

PUBLIC NOTICE



Madras Solar Energy Facility Request for Amendment 1 Proposed Order and Opportunity to Request a Contested Case

Summary:

Notice Date: January 30, 2025

Approved Facility: A not-yet constructed 63 megawatt (MW) solar photovoltaic (PV) electrical generating facility on 284 acres.

Amendment Request: Request for Amendment 1 (RFA1) proposes to extend the construction commencement deadline 3 years; with a new completion deadline of 18 months after construction commences.

Facility Location: Jefferson County, approximately 5.5 miles west of the City of Madras.

Amendment Review Type: Type A

Purpose of Notice:

- 1) To inform the public that the Oregon Department of Energy (ODOE or Department) issued the Proposed Order on RFA1 (described on Page 2 below); and
- 2) To notify individuals or organizations that commented on the record of the Draft Proposed Order (DPO) of an opportunity to request a Contested Case (description starting on Page 2 below).

Deadline to Request to a Contested Case:

March 3, 2025, at 5:00 p.m. Pacific Time (PT)

Description of Approved but Not Yet Constructed Facility:

Energy Facility

- Solar modules
- Steel posts
- Power conversion stations consisting of inverters and transformers

Related or Supporting Facilities

- Battery energy storage system
- 34.5 kilovolt (kV) collector lines
- 230 kV transmission line (approximately 200 feet)
- Substation and switching station
- Operation and maintenance building

- access, perimeter and service roads
- perimeter fencing
- Temporary construction areas

EFSC approved the facility and issued a site certificate on June 25, 2021 with a requirement to commence construction by June 25, 2024 and complete construction within 18 months from the construction start date.

Description of Changes Proposed in RFA1:

Extend the construction commencement deadline 3 years; from June 25, 2024 to June 25, 2027; with a new completion deadline of 18 months after construction commences.

Approved Facility Location:

Approximately 5.5 miles west of the City of Madras. The site surrounds the point at which NW Elk Dr. becomes NW Pelton Dam Rd. The facility is approved to be located on up to 284 acres of privately owned land zoned for Exclusive Farm Use. A locational map of the approved site boundary is included in this Notice (Figure 1). The approved facility map is available at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/MSE.aspx> or visit our online mapping tool at <https://tinyurl.com/EFSCmap>.

EFSC Review Process and RFA Overview:

The EFSC review is a consolidated, comprehensive permitting process. The Department Siting Division serves as staff to EFSC and conducts the RFA review process. The certificate holder must demonstrate through a preponderance of evidence on the record that the facility, with the proposed changes, complies with all applicable Oregon Revised Statutes, other applicable laws and Council standards that protect a resource or interest that could be affected by the proposed change; and the amount of the bond or letter of credit required under OAR 345-022-0050 is adequate. OAR 345-027-0375. For more information relating to EFSC standards, please visit:

<http://www.oregon.gov/energy/facilities-safety/facilities/Pages/Siting-Standards.aspx>

Request for Site Certificate Amendment

Madras PV1, LLC (certificate holder), a wholly owned subsidiary of Ecoplexus Inc., filed preliminary Request for Amendment 1 June 25, 2024. Based on the Department's review of the preliminary request and responses to its requests for additional information received, the Department notified the certificate holder that the amendment request was complete on October 17, 2024. RFA1 is available on the project webpage for review, as described in the [More Information](#) section below.

Draft Proposed Order Issuance

On October 18, 2024 the Department issued a Draft Proposed Order (DPO) on RFA1. The DPO, ODOE's first evaluation for the amendment request, included recommended findings of fact, conclusions of law and recommends new and amended site certificate conditions. The DPO recommended Council approve the changes proposed in the amendment request, subject to new and recommended amended site certificate conditions.

Draft Proposed Order Public Hearing: Pursuant to OAR 345-027-0367, a public hearing on the DPO was held on November 14, 2024 at the Inn at Cross Keys Station in Madras, OR. The public comment period extended from October 18 through December 5, 2024. The record was held open until January 6, 2025 to provide the certificate holder an opportunity to respond to public comments. The certificate holder submitted responses to public comments on January 6, 2025.

Council Review of the DPO:

At its January 17, 2025 meeting, EFSC reviewed the DPO, all comments received on the record, certificate holder responses and provided comments to the Department.

