

BEFORE THE ENERGY FACILITY SITING COUNCIL For the STATE OF OREGON IN THE
MATTER OF:

BOARDMAN TO HEMINGWAY TRANSMISSION

PETITIONER IRENE GILBERT MOTION

LINE

TO ALLOW ADEQUATE TIME TO RESPOND
TO ALL CHANGES IN THE CONTESTED CASE
ORDER AND CHANGES TO THE SITE
CERTIFICATE

ENERGY FACILITY SITING COUNCIL

PETITIONER IRENE GILBERT REPRESENTING THE PUBLIC INTEREST MOTION FOR ALLOWING TIME TO RESPOND TO each of the changes to be considered at The Material Change Hearing which is currently set for September 27, 2022.

REASONS THIS MOTION IS NEEDED

--On August 31, 2022, the Oregon Department of Energy (ODOE) Secretary Cornett represented to the members of this Council, and the attendees of the Energy Facility Siting Council that the Material Changes would be made available by September 14, 2022, allowing 2 weeks for review and preparation of responses.

--The Material Changes documents were not made available until after 5:00 p.m. on September 16, 2022

--In her September 13, 2022 memo to council, Kellen Tardaewether stated that "At the September 27, 2022 EFSC Meeting, Council will conduct a "material change" hearing, where parties and limited parties to the contested case may provide oral exception on the modifications."

--There are a significantly greater number of changes than was previously expected including a change in the denial of multiple site certificate conditions which were determined in error to be untimely submitted. There has been no opportunity for petitioners to argue the basis for decisions on these issues.

--The currently planned 5 minute timeframe for petitioners to respond to all Material Changes is inadequate to allow for response to the numerous changes outlined in the Department of Energy's 19 page listing of changes.

--Petitioners should be allowed the minimal 3 minutes per change that was provided for arguments on the issues which council chose to hear petitioner testimony on.

--The 5 minute timeframe fails to comply with the requirements of ORS 469.370(7) because the timeframe is too short to provide the public an opportunity to provide comment or objection to most of the changes.

--ORS 469.370(7) states, in part, "the council may amend or reject the proposed order, so long as the council provides public notice of its hearing to adopt a final order, and **provides an opportunity for the applicant and any party to the contested case to comment on material changes to the proposed order, including material changes to conditions of approval resulting from the council's review.**"

--Stating that the council is providing a Material Change Hearing and then limiting the times for responses to all the changes to 5 minutes makes it appear that the process is designed to make it look like the requirement of the statute are being met when, in fact, they are not.

--This procedure denies the council information that may influence a change in their decisions and denies the public and those representing the public the opportunity to respond to the department's recommendations.

Respectfully Submitted

Irene Gilbert, Pro Se Petitioner

Representing myself

And the Public Interest

On September 17 2022, I certify that I transmitted the foregoing IRENE GILBERT MOTION TO ALLOW ADEQUATE TIME TO RESPOND TO ALL CHANGES IN THE CONTESTED CASE ORDER AND CHANGES TO THE SITE CERTIFICATE MOTION FOR CONTINUANCE of MATERIAL CHANGE HEARING DATE to counsel for the Energy Facility Siting Council via electronic mail, and with each party entitled to service, as noted below.

/s/ Irene Gilbert, Pro-Se Petitioner representing myself and the public interest.

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