



Oregon

Kate Brown, Governor



OREGON
DEPARTMENT OF
ENERGY

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August 26, 2016

Laura Miner
Boardman Solar Energy LLC
1001 SE Division Street, Suite 3
Portland, OR 97202
Sent via email: lminer@invenergyllc.com

RE: Boardman Solar Energy – Request for Expedited Review

Dear Ms. Miner,

The Oregon Department of Energy received your Request for Expedited Review for a Small Capacity Facility for the Boardman Solar Energy project via email on August 17, 2016, and received the hard-copy request and filing fee on August 19, 2016.

Pursuant to OAR 345-015-0300(1), any person proposing to construct and operate an energy facility with an average electric generating capacity of less than 100 MW may request from the department an expedited review of the facility application. As stated in the request for expedited review, the Boardman Solar Energy project would have a peak generating capacity of 75 MW, and an average electric generating capacity of 25 MW. The Council's definition of "average electric generating capacity" is found at ORS 469.300(4). The definition states that the average electric generating capacity for non-wind and non-geothermal facilities is the peak generating capacity of the facility divided by 1.00. As such, the average electric generating capacity of the Boardman Solar Energy project, as defined by ORS 469.300(4), would be 75 MW. As this is under 100 MW, the facility is eligible to request expedited review for small capacity facilities.

According to OAR 345-015-0300(1), if the proposed facility has as a related or supporting facility, a transmission line (or pipeline) that by itself would meet the definition of energy facility, then the proposed facility would not be eligible for expedited review. As described in the request for expedited review, the Boardman Solar Energy project would have a gen-tie transmission line as a related and supporting facility, but the gen-tie line would be 115 kV and 2.4 miles in length, and therefore would not, by itself, meet the definition of an energy facility under Council rules.

Pursuant to OAR 345-015-0300(2) the request for expedited review must contain the following information:

(a) A description of the facility and the proposed site;

As included in the request for expedited review, the proposed facility would be a solar photovoltaic energy facility capable of producing up to 75 MW peak generating capacity. The facility would be located on approximately 600 acres of land in Morrow County. The facility would have a 115 kV gen-tie transmission line to connect the facility to the BPA transmission grid. This gen-tie line would be located in Gilliam County. The solar array and the gen-tie line would be located on land zoned exclusive farm use.

(b) The applicant's name and address;

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(c) A schedule stating when the applicant expects to submit a preliminary application for a site certificate;

As stated in the request for expedited review, the preliminary application for site certificate is expected to be submitted in October or November 2016.

(d) A list of all statutes, rules, and ordinances applicable to the facility;

The required list is included in the request for expedited review.

(e) A statement indicating whether the applicant intends to satisfy the Council's land use standard, OAR 345-022-0030, by obtaining local land use approval pursuant to ORS 469.504(1)(a) or by seeking a Council determination pursuant to ORS 469.504(1)(b);

The request for expedited review states that the applicant will seek Council determination of compliance with the land use standard, pursuant to ORS 469.504(1)(b).

(f) The reason and justification for any request for exception to an analysis area as provided under section (3).

The applicant states it will not seek an exception to an analysis area. As such, for purposes of submitting the preliminary application, the analysis areas are the study areas as defined in OAR 345-001-0010. Please note that OAR 345-015-0300(3) allows that the department to modify the analysis areas in the project order. The project order will be issued following the submission of a preliminary application.

All of the information required by OAR 345-015-0300(2) is included in the request for expedited review. Therefore, as established in OAR 345-015-0300(4), the department has reviewed the

request and determined that in accordance with OAR 345-015-0300, the Boardman Solar Energy project is approved for expedited review.

Next Steps

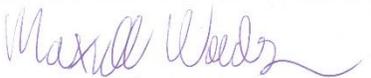
In accordance with OAR 345-015-0300(3), the submission of the preliminary site certificate application and the Department's review of the application will be the same for expedited review as for other site certificate applications. Also in accordance with OAR 345-015-0300(3), following submission of the preliminary application for site certificate, the Department will issue a project order. Please note, the Department may request additional information before determining that the application is complete.

Cost Recovery

ORS 469.421 requires the applicant for a site certificate to pay all costs associated with the review and decision by the Council of an application for site certificate. ORS 469.421(3) states that before submitting a site certificate application, the applicant shall request from the Department an estimate of the costs expected to be incurred in processing the application. In a non-expedited review process, at the time of preparing a cost estimate the Department would already possess fairly detailed facility information obtained through the Notice of Intent. However, because an expedited review does not include the NOI phase, the Department has limited information related to the Boardman Solar Energy facility and site certificate application contents. In order to prepare a more accurate cost estimate, the Department requests that Boardman Solar Energy, in its request to the Department for a cost estimate under ORS 469.421(3), provide the Department with more information about the facility, such as a draft Exhibit B and Exhibit C.

If you have any questions, please do not hesitate to contact me or Todd Cornett, Assistant Director.

Regards,



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CC (via email): Barry Beyeler, Energy Facility Siting Council
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