

From: Irene Gilbert

Sent: Thursday, September 10, 2015 3:47 AM

To: All Oregon State Representatives

Subject: FW: Department of Energy Abuse of Power in Siting of Wind Developments

Much attention has been given to the abuses by the Department of Energy regarding tax credits. What has not received attention, but should is the corruption that is resulting in the approval of multiple wind developments absent requiring them to meet the statutes and rules and the manipulations of the application of rules to create eligibility where none exists. While an analysis of any of the currently approved site certificates will show multiple violations of the statutes, I will focus attention on the Summit Ridge wind development which was just issued an extension of their site certificate filed over 5 months and 26 days past the due date for taking that action. Since the number of violations and creative interpretations of the rules are so extensive, I will provide multiple examples from this site certificate over the next few weeks rather than overwhelm you with one document.

As you receive these issue papers, keep in mind that this is only one example of the ongoing practice of creating eligibility where none exists. Similar issues exist in virtually all currently approved site certificates and they represent actions being taken that are contrary to state and federal laws enacted to protect the people and resources of the state.

Once the magnitude of the problems become clear, I believe that there are those of you who will have to address it through changes in statutes which are being abused.

There is an underlying problem which you need to be aware of prior to approving additional legislation proposed by the Department of Energy. The Department is not being truthful in their communications with legislative committees hearing their bills. For example:

SB 259 was proposed to clean up the statute relating to when and how developers were to provide reimbursements to the Department of Energy for their work in processing applications. This bill was heard in a public hearing held on February 9, 2015. On March 30, 2015, at the work session on the bill, Todd Cornett proposed an amendment to the bill that transferred responsibility for paying for legal costs when cities, counties or state agencies requested a contested case before the Energy Facility Siting Council. It moved the costs to the cities, counties and agencies and away from developers and thus to the taxpayers.

He stated that the public groups should not have legal expenses reimbursed as they functioned as "staff" to the department and siting committee. That was a lie. The advisory groups make multiple recommendations that are not accepted by the Department of Energy or the Energy Facility Siting Council following recommendations from the Department of Energy against them. I am sure it will come as a shock to these groups that Mr. Cornett believes they are staff to the Department.

Mr. Cornett, in response to a direct question, described the amendment as a consensus amendment. This also was a lie. The only groups he talked with were investor owned utilities which would benefit from the change. No one else was asked or knew of the upcoming change and the bill was passed before anyone other than the utilities knew it was happening.

I requested that Director Kaplan request that the statute be changed back to the original form and the change be processed in a transparent manner. He defended Mr. Cornett's actions saying that the issue was a recommendation coming from DOE's 2013 report to the legislature which was a compilation of responses from 30 individuals and groups input. I was one of those 30 respondents. The document presented did not reflect my comments, nor was it a reflection of any consensus actions. What the report appeared to be focused on was providing changes that the Department and the Developers wanted. The report did suggest the original SB 259 action, however, there was absolutely no mention of the SB 259A amendment.

The bottom line is, you need to be very cautious about taking testimony from Todd Cornett at face value. He has demonstrated a willingness to be less than truthful with legislative committees, and Director Kaplan appears to be unwilling to deal with Mr. Cornett's abuse of power.