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BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

In re Application No. 96-1  
of  
OLYMPIC PIPE LINE COMPANY  
For Site Certification

COUNCIL ORDER NO. 734  
ORDER ON LATE INTERVENTION  
OF WORLDCOM NETWORK  
SERVICES, INC. AND AT&T CORP.

**Nature of the Proceeding:** This matter involves an application to the Washington State Energy Facility Site Evaluation Council (the Council) for certification of a proposed site in six Washington counties for construction and operation of a pipeline for the transportation of refined petroleum products between Woodinville and Pasco.

**Procedural Setting:** The Council has issued two previous orders dealing with requests for intervention made by AT&T Corp. (AT&T) and Worldcom Network Services, Inc. (WNSI). The intervention was initially denied in Prehearing Order No. 25, and the denial was upheld in Prehearing Order No. 29 in response to AT&T and WNSI's requests for reconsideration.

**Discussion:**

Background: AT&T and WNSI have entered into easements with the Parks and Recreation Commission (Parks) allowing for the installation of their fiber-optic cable systems along the John Wayne Pioneer Trail. Parks owns and/or manages these portions of the John Wayne Pioneer Trail. AT&T and WNSI sought intervention to protect their interests in their fiber-optic telecommunications systems and support facilities. In Prehearing Order No. 25 the Council denied late intervention to AT&T and WNSI stating that the interests of the companies can and will be represented by Parks. In requesting reconsideration, AT&T and WNSI argued that Parks lacks the technical expertise to provide meaningful expert testimony and that the interests of the parties may in fact differ. In Prehearing Order No. 29, the Council upheld its intervention denial finding that "[t]he Council is not convinced that the interests of the companies cannot be adequately represented by Parks in this proceeding." Parks has denied that it can adequately represent the interests of AT&T and WNSI. Following the issuance of Prehearing Order No. 29, both AT&T and WNSI filed appeals in Thurston County Superior Court. The appeals have been consolidated, and Parks has intervened.

1 Reconsideration: Prehearing Order No. 29 was entered on April 6, 1999. Since that time, the  
2 hearing has commenced and the Council has heard some initial testimony about the pipeline  
3 route and the John Wayne Pioneer Trail tunnel. This area of the proposed route is one of  
particular interest to AT&T, WNSI, Parks, and the Council. The Council must have all relevant  
information and evidence in order to make a complete recommendation to the Governor.

4 The Council still firmly believes that Parks could, though coordination with AT&T and WNSI,  
5 present a thorough case regarding the effects of the proposed pipeline on the AT&T and WNSI  
6 fiber optic cabling system. However, the Council also recognizes that Parks may be unable or  
7 may choose not to do so. The Council believes that it needs such evidence to insure a complete  
understanding of this particular portion of the proposed pipeline. Therefore, in the interests of  
justice and in settlement of the pending superior court litigation, the Council renders the  
following:

8 Council Decision: The Council hereby supersedes those portions of Prehearing Orders 25 and 29  
9 that are inconsistent with the decision herein. AT&T and WNSI are hereby granted intervention  
10 in this matter subject to the following restrictions. AT&T and WNSI shall be allowed to  
participate and present evidence solely on the issue of their existing Parks easements (and  
11 structures appurtenant thereto) and the effect the proposed pipeline would have on those  
easements. AT&T and WNSI shall coordinate their testimony and evidence to insure that it is  
12 not duplicative. Individual testimony by either AT&T or WNSI shall only be presented on issues  
that are unique to one of them. AT&T and WNSI shall also coordinate their testimony with  
13 Parks to insure that it is not duplicative. AT&T and WNSI shall be required to follow the  
previously established schedule for the submission of prefiled testimony requiring filing no later  
than June 25, 1999.

14  
15 DATED and effective at Olympia, Washington, this \_\_\_\_th\_\_\_\_ day of May, 1999.

16 /s/ Deborah Ross  
17 Deborah Ross, Council Chair