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March 12, 2025

The Honorable John Lively
Chair, House Committee on Climate, Energy & Environment
900 Court Street, NE
Salem, OR 97301

RE: House Bill 3681-1 amendment

Chair Lively and members of the committee,

Pacific Power is an investor-owned utility that provides safe and reliable electric service to more than 620,000 customers across Oregon, primarily in rural parts of the state. Pacific Power is part of PacifiCorp, a multi-state utility that serves 2 million customers in six western states.

Pacific Power would like to recognize the work and leadership of Representative Gamba raising these issues, as transmission is truly the key to expanded and continued economic growth throughout the state in the future.

The company is providing written testimony regarding the -1 amendments to House Bill 3681. We have concerns about the impact this bill and the -1 amendments could have on the site certification process and judicial review procedures.

Specifically, Pacific Power is concerned about the changes to the standing requirements outlined in Section 2(2). The bill as introduced was designed to ensure that only parties with a legitimate interest could challenge the Energy Facility Siting Council's (EFSC) decisions. However, the -1 amendments in Sections 2(1), (2), and (4) would relax this standard and allow for judicial review by "limited parties." This is especially concerning given that Section 2(4) allows a "limited party" to seek a stay of EFSC's decision. This could significantly delay the site certification process and reduce certainty for all involved.

Additionally, Pacific Power has concerns around the provisions of Section 2(1), which requires the inclusion of interlocutory or non-final decisions within final EFSC decisions which would create more complications and unnecessary delays, potentially flooding the courts with duplicate cases and straining the judicial system.

Pacific Power acknowledges the inherent value of Section 3(1), which allows judicial review of contested case decisions to go directly to the Oregon Supreme Court. We support this change. Additionally, the provision that limits the parties who can seek review in non-contested cases—restricting it to the certificate holder and parties that

submitted comments—helps ensure a more focused and efficient review process.

Lastly, we have concerns about the revision to Section 3(4), which addresses the “minor amendment” process for site certificates. The bill as introduced allowed for minor amendments within 14 days if they satisfied Council-adopted criteria. The -1 amendment removes the 14-day requirement and introduces provisions that could allow for an expanded site boundary without requiring a Council amendment. While we understand that this change may allow for more flexibility, it could also lead to extended approval times and greater uncertainty. The previous 14-day process was beneficial for ensuring that minor amendments were handled efficiently and predictably. The removal of this 14-day process could create unnecessary delays and confusion.

In conclusion, while Pacific Power recognizes the intent of House Bill 3681 to improve the site certification and judicial review processes, we have concerns that it could lead to increased litigation, delays, and inefficiencies. We urge the committee to carefully reconsider the proposed amendments and ensure that the site certification process remains efficient, predictable, and fair for all stakeholders, including Oregon Utilities.

Pacific Power looks forward to working on the legislation to eliminate unnecessary delays to the siting and permitting process in Oregon.

Please contact me if you have questions at 971-284-6996 or reach out to Elizabeth Howe (503) 910-3270 or Shawn Miller (503) 551-7738.

Warm regards,

A handwritten signature in black ink, appearing to read "Annette Price". The signature is fluid and cursive, with a large initial "A" and a distinct "P".

Annette Price

Cc: House Committee on Climate, Energy & Environment