

BEFORE THE WASHINGTON STATE ENERGY
FACILITY SITE EVALUATION COUNCIL

In the Matter of Enforcement
of Certification Agreement
dated August 8, 1975 of the

WASHINGTON PUBLIC POWER
SUPPLY SYSTEM

WNP 1 and 4
.....

No. 76-EI

ORDER ON MOTION FOR
DECLARATORY RULING BY
WASHINGTON PUBLIC POWER
SUPPLY SYSTEM

On November 15, 1976, the Washington Public Power Supply System moved for a declaratory ruling on the issue of the authority of the Energy Facility Site Evaluation Council in this proceeding.

Subsequently, on December 3, 1976, Examiner Robert A. Felthous issued an examiner's order which stated that:

(1) The Council has authority to require the Supply System to replace and/or compensate the Department of Fisheries for any fish loss caused by project construction and operation.

(2) The Council has authority to determine in this hearing the following basic issues: was the fish loss caused by project construction and operation; the extent of the fish loss; and what the Supply System must do to provide replacement and/or compensation for such fish loss.

(3) Those portions of the Supply System's motion dated November 15, 1976, inconsistent with the foregoing, were denied.

AND FURTHER It was recommended to the Council that it authorize the Licensed Commercial Fishermen to continue participation in this hearing as intervenor.

The Washington Public Power Supply System has subsequently filed exceptions to the examiner's order.

The Energy Facility Site Evaluation Council, at its meeting on January 10, 1977 and as confirmed by telephone and in writing

to parties on January 11, 1977, requested that all parties serve upon Council members those documents that may have relevance to this matter.

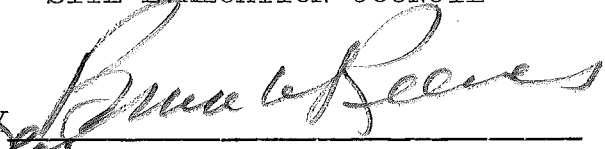
ORDER

WHEREFORE, IT IS HEREBY ORDERED, that Examiner Felthous' examiner's order dated December 3, 1976, as referenced above, shall be, and the same is hereby affirmed and adopted as the order of the Council.

Done in open Council session and effective this 24th day of January 1977.


WASHINGTON STATE ENERGY FACILITY
SITE EVALUATION COUNCIL

BY


Lawrence B. Bradley
Chairman

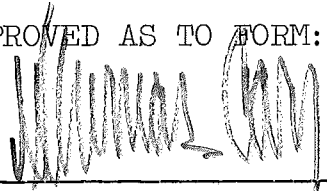
ATTEST:

BY


Roger Polzin
Executive Secretary

APPROVED AS TO FORM:

BY


Thomas F. Carr
Assistant Attorney General