

WIND FARM APPEAL

-Continued from PAGE ONE
restricted Naval air space. Ralls did not notify CFIUS prior to completing its acquisition of the wind farm sites, although it ultimately submitted a notice to CFIUS after the U.S. Navy requested that Ralls move the location of its wind project to prevent disturbances of military aircraft training.

During its review and investigation, CFIUS ordered Ralls not to engage in construction or store goods at, or otherwise access, the wind farm sites, and the agency required the company to offer CFIUS the right to review and object to any transfer of the sites. At the end of the investigation, CFIUS recommended blocking the transaction, and the president issued an order extending most terms of the CFIUS order and requiring Ralls to divest the wind farms within 90 days.

Ralls filed suit against CFIUS during the investigation, claiming, among other things, that the CFIUS order exceeded the agency's statutory authority and that CFIUS had deprived Ralls of its property

interests in violation of Ralls' due process rights. Subsequently, Ralls amended its complaint to assert that the presidential order also exceeded statutory authority and that both orders had violated Ralls' constitutional rights to due process and equal protection. A trial court found that Ralls' claims with respect to the CFIUS order were superseded by the presidential order and that its claims with respect to the presidential order failed on the merits.

In its decision, the appeals court reversed the lower court's findings, holding in favor of Ralls' due process claim. The court found that the president had not provided adequate process to Ralls and that, at a minimum, Ralls was entitled to notice of the official action, review of the unclassified portions of the evidence relied upon by the president in his decision, and the right to respond to that evidence. Separately, the appeals court found that the district court had incorrectly dismissed Ralls' CFIUS order claims, sending those claims back to the lower court for a hearing on the merits.

Further developments in this case are certain. First, the case has been remanded to the district court, with instructions that Ralls be provided access to the unclassified evidence on which the president relied, as well as an opportunity to respond to that evidence. Second, the district court has been instructed to consider arguments concerning Ralls' CFIUS order claims.

In addition, the appeals court ruling may be further appealed by the U.S. Finally, the court's holding may be circumscribed by future congressional action, including action to preclude review of constitutional due process claims in CFIUS proceedings.

Implications

The scope of the appeals court's ruling is limited, but it is still significant. Notably, the court's decision did not question the statutory bar to judicial review of the president's national security determinations: Although courts may review procedural matters relating to the CFIUS review process, they will not review a final action by the president to suspend or prohibit a transaction that threatens to impair the national security of the U.S. Similarly, the court did not challenge in any way the president's substantive national security determination with respect to Ralls' acquisition of the wind farm projects.

Instead, the court's decision should be viewed as extending additional process-related rights to investors whose acquisitions are subject to CFIUS national security review and facilitating the adoption of a more transparent, and arguably fairer, regulatory process. Subject to further developments in the litigation and potential congressional response, it is likely that CFIUS will modify its procedures to provide more "due process" to foreign investors whose investments may raise national security concerns.

Regardless of the ultimate outcome of this case, foreign investment in the U.S. wind power sector - including acquisitions of U.S. wind farm projects and of suppliers to the industry - will continue to be subject to national security review by CFIUS.

Voss is a corporate partner in the Seattle office at law firm Stoel Rives.

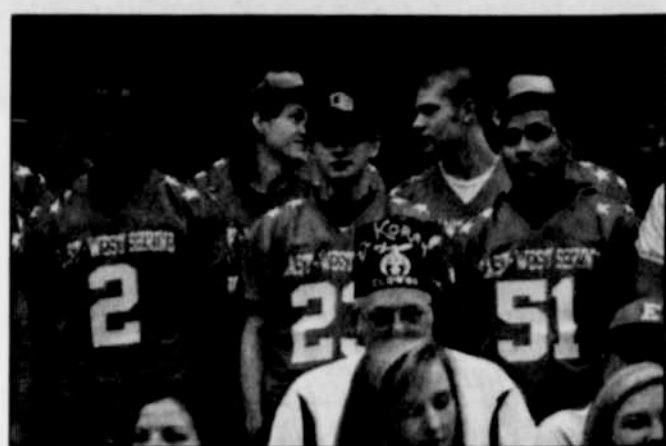
Shrine all-star game this Saturday

Oregon's 62nd annual East West Shrine All-Star Football Game will take place this Saturday August 2, in Baker City. Kickoff time is 4 p.m.

Playing in the game will be Jordan Bailey, a 5'9", 160-pound Heppner High School graduate who was named to the 2A Shrine East first team in March.

Bailey was a running back, defensive back and wide receiver for Heppner. He is the son of Jeff and Christine Bailey, Heppner.

J.C. Putman, a 6'3" 200-pound HHS defensive end and offensive lineman, was selected to the alternate



Jordan Bailey, center, will represent Heppner in the East West Shrine game this Saturday in Baker City. -Contributed photo

team. Putman is the son of Sandi Putman, Lexington, and Jim Putman, Clatskanie, OR.

Other 2A first team members include Colby Moll and Jeremiah Grieser,

Regis; Dalton Reimers and Tucker Wright, Grant Union; Josue Avilez, Central Linn; Blake Traeger, Mt. Angel; and Thomas Nathan, Myrtle Point.

