

I don't need to restate the public's years of dissatisfaction with the Oregon Department of Energy and most specifically the Energy Facility Siting Council. The public has been disenfranchised by corporate influence on the agencies.

The EFSC's current proposed "rule changes" are flagrantly Orwellian efforts to approve rule changes that will "provide for greater public participation and transparency," but are obviously designed to accomplish the opposite. For years, individuals who have reasonable complaints about siting issues have been allowed to speak within a very limited time frame, but their comments are ignored and discounted, usually on the basis of narrow language interpretations and within ridiculous deadlines. The agency proposed to make a bad situation even worse.

I served on the Governor's Judicial Fitness and Disability Commission for years. That provided an essential opportunity for people who felt they had not been treated with the appropriate respect in the courts to file a grievance. A similar Commission of objective citizens would go a long way to improve the reputation of this flawed process. EFSC is the darling of the developers; it has no credibility with the public.

Why make an effort to "speed up" the process of siting a facility that may have been planned over a ten year period, by providing only 30 days for agencies, community officials and land owners to respond to applications often thousand of pages long? The corporation has 10 years; impacted communities have 30 days. This summer, the three- person Union County planning staff, already overworked, was given 30 days to respond to a 7,000 page preliminary site application by Idaho Power for the B2H transmission line. That is a contrived means of corporate bullying, not public participation. EFSC sanctions these restricted response times. Shame on them. There is no deadline for Idaho Power to amend their application, addressing community and agency responses. . Union County submitted about 39 pages of comments. More than four months have passed. Idaho Power is still working on their application. Those 39 pages must have caused an overwhelming workload for Idaho Power's 2,000 employees. Any objective observer would consider such a situation laughable if it weren't so corrupt.

On a legal level, again only the Department of Energy would decide that it should be more difficult for individuals to file a complaint than for corporations. Who has the staff? Who has the funding? Not the non-profit agency trying to protect wetlands. Not the individual farmer whose work load will be doubled by having his land divided by eminent domain. Of course contested cases should be conducted in circuit courts. The current regulation insists contested cases go to the Oregon Court of Appeals. Courts of appeals examine trial records, but there are no trial records for EFSC cases. For the average citizen, this is like Kafka's *The Trial*. The "accused" goes to his death, still endeavoring to learn what he was accused of. How can this ridiculous situation have occurred in an Oregon state agency? It's time to turn it over, turn it around.

I commend Senator Olsen's efforts to move rule and policy making to Oregon Energy Commission. The current EFSC situation is so corrupt that only a complete Start Over can correct its glaring deficiencies.

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