Proposed Order (Current Phase):

The Proposed Order contains the Department's final evaluation of the facility, with proposed changes, and includes changes from the DPO made in response to public comments on the record of the DPO, certificate holder responses, and comments provided by EFSC. The Proposed Order continues to recommend that EFSC find that a preponderance of evidence on the record supports the conclusions that the amount of the bond or letter of credit required under OAR 345-022-0050 is adequate; and, the facility, with the proposed RFA1 changes, complies with the applicable

laws or Council standards that protect a resource or interest that could be affected by the proposed change; and that EFSC approve RFA1, subject to existing and recommended new and amended conditions.

All changes from the DPO to Proposed Order are shown in strikethrough and material changes are summarized in Attachment 1 to this Notice.

Along with the issuance of the Proposed Order, ODOE issues this Notice of an opportunity to request a Contested Case proceeding to all persons who commented on the record of the DPO public hearing and provided a physical or email address.

Deadline to Submit a Request for a Contested Case:

Unlike an application for a site certificate (ASC), there is no requirement that an automatic contested case occur. For Type A amendment review, under OAR 345-027-0371, there is an opportunity to request a contested case proceeding. Persons eligible to request a contested case, described in this Notice, must submit a written request to the Department. To be considered, all requests for contested case must be received no later than **March 3, 2025 at 5:00 p.m. (PT)**. Requests must be submitted to the Department Representative described below:

By mail or email:

Chase McVeigh-Walker, Senior Siting Analyst,
Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301

Email: Chase.McVeigh-Walker@energy.oregon.gov

If the Department does not receive the request by **March 3, 2025 at 5:00 p.m. (PT)**, the requesting person(s) will have waived any right to participate in a contested case, if one is granted.

If there are no requests for a contested case within the established deadline, the amendment request will proceed to the Final Order step.

Final Order

Following a Contested Case proceeding, if granted, or the Proposed Order phase if no requests for a contested case proceeding are received or granted by EFSC, EFSC will issue a Final Order either approving or

rejecting RFA1. If approved, an Amended Site Certificate will be issued.

Eligibility to Request a Contested Case:

Only those persons, including the certificate holder, who commented in person or in writing on the record of the public hearing described in OAR 345-027-0367, may request a contested case proceeding on the proposed order for an amendment to the site certificate.

Properly Raised Issues:

To properly raise an issue in a request for a contested case proceeding on the proposed order for an amendment:

1. The issue must be within the jurisdiction of the Council; and
2. The person must have raised the issue in person or in writing on the record of the public hearing; and
3. The issue must be raised with sufficient specificity to afford EFSC, the Department and the certificate holder an opportunity to respond to the issue. To have raised an issue with sufficient specificity, the person must have presented facts at the public hearing that support that person's position on the issue; or
4. Unless the Department did not follow the requirements of OAR 345-027-0367, or
5. Unless the action recommended in the proposed order differs materially from the draft proposed order, including any recommended conditions of approval, in which case the person may raise only new issues within the jurisdiction of the Council that are related to such differences.

If a person has not raised an issue at the public hearing with sufficient specificity to afford the decision maker an opportunity to respond to the issue, the Council may not grant a contested case proceeding for that issue.

Contents of a Request for Contested Case (OAR 345-027-0371(6)):

Contested case requests must include:

- (a) The person's name, mailing address and email address and any organization the person represents;

(b) A short and plain statement of the issue or issues the person desires to raise in a contested case proceeding;

(c) A statement that describes why the Council should find that the requester properly raised each issue, as described in OAR 345-027-0371(7), including a specific reference to the person's prior comments to demonstrate that the person raised the specific issue or issues on the record of the public hearing, if applicable;

(d) A statement that describes why the Council should determine that each identified issue justifies a contested case, under the evaluation described in OAR 345-027-0371(9);

(e) Name and address of the person's attorney, if any;

(f) A statement of whether the person's request to participate in a contested case is as a party or a limited party, and if as a limited party, the precise area or areas in which participation is sought;

(g) If the person seeks to protect a personal interest in the outcome of the proceeding, a detailed statement of the person's interest, economic or otherwise, and how such interest may be affected by the results of the proceeding;

(h) If the person 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 person's qualifications to represent such public interest; and

(i) A statement of the reasons why others who commented on the record of the public hearing cannot adequately represent the interest identified in OAR 345-027-0371(6)(h) or (i).