Co-Op directors attend state meeting, earn awards

The ORECA (Oregon Rural Electric Cooperatives Association) mid-year meeting was held recently in Bend, OR. Representing Columbia Basin Electric Co-Op were Jerry Healy, Manager; Lori Anderson, Board President; Roy Carlson, Board Secretary; and Gerry Amson, Director. These directors attended classes on political issues affecting rural co-ops, new pre-paid meter program options, and other governance issues.

Oregon House Representative Mike McClane, originally from Condon, was awarded the ORECA Statesman's Award for Extraordinary Constituent Service by Brad Kresge, Manager of Surprise Valley Electric Co-Op.

Jerry Healy, retiring manager of Columbia Basin Electric Co-Op, was awarded the ORECA Distinguished Service Award for his 33 years

of service to the electric cooperative family.

The Oregon Rural Electric Cooperative Association represents Oregon's 18 electric cooperatives in federal and Oregon legislative

matters, as well as being a conduit for cooperative cooperation within the industry. Oregon's electric cooperatives serve two-thirds of the state's land mass and 11 percent of the state's electric consumers.

They'll see 'ewe' there

At the Morrow County fair



Lily Sandford, a recent Heppner High School graduate, works with her county fair lamb. Lily is the daughter of Rick and Sylvia Sandford and is a member of the Ione Community 4-H Livestock Club. -Photo by Erin Heideman

Sheriff's Report

April 22 (cont.): -MCSO received report of abandoned animals at a Main St., Lexington, location.

-MCSO received report from an Irrigon woman that a male subject had called her and advised he was watching her walk and described her clothing. She said she went to the nearest business and called the sheriff's office. A deputy met with her.

April 24: Morrow County Sheriff's Office received report from a subject in Heppner who reported that an elderly male driving a dark colored sedan drove off without paying for around \$37 dollars in fuel. MCSO responded.

-MCSO received report from an Irrigon man that his neighbors left two dogs when they moved out. The caller said he had been caring for them, but the manager of his residence said the dogs could not stay there.

-MCSO received report from a woman in Irrigon that a 72-year-old man needed a lift assist. Irrigon Ambulance responded, but a lift assist was not needed.

-MCSO received report from an Irrigon woman that her roommate took her van two weeks ago and has not returned it.

-MCSO received report from a subject in Boardman that a Honda Civic was all over the road and almost had several head on collisions

on I-84. MCSO cited Jaime Estrada Trujillo, 35, for No Operator's License, Failure to Register Vehicle, Failure to Show Proof of Insurance. He was also given a verbal warning for failure to maintain lane.

-MCSO cited Michael Warren Phillips, 65, for Violation of the Speed Limit, 90 mph in a 65 mph zone.

-MCSO received report that Gresham Police Department arrested Amethyst Maki, 35, on an Irrigon Justice Court warrant for Failure to Appear/Theft III. She was lodged at Multnomah County Detention Center with \$276 bail in full. She was also held on local charges.

Marriage Licenses

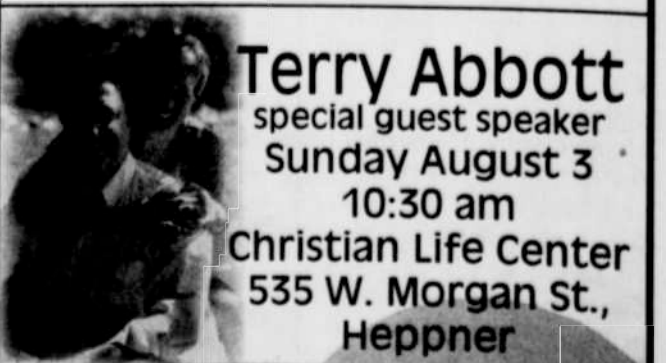
The Morrow County Clerk's office has released the following report of marriage licenses:

July 24, 2014: -Jesus Munoz Jr., 23, of Hermiston and Cheyenne Leticia Mychel McKenney, 20, of Hermiston.

July 28, 2014: -Kenneth Jason Gisi, 19, of Boardman and Sarah Pauline Bose, 18, of Boardman.

CHRISTIAN LIFE CENTER

535 W. Morgan St., Heppner, OR 97836



Terry Abbott
special guest speaker
Sunday August 3
10:30 am

Christian Life Center
535 W. Morgan St.,
Heppner

Assembly of God Presbyter:
pastor of pastors Outstanding
preacher and exhorter
Pastor of The River of
in Hood River

Ione band cleans up for Disneyland trip



Ione Community School band members wash cars outside of the fire hall this past weekend. The group is raising money to play in Disneyland over spring break. Pictured L-R around the car are Lauren Garrett, Josh Gray, Kaitlin Garrett, Jake Heideman, Austin Morter, Lexi Garrett and Kaytelyn Bass. -Photo by Erin Heideman

If you or someone you know has a gambling problem, help is available and that help is FREE of charge.

If YOU have a family member who suffers from gambling addiction, YOU can also receive FREE treatment even if the gambler is not receiving treatment.

If you are a resident of Morrow County and you wish to take advantage of the services above or desire more information, Please call any of the following numbers to set up a LOCAL appointment or just to talk:

Bobby Harris @ 541-676-9925 or 541-256-0175
Community Counseling Solutions (CCS) @ 541-676-9161

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