency Name and Contact                                                                                                                                                                                                        | Authority                                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Energy Facility Site Certificate                | Oregon Department of Energy and Energy Facility Siting Council<br><br>Attn: Sarah Esterson, Senior Policy Advisor<br>550 Capitol Street NE<br>Salem, OR 97301<br>(800) 221-8035<br>sarah.esterson@energy.oregon.gov            | Oregon Revised Statutes (ORS) 469.300 et seq.; Oregon Administrative Rules (OAR) Chapter 345, Divisions 1, 21-24 | This Site Certificate is the subject of this amendment request.                                                                                                                                                                                                                                                                                                                               |
| Archaeological Excavation Permit                | Oregon Parks and Recreation Department, State Historic Preservation Office<br><br>Attn: John Pouley, State Archaeologist<br>725 Summer Street NE, Suite C<br>Salem, OR 97301<br>(503) 480-9164<br>John.Pouley@opr.d.oregon.gov | ORS Chapters 97, 358, and 390; OAR Chapter 736, Division 51                                                      | Ground-disturbing activity that may affect a known or unknown archaeological resource on public or private lands requires a permit issued by the Oregon Parks and Recreation Department. If the permit is needed, the Certificate Holder will obtain it from the State Historic Preservation Office and therefore this permit should not be included in and governed by the Site Certificate. |
| Oversize Load Movement Permit/Load Registration | Oregon Department of Transportation (ODOT)<br><br>ODOT District 9<br>3313 Bret Clodfelter Way<br>The Dalles, OR 97058<br>541-296-2215<br>Thomas.Lapp@odot.state.or.us                                                          | ORS 818.030; OAR Chapter 734, Division 82                                                                        | Authorization for oversized loads. Movement of construction cranes and other equipment and materials may require this permit. If needed, the Certificate Holder's third-party contractor will obtain this permit and load registration from ODOT and therefore this permit should not be included in and governed by the Site Certificate.                                                    |

### **4.1.3 State Permits Federally Delegated**

Table A-9 identifies and describes the state permits federally delegated that are required for construction and operation of the Solar Facility.

**Table A-9. State Permits Federally Delegated**

| Permit                                                                                                          | Agency Name and Contact                                                                                                                                                                                                                    | Authority                                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Discharge General Permit 1200-C | Oregon Department of Environmental Quality (ODEQ), Eastern Region<br><br>Attn: Patty Isaak, Permit Coordinator for Eastern Region<br>800 SE Emigrant Avenue, Suite 330<br>Pendleton, OR 97801<br>(541) 278-4605<br>Patty.Isaak@state.or.us | Clean Water Act, Section 402 (33 U.S.C. § 1342); 40 CFR § 122; ORS 468 and 468B; OAR Chapter 340, Division 45 | An NPDES permit is required for construction activities that will disturb one or more acres of land and has a potential to impact Waters of the State. The Certificate Holder will obtain this permit for RFA 5 directly from ODEQ and it should not be included in and governed by the Site Certificate. A draft Erosion and Sediment Control Plan to be included in the application for the NPDES permit is included as Attachment C-1 to Exhibit C. |

### **4.1.4 Local Permits**

Table A-10 identifies and describes the local permits required for construction and operation of the Solar Facility.

**Table A-10. Local Permits**

| Permit                                   | Agency Name and Contact                                                                                                           | Authority                                                                | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Conditional Use Permit and Zoning Permit | Sherman County Planning Department<br><br>Attn: Amy Phelps, Planning Director<br>P.O. Box 381<br>Moro, OR 97039<br>(541) 565-3601 | Sherman County Zoning Ordinance 3.1.3(q) – Commercial utility facilities | The Certificate Holder elects to obtain a Council determination under ORS Chapter 469.504(1)(b). Under ORS 469.401(3), following issuance of the Site Certificate, the County, upon the Certificate Holder's submission of the proper application and fee, shall issue the permits addressed in the Site Certificate, subject only to the conditions set forth in the Site Certificate and without hearings or other proceedings. Because the Council will make the land use determination, this permit should be included in and governed by the Site Certificate. |

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| Permit                | Agency Name and Contact                                                                                                             |                                                                                                                                        | Authority                             | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Building Permit       | Sherman County Planning Department<br><br>Attn: Amy Morris<br>Planning Director<br>P.O. Box 381<br>Moro, OR 97039<br>(541) 565-3601 | State of Oregon Building Codes<br><br>Pendleton Field Office<br>800 SE Emigrant Ave., Suite 360<br>Pendleton, OR 97801<br>541-276-7814 | ORS 455; OAR Chapter 734, Division 51 | A building permit is required prior to beginning construction. A building permit will be obtained by the third-party contractor prior to construction of each component for which a building permit will be required; therefore, this permit should not be included in and governed by the Site Certificate.                                                                                                                                                                                                                          |
| On-site Septic Permit | North Central Public Health District<br><br>419 7th St #100<br>The Dalles, OR 97058<br>541-506-2600                                 |                                                                                                                                        | OAR 340-071-0120                      | A permit would be obtained prior to conducting installation, repair, or alteration of a septic system and after site evaluation has been determined the site to be suitable for on-site wastewater disposal. The North Central Public Health District regulates the installation, repair, and maintenance of septic systems in Sherman County. If required, this permit will be obtained by the construction contractor prior to construction. Therefore, this permit should not be included in and governed by the Site Certificate. |
| Approach Road Permit  | Sherman County Road Department<br>Mark Coles<br>500 Court Street<br>Moro, OR 97039<br>(541) 565-3271                                |                                                                                                                                        | Sherman County Ordinance 35-2007      | The Sherman County Road Department requires permits for activities that would impact county roads. A permit is required to construct an approach road to a Sherman County road. This permit would be obtained prior to the construction of an approach road from the Solar Siting Area to a Sherman County road.                                                                                                                                                                                                                      |
| Utility Permit        | Sherman County Road Department<br>Mark Coles<br>500 Court Street<br>Moro, OR 97039<br>(541) 565-3271                                |                                                                                                                                        | Sherman County Road Department        | The Sherman County Road Department requires a permit for utilities in or crossing a Sherman County road right-of-way. A Utility Permit would be obtained prior to the construction of transmission lines that cross county road rights-of-way.                                                                                                                                                                                                                                                                                        |

## 4.2 Permit Applications Not Federally Delegated – OAR 345-022-0010(c)(C)

*(C) For any state or local government agency permits, licenses or certificates that are proposed to be included in and governed by the site certificate, evidence to support findings by the Council that construction and operation of the proposed facility will comply with the statutes, rules and standards applicable to the permit. For permits related to wetlands and water rights the applicant may show this evidence in the State and Local Laws and Regulations Exhibit.*

The Solar Components have been sited such that no impacts to wetlands and waters of the State or of the U.S. are anticipated. Therefore, no permits related to wetlands are required. Please see Exhibit O1 for further details, in accordance with OAR 345-022-0160(1)(a).

During construction, the construction contractor will be responsible for identifying water sources and assuring that any needed permits or approvals are obtained for construction water use. Water for construction will either be obtained from entities such as the City of Wasco, the City of The Dalles, the Biggs service district, or from these entities and an on-site exempt well, provided such use of well water would not cause the rate of extraction to exceed 5,000 gallons in any 1-day period.

