

HB 3681 A STAFF MEASURE SUMMARY
Senate Committee On Energy and Environment

Carrier: Sen. Golden

Action Date: 05/12/25

Action: Do pass the A-Eng bill.

Vote: 5-0-0-0

Yeas: 5 - Golden, Pham, Robinson, Smith DB, Sollman

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 5/7, 5/12

WHAT THE MEASURE DOES:

The measure modifies the Energy Facility Siting Council contested case process for site certificate applications. The measure also changes the review criteria for a certificate of public convenience and necessity for overhead transmission lines.

Detailed summary:

Section 1 - 3. Energy Facility Siting Process:

- Directs the Energy Facility Siting Council (EFSC) to make every effort to conclude a contested case on a site certificate application and issue a final order within 12 months from the date of a proposed order.
- Specifies the earliest date that EFSC can require construction of a facility to begin is six years from the date EFSC issues a site certificate.
- Requires EFSC to include in all final orders approving or rejecting an application for a site certificate or amended site certificate any decisions related to or arising from a contested case on the application.
- Allows a limited party, in addition to a party, to a contested case proceeding to apply for rehearing within 30 days from the date the approval or rejection is served. Adds a limited party to the entities that can appeal a final order issued by EFSC.
- To appeal a final order, requires a petitioner to establish individual or associational standing by demonstrating an injury to the petitioner or petitioner's members resulting from the final order.
- Establishes that EFSC decisions related to or arising from a contested case on an application for a site certificate or amended site certificate are appealable directly to the Supreme Court.
- Allows a limited party or any other person seeking judicial review of a decision related to or arising from a contested case to apply to the Supreme Court for a stay under specified conditions.
- Authorizes EFSC to establish by rule the type of amendment that can be considered in a contested case proceeding.
- Confers judicial review solely on the Supreme Court of an EFSC decision on a site certificate amendment or decision related to or arising from a contested case on an amendment, regardless of whether the contested case was held prior to EFSC's decision. If a contested case is not held, allows only the certificate holder or persons who submitted comments on the request for an amendment in compliance with EFSC rules to seek judicial review.
- Limits a certificate holder or person to the issues raised in their comments when seeking judicial review of an EFSC decision on a site certificate amendment applications.
- Allows a person who holds a site certificate, subject to applicable rules, to request the addition of an area to an approved site boundary without the council requiring an amendment to the site certificate.

Section 4 and 5. Condemnation: Public Convenience and Necessity

- Narrows the criteria by which the Oregon Public Utility Commission (PUC) reviews a petition for a certificate of public convenience and necessity for overhead transmission lines.

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- Directs PUC to review and enter an order on such petitions without requiring a petitioner to first obtain any required land use approvals.
- Specifies that the use of a site certificate for a high voltage transmission line is conclusive evidence of public use and necessity for any condemnation proceeding.

ISSUES DISCUSSED:

- Interim electric transmission workgroup efforts
- Capacity of Oregon's transmission system
- Individuals experience with contested case process

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Large energy facility developers in Oregon must apply for a site certificate from the Energy Facility Siting Council before they can begin construction. The certificate or amended certificate authorizes the applicant to construct, operate, and retire the facility subject to the conditions set forth in the site certificate or amended site certificate. Site certificates or amended site certificates last for the duration of the life of the facility. Currently, a separate site certificate is not required for transmission lines, storage facilities, pipelines, or similar related or supporting facilities if such related or supporting facilities are addressed in and are subject to a site certificate for another energy facility (ORS 469.320).

A workgroup met during Oregon's 2023–2024 legislative interim to discuss electric transmission issues and draft potential bill language on related topics.