



July 2, 2026

Via electronic filing

Oregon Public Utility Commission
Attn: Filing Center
puc.filingcenter@puc.oregon.gov

Re: AR 687 Rulemaking to Implement HB 3681 Certificates of Public Convenience and Necessity

Renewable Northwest (“RNW”) thanks the Oregon Public Utility Commission (“Commission” or “PUC”) for the opportunity to provide comments in AR 687, the rulemaking to implement HB 3681. Specifically, our comments are in response to the ALJ memo dated May 28, 2026. We appreciate the proposed rule amendments and process the ALJ has put forward for this rulemaking. Our comments are intended to facilitate further discussion of the proposed language and ensure that the legislative intent of HB 3681 carries through to its implementation. That is, this rulemaking should clarify and add precision to the Commission’s role in approving Certificates of Public Convenience and Necessity (“CPCN”) in a manner that potentially avoids future disputes and provides transparency to entities that may apply for a CPCN.

I. Legislative Intent of HB 3681

Through HB 3681, the legislature addressed several challenges that transmission development has faced in Oregon. Two of the changes in HB 3681 are relevant to this proceeding:

First, the siting standards at the Energy Facility Siting Council (“EFSC”) and PUC’s standards for CPCNs contained similar requirements, including establishing the need for the transmission line, safety standards, constructability and practicability, and justification for the project, including consideration of alternatives. The legislature removed duplicative requirements between the CPCN and land use approvals, thereby narrowing the Commission’s scope of review to whether the line meets an identified reliability need. This is clear from the changes the legislature made to ORS 758.015:

The commission, in addition to considering facts presented at such hearing, shall make the commission’s own investigation to determine [the necessity, safety, practicability and

justification in the public interest for the proposed transmission line] whether the proposed transmission line meets a need for increased transmission capacity and reliability in the electric grid and shall enter an order accordingly.

Second, transmission lines faced sequencing challenges where local governments would require a CPCN determination to approve land use permits, while OPUC would require land use approvals to issue a CPCN. The revised language in ORS 758.015, below, removes this catch-22, allowing utilities and developers to pursue land use approvals and a CPCN simultaneously:

The commission shall consider a petition for a certificate of public convenience and necessity and enter an order without requiring a petitioner to first obtain any required state or local land use approvals.

In sum, HB 3681 focused the Commission’s review on establishing the need for the transmission line and allowed a CPCN determination to occur without state and local land use approvals already in place. This makes sense, as the Commission has expertise in reviewing and approving Integrated Resource Plans (“IRP”) that identify reliability needs and propose portfolios of resources—including transmission assets—to meet those needs.

II. Proposed Language

RNW generally supports the Administrative Hearings Division’s proposed rule amendments to OAR 860-025-0030, 860-025-0035, and 860-025-0040. The revisions to OAR 860-025-0030 - Petitions for CPCNs for Construction of Overhead Transmission Lines - appropriately removes language related to petition requirements that the legislature has removed from the PUC’s scope of review.

HB 3681 re-centered the Commission’s CPCN review on whether a proposed transmission project meets a need for increased transmission capacity and reliability in the electric grid. It is relatively clear how the Commission would evaluate the reliability need for a transmission project for an investor-owned utility (“IOU”). The Commission could rely on an IOU's IRP, local transmission plan, recent load forecasts, and other planning documents to assess the need for increased transmission capacity and reliability. It is less clear how the Commission would evaluate that need for an independent transmission developer. Since Oregon statutes have long indicated that an independent transmission developer may apply for a CPCN, RNW seeks clarity on how such an entity could use the CPCN process and what standard of review would be applied.

ORS 758.015 requires utilities and **transmission companies** to petition the PUC for a CPCN when proposing to “construct an overhead transmission line which will necessitate a

condemnation of land or an interest therein.”¹ A “transmission company” is defined within this statute as a “person or entity that owns or operates high voltage transmission lines and is subject to the jurisdiction of the Federal Energy Regulatory Commission” but does not include “a cooperative organized under ORS chapter 62.”² That is, the entities that can request and receive a CPCN include independent transmission developers. Despite that statutory definition, it is harder to conceptualize how the PUC would evaluate the reliability need for a transmission project brought forward by an independent transmission developer if the line was not a shared resource envisioned in an IOU IRP or other planning proceeding under the Commission’s regulatory purview. RNW encourages the Commission to consider how these types of entities can demonstrate need through CPCN petitions and how the Commission will evaluate those petitions. RNW looks forward to engaging in that conversation in this proceeding.

We focus the remainder of our comments on how the proposed language facilitates the submission and review of CPCN petitions without prior land use approvals.

The proposed language under OAR 860-025-0030 requires CPCN petitions to include a “review of and reference to regulatory approvals and reviews that concern, analyze or otherwise discuss the proposed transmission line, such as . . . any relevant site certificate issued by the Energy Facility Siting Council.”³ We recommend changing the language to read “any relevant site certificate issued by *or under consideration* by the Energy Facility Siting Council” to account for the fact that state land use approvals are no longer a prerequisite to CPCNs.

Based on our reading of the language in OAR 860-025-0030(4), petitioners will still be required to submit a waiver request if they cannot or have not yet obtained state or local land use approvals. A petitioner’s waiver request must delineate whether the request is based on OAR 860-025-0040(2), which is focused on local land use approvals, or on OAR 860-025-0040(7), for state-jurisdictional projects that require an EFSC site certificate. For projects that require local approvals, it is not clear from the proposed language whether petitioners can request and obtain a CPCN without those local approvals. OAR 860-025-0040(2) requires that the Commission’s findings for the project’s goal compliance be based on the hearing record but does not explicitly state that projects can be granted a CPCN without such documentation.

On the other hand, for state-jurisdictional projects, OAR 860-025-0040(7) clearly states that the Commission can issue an order on the CPCN petition without the site certificate being obtained. Specifically, the “Commission will adopt findings made as part of the EFSC-issued site certificate, if the site certificate is available before the Commission issues its order on the CPCN

¹ ORS 758.015 (1)

² ORS 758.015 (4)

³ OAR 860-025-0030 (2)(j) *as proposed*

petition...”⁴ RNW recommends that the rule language make clear that a petitioner may submit a request for a CPCN and a CPCN may be granted by the Commission without state *or local* land use approvals having yet been obtained. This additional clarity will relieve transmission lines of the chicken-and-egg problem between land use approvals and CPCNs as intended by HB 3861.

III. Conclusion

RNW again thanks the Commission for the opportunity to review and provide feedback on the proposed rule amendments stemming from HB 3681. We support both the intent of HB 3681 and the proposed revisions to CPCN rules and look forward to further discussion on our recommended changes and clarifications.

Respectfully submitted this 2nd day of July, 2026,

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⁴ OAR 860-025-0040 (7)