

PUBLIC NOTICE



Sunstone Solar Project

Proposed Order & Opportunity to Request to Participate in the Contested Case

Notice Summary

Notice Date: October 8, 2024

Proposed Facility: 1,200-megawatt (MW) solar photovoltaic power generation facility that would occupy up to 9,442 acres (14.75 sq. mi.) in Morrow County, Oregon.

Proposed Order: The Oregon Department of Energy (ODOE or Department) has issued a Proposed Order on the Application for Site Certificate (ASC) for the Sunstone Solar Project.

The Proposed Order, ASC, and other documents are available on the project page at:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/ESP.aspx>

The Proposed Order recommends the Energy Facility Siting Council (EFSC or Council) find that the applicant has demonstrated that the proposed facility will comply with all applicable standards, laws, rules, and ordinances, and recommends that the Council approve the ASC and grant a site certificate, subject to recommended conditions of approval.

As summarized in Attachment 1, the Proposed Order contains changes from the Draft Proposed Order (DPO), made in consideration of public comments, direction from the Council, and agency consultation.

Contested Case: Individuals or organizations that commented on the record of the DPO may request to participate in the contested case proceeding on the Proposed Order on issues raised in their comments.

All requests for party or limited party status in the contested case proceeding must be received by November 7, 2024, at 5:00 p.m. Pacific to be considered.

Additional information about eligibility, requirements for request to participate, and expected timing of the hearing start on Page 4 below.

Description of Proposed Facility

On May 16, 2024, Sunstone Solar, LLC (applicant), subsidiary of Pine Gate Renewables, LLC submitted an ASC for the Sunstone Solar Project.

The proposed facility would consist of a 1,200-MW solar photovoltaic power generation facility and related or supporting facilities that would permanently occupy up to approximately 9,442 acres (14.75 sq. miles) within a 10,600-acre (17-sq. mile) site boundary.

Main Components:

- 1,200 MW Solar PV power generation facility
- 1,200 MW Battery Energy Storage System with 6 hours of discharge Capacity

Related or Supporting Facilities:

- An interconnection substation
- Up to six collector substations
- Up to four operations and maintenance buildings
- Up to 9.5 miles of 230-kilovolt (kV) overhead transmission lines
- Other structures including roads, perimeter fencing and gates.

More detailed information about the proposed energy facility and the related or supporting facilities is available in Exhibit B of the ASC, and in the Project Description of the Proposed Order.

Location of Proposed Facility

The proposed facility would be located on privately owned land zoned for Exclusive Farm Use in Morrow County, Oregon. The proposed site is approximately 15 miles northeast of Lexington, Oregon.

Maps of the proposed facility and site boundary and proposed layout are included at the end of this notice.

Specific locational maps can be found in Exhibit C of the ASC and on ODOE's online mapping tool at: https://tools.oregonexplorer.info/OE_HTMLViewer/index.html?viewer=renewable&efsc=Sunstone%20Solar%20Project.

Site Certificate Review Process:

The proposed facility would have solar photovoltaic energy generation components located on more than 2,560 acres of land that is predominately cultivated, and therefore is an energy facility subject to EFSC jurisdiction under the definition in ORS 469.300(11)(a)(D). As such, the proposed facility must receive approval from EFSC for a site certificate prior to construction.

The site certificate review is a consolidated, comprehensive siting process. The applicant must demonstrate that the proposed facility meets all applicable EFSC standards established under Oregon Revised Statute (ORS) 469.501 and set forth in Oregon Administrative Rule (OAR) chapter 345, divisions 22 and 24, as well as all other applicable Oregon statutes, rules and standards. The Oregon Department of Energy (ODOE or Department) serves as staff to EFSC and conducts the application review process.

Procedural History

Application for Site Certificate: The applicant filed a complete ASC for the proposed facility on May 16, 2024. Under OAR 345-015-0190(5), an ASC is complete when the Department finds that an applicant has submitted information adequate for the Council to make findings or impose conditions on all applicable Council standards.

The Department held a Public Informational Meeting in Boardman, Oregon on June 5, 2024, with the applicant to provide information about the proposed facility and answer questions from the public. A recording of the meeting is available from the project page.

Draft Proposed Order: ODOE issued a DPO on the ASC on July 12, 2024. The DPO contains ODOE's first evaluation of the proposed facility's compliance with applicable standards, laws, rules, and ordinances, and includes recommended findings of facts, conclusions of law and conditions of approval.

A public hearing was held at the Council's meeting in Hermiston, Oregon on August 22, 2024. The public comment period on the DPO ended on the same date.

