

BEFORE THE WASHINGTON STATE ENERGY
FACILITY SITE EVALUATION COUNCIL

In the Matter of Enforcement
of Certificatiin Agreement
WNP 1 and 4

Between the STATE OF WASHINGTON
DEPARTMENT OF FISHERIES and the
WASHINGTON PUBLIC POWER SUPPLY
SYSTEM
.....

No. 76-E1

ORDER DENYING EXCEPTIONS
AND AFFIRMING AND ADOPT-
ING ORDER OF EXAMINER

On January 12, 1977, Robert A. Felthous, Hearing Examiner, issued a Memorandum and Order on Washington Public Power Supply System's Motion for Prehearing Order Re Council Jurisdiction in the above-entitled matter.

Under date of January 24, 1977, the Washington Public Power Supply System, through Counsel, filed with the Council Exceptions and Memorandum in Support thereof to the aforementioned order of the Hearing Examiner; the filing challenged the so-called "but for" rule adopted by the Examiner, and as a conclusion in argument in support of its exceptions stated:

"In keeping with the foregoing analysis and authorities, the Washington Public Power Supply System respectfully urges that this Council reverse the order of Hearing Examiner, Robert A. Felthous of January 12, 1976 and hold that the elements of proximate cause and the absence of direct, independent, intervening cause enunciated in the suggested correction above, remain a part of this dispute".

The Council, having reviewed the file and record to date, the Examiner's Memorandum and Order, and the exceptions and memorandum in support thereof, is of the opinion that the exceptions be denied and that the Council affirm and adopt the Order of the Examiner.

O R D E R

IT IS ORDERED that the aforementioned exceptions be, and the same are hereby, denied.

IT IS FURTHER ORDERED that the aforementioned Order of the Hearing Examiner be, and the same is hereby, affirmed and adopted as the Order of the Council herein.

DATED in Olympia, Washington, on this 28th day of February, 1977.

WASHINGTON STATE ENERGY FACILITY
SITE EVALUATION COUNCIL

By *Lawrence B. Bradley*
for Lawrence B. Bradley
Chairman

ATTEST:

By *Roger Polzin*
Roger Polzin
Executive Secretary

APPROVED AS TO FORM:

By *Thomas F. Carr*
Thomas F. Carr
Assistant Attorney General