Water for solar panel washing during operations will also be obtained from the entities described above under existing water rights. In addition, there is one irrigation water right within the Solar Micrositing Area (RFA 4 Solar Facility) (Oregon Certificate 57620; Scharf Water Right). The Certificate Holder is working with the participating landowner and exploring transferring the Scharf Water Right to industrial use for the life of the Solar Components. If successful, the transfer would allow the Certificate Holder to use the available water for construction and operation activities, including fire suppression and panel washing. While the transfer of the Scharf Water Right would allow greater flexibility for operation of the Facility, it is not required for the Facility, as the City of Wasco confirmed they have sufficient supplies to serve the Facility. An exempt groundwater well will also provide water to the O&M building; Site Certificate Conditions OPR-WR-01 and OPR-PS-01 will continue to apply. Please see Exhibit O.2 for further details.

The changes proposed with RFA 5 do not affect the Certificate Holder's ability to comply with the Site Certificate and OAR Chapter 690 Divisions 310 and 380. The Council may conclude that the BCWF, as amended in RFA 5, does not need a groundwater permit or surface water permit.

## 4.3 Permit Applications Federally Delegated – OAR 345-022-0010(c)(D)

*(D) For federally-delegated permit applications, evidence that the responsible agency has received a permit application and the estimated date when the responsible agency will complete its review and issue a permit decision;*

The U.S. Environmental Protection Agency (EPA) has delegated authority to the ODEQ to issue National Pollutant Discharge Elimination System (NPDES) stormwater discharge permits for construction and operations activities. The Certificate Holder provided an application for NPDES 1200-C Construction Stormwater Discharge General Permit and an associated draft Erosion and Sediment Control Plan (ESCP) as Appendix I-1, Exhibit I, in RFA 1. The Certificate Holder will obtain

an updated NPDES permit prior to construction via the ODEQ's "Your DEQ Online" platform.<sup>2</sup> The draft updated ESCP, which forms the basis for the updated ODEQ NPDES 1200-C Construction Stormwater Discharge General Permit, has been provided as Attachment C-1 to Exhibit C. The Certificate Holder anticipates that this permit will be pursued during preconstruction and that confirmation of permit receipt and a permit decision from ODEQ will be received prior to the start of construction. Construction work will be conducted in compliance with the ESCP approved under the NPDES 1200-C permit, which is consistent with Site Certificate Condition PRE-SP-01. In addition, the Certificate Holder will complete monitoring of the best management practices implemented under the NPDES 1200-C permit to ensure there are no significant potential adverse impacts to soil consistent with Site Certificate Condition PRE-SP-01.

#### **4.4 Third Party State or Local Permits – OAR 345-022-0010(c)(E)**

*(E) If the applicant relies on a state or local government permit or approval issued to a third party, identification of any such third-party permit and for each:*

*(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit;*

*(ii) Evidence that the third party has, or has a reasonable likelihood of obtaining, the necessary permit;*

*(iii) An assessment of the impact of the proposed facility on any permits that a third party has obtained and on which the applicant relies to comply with any applicable Council standard;*

The Certificate Holder has experience working in various permitting regimes across Oregon and typically relies on its construction contractors to obtain third-party permits. The Certificate Holder maintains relationships with reputable construction firms with successful track records and reasonable likelihood of securing permits and completing compliant work. For each permit identified, the Certificate Holder has worked with contractors familiar with constructing or operating renewable energy facilities, and who are knowledgeable of the requirements for applications and activities under such permits. The Certificate Holder will select the same, or similar, contractors who have the necessary experience to likely obtain the necessary permits.

The Certificate Holder may rely on its third-party contractors to obtain the following permits as listed in Table A-11.

These permits are routine and common permits in Oregon and are not dependent on a unique resource or location. The contractors will be responsible for acquiring these permits prior to construction.

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<sup>2</sup> <https://ordeq-edms-public.govonlinesaas.com/pub/login?web=1>.

**Table A-11. Potential Third-Party State or Local Permits**

| Permit Name                                                                          | Facility Phase | Description                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Oregon Department of Transportation Oversized Load Movement Permit/Load Registration | Construction   | Movement of construction cranes and other equipment and materials may require an oversize load movement permit/load registration.                                                                                                                                                                                                                                                                    |
| Sherman County Building Permit                                                       | Construction   | A building permit is required prior to beginning construction. Sherman County does not have its own building department, so relies on the City of Boardman Building Department for review and approval of all building permits in the county. A building permit will be obtained by the third-party contractor prior to construction of each component for which a building permit will be required. |
| Septic System Alteration Permit                                                      | Construction   | If the existing septic system capacity is not sufficient, a septic system alteration permit will be obtained to increase the capacity of the existing septic system. If required, this permit will be obtained by the construction contractor prior to construction.                                                                                                                                 |

#### **4.5 Third Party Federal Permits – OAR 345-022-0010(c)(F)**

*(F) If the applicant relies on a federally-delegated permit issued to a third party, identification of any such third-party permit and for each:*

*(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit;*

*(ii) Evidence that the responsible agency has received a permit application;*

*(iii) The estimated the date when the responsible agency will complete its review and issue a permit decision; and*

The Certificate Holder is not relying on any third-party federally delegated permits. BIGL 2 (i.e., developer of the Solar Components) or their engineering, procurement, and construction contractor will directly obtain the NPDES 1200-C permit from ODEQ. Additionally, permits associated with temporary concrete batch plants (i.e., Basic Air Containment Discharge Permit; Clean Air Act [42 United States Code Section 7401 et seq.]; 40 Code of Federal Regulations Parts 50, 51, and 52; Oregon Revised Statutes Chapters 468 and 468A; OAR Chapter 340, Division 216) are also common permits that are obtained by a third party; however, they will not be necessary for the Solar Components.

## 4.6 Monitoring – OAR 345-022-0010(c)(G)

*(G) The applicant's proposed monitoring program, if any, for compliance with permit conditions.*

To the extent that monitoring may be required for any permit conditions, monitoring programs are discussed in the specific exhibit to which the permits pertain. The Certificate Holder will comply with monitoring requirements imposed by the Council and other jurisdictions responsible for granting permits or authorizations for the Solar Components.