The record on the DPO was held open until August 29, 2024, for the applicant to respond to comments received during the public comment timeframe.

At its September 19-20, 2024, meeting, EFSC reviewed the DPO and all comments received on the record, and provided comments to the Department.

Proposed Order: The Proposed Order contains ODOE's final evaluation of the proposed facility and includes changes from the DPO made in response to public comments on the record of the DPO, comments provided by EFSC, and agency consultation.

The Proposed Order recommends that the applicant has demonstrated compliance with all applicable requirements and recommends that EFSC approve the ASC and grant a site certificate, subject to recommended conditions of approval.

All changes from the DPO are shown in the Proposed Order in underline/strikethrough format. Revisions to recommended site certificate conditions and findings of fact are summarized in Attachment 1 of this notice.

Contested Case Proceeding

The Council will conduct a contested case proceeding on the ASC in accordance with OAR 345-015-0400 through 345-015-0475.

The Council has appointed Senior Administrative Law Judge (ALJ) Kate Triana as Hearing Officer to conduct the Contested Case proceeding.

The applicant and the Department are parties to the contested case proceeding. Other eligible individuals or organizations may request to participate in the contested case by submitting a written petition to the hearing officer. All petitions must be received no later than **November 7, 2024, at 5:00 p.m. PT** to be considered.

Eligibility for Participation: Only individuals or organizations that provided written comments on the DPO during the public comment period or provided oral comments at the public hearing described above are eligible to request to participate in the contested

case hearing as a party or limited party under OAR 345-015-0415.

Issues that may be Considered: Subject to the exceptions in ORS 469.370(5), only issues that were raised in written or oral comments on the record of the DPO public hearing with sufficient specificity to afford the Council, the Department, and the applicant an adequate opportunity to respond, may be considered in the contested case proceeding.

Issues not raised on the record of the public hearing on the DPO will not be considered in the contested case proceeding unless they are related to a recommended action or condition of approval that differs materially from the action recommended in the DPO. A summary of material changes in the Proposed Order is provided in Attachment 1 of this Notice.

Petitions to Participate in the Contested Case

Proceeding: Any eligible person who wishes to participate in the contested case proceeding must submit a written petition for party or limited party status to the Hearing Officer.

All petitions must be received no later than November 7, 2024, at 5:00 p.m. PT to be considered.

If the Hearing Officer does not receive the petition by deadline above the requesting person(s) will have waived any right to participate in the contested case.

Petitions may be submitted via U.S. mail, email or fax to:

Senior ALJ Kate Triana
Oregon Office of Administrative Hearings
PO Box 14020
Salem, OR 97309-4020
Phone: 503-612-4300
Fax: 503-947-1531
Email: OED_OAH_Referral@oregon.gov
(Please note two underscores (" _ ") in email address)

Additionally, please submit an electronic copy of the petition to the Department's Siting Analyst at: christopher.clark@energy.oregon.gov

Contents of a Petition for Party or Limited Party Status: A petition for party or limited party status must comply with OAR 345-015-0415, and must include:

1. The name and addresses of the petitioner and of any organization the petitioner represents;
2. The name and address of the petitioner's attorney, if any;
3. A statement of whether the request is for participation as a party or a limited party, and, if as a limited party, the precise area or areas in which participation is sought;
4. If the petitioner seeks to protect a personal interest in the outcome of the agency's proceeding, a detailed statement of the petitioner's interest, economic or otherwise, and how such interest may be affected by the results of the proceeding;
5. If the petitioner seeks to represent a public interest in the results of the proceeding, a detailed statement of such public interest, the manner in which such public interest will be affected by the results of the proceeding, and the petitioner's qualifications to represent such public interest;
6. A statement of the reasons why existing parties to the proceeding cannot adequately represent the interest identified above;
7. A short and plain statement of the issue or issues that the person desires to raise in the contested case proceeding; worded the way the person requests the issue be worded for the contested case proceeding; and,
8. A reference to the person's comments at the public hearing showing that the person raised the issue or issues on the record of the Draft Proposed Order.

A template is provided as [Attachment 2](#) to this notice, which can be used to submit a petition in accordance with the requirements above.

Date of Prehearing Conference: Following the deadline for petitions for party or limited party status, the Hearing Officer will conduct a prehearing conference to facilitate the conduct and resolution of the contested case. The prehearing conference will be conducted by telephone on December 5, 2024, at 10:00 a.m. PT, unless rescheduled by the Hearing Officer.

