

Chair Warner, Vice Chair Diazen and committee members
My name is Irene Gilbert and I live in Union County
I appreciate the opportunity to speak in opposition to HB 2064.

You are being told that the bill is necessary in order to continue the work of the Energy Facility Siting Council. I maintain that there are underlying reasons and an immediate fix is available absent this bill.

ORS 469.450 (2) states that no member of the council may serve more than two 4 year terms. The governor is to appoint a replacement prior to the end of the second term and immediately if a vacancy appears for any other reason. There could be a 7 member council in place tomorrow.

A 4 member quorum is about making it easier for the Oregon Department of Energy Siting Division to control the actions of the council in their role of rubber stamping ODOE decisions. There are currently two members, Cindy Condon and Mary Alice Webster that have been reading the recommendations coming from ODOE and asking well thought out questions. When there are only 4 members voting, a tie vote means the action fails so these individuals are disempowered. When the council recently heard over 37 requests to overrule the denial of the opportunity to have a contested case, a tie vote meant that no contested case is allowed. ODOE has a direct interest in these denials because it requires the public to pay to go to the Oregon Supreme Court to challenge ODOE decisions. ODOE does not want site certificates to be overturned because the Siting Division budget is paid for entirely by billing developers for site certificate actions. ODOE has kept some site certificates active for 10 years without the start of construction or updates to the application. They have done so by allowing developers to file papers past the deadline for doing so, counting the resurfacing of a private driveway as the start of construction for a wind development, etc. This bill is about allowing ODOE to use the council to deflect the increasing public anger regarding the damages to the public resources and people that ODOE is causing.

If there is any doubt that control and abuse of power absent any challenges is the goal, one has only to look at the statutes which allow the Oregon Department of Energy to overrule administrative rules of all other agencies, the fact that only one contested case has ever been allowed on amended site certificates in the history of the agency, and that Todd Cornett has pushed through changes in the Amendment Rules that allow him to chose to process amendments without giving the public any opportunity for a contested case. Citizens must pay to go to the Oregon Supreme Court to challenge ODOE decisions. Todd has chosen this process for amendments adding land to energy developments, allowing a company to replace all the non-recyclable blades on over 300 wind generators after only 9 years in a supposed 20-25 year life span, and allowing major changes to site certificates. The process has become so corrupt that even the Environmental Lobby is appealing the actions. This should be a heads up that this committee needs to be looking at making major changes that either eliminate the council, or require the members to have specific knowledge, skills and abilities to evaluate the complex issues before them and remove the absolute power that has been placed in the Oregon Department of Energy. With absolute power comes absolute corruption and this bill represents just one of hundreds of small steps that have been taken to insulate the Oregon Department of Energy from the damages that their decisions are causing to the people and resources of this state. Better to have 5 lay people with limited expertise making decisions than 4. Maybe there will eventually be a third member that takes their responsibility seriously.