

September 9, 2021
Executive Directors Report
Mike McArthur

We will cover these issues under the consent agenda:

Finance - August financials are normal with the exception of “other legal” which includes the \$10K for LUBA appeal. We are expecting the donation from NewSun Community Foundation will offset this expense. If that contribution doesn’t come through we will have to re-evaluate legal strategies.

Insurance - CIS insurance is renewed and we have paid the “membership” fee to AOC of \$500 to be eligible for CIS insurance.

Audit - The audit is complete and hard copies are available. It appears there are no issues with our financial management.

Annual Conference - We should discuss the program for our November annual meeting held in conjunction with AOC. I hope we can have representatives from ODOE who are staffing the small scale study and the investment fund give us an update. It looks like we should focus on federal infrastructure opportunities as well.

There are several projects underway regarding **siting**. *Diane Brandt of RNW* will be joining to talk about some of the initiatives Below are some excerpts from RNW documents. We are continuing down the three paths identified at the last meeting:

- 1) Collaboration with ODFW - Next step: consult with developers
- 2) Proposed legislation to clarify ORS 215.446 - Developing legislative concept
- 3) Appeal of LUBA decision - case has been argued and is under consideration by the Court of Appeals. Decision not expected for 6-9 months.

RNW Siting Initiative Questions (Diane Brandt will be on for this topic)

Input will be used for RNW planning purposes.

1. In your/your company's/your organization's experience, what have been the sticking points or barriers for renewable projects in Oregon? Please note if it is linked to specific policies, regulations, a particular office, etc. (Any examples and as many details/specifics as you are able to share here would be ideal.)
2. How have these barriers/sticking points specifically impacted your ability to permit/site a project? For example, did it result in an indefinite/untenable delay or outright deny/stop the project?
3. (Specific to the Energy Facility Siting Council) In an effort to help familiarize EFSC members with technical (industry) information and concepts, we are brainstorming topics and areas that would be beneficial to present to the Council. What technical concepts or areas would you like to see covered/considered?
4. What do you see as the biggest barrier to renewable energy in Oregon?
5. Any other thoughts on siting renewable energy projects in Oregon?

“Smartsiting” Guidelines

Oregon Least-Conflict siting project or the *OregonSmart Siting Collaborative* is a project facilitated by Oregon Consensus sponsored by RNW and ONDA, Defenders of Wildlife, NRDC. We participated in an initial session September 2. The idea is to develop voluntary guidelines for siting solar projects that protect wildlife and habitat.

RNW Amicus on West Prineville LUBA Appeal

Amicus was actively engaged in the development and passage of HB 2329 (2019), codified in part as ORS 215.446 – the core statute at issue in this proceeding. In fact, the Land Use Board of Appeals (“LUBA”) cited Amicus to support its interpretation of the legislative intent underlying ORS 216.446. LUBA Slip Op at 20. Amicus is therefore in a unique position to explain how, contrary to LUBA’s decision in this matter, the legislature’s intent was that counties retain final decision-making authority over renewable energy projects brought under their jurisdiction by the passage of HB 2329. This intent is reflected not only in the record but also in the plain language of the phrase “to the satisfaction of the county” in ORS 215.446. More broadly, in furtherance of its mission to decarbonize the region by accelerating the transition to renewable electricity, Amicus has an interest in ensuring that renewable energy projects can be sited in Oregon. LUBA’s decision affects that interest by adding uncertainty to the county permitting process for renewable energy facilities. This uncertainty arises in several ways: because LUBA’s decision contravenes the plain language and intent of ORS 215.446; because it would give Respondent veto power over conditional use permits for renewable energy facilities; and because it may invite additional litigation or necessitate a return to the legislature to revisit a statutory provision that most stakeholders understood to be settled following passage of HB 2329. And, perhaps more fundamentally, LUBA’s decision undermines the legislature’s intent to facilitate solar development in Oregon, consistent with the State’s overall energy policy following HB 2021 (2021) (establishing Oregon policy “[t]hat retail electricity providers rely on nonemitting electricity [and t]hat electricity generated in a manner that produces zero greenhouse gas emissions also be generated, to the maximum extent practicable, in a manner that provides additional direct benefits to communities in this state in the forms of creating and sustaining meaningful living wage jobs, promoting workforce equity and increasing energy security and resiliency”).