Persons requesting party or limited party status must:

- Appear at the prehearing conference either as an individual or through legal counsel or an authorized representative;
- Confirm the issues they would like to address in the contested case; and,
- Raise any objections regarding the contested case procedures, or such objections will be waived as provided in OAR 345-015-0430.

Following the prehearing conference, the Hearing Officer will issue a Contested Case Notice to all those granted party status as required by OAR 345-015-0403. The Contested Case Notice will provide additional information about the proceeding and rights of the participants.

Default: In accordance with ORS 469.370(6), if no one requests party status, the Proposed Order shall be forwarded to the Council and the contested case proceeding shall be concluded. If a person submits a request for party status and fails to appear at the prehearing conference, the Council may issue a final order adverse to that person upon making the determinations required by ORS 469.503.

Final Order: Following the Contested Case proceeding, EFSC will issue a Final Order either approving or rejecting the ASC. If approved, a Site Certificate will also be issued.

Additional Information

Receipt of this Notice: You are receiving this notice for one or more of the following reasons:

1. You commented in person or in writing on the record of the DPO public hearing discussed above.
2. You own property within or adjacent to (e.g. within 500 feet) the property on which the facility is proposed to be located. You will automatically receive all future Council notices for this proposed facility.
3. You have previously signed up to receive email notices related to the proposed facility or all EFSC project-related notices. You will automatically receive all future email notices per your request unless you unsubscribe or contact the Department and request to be removed from the email list.

Department's Representative: Please contact Christopher Clark the Department representative, if

you have questions or would like to schedule an appointment to review materials.

Christopher M. Clark, Senior Siting Analyst
Oregon Department of Energy
550 Capital Street NE
Salem, OR 97301
Phone: 503-871-7254
Fax: 503-373-7806
Email: christopher.clark@energy.oregon.gov

More Information:

1. More details on the proposed facility, including the ASC, DPO and the Proposed Order, are available on the [facility webpage](https://www.oregon.gov/energy/facilities-safety/facilities/Pages/ESP.aspx) at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/ESP.aspx>.
2. Additional resources to help you participate in the state siting process can be found at: <http://www.oregon.gov/energy/facilities-safety/facilities/pages/default.aspx>
3. The Siting Division's [Public Guide](http://tinyurl.com/EFSCPublicGuide) contains additional information on the EFSC process. The guide can be found at: <http://tinyurl.com/EFSCPublicGuide>
4. Subscribe to receive [email updates](https://tinyurl.com/ODOE-EFSC) on the proposed facility as well as any or all other energy facilities and events under EFSC jurisdiction at: <https://tinyurl.com/ODOE-EFSC>. To receive notices by U.S. Mail, please contact the Department's representative identified above and request to be added to the hardcopy notice list.
5. [Physical copies](#) of the ASC, DPO, and Proposed Order are available for public inspection at the Department's Salem office. Please contact Christopher Clark to arrange a viewing. Copies will be provided at reasonable cost upon request.

Accessibility information:

ODOE is committed to accommodating people with disabilities. For the review of the ASC or attendance at the information meeting, if you require any special physical or language accommodations, or need information in an alternate format, please contact Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or email to nancy.hatch@energy.oregon.gov. For any other accommodation needed to attend the public hearing, please contact ODOE as soon as possible so we may provide the accommodation.

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Attachment 1: Summary of Material Changes in Proposed Order

In response to issues raised with sufficient specificity on the record of the DPO public hearing, within Council jurisdiction, the following recommended site certificate conditions were materially revised in the Proposed Order:

- **DPO Section IV.E.1.3, Land Use; Goal 3 Exception:** The Proposed Order partially reverses the DPO's recommendation to deny the economic benefit reason proposed by the applicant to support its request for an exception to Statewide Planning Goal. The Proposed Order recommends the Council accept the applicant's economic benefits reason as one of the reasons that would justify an exception to Statewide Planning Goal 3 because the applicant has provided evidence demonstrating that the projects that would be supported by the Agricultural Mitigation Fund are reasonably likely to generate a net economic benefit to the local agricultural economy.
- **DPO Section IV.M.1.3, Public Services; Housing:** The Proposed Order revises Recommended Public Services Conditions 3 and 4 to require the applicant to collect and report aggregate data on construction workforce housing outcomes, including the location where workers stay and the type of housing they stay in.
- **DPO Section IV.N.2, Wildfire Prevention and Risk Mitigation; Wildfire Mitigation Plans:** The Proposed Order modifies the draft Construction and Operation Wildfire Mitigation Plans provided as Proposed Order Attachment L and M to require the applicant to identify and provide maps of primary access points, facility components, and important safety features or hazards such as shut-offs and hazardous material storage areas to local fire and emergency management agencies prior to construction and operation of the facility, respectively. The revised Attachment M also requires the applicant provide annual training to local first responders on how to safely respond to electrical fires or fires involving BESS components.
- **DPO Section V.C.1, Water Rights:** The Proposed Order revises Recommended Water Rights Conditions 1 and 2 to require applicant to provide evidence such as a contract or purchase agreement demonstrating that adequate water supply to meet construction demand has been secured from sources with valid water rights prior to construction, and to report the source and amount of water used during construction in semiannual construction progress reports.

