

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

---

Action: Do Pass

Vote: 9 - 0 - 0

Yeas: Bentz, Boone, Dembrow, Johnson, Reardon, Vega Pederson, Weidner, Whitsett, Bailey

Nays: 0

Exc.: 0

Prepared By: Adam Crawford, Administrator

Meeting Dates: 5/9, 5/16

---

**WHAT THE MEASURE DOES:** Specifies orders on certain petitions to Public Utility Commission (PUC) for proposed transmission lines, for which petitioner also seeks approval from Energy Facility Siting Council (EFSC), are subject to judicial review in same manner as orders to EFSC. Specifies that parties to contested case hearing may appeal to PUC 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 PUC makes final order. Outlines actions that may be taken by Supreme Court. Excludes certain delay periods from six-month decision period. Outlines factors for continuance.

**ISSUES DISCUSSED:**

- Certificate of Public Convenience and Necessity characteristics
- Transmission line siting requirements
- Property owner rights during condemnation

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** In siting an energy facility, including transmission lines, the Energy Facility Siting Council (EFSC) goes through a comprehensive review process to determine whether the facility meets 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 the 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 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 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 adjudicated by the Oregon Supreme Court.

5/17/2013 3:10:00 PM

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