

**BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL**

**In re Matter of  
Application No. 99-1  
of**

**POSTHEARING ORDER No. 4  
COUNCIL ORDER NO. 756**

**SUMAS ENERGY 2, INC.**

**ORDER ON ABBOTSFORD AND  
ABBOTSFORD CHAMBER OF  
COMMERCE'S MOTION FOR  
ADDITIONAL TIME TO RESPOND TO  
NESCO'S MOTION FOR  
RECONSIDERATION**

**SUMAS ENERGY 2 GENERATION  
FACILITY**

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On February 16, 2001, at a special Council meeting in Bellingham Washington, the Energy Facility Site Evaluation Council (Council) announced its decision to recommend that the Governor of Washington deny Sumas Energy 2's application to site Sumas Energy 2 Generation Facility, an electrical generation facility, in Sumas, Washington. The Council served Council Order No. 754 containing the Findings of Fact, Conclusions of Law, and Order Recommending Denial of Site Certification and Order Denying Motion to Reopen Record on all parties on February 20, 2001.

On February 18, 2001, the Council received by electronic mail from the Applicant a pleading entitled "SE2's Motion to Stay Council Order No. 754" which requested that the Council stay the effectiveness of Council Order No. 754 and postpone transmitting its recommendation to the Governor pending filing and resolution of any motions for reconsideration. The Applicant informed the Council that it intended to file a Motion for Reconsideration.

On February 20, 2001, the Council informed all parties to the proceeding that they could file responses to this motion by February 26, 2001. Whatcom County and Constance Hoag filed timely responses and opposed the Applicant's motion.

In Council Order No. 755, the Council announced it would postpone transmittal of Council Order No. 754 to the Governor pending completion of the EFSEC process in anticipation of the filing of a motion for reconsideration by the Applicant.

On March 5, 2001, SE2 served its Motion for Reconsideration which appended three new pieces of proposed evidence, a new draft Site Certification Agreement, a document entitled "Attachment, 6, Mitigation Measures and Project Conditions."

By letter, EFSEC informed the other parties that they could file responses to SE2's motion by March 16, 2001