

HOUSE AMENDMENTS TO HOUSE BILL 2985

By COMMITTEE ON CLIMATE, ENERGY, AND ENVIRONMENT

April 15

1 On page 5 of the printed bill, delete lines 1 through 18 and insert:

2 “**SECTION 8.** ORS 756.610 is amended to read:

3 “756.610. (1)(a) **The Public Utility Commission shall include in every final order issued by**
4 **the commission and in every order issued by the commission that determines whether to**
5 **acknowledge an integrated resource plan or a clean energy plan developed pursuant to ORS**
6 **469A.415 and 469A.420 (2), or determines whether to approve or acknowledge a competitive**
7 **solicitation under the rules developed pursuant to ORS 469A.075 (4)(c):**

8 “(A) **Clear findings of fact that are not merely recitals of evidence or unsupported con-**
9 **clusions;**

10 “(B) **A statement of reasons that demonstrate whether all relevant legal standards have**
11 **been met; and**

12 “(C) **A resolution of all material issues identified or a statement that the data or argu-**
13 **ments submitted on the record are not relevant to the determination.**

14 “(b) **If the commission proposes to rely on prior orders in issuing an order, the prior**
15 **orders must also comply with the standards set forth in this subsection.**

16 “(c) **This subsection does not apply to orders issued by the commission that were not**
17 **contested.**

18 “(d) **As used in this subsection, ‘the record’ includes the administrative record of prior**
19 **commission proceedings that the order proposes to rely upon.**

20 “[*(1)(a)*] (2) Except as provided in subsections [*(2) and*] (3) and (4) of this section, final orders
21 of the [*Public Utility*] commission are subject to judicial review as orders under the provisions of
22 ORS 183.480 to 183.497.

23 “[*(b)*] *Binding rulings issued under ORS 756.450 are subject to review in the Court of Appeals in*
24 *the manner provided in ORS 183.480 for the review of orders in contested cases.*]

25 “[*(2)*] *ORS 183.482 (3) does not apply to judicial review of an order of the Public Utility Commis-*
26 *sion. At any time after filing a petition for judicial review of a final order of the commission in a*
27 *contested case, the petitioner may apply to the Court of Appeals for a stay of the order until the final*
28 *disposition of the appeal. The court may grant a stay for cause shown. As a condition of granting a*
29 *stay, the court may require a bond or other security, or impose such other conditions as the court deems*
30 *appropriate. A stay may be granted only after notice to the commission and opportunity for hearing.*
31 *Any bond required by the court must be executed in favor of the commission for the benefit of interested*
32 *persons, and may be enforced by the commission or by any interested person.*]

33 “(3) **In addition to the grounds for setting aside, modifying and remanding an order set**
34 **forth in ORS 183.482 and 183.484, the reviewing court shall set aside, modify or remand an**
35 **order of the commission if the court finds that the requirements under subsection (1) of this**

1 **section regarding the findings, statement of reasons and resolution of issues are not met.**

2 “[(3)] (4) An order of the [*Public Utility*] commission related to the petition for a certificate of
3 public convenience and necessity under ORS 758.015, where the petitioner also seeks approval from
4 the Energy Facility Siting Council for the proposed transmission line, is subject to judicial review
5 as provided in ORS 758.017.”.

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