A template Request for Contested Case is provided as Attachment 2 to this Notice, which can be used for submission of a Request in accordance with the submittal requirements outlined in this Notice.

EFSC Consideration of Requests for a Contested Case:

Any requests for contested case will be provided to Council and Council will review all requests at a Council Meeting.

Before considering whether an issue justifies a contested case proceeding under OAR 345-027-0371(9), the Council must determine that the person requesting a contested case commented in person or in writing on the record of the public hearing and properly raised each issue included in the request as described above.

If the Council finds that the person requesting a contested case failed to comment in person or in writing on the record of the public hearing or failed to properly raise any issue, as described in OAR 345-027-0371(7), the Council must deny that person's contested case request. If the Council finds that the person requesting a contested case commented in person or in writing on the record of the public hearing and properly raised one or more issues, the Council's determination of whether an issue justifies a contested case, as described in OAR 345-027-0371(9), must be limited to those issues the Council finds were properly raised.

After identifying the issues properly raised the Council must determine whether any properly raised issue justifies a contested case proceeding on that issue. To determine that an issue justifies a contested case proceeding, **the Council must find that the request raises a significant issue of fact or law that is reasonably likely to affect the Council's determination whether the facility, with the change proposed by the amendment, meets the applicable laws and Council standards included in chapter 345 divisions 22, 23 and 24.** If the Council does not have jurisdiction over the issue raised in the request, the Council must deny the request.

A ten minute video describing the Type A Amendment Contested Case threshold is available at: <https://www.youtube.com/watch?v=uBBGGhRXHu8>.

For more information related to the Proposed Order process and Requests for Contested Case under Type A Review, see <https://tinyurl.com/OAR-345-027-0371>.

Receipt of this Notice:

Please note that you may be 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 conducted under OAR 345-027-0367.
2. You own property within or adjacent to (within 500 feet) the property on which the proposed changes would be located. You will automatically receive all future notices related to this amendment request.
3. You have previously signed up to receive email related to the Madras Solar Energy Facility or all EFSC project-related notices. You will automatically receive all future notices per your request, unless you unsubscribe via ClickDimensions by following the link provided below or contacting ODOE.

More Information:

1. Madras Solar Energy Facility webpage: RFA1, ODOE's DPO and Proposed and facility maps are available at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/MSE.aspx>.
2. Physical copies of RFA1, the DPO and Proposed Order are available for public inspection at no cost at the address listed below. Physical copies will also be provided at reasonable cost upon request. Please contact ODOE's representative:
Chase McVeigh-Walker, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE, Salem, OR 97301
Phone: 971-600-5323
Email: chase.mcveigh-walker@energy.oregon.gov
3. If you would like to receive email notices of the Madras Solar Energy Facility, other projects, Council meetings or rulemakings, subscribe to ClickDimensions, a self-managed, automated email system.
<http://web.energy.oregon.gov/cn/a6n53/subscribe>
4. 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>
5. If you have any questions about the approved facility, RFA1, the DPO, Proposed Order or how to submit a request for contested case, please contact Chase McVeigh-Walker.

Accessibility information:

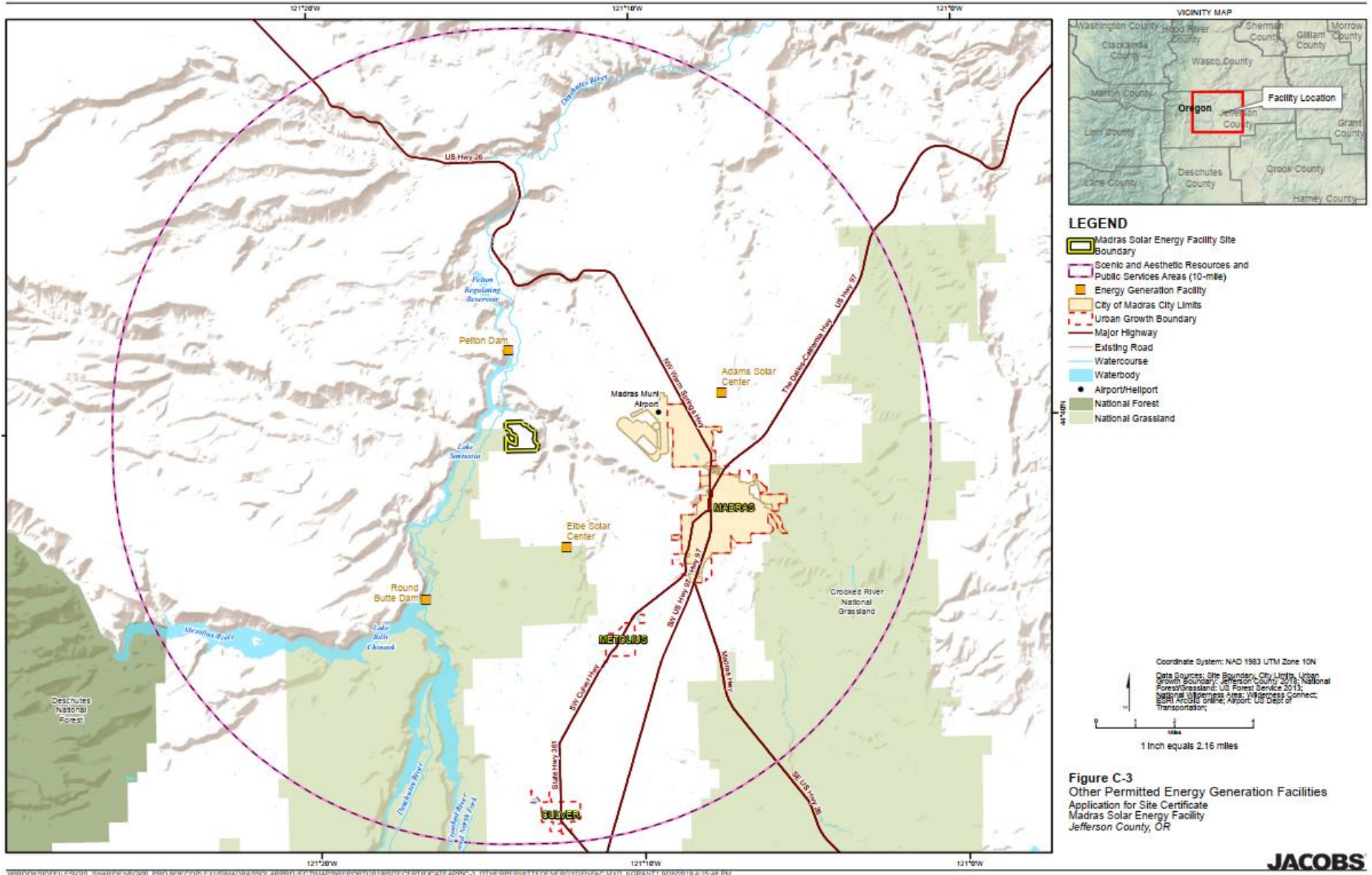
The Oregon Department of Energy is committed to accommodating people with disabilities. If you require any special physical or language accommodations, or need information in an alternate format, please contact Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or email to nancy.hatch@energy.oregon.gov.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

Attachment 1: Summary of Material Changes in Proposed Order

In response to issues raised within EFSC jurisdiction and with sufficient specificity on the record of the DPO public hearing, the following recommended site certificate conditions were included in the Proposed Order and are considered material changes:

- **Section III.A. General Standard of Review:** Revised findings to include recommendation of a new condition (General Standard Condition 12) requiring that, prior to construction, the certificate holder demonstrate that facility layout and design would not preclude or limit access to the 230-kV Pelton Dam to Round Butte transmission line Right of Way for the owner(s) of the line. (pg. 19)
- **Section III.E. Land Use:** Revised findings related to the Goal 3 exception evaluation for the “locational dependence” reason that Council previously evaluated and determined to be a reason contributing to justifying a Goal 3 exception. Revisions included the recommendation of a new condition (Land Use Condition 7) requiring that, prior to construction, the certificate holder demonstrate it has an executed interconnection agreement with the owner(s) of the 230-kV Pelton Dam to Round Butte transmission line. (pg. 31-32)

Figure 1: Facility Location and RFA1 Site Boundary



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

1. This template was developed by the 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.
2. Please contact the Department representative to request a Word version of the template to fill in.

