

Comments regarding SB 1515 and SB 1537

Thank you so much for working toward passage of laws and rules which will rectify an undemocratic and unfair process within an important agency here in our great State.

The current situation within EFSC is an abomination of Democracy, and fairness and certainly does not serve the important goals of current and future Citizens' energy, environmental and economic interests.

What we have now is a system completely dominated by large corporate interests, their lobbyists and PR divisions. Of course that is at the direct expense of the Peoples' interest. To verify this, ascertain how many amendments to the many huge projects over the last 10 years have been at the request and in the interest of the Public. If there have been ANY allowed, much less successful 'Contested Cases' ---they would merely be the "exception which proves the rule."

Smart energy development is key to the health and security of our people and the State's economy. What we have now is a huge profit grab by corporate interests and we will all be paying for these mistakes long into the future, and saddling our grandchildren with a damaged environment and huge burdensome costs. We are long overdue for serious reform.

My suggestions:

The current system is so fraught with institutional corruption (I am not entirely impugning the current staff or Council) it the reality of the way the system is structured and how it has evolved.) It may be best to start with an entirely new structure and new agency. Really---this would be the best re-boot of a failed system. Band-Aids may not suffice.

If so, or even if remedies are short of that, please :

Remove 'Rule Making' from EFSC. Their latest new Rules are a stark example of the failings of the current system----under the guise and actual Heading of Intent of promoting Public Participation and greater access and transparency --- the exact Opposite occurred. This is not the kind of government the people want nor deserve and it rightly leads to cynicism and hopelessness. It also thwarts good energy development.

Remove the hiring and control of the entire process of a Hearings Officer for Contested Cases from the EFSC. It should be entirely independent.

Broaden the number of Councilor Positions, having designated seats for Citizens interests like CUB/ OPUC/, Environmental/Consumer/Energy Future Technology types of values and expertise.

Have straight forward and less legalistic appeals process as a first step to allow for negotiation and consensus building before full blown Contested Cases and Court Appeals ramp in.

Have a court process that does not immediately involve the Supreme Court. A lower court access would be preferable as it would be more accessible and less costly.

That 'NEED' for any and all applications must have the highest bar possible. Energy technologies are transforming so rapidly, what might be considered a good project now will be essentially obsolete in just a few years. Really. Challenges to permits and amendments must be allowed all along the process.

As for siting-- consider the example of the proposed B2H transmission line. The laws allow the Idaho corporation to build in an approx. 7% profit for just building the line. They have an obvious incentive to build it (approx. \$80 Million in profit, even if it is never used.) The Corporation invents the siting---they drew a line on a map which translates into a 300 mile long clear-cut across our State. The effects are enormous and no one, no agency can make them alter that route. Even a \$40 million dollar BLM study, which they (IP) had to pay for looked at only their chosen route(s)---and then even their suggestions were (legally) ignored. That is not a common sense process by anyone's imagination. This now proven to be 'unneeded' gouge will almost certainly be 'rubber stamped' by EFSC. That one example alone is a damning indictment of a failed process.

I fully endorse the recommendations and ideas of a true model Citizen and advocate, Irene Gilbert. She is as close to an expert and true Oregon Patriot as you will find on this issue. She has attended more EFSC meetings than any other citizen, studied the laws, advocated for fair and common sense improvements and amendments and filed Contested Cases. Her tireless work as been terribly abused by the lack of dignity her solid, common-sense solutions deserve. We need more dedicated Citizens like herself. Please consider her thoughtful suggestions with utmost seriousness. She and I do not agree politically on many instances and even yet I have the highest regard for integrity and intelligent solutions for this issue. I support her suggestions completely.

Any and all rules and structures that can be put in place to promote the Publics' long term interest should be included. Similarly, all remedial rules and structures that can serve as firewalls to Corporate influence on this process should be evaluated and included wherever possible.

We the People, are fortunate and proud holders of the great responsibility to pass on intact and improved, this Great States' energy well being, environmental and economic integrity and above all, transparent and fair due process of decision making. A respectable and effective Democracy.

Thank you for your time and efforts to achieve these noble goals,

Peter Barry

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