## 5.0 Approval Standards and Submittal Requirements

**Table A-12. Approval Standards and Submittal Requirements Matrix**

| Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Location    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| OAR 345-022-0010 Organizational Expertise                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | –           |
| <b>Approval Standards</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |             |
| (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. | Section 3.0 |
| (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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | –           |
| (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.                                                                                                                                                                                                                                                                                                                                     | Section 4.4 |
| (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.                                                                                                                                                                                                                                                                                                                                                                        | –           |
| <b>Submittal Requirements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |             |
| (5) To assist the Council in determining whether the standard outlined in (1) through (4) has been met, the Applicant must submit:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | –           |

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| <b>Requirement</b>                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Location</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| (a) Information about the applicant and participating persons, including:                                                                                                                                                                                                                                                                                                                                                             | Section 2.0     |
| (A) The name and address of the applicant including all co-owners of the proposed facility, the name, mailing address, email address and telephone number of the contact person for the application, and if there is a contact person other than the applicant, the name, title, mailing address, email address and telephone number of that person;                                                                                  | Section 2.1     |
| (B) The contact name, mailing address, email address and telephone number of all participating persons, other than individuals, including but not limited to any parent corporation of the applicant, persons upon whom the applicant will rely for third-party permits or approvals related to the facility, and, if known, other persons upon whom the applicant will rely in meeting any facility standard adopted by the Council; | Section 2.2     |
| (C) If the applicant is a corporation:                                                                                                                                                                                                                                                                                                                                                                                                | Section 2.3     |
| (i) The full name, official designation, mailing address, email address and telephone number of the officer responsible for submitting the application;                                                                                                                                                                                                                                                                               | Section 2.3.1   |
| (ii) The date and place of its incorporation;                                                                                                                                                                                                                                                                                                                                                                                         | Section 2.3.2   |
| (iii) A copy of its articles of incorporation and its authorization for submitting the application; and                                                                                                                                                                                                                                                                                                                               | Section 2.3.3   |
| (iv) In the case of a corporation not incorporated in Oregon, the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon;                                                                                                                                                                                                                                                 | Section 2.3.4   |
| (D) If the applicant is a wholly owned subsidiary of a company, corporation or other business entity, in addition to the information required by paragraph (C), the full name and business address of each of the applicant's full or partial owners;                                                                                                                                                                                 | Section 2.4     |
| (E) If the applicant is an association of citizens, a joint venture or a partnership:                                                                                                                                                                                                                                                                                                                                                 | Section 2.5     |
| (i) The full name, official designation, mailing address, email address and telephone number of the person responsible for submitting the application;                                                                                                                                                                                                                                                                                | Section 2.5     |
| (ii) The name, business address and telephone number of each person participating in the association, joint venture or partnership and the percentage interest held by each;                                                                                                                                                                                                                                                          | Section 2.5     |
| (iii) Proof of registration to do business in Oregon;                                                                                                                                                                                                                                                                                                                                                                                 | Section 2.5     |
| (iv) A copy of its articles of association, joint venture agreement or partnership agreement and a list of its members and their cities of residence; and                                                                                                                                                                                                                                                                             | Section 2.5     |
| (v) If there are no articles of association, joint venture agreement or partnership agreement, the applicant must state that fact over the signature of each member;                                                                                                                                                                                                                                                                  | Section 2.5     |
| (F) If the applicant is a public or governmental entity:                                                                                                                                                                                                                                                                                                                                                                              | Section 2.6     |
| (i) The full name, official designation, mailing address, email address and telephone number of the person responsible for submitting the application; and                                                                                                                                                                                                                                                                            | Section 2.6     |
| (ii) Written authorization from the entity's governing body to submit an application;                                                                                                                                                                                                                                                                                                                                                 | Section 2.6     |
| (G) If the applicant is an individual, the individual's mailing address, email address and telephone number; and                                                                                                                                                                                                                                                                                                                      | Section 2.7     |
| (H) If the applicant is a limited liability company:                                                                                                                                                                                                                                                                                                                                                                                  | Section 2.8     |
| (i) The full name, official designation, mailing address, email address and telephone number of the officer responsible for submitting the application;                                                                                                                                                                                                                                                                               | Section 2.8     |
| (ii) The date and place of its formation;                                                                                                                                                                                                                                                                                                                                                                                             | Section 2.8     |
| (iii) A copy of its articles of organization and its authorization for submitting the application; and                                                                                                                                                                                                                                                                                                                                | Section 2.8     |

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| <b>Requirement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Location</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| (iv) In the case of a limited liability company not registered in Oregon, the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon.                                                                                                                                                                                                                                                                                     | Section 2.8     |
| (b) Information about the organizational expertise of the applicant to construct and operate the proposed facility, including:                                                                                                                                                                                                                                                                                                                                                        | Section 3.0     |
| (A) The applicant's previous experience, if any, in constructing and operating similar facilities;                                                                                                                                                                                                                                                                                                                                                                                    | Section 3.1     |
| (B) The qualifications of the applicant's personnel who will be responsible for constructing and operating the facility, to the extent that the identities of such personnel are known when the application is submitted;                                                                                                                                                                                                                                                             | Section 3.2     |
| (C) The qualifications of any architect, engineer, major component vendor, or prime contractor upon whom the applicant will rely in constructing and operating the facility, to the extent that the identities of such persons are known when the application is submitted;                                                                                                                                                                                                           | Section 3.3     |
| (D) The past performance of the applicant, including but not limited to the number and severity of any regulatory citations in constructing or operating a facility, type of equipment, or process similar to the proposed facility;                                                                                                                                                                                                                                                  | Section 3.4     |
| (E) If the applicant has no previous experience in constructing or operating similar facilities and has not identified a prime contractor for construction or operation of the proposed facility, other evidence that the applicant can successfully construct and operate the proposed facility. The applicant may include, as evidence, a warranty that it will, through contracts, secure the necessary expertise;                                                                 | Section 3.5     |
| (F) 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, a description of the program; and                                                                                                                                                                                                                                                                                           | Section 3.6     |
| (G) If the applicant relies on mitigation to demonstrate compliance with any standards of Division 22 or 24 of this chapter, evidence that the applicant can successfully complete such proposed mitigation, including past experience with other projects and the qualifications and experience of personnel upon whom the applicant will rely, to the extent that the identities of such persons are known at the date of submittal.                                                | Section 3.7     |
| (c) Information about permits needed for construction and operation of the facility, including:                                                                                                                                                                                                                                                                                                                                                                                       | Section 4.0     |
| (A) Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each permit, and the name, mailing address, email address and telephone number of the agency or office responsible for each permit;                                                                                                                                                                | Section 4.1     |
| (B) A description of each permit, the reasons the permit is needed for construction or operation of the facility and the applicant's analysis of whether the permit should or should not be included in and governed by the site certificate;                                                                                                                                                                                                                                         | Section 4.1     |
| (C) For any state or local government agency permits, licenses or certificates that are proposed to be included in and governed by the site certificate, evidence to support findings by the Council that construction and operation of the proposed facility will comply with the statutes, rules and standards applicable to the permit. For permits related to wetlands and water rights the applicant may show this evidence in the State and Local Laws and Regulations Exhibit. | Section 4.2     |
| (D) For federally-delegated permit applications, evidence that the responsible agency has received a permit application and the estimated date when the responsible agency will complete its review and issue a permit decision;                                                                                                                                                                                                                                                      | Section 4.3     |
| (E) If the applicant relies on a state or local government permit or approval issued to a third party, identification of any such third-party permit and for each:                                                                                                                                                                                                                                                                                                                    | Section 4.4     |

**Request for Amendment 5**  
**Exhibit A. Organizational Expertise**

| <b>Requirement</b>                                                                                                                                                                                           | <b>Location</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| (i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit; | Section 4.4     |
| (ii) Evidence that the third party has, or has a reasonable likelihood of obtaining, the necessary permit;                                                                                                   | Section 4.4     |
| (iii) An assessment of the impact of the proposed facility on any permits that a third party has obtained and on which the applicant relies to comply with any applicable Council standard;                  | Section 4.4     |
| (F) If the applicant relies on a federally-delegated permit issued to a third party, identification of any such third-party permit and for each:                                                             | Section 4.5     |
| (i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit; | Section 4.5     |
| (ii) Evidence that the responsible agency has received a permit application;                                                                                                                                 | Section 4.5     |
| (iii) The estimated the date when the responsible agency will complete its review and issue a permit decision; and                                                                                           | Section 4.5     |
| (G) The applicant's proposed monitoring program, if any, for compliance with permit conditions.                                                                                                              | Section 4.6     |

## **Attachment A-1. Articles of Incorporation**

# State of Oregon

OFFICE OF THE SECRETARY OF STATE  
Corporation Division

## Certified Copy 729U304B7

I, LAVONNE GRIFFIN-VALADE, Secretary of State of Oregon, and Custodian of the Seal of said State, do hereby certify:

*That the attached*

Copy of the

Restated

Articles of Incorporation

*for*

PORTLAND GENERAL ELECTRIC COMPANY

*is a true copy of the original document(s).*

*In Testimony Whereof, I have hereunto set  
my hand and affixed hereto the Seal of the  
State of Oregon.*



*Lavonne Griffin-Valade*

LAVONNE GRIFFIN-VALADE, SECRETARY OF STATE

7/31/2023



# Restated Articles of Incorporation - Business/Professional

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - <http://www.FilingInOregon.com> - Phone: (503) 986-2200

FILED

MAY 07 2014

OREGON  
SECRETARY OF STATE

REGISTRY NUMBER: 034142-16

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

1) NAME OF CORPORATION: PORTLAND GENERAL ELECTRIC COMPANY

2) NEW NAME OF THE CORPORATION: (If changed) \_\_\_\_\_

3) A COPY OF THE RESTATED ARTICLES MUST BE ATTACHED: ☐

4) CHECK THE APPROPRIATE STATEMENT:

☐ The restated articles contain amendments which do not require shareholder approval. The date of the adoption of the amendments and restated articles was \_\_\_\_\_. These amendments were duly adopted by the board of directors.

☒ The restated articles contain amendments which require shareholder approval. The date of the adoption of the amendments and restated articles was 05/07/14.

The vote of the shareholders was as follows:

| Class or series of shares | Number of shares outstanding | Number of votes entitled to be cast | Number of votes cast FOR | Number of votes cast AGAINST |
|---------------------------|------------------------------|-------------------------------------|--------------------------|------------------------------|
| Common Stock              | 78,174,686                   | 78,174,686                          | 63,602,823               | 651,910                      |

☐ The corporation has not issued any shares of stock. Shareholder action was not required to adopt the restated articles. The restated articles were adopted by the Incorporators or by the board of directors.

5) EXECUTION: (Must be signed by at least one officer or director.)

By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

Signature:

Printed Name:

Title:

Marc S. Bocci

Corporate Secretary

CONTACT NAME: (To resolve questions with this filing.)

Marc S. Bocci

Business Name: (If different from above)

PORTLAND GENERAL ELECTRIC COMPA



3414216-15184168

RSTART

## FEES

Required Processing Fee \$100

Processing Fees are nonrefundable. Please make check payable to "Corporation Division."

Free copies are available at [FilingInOregon.com](http://FilingInOregon.com), using the Business Name Search program.

VOID WITHOUT WATERMARK OR IF ALTERED OR ERASED

**THIRD AMENDED AND  
RESTATED ARTICLES OF  
INCORPORATION  
OF PORTLAND GENERAL ELECTRIC  
COMPANY**

The Articles of Incorporation, as amended, of Portland General Electric Company (the "Corporation") are hereby amended and restated under 60.451 of the Oregon Business Corporation Act (the "Act"). The date of filing of the Corporation's Articles of Incorporation was July 25, 1930.

**ARTICLE I.**

**Name**

The name of the Corporation is:

**Portland General Electric Company**

**ARTICLE II.**

**Duration**

The Corporation shall exist perpetually.

**ARTICLE III.**

**Purposes**

The Corporation is organized for the following purposes:

1. To construct, purchase, lease, and otherwise acquire ownership of and improve, maintain, use and operate every type and kind of real and personal property for the generation, manufacture, production and furnishing of electric energy, and to use, furnish and sell to the public, including other corporations, towns, cities and municipalities, at wholesale and retail, electric energy.
2. To engage in any lawful activity for which corporations may be organized under the Act and any amendment thereto.
3. To engage in any lawful activity and to do anything in the operation of the Corporation or for the accomplishment of any of its purposes or for the exercise of any of its powers which shall appear necessary for or beneficial to the Corporation.

The authority conferred in this Article III shall be exercised consistently with the requirements of applicable state and federal laws and regulations governing the activities of a public utility.

**ARTICLE IV.**  
**Classes of Capital Stock**

The amount of the capital stock of the Corporation is:

**COMMON STOCK.** Common Stock of the Corporation shall consist of a class without par value consisting of 160,000,000 shares.

**PREFERRED STOCK.** Preferred Stock of the Corporation shall consist of a class without par value consisting of 30,000,000 shares issuable in series as hereinafter provided.

A statement of the preferences, limitations, and relative rights of each class of the capital stock of the Corporation, namely, the Preferred Stock without par value and the Common Stock, of the variations and relative rights and preferences as between series of the Preferred Stock insofar as the same are fixed by these Amended and Restated Articles of Incorporation (these "Articles") and of the authority vested in the Board of Directors of the Corporation to establish series of Preferred Stock, and to fix and determine the variations in the relative rights and preferences as between series insofar as the same are not fixed by these Articles is as follows:

**PREFERRED STOCK**

(a) As used in these Articles, the term "Preferred Stock" shall mean the Preferred Stock without par value. The Preferred Stock may be divided into and issued in series. Each series shall be so designated as to distinguish the shares thereof from the shares of all other series of the Preferred Stock and all other classes of capital stock of the Corporation. To the extent that these Articles shall not have established series of the Preferred Stock and fixed and determined the variations in the relative rights and preferences as between series, the Board of Directors shall have authority, and is hereby expressly vested with authority, to divide the Preferred Stock into series and, with the limitations set forth in these Articles and such limitations as may be provided by law, to fix and determine the relative rights and preferences of any series of the Preferred Stock so established. Such action by the Board of Directors shall be expressed in a resolution or resolutions adopted by it prior to the issuance of shares of each series, which resolution or resolutions shall also set forth the distinguishing designation of the particular series of the Preferred Stock established thereby. Without limiting the generality of the foregoing, authority is hereby expressly vested in the Board of Directors to fix and determine with respect to any series of the Preferred Stock:

- (1) The rate of dividend;
- (2) The price at which and the terms and conditions on which shares may be sold or redeemed;
- (3) The amount payable upon shares in the event of voluntary liquidation and the amount payable in the event of involuntary liquidation, but such involuntary liquidation amount shall not exceed the price at which the shares may be sold as fixed in the resolution or resolutions creating the series;
- (4) Sinking fund provisions for the redemption or purchase of shares; and
- (5) The terms and conditions on which shares may be converted.

