

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended, Be Printed Engrossed, and Rescind the Subsequent Referral to the Committee on Ways and Means
Vote:	6 - 0 - 0
Yeas:	Edwards, Girod, Monroe, Starr, Thomsen, Beyer
Nays:	0
Exc.:	0
Prepared By:	Patrick Brennan, Administrator
Meeting Dates:	4/9

WHAT THE MEASURE DOES: Specifies orders on certain petitions to Public Utility Commission for proposed transmission lines, for which petitioner also seeks approval from Energy Facility Siting Council, are subject to judicial review in same manner as orders to Energy Facility Siting Council. Specifies that parties to contested case hearing may appeal to Public Utility Commission for grant or denial. Designates Oregon Supreme Court as jurisdiction for judicial review and specifies that review petition must be filed within 60 days after Commission makes final order. Outlines actions that may be taken by Supreme Court in such cases. Excludes certain delay periods from six-month decision period. Outlines factors for continuance in such cases.

ISSUES DISCUSSED:

- Current process for siting electricity transmission lines
- Patterned after process used by Energy Facility Siting Council
- Purpose of required \$5,000 undertaking for petitioners
- Purpose of condemnation authority

EFFECT OF COMMITTEE AMENDMENT: Replaces the original measure.

BACKGROUND: The Energy Facility Siting Council (EFSC) was established in 1975 when Oregon revised its energy facility siting laws. EFSC has regulatory and siting responsibility for large electric generating facilities, high voltage transmission lines (230 kilovolts and up and greater than 10 miles in length), gas pipelines and radioactive waste disposal sites. The Council is supported by the Oregon Department of Energy, which was created by the same legislation.

In siting an energy facility, including a transmission line, the EFSC goes through a comprehensive review process to determine whether the facility meets the EFSC's siting standards, including a "need" standard for transmission lines; if the facility meets those standards, EFSC can issue a site certificate. If a party appeals a site certificate determination, the appeal is sent directly to the Oregon Supreme Court for adjudication. The entity constructing the facility typically must negotiate with affected landowners for purchase of land and/or right to construct the facility on land. If the landowner refuses to grant construction rights, however, the site certificate issued by the Council does not allow for the condemnation authority to purchase the property. Instead, in cases involving overhead transmission lines, the entity must petition the Public Utility Commission (PUC) and request a Certificate of Public Convenience and Necessity as outlined in ORS 758.015. The PUC then holds a public hearing on the petition and investigates to determine the necessity, safety, practicability and justification in the public interest for the proposed transmission line facility. If the PUC issues a Certificate of Public Convenience and Necessity, the petitioning entity is granted condemnation authority for the project.

Senate Bill 230-A addresses a particular issue related to seeking condemnation authority from the PUC following approval of a site certificate from the EFSC. While EFSC decisions that are appealed are sent directly to the Oregon Supreme Court, a decision by the PUC on a Certificate of Public Convenience and Necessity, if appealed, is adjudicated first by a trial court, even though the utility has already passed through the review process of the EFSC. Senate Bill 230-A specifies that in cases where a utility receives such a certificate, and that decision is the subject of an appeal, the appeal is to be adjudicated by the Oregon Supreme Court.

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This summary has not been adopted or officially endorsed by action of the committee.