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Attachment 2: Petition for Party or Limited Party Status in the Contested Case (Template)

Description	Explanation of Information	Petitioner Information
Petitioner Name:	Provide petitioner first and last name.	
Petitioner Address:	Provide physical mailing address and e-mail address, if available.	
Petitioner Attorney:	Provide name and address of attorney, if any.	
Authorized Representative:	Provide name of any person(s) authorized by you to represent your issue(s) or confirm your intent to act as an authorized representative for the organization you intend to represent.	
Name of Any Organization Petitioner Represents:	Confirm and provide the name of any organization(s) you represent in this proceeding, in addition to yourself.	
Party Status Requested (Limited or Full):	Confirm whether you are seeking to participate as a party or limited party and if as a limited party the precise area or areas in which you seek to participate.	
If seeking to represent a personal interest:	Provide a detailed statement of your personal interest (economic or otherwise).	

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Description	Explanation of Information	Petitioner Information
	Explain how your personal interest may be affected by the results of the proceeding.	
	Provide reasons why existing parties to the proceeding cannot adequately represent the personal interest you have identified.	
If seeking to represent a public interest:	Provide a detailed statement of the public interest you intend to represent.	
	Explain how such public interest would be impacted by the outcome of the proceeding.	
	Provide a reference to your qualifications to represent such public interest(s).	
	Provide reasons why existing parties to the proceeding cannot adequately represent the public interest(s) you have identified.	
Issue Information		
Instructions: Provide information for Items (1) – (2) below for each issue requested for review in the proceeding.		
Issue 1		
Issue Statement:	Provide short and plain statement of each issue you wish to raise in the contested case, including facts or legal analysis presented in the Proposed Order or ASC believed to be at issue and provide a reference to applicable rules or statutes believed applicable to the issue.	

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Description	Explanation of Information	Petitioner Information
	<p><u>Examples:</u> Issue #1. The evaluation of XX does not comply with XX because (identify and provide explanation of facts or legal analysis believed to be at issue); OR Issue #1. I contend the applicant does not meet [cite specific Council standard or applicable law] because [provide brief explanation of why you believe applicant does not meet the cited standard or law].</p>	
<p>Provide date of DPO comments where issue was previously cited:</p>	<p>For each issue identified in your Issue Statement(s), provide date and manner (verbal or written) in which you raised the issue(s) on the record of the Draft Proposed Order.</p>	
<p>Issue 2 Instructions: If more than 1 issue, continue to provide responses to (1) and (2) for each additional issue requested for review in the proceeding.</p>		
<p>Issue Statement:</p>	<p>Provide short and plain statement of each issue you wish to raise in the contested case, including facts or legal analysis presented in the Proposed Order or ASC believed to be at issue and provide a reference to applicable rules or statutes believed applicable to the issue.</p> <p><u>Examples:</u> Issue #1. The evaluation of XX does not comply with XX because (identify and provide explanation of facts or legal analysis believed to be at issue); OR Issue #1. I contend the applicant does not meet [cite</p>	

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Description	Explanation of Information	Petitioner Information
	specific Council standard or applicable law] because [provide brief explanation of why you believe applicant does not meet the cited standard or law]).	
Provide date of DPO comments where issue was previously cited:	For each issue identified in your Issue Statement(s), provide date and manner (verbal or written) in which you raised the issue(s) on the record of the Draft Proposed Order.	
<p>Notes:</p> <ol style="list-style-type: none"> This template was developed by the Oregon Department of Energy (Department) and is provided as a courtesy for persons seeking to participate in the contested case proceeding. Petitioners are not required to use the template, but use is recommended to ensure petitions contain required petition information and can be efficiently reviewed by Department staff and Hearing Officer. Please contact the Department’s representative identified in the public notice to request a Word version of the template. 		