All shares of the Preferred Stock of the same series shall be identical except that shares of the same series issued at different times may vary as to the dates from which dividends thereon shall be cumulative; and all shares of the Preferred Stock, irrespective of series, shall constitute one and the same class of stock, shall be of equal rank, and shall be identical except as to the designation thereof, the date or dates from which dividends on shares thereof shall be cumulative, and the relative rights and preferences set forth above in clauses (1) through (5) of this subdivision (a), as to which there may be variations between different series. Except as may be otherwise provided by law, by subdivision (g) of this Article IV, or by the resolutions establishing any series of Preferred Stock in accordance with the foregoing provisions of this subdivision (a), whenever the presence, written consent, affirmative vote, or other action on the part of the holders of the Preferred Stock may be required for any purpose, such consent, vote or other action shall be taken by the holders of the Preferred Stock as a single body irrespective of series and shall be determined by weighing the vote cast for each share so as to reflect the involuntary liquidation amount fixed in the resolution or resolutions creating the series, such that each share shall have one vote per \$100 of involuntary liquidation value.

(b) The holders of shares of the Preferred Stock of each series shall be entitled to receive dividends, when and as declared by the Board of Directors, out of any funds legally available for the payment of dividends, at the annual rate fixed and determined with respect to each series in accordance with subdivision (a) of this Article IV, and no more, payable quarterly on the first days of January, April, July and October in each year or on such other date or dates as the Board of Directors shall determine. Such dividends shall be cumulative in the case of shares of each series either from the date of issuance of shares of such series or from the first day of the current dividend period within which shares of such series shall be issued, as the Board of Directors shall determine, so that if dividends on all outstanding shares of each particular series of the Preferred Stock, at the annual dividend rates fixed and determined by the Board of Directors for the respective series, shall not have been paid or declared and set apart for payment for all past dividend periods and for the then current dividend periods, the deficiency shall be fully paid or dividends equal thereto declared and set apart for payment at said rates before any dividends on the Common Stock shall be paid or declared and set apart for payment. In the event more than one series of the Preferred Stock shall be outstanding, the Corporation, in making any dividend payment on the Preferred Stock, shall make payments ratably upon all outstanding shares of the Preferred Stock in proportion to the amount of dividends accumulated thereon to the date of such dividend payment. No interest, or sum of money in lieu of interest, shall be payable in respect of any dividend payment or payments which may be in arrears.

(c) In the event of any dissolution, liquidation or winding up of the Corporation, before any distribution or payment shall be made to the holders of the Common Stock, the holders of the Preferred Stock of each series then outstanding shall be entitled to be paid out of the net assets of the Corporation available for distribution to its shareholders the respective involuntary liquidation amount for each share as fixed and determined with respect to each series in accordance with subdivision (a) of this Article IV, plus in all cases unpaid accumulated dividends thereon, if any, to the date of payment, and no more, unless such dissolution, liquidation or winding up shall be voluntary, in which event the amount which such holders shall be entitled so to be paid shall be the respective voluntary liquidation amounts per share fixed and determined with respect to each series in accordance with subdivision (a) of this Article IV, and no more. If upon any dissolution, liquidation or winding up of the Corporation, whether

voluntary or involuntary, the net assets of the Corporation available for distribution to its shareholders shall be insufficient to pay the holders of all outstanding shares of Preferred Stock of all series the full amounts to which they shall be respectively entitled as aforesaid, the entire net assets of the Corporation available for distribution shall be distributed ratably to the holders of all outstanding shares of Preferred Stock of all series in proportion to the amounts to which they shall be respectively so entitled. For the purposes of this subdivision (c), any dissolution, liquidation or winding up which may arise out of or result from the condemnation or purchase of all or a major portion of the properties of the Corporation by (1) the United States Government or any authority, agency or instrumentality thereof, (2) a State of the United States or any political subdivision, authority, agency or instrumentality thereof, or (3) a district, cooperative or other association or entity not organized for profit, shall be deemed to be an involuntary dissolution, liquidation or winding up; and a consolidation, merger or amalgamation of the Corporation with or into any other corporation or corporations shall not be deemed to be a dissolution, liquidation or winding up of the Corporation, whether voluntary or involuntary.

(d) Subject to the limitations set forth in subdivision (c) of Article V, the Preferred Stock of all series, or of any series thereof, or any part of any series thereof, at any time outstanding, may be redeemed by the Corporation, at its election expressed by resolution of the Board of Directors, at any time or from time to time, at the then applicable redemption price fixed and determined with respect to each series in accordance with subdivision (a) of this Article IV. If less than all of the shares of any series are to be redeemed, the redemption shall be made either pro rata or by lot in such manner as the Board of Directors shall determine.

In the event the Corporation shall so elect to redeem shares of the Preferred Stock, notice of the intention of the Corporation to do so and of the date and place fixed for redemption shall be mailed not less than thirty days before the date fixed for redemption to each holder of shares of the Preferred Stock to be redeemed at his address as it shall appear on the books of the Corporation, and on and after the date fixed for redemption and specified in such notice (unless the Corporation shall default in making payment of the redemption price), such holders shall cease to be shareholders of the Corporation with respect to such shares and shall have no interest in or claim against the Corporation with respect to such shares, excepting only the right to receive the redemption price therefor from the Corporation on the date fixed for redemption, without interest, upon endorsement, if required, and surrender of their certificates for such shares.

Contemporaneously with the mailing of notice of redemption of any shares of the Preferred Stock as aforesaid or at any time thereafter on or before the date fixed for redemption, the Corporation may, if it so elects, deposit the aggregate redemption price of the shares to be redeemed with any bank or trust company doing business in the City of New York, N. Y., the City of Chicago, Illinois, the City of San Francisco, California, or the City of Portland, Oregon, having a capital and surplus of at least \$5,000,000, named in such notice, payable on the date fixed for redemption in the proper amounts to the respective holders of the shares to be redeemed, upon endorsement, if required, and surrender of their certificates for such shares, and on and after the making of such deposit such holders shall cease to be shareholders of the Corporation with respect to such shares and shall have no interest in or claim against the Corporation with respect to such shares, excepting only the right to exercise such redemption or exchange rights, if any, on or before the date fixed for redemption as may

have been provided with respect to such shares or the right to receive the redemption price of their shares from such bank or trust company on the date fixed for redemption, without interest, upon endorsement, if required, and surrender of their certificates for such shares.

If the Corporation shall have elected to deposit the redemption moneys with a bank or trust company as permitted by this subdivision (d), any moneys so deposited which shall remain unclaimed at the end of six years after the redemption date shall be repaid to the Corporation, and upon such repayment holders of Preferred Stock who shall not have made claim against such moneys prior to such repayment shall be deemed to be unsecured creditors of the Corporation for an amount, without interest, equal to the amount they would theretofore have been entitled to receive from such bank or trust company. Any redemption moneys so deposited which shall not be required for such redemption because of the exercise, after the date of such deposit, of any right of conversion or exchange or otherwise, shall be returned to the Corporation forthwith. The Corporation shall be entitled to receive any interest allowed by any bank or trust company on any moneys deposited with such bank or trust company as herein provided, and the holders of any shares called for redemption shall have no claim against any such interest.

Except as set forth in subdivision (c) of Article V, nothing herein contained shall limit any legal right of the Corporation to purchase or otherwise acquire any shares of the Preferred Stock.

(e) The holders of shares of the Preferred Stock shall have no right to vote in the election of directors or for any other purpose except as may be otherwise provided by law, by subdivisions (f), (g) and (h) of this Article IV, or by resolutions establishing any series of Preferred Stock in accordance with subdivision (a) of this Article IV. Holders of Preferred Stock shall be entitled to notice of each meeting of shareholders at which they shall have any right to vote, but shall not be entitled to notice of any other meeting of shareholders.

(f) If at any time dividends payable on any share or shares of Preferred Stock shall be in arrears in an amount equal to four full quarterly dividends or more per share, a default in preferred dividends for the purpose of this subdivision (f) shall be deemed to have occurred, and, having so occurred, such default shall be deemed to exist thereafter until, but only until, all unpaid accumulated dividends on all shares of Preferred Stock shall have been paid to the last preceding dividend period. If and whenever a default in preferred dividends shall occur, a special meeting of shareholders of the Corporation shall be held for the purpose of electing directors upon the written request of the holders of at least 10% of the Preferred Stock then outstanding. Such meeting shall be called by the secretary of the Corporation upon such written request and shall be held at the earliest practicable date upon like notice as that required for the annual meeting of shareholders of the Corporation and at the place for the holding of such annual meeting. If notice of such special meeting shall not be mailed by the secretary within thirty days after personal service of such written request upon the secretary of the Corporation or within thirty days of mailing the same in the United States of America by registered mail addressed to the secretary at the principal office of the Corporation, then the holders of at least 10% of the Preferred Stock then outstanding may designate in writing one of their number to call such meeting and the person so designated may call such meeting upon like notice as that required for the annual meeting of shareholders and to be held at the place for the holding of such annual

meeting. Any holder of Preferred Stock so designated shall have access to the stock books of the Corporation for the purpose of causing a meeting of shareholders to be called pursuant to the foregoing provisions of this paragraph.

At any such special meeting, or at the next annual meeting of shareholders of the Corporation for the election of directors and at each other meeting, annual or special, for the election of directors held thereafter (unless at the time of any such meeting such default in preferred dividends shall no longer exist), the holders of the outstanding Preferred Stock, voting separately as herein provided, shall have the right to elect the smallest number of directors which shall constitute at least one-fourth of the total number of directors of the Corporation, or two directors, whichever shall be the greater, and the holders of the outstanding shares of Common Stock, voting as a class, shall have the right to elect all other members of the Board of Directors, anything herein or in the Bylaws of the Corporation to the contrary notwithstanding. The terms of office, as directors, of all persons who may be directors of the Corporation at any time when such special right to elect directors shall become vested in the holders of the Preferred Stock shall terminate upon the election of any new directors to succeed them as aforesaid.

At any meeting, annual or special, of the Corporation, at which the holders of Preferred Stock shall have the special right to elect directors as aforesaid, the presence in person or by proxy of the holders of a majority of the Preferred Stock then outstanding shall be required to constitute a quorum of such stock for the election of directors, and the presence in person or by proxy of the holders of a majority of the Common Stock then outstanding shall be required to constitute a quorum of such stock for the election of directors; provided, however, that the absence of a quorum of the holders of either stock shall not prevent the election at any such meeting or adjournment thereof of directors by the other stock if the necessary quorum of the holders of such other stock shall be present at such meeting or any adjournment thereof; and, provided further, that in the absence of a quorum of holders of either stock a majority of the holders of such stock who are present in person or by proxy shall have power to adjourn the election of the directors to be elected by such stock from time to time, without notice other than announcement at the meeting, until the requisite quorum of holders of such stock shall be present in person or by proxy, but no such adjournment shall be made to a date beyond the date for the mailing of the notice of the next annual meeting of shareholders of the Corporation or special meeting in lieu thereof.

So long as a default in preferred dividends shall exist, any vacancy in the office of a director elected by the holders of the Preferred Stock may be filled at any meeting of shareholders, annual or special, for the election of directors held thereafter, and a special meeting of shareholders, or of the holders of shares of the Preferred Stock, may be called for the purpose of filling any such vacancy. So long as a default in preferred dividends shall exist, any vacancy in the office of a director elected by the holders of the Common Stock may be filled by majority vote of the remaining directors elected by the holders of Common Stock.

If and when the default in preferred dividends which permitted the election of directors by the holders of the Preferred Stock shall cease to exist, the holders of the Preferred Stock shall be divested of any special right with respect to the election of directors, and the voting power of the holders of the Preferred Stock and of the holders of the Common Stock shall revert to the status existing before the first dividend payment date on which dividends on the Preferred Stock were not paid in full, subject to

revesting in the event of each and every subsequent like default in preferred dividends. Upon the termination of any such special right, the terms of office of all persons who may have been elected directors by vote of the holders of the Preferred Stock pursuant to such special right shall forthwith terminate, and the resulting vacancies shall be filled by the majority vote of the remaining directors.

(g) So long as any shares of the Preferred Stock shall be outstanding, the Corporation shall not without the written consent or affirmative vote of the holders of at least two-thirds of the Preferred Stock then outstanding, (1) create or authorize any new stock ranking prior to the Preferred Stock as to dividends or upon dissolution, liquidation or winding up, or (2) amend, alter or repeal any of the express terms of the Preferred Stock then outstanding in a manner substantially prejudicial to the holders thereof. Notwithstanding the foregoing provisions of this subdivision (g), if any proposed amendment, alteration or repeal of any of the express terms of any outstanding shares of the Preferred Stock would be substantially prejudicial to the holders of shares of one or more, but not all, of the series of the Preferred Stock, only the written consent or affirmative vote of the holders of at least two-thirds of the total number of outstanding shares of all series so affected shall be required. Any affirmative vote of the holders of the Preferred Stock, or of any one or more series thereof, which may be required in accordance with the foregoing provisions of this subdivision (g), upon a proposal to create or authorize any stock ranking prior to the Preferred Stock or to amend, alter or repeal the express terms of outstanding shares of the Preferred Stock or of any one or more series thereof in a manner substantially prejudicial to the holders thereof may be taken at a special meeting of the holders of the Preferred Stock or of the holders of one or more series thereof called for the purpose, notice of the time, place and purposes of which shall have been given to the holders of the shares of the Preferred Stock entitled to vote upon any such proposal, or at any meeting, annual or special, of the shareholders of the Corporation, notice of the time, place and purposes of which shall have been given to holders of shares of the Preferred Stock entitled to vote on such a proposal.

(h) So long as any shares of the Preferred Stock shall be outstanding, the Corporation shall not, without the written consent or affirmative vote of the holders of at least a majority of the Preferred Stock then outstanding:

(1) issue any shares of Preferred Stock, or of any other class of stock ranking prior to or on a parity with the Preferred Stock as to dividends or upon dissolution, liquidation or winding up, unless (a) the net income of the Corporation available for the payment of dividends for a period of twelve consecutive calendar months within the fifteen calendar months immediately preceding the issuance of such shares (including, in any case in which such shares are to be issued in connection with the acquisition of new property, the net income of the property so to be acquired, computed on the same basis as the net income of the Corporation) is at least equal to two times the annual dividend requirements on all shares of the Preferred Stock, and on all shares of all other classes of stock ranking prior to or on a parity with the Preferred Stock as to dividends or upon dissolution, liquidation or winding up, which will be outstanding immediately after the issuance of such shares, including the shares proposed to be issued, and (b) the gross income (defined as the sum of net income and interest charges, to securities evidencing indebtedness deducted in arriving at such net income) of the Corporation available for the payment of interest for a period of twelve consecutive calendar months within the fifteen calendar months immediately preceding the issuance of such shares (including, in any case in

which such shares are to be issued in connection with the acquisition of new property, the gross income, as heretofore defined, of the property so to be acquired, computed on the same basis as the gross income, as heretofore defined, of the Corporation) is at least equal to one and one-half times the aggregate of the annual interest requirements on all securities evidencing indebtedness of the Corporation, and the annual dividend requirements on all shares of the Preferred Stock and on all shares of all other classes of stock ranking prior to or on a parity with the Preferred Stock as to dividends or upon dissolution, liquidation or winding up, which will be outstanding immediately after the issuance of such shares, including the shares proposed to be issued; or

(2) issue any shares of the Preferred Stock, or of any other class of stock ranking prior to or on a parity with the Preferred Stock as to dividends or upon dissolution, liquidation or winding up, unless the aggregate of the capital of the Corporation applicable to the Common Stock and the surplus of the Corporation (paid-in, earned or other, if any) shall be not less than the aggregate amount payable on the involuntary dissolution, liquidation, or winding up of the Corporation on all shares of the Preferred Stock, and on all shares of all other classes of stock ranking prior to or on a parity with the Preferred Stock as to dividends or upon dissolution, liquidation or winding up, which will be outstanding immediately after the issuance of such shares, including the shares proposed to be issued; provided, however, that if, for the purposes of meeting the requirements of this subparagraph (2), it shall become necessary to take into consideration any surplus of the Corporation, the Corporation shall not thereafter pay any dividends on shares of the Common Stock which would result in reducing the aggregate of the capital of the Corporation applicable to the Common Stock and the surplus of the Corporation to an amount less than the aggregate amount payable on involuntary dissolution, liquidation or winding up of the Corporation, on all shares of the Preferred Stock and of any stock ranking prior to or on a parity with the Preferred Stock, as to dividends or upon dissolution, liquidation or winding up, at the time outstanding.

In any case where it would be appropriate, under generally accepted accounting principles, to combine or consolidate the financial statements of any predecessor or subsidiary of the Corporation with those of the Corporation, the foregoing computations may be made on the basis of such combined or consolidated financial statements. Any affirmative vote of the holders of the Preferred Stock which may be required in accordance with the foregoing provisions of this subdivision (h) may be taken at a special meeting of the holders of the Preferred Stock called for the purpose, notice of the time, place and purposes of which shall have been given to the holders of the outstanding shares of the Preferred Stock, or at any meeting, regular or special, of the shareholders of the Corporation, notice of the time, place and purposes of which shall have been given to the holders of the outstanding shares of the Preferred Stock.

## COMMON STOCK

(i) Subject to the limitations set forth in subdivision (b) of this Article IV (and subject to the rights of any class of stock hereafter authorized) dividends may be paid upon the Common Stock when and as declared by the Board of Directors of the Corporation out of any funds legally available for the payment of dividends.

(j) Subject to the limitations set forth in subdivision (c) of this Article IV (and subject to the rights of any other class of stock hereafter authorized), upon any dissolution, liquidation or winding up of the Corporation, whether voluntary or involuntary, the net assets of the Corporation shall be distributed ratably to the holders of the Common Stock.

(k) Subject to the limitations set forth in subdivisions (f), (g), and (h) of this Article IV (and subject to the rights of any class of stock hereafter created), and except as may be otherwise provided by law, the holders of the Common Stock shall have the exclusive right to vote for the election of directors and for all other purposes.

(l) Upon the issuance for money or other consideration of any shares of capital stock of the Corporation, or of any security convertible into capital stock of the Corporation, no holder of shares of the capital stock, irrespective of the class or kind thereof, shall have any preemptive or other right to subscribe for, purchase, or receive any proportionate or other amount of such shares of capital stock, or such security convertible into capital stock, proposed to be issued; and the Board of Directors may cause the Corporation to dispose of all or any of such shares of capital stock, or of any such security convertible into capital stock, as and when said Board may determine, free of any such right, either by offering the same to the Corporation's then shareholders or by otherwise selling or disposing of such shares or other securities, as the Board of Directors may deem advisable.

(m) The Corporation from time to time, with the approving vote of the holders of at least a majority of its then outstanding shares of Common Stock, may authorize additional shares of its capital stock, with or without nominal or par value, including shares of such other class or classes, and having such designations, preferences, rights, and voting powers, or restrictions or qualifications thereof, as may be approved by such vote and be stated in amended or restated articles of incorporation executed and filed in the manner provided by law.

(n) The provisions of subdivision (l) and of this subdivision (n) of this Article IV shall not be changed unless the holders of at least a majority of the outstanding shares of Common Stock shall consent thereto in writing, or by vote at a meeting in the notice of which action on the proposed change shall have been set forth.

## ARTICLE V.

### Designation of Series Preferred Stock

7.75% SERIES CUMULATIVE PREFERRED STOCK, WITHOUT PAR VALUE.

7.75% Series Cumulative Preferred Stock, Without Par Value of the Corporation shall consist of 300,000 shares. Such series of Preferred Stock is hereinafter referred to as "Preferred Stock of the First Series, Without Par Value." Shares of Preferred Stock of the First Series, Without Par Value shall have the following relative rights and preferences in addition to those fixed in Article IV above:

(a) The rate of dividend payable upon shares of Preferred Stock of the

First Series, Without Par Value shall be 7.75 percent per annum. Dividends upon shares of Preferred Stock of the First Series, Without Par Value shall be cumulative from the date of original issue and shall be payable on the 15th day of January, April, July and October of each year thereafter.

(b) Subject to the provisions of subdivision (d) of Article IV of the Articles, prior to June 15, 2002, and prior to June 15 in each year thereafter until June 15, 2006, so long as any of the Preferred Stock of the First Series, Without Par Value shall remain outstanding, the Corporation shall deposit with its Transfer Agent, as a Sinking Fund for the Preferred Stock of the First Series, Without Par Value, an amount sufficient to redeem a minimum of 15,000 shares of the Preferred Stock of the First Series, Without Par Value, plus an amount equal to dividends accrued thereon to each such June 15 and, in addition, the Corporation may, at its option, prior to each such June 15, deposit an amount sufficient to retire through the operation of the Sinking Fund not more than 15,000 additional shares of Preferred Stock of the First Series, Without Par Value, but the right to make such optional deposit shall not be cumulative and shall not reduce any subsequent mandatory Sinking Fund payment for the Preferred Stock of the First Series, Without Par Value, and prior to June 15, 2007 the Corporation shall deposit with its Transfer Agent, as the final Sinking Fund payment, an amount sufficient to redeem all shares of the Preferred Stock of the First Series, Without Par Value outstanding on June 15, 2007. The Corporation shall not declare or pay or set apart for, or make or order any other distribution in respect of, or purchase or otherwise acquire for value any shares of, the Common Stock of the Corporation, or any class of stock as to which the Preferred Stock of the Corporation has priority as to payments of dividends, unless all amounts required to be paid or set aside for any Sinking Fund payment to retire shares of the Preferred Stock of the First Series, Without Par Value, shall have been paid or set aside. The Corporation's Transfer Agent shall, in accordance with the provisions set forth herein, apply the moneys in the Sinking Fund to redeem (i) pro rata, or by lot if so determined by the Board of Directors, on June 15, 2002, and on June 15 in each year thereafter until June 15, 2006, shares of the Preferred Stock of the First Series, Without Par Value, and (ii) on June 15, 2007 all outstanding shares of Preferred Stock of the First Series, Without Par Value, in each case at One Hundred Dollars (\$100.00) per share plus dividends accrued to the date of redemption. The Corporation may, upon notice to its Transfer Agent prior to a date 45 days prior to June 15 in any year, commencing with the year 2002 through and including the year 2006, in which the Corporation shall be obligated to redeem shares of the Preferred Stock of the First Series, Without Par Value through the operation of the Sinking Fund, elect to reduce its obligation in respect of the redemption of shares required to be redeemed pursuant to the Sinking Fund by directing that any shares of the Preferred Stock of the First Series, Without Par Value previously purchased by the Corporation (other than shares purchased pursuant to the operation of the Sinking Fund or previously applied as a credit against the Sinking Fund) shall be applied as a credit, in whole or in part, in an amount equal to the aggregate liquidation value of the shares so applied, against the aggregate liquidation value of the shares required to be redeemed in such year pursuant to the operation of the Sinking Fund.

(c) The Preferred Stock of the First Series, Without Par Value shall not be subject to redemption, except pursuant to the Sinking Fund established for such Series.

(d) In the event of (i) any voluntary dissolution, liquidation or winding up of the Corporation, holders of the Preferred Stock of the First Series, Without Par Value shall be entitled to be paid out of the net assets of the Corporation available for distribution to its shareholders One Hundred Dollars (\$100.00) per share, plus unpaid

accumulated dividends thereon, if any, to the date of payment, and no more, and (ii) any involuntary dissolution, liquidation or winding up of the Corporation, holders of the Preferred Stock of the First Series, Without Par Value shall be entitled to be paid out of the net assets of the Corporation One Hundred Dollars (\$100.00) per share, plus unpaid accumulated dividends thereon, if any, to the date of payment, and no more.

#### **ARTICLE VI. Vacancy on Board of Directors**

Any vacancy occurring on the Board of Directors, including a vacancy created by reason of an increase in the number of directors, may be filled by the affirmative vote of a majority of directors then in office, although less than a quorum, provided that so long as a default in preferred dividends shall exist, any vacancy in the office of a director elected by the holders of the Preferred Stock may be filled only as provided in subdivision (f) of Article IV.

#### **ARTICLE VII. Limitation of Liability**

To the fullest extent permitted by law, no director of the Corporation shall be personally liable to the Corporation or its shareholders for monetary damages for conduct as a director. No amendment or repeal of this provision shall adversely affect any right or protection of a director existing at the time of such amendment or repeal. No change in the law shall reduce or eliminate the right and protections applicable at the time this provision became effective unless the change in law shall specifically require such reduction or elimination. If the law is amended, after this Article VII shall become effective, to authorize corporate action further eliminating or limiting the personal liability of directors, officers, employees or agents of the Corporation, then the liability of directors, officers, employees or agents of the Corporation shall be eliminated or limited to the fullest extent permitted by the law, as so amended.

#### **ARTICLE VIII. Indemnification**

The Corporation may indemnify to the fullest extent permitted by law any person who is made or threatened to be made a party to, witness in, or otherwise involved in, any action, suit, or proceeding, whether civil, criminal, administrative, investigative, or otherwise (including an action, suit, or proceeding by or in the right of the Corporation) by reason of the fact that the person is or was a director, officer, employee or agent of the Corporation or any of its subsidiaries, or a fiduciary within the meaning of the Employee Retirement Income Security Act of 1974, as amended, with respect to any employee benefit plan of the Corporation or any of its subsidiaries, or serves or served at the request of the Corporation as a director, officer, employee or agent, or as a fiduciary of an employee benefit plan, of another corporation, partnership, joint venture, trust or other enterprise. Any indemnification provided pursuant to this Article VIII shall not be exclusive of any rights to which the person indemnified may otherwise be entitled under any provision of articles of incorporation, bylaws, agreement, statute, policy of insurance, vote of shareholders or Board of Directors, or otherwise.

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**ARTICLE IX.  
Shareholder Action Without a Meeting**

Except as otherwise provided under these Articles of Incorporation and applicable law, and subject to restrictions on the taking of shareholder action without a meeting under applicable law or rules of a national securities association or exchange, action required or permitted by the Act to be taken at a shareholders' meeting may be taken without a meeting if the action is taken by shareholders having not less than the minimum number of votes that would be necessary to take such action at a meeting at which all shareholders entitled to vote on the action were present and voted.

**ARTICLE X.  
Majority Voting in Uncontested Elections**

Except as otherwise provided under these Articles of Incorporation and applicable law, in any election of directors of the Corporation at a meeting of shareholders at which a quorum is present, each director shall be elected if the number of votes cast "for" the director exceeds the number of votes cast "against" the director; provided, however, that directors shall be elected by a plurality of the votes cast at any meeting of shareholders for which the Secretary of the Corporation determines that the number of nominees exceeds the number of directors to be elected as of the date seven days prior to the scheduled mailing date of the Corporation's definitive proxy statement for such meeting.

## **Attachment A-2. Authorization Letter**

**INCUMBENCY CERTIFICATE  
PORTLAND GENERAL ELECTRIC COMPANY**

I, Kristina Benson, hereby certify that I am a duly elected, qualified and acting Assistant Corporate Secretary of Portland General Electric Company. I further certify that as of the date of this Certificate:

1. Forrest Carithers is Senior Director, Environmental Health and Safety for Portland General Electric Company.
2. As Senior Director, Environmental Health and Safety for Portland General Electric Company, Forrest Carithers is authorized to act on behalf of the company and execute and submit the Request for Amendment 5 of the Biglow Canyon Wind Farm Site Certificate.
3. That the signature below set opposite Forrest Carithers' name and title is his genuine signature.

**Name**

**Title**

**Signature**

Forrest Carithers

Senior Director, Environmental  
Health and Safety



IN WITNESS WHEREOF, I have executed this Certificate on the 29<sup>th</sup> day of September, 2026.



Kristina Benson  
Assistant Corporate Secretary