| Description | Explanation of Information | Requestor Information |
|---|--|-----------------------|
| Requestor Name: | Provide Requestor first and last name. | |
| Requestor Addresses: | Provide physical mailing address and e-mail address, if available. | |
| Requestor 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 Requestor 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). | |
| | Explain how your personal interest may be affected by the results of the proceeding. | |

| Description | Explanation of Information | Requestor Information |
|---|---|-----------------------|
| | 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 <i>Instructions: Complete "Requester information" for Items provided below, for each issue requested for review in the proceeding. If more than 1 issue, continue and complete the Requester information for Issue 2, and for additional issues, please add rows, copy, and complete the information provided</i> | | |
| Issue 1 | | |
| Issue Statement: | <p>Provide a <u>short and plain statement of each issue you wish to raise in a contested case</u>, including references to any facts, analysis or recommendations presented in the Proposed Order or Request for Amendment with which you take issue. Please reference any rules or statutes you believe are relevant to the issue(s) you are raising.</p> <p><u>Examples:</u> Issue #1. The evaluation of XX in the [Request for Amendment and/or Proposed Order] is not sufficient to demonstrate the project complies with XX [statute and/or rule] because [briefly summarize your position]; OR Issue #1. I contend the certificate holder does not meet [cite specific Council standard or applicable law] because [provide</p> | |

| Description | Explanation of Information | Requestor Information |
|---|---|-----------------------|
| | brief explanation of why you believe certificate holder does not meet the cited standard or law]). | |
| <p>Provide date of the DPO comments where issue was previously cited, and a statement describing why the Council should find that the requester properly raised each issue, on the record of the public hearing with sufficient specificity to afford the Council, the Department, and the certificate holder an adequate opportunity to respond to the issue.</p> | <p>For each issue identified in your Issue Statement(s), provide the date and manner (verbal or written) in which you raised the issue(s) on the record of the Draft Proposed Order.</p> <p>Statement that describes (presenting facts) why Council should find that the issues raised on the record were raised in a manner that Council, the certificate holder, and the Department could adequately respond.</p> | |
| <p>Provide Statement of how issue raises significant issue of fact or law that is reasonably likely to affect the Council’s determination whether the facility, with the change proposed by the amendment, meets the applicable laws and Council standards:</p> | <p>Statement that describes why the Council should determine that each identified issue justifies a contested case because it raises a significant issue of fact or law that is reasonably likely to affect the Council’s determination whether the facility, with the change proposed by the amendment, meets the applicable laws and Council standards included in chapter 345 divisions 22, 23 and 24.</p> | |
| Issue 2 | | |
| <p>Issue Statement:</p> | <p>Provide a short and plain statement of each issue you wish to raise in the contested case, including references to any facts, analysis or recommendations presented in the Proposed Order or Request for Amendment with which you take issue. Please reference any rules or statutes you believe are relevant to the issue(s) you are raising.</p> | |

| Description | Explanation of Information | Requestor Information |
|---|---|-----------------------|
| | <p><u>Examples:</u> Issue #2. The evaluation of XX in the [Request for Amendment and/or Proposed Order] is not sufficient to demonstrate the project complies with XX [statute and/or rule] because [briefly summarize your position]; OR Issue #2. I contend the certificate holder does not meet [cite specific Council standard or applicable law] because [provide brief explanation of why you believe certificate holder does not meet the cited standard or law]).</p> | |
| <p>Provide date of the DPO comments where issue was previously cited, and a statement describing why the Council should find that the requester properly raised each issue, on the record of the public hearing with sufficient specificity to afford the Council, the Department, and the certificate holder an adequate opportunity to respond to the issue.</p> | <p>For each issue identified in your Issue Statement(s), provide the date and manner (verbal or written) in which you raised the issue(s) on the record of the Draft Proposed Order.</p> <p>Statement that describes (presenting facts) why Council should find that the issues raised on the record were raised in a manner that Council, the certificate holder, and the Department could adequately respond.</p> | |
| <p>Provide Statement of how issue raises significant issue of fact or law that is reasonably likely to affect the Council’s determination whether the facility, with the change proposed by the amendment, meets the applicable laws and Council standards:</p> | <p>Statement that describes why the Council should determine that each identified issue justifies a contested case because it raises a significant issue of fact or law that is reasonably likely to affect the Council’s determination whether the facility, with the change proposed by the amendment, meets the applicable laws and Council standards included in chapter 345 divisions 22, 23 and 24.</p> | |
| <p><i>For additional issues, please add rows, copy and fill in the information provided above</i></p> | | |