Possible Executive Session

If there is interest (and our lawyer allows it) I would like to discuss the appeals court case and options.

Golden Hills Problems

See article in capital press about complaint filed by 11 Sherman farmers about the impacts of the project under construction. I also have some photos to share.

Oregon RTO Study - SB 589 - The process has begun the next advisory group meeting is September 20

<https://odoe.powerappsportals.us/SB589/>

Web-ex webinar registration: <https://oregonenergy.webex.com/mw3300/mywebex/default.do?>

OPUC

AR 631 Draft Rules for QFs

The Chart summarizing the proposed changes is 22 pages long. Greg Adams has been working through the proposed rules with staff and other stakeholders. Joint comments were filed by CRREA, NIPPC and REC. Formal rule making commenced August 24.

UM 2108 Appeal -

We have filed with NewSun a motion for reconsideration in the matter of OPUCs decision supporting NewSuns appeal of Pacific Corps cue process at the Court of Appeals. NewSun is funding this work.

FERC non decision decision -

From Greg Adams: *FERC decided not to issue a declaratory ruling in the Beaver Creek petition for enforcement related to network upgrade costs, which CREA had submitted comments in support of earlier this summer. It is a short read. This is not surprising, given the current make-up of the commission, but at least we did not receive an adverse order as requested by numerous utility parties who intervened. This essentially preserves the status quo at the state level.*

Notice of Intent Not to Act re Beaver Creek Wind I, LLC et al under EL21-86 et al.

You can view the issuance at: https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20210823-3057

Advisory Committee appointments (See memo from Shannon Souza sent separately) -

According to Christy at ODOE Les will be appointed to both the advisory committee for the investment fund and the small scale study steering committee. I was told I would be on small scale study group. I was asked to support Shannon Souza for the investment fund and did as she is a good choice.

If there is time I'd like to review this report:

Oregon Clean Energy Pathways Analysis

Summary of Key Results and Recommendations

- Oregon can meet its 2035 emission reduction targets by removing coal from electricity and replacing it with new clean resources while reducing energy consumption through electrification; the state's 80% emissions reduction below 1990 emissions by 2050 target can be reached with deep electrification of transportation and buildings, and 100% clean electricity.

- Oregon contributes to regional energy solutions with offshore wind investment by 2050, exporting large amounts of clean electricity out of state; gas generators remain a capacity resource in 2045.
- Significant expansion of Oregon transmission connections to other states by 2050 will facilitate imports and exports of clean energy, taking advantage of geographic and resource diversity.
- Approximately 0.2% additional GDP per year would be required to achieve deep decarbonization in Oregon, delivering net benefits by 2040.

Key Actions in the 2030s and 2040s

- Significant investment in new renewable generation in Oregon should begin in the 2030s. Build out of onshore wind and solar should come first, followed by large and rapid investment in offshore wind between 2035 and 2050 if current price forecasts are realized.
- Early electrification is key to avoiding large decarbonization costs in the future. Oregon should strive to reach 100% electrification sales of light-duty vehicles and building appliances by 2035.
- Transmission upgrades and expansion between Oregon and surrounding states, if feasible, are part of a least cost pathway in the 2030s. Planning for these transmission lines needs to begin in the 2020s.
- Greater regional market coordination needs to be explored starting in the 2020s and in place by the 2030s to facilitate clean energy transfers across the West/United States.
- Starting in the 2040s, investment in electrolysis for clean fuels and grid balancing ramps up. While other states must develop these technologies earlier to reach emission targets, Oregon will require lower volumes of clean fuel, using it for the final push to net-zero emissions by 2050 after significant electrification in the earlier decades.
- Electrified end uses reach nearly 100% penetration in many sectors of the economy in the 2040s.
- In the 2040s, offshore wind development ramps up significantly, reaching 20 GW by the end of the decade.
- By 2050 Oregon has the mix of renewables and storage detailed in Figure 7, some of which is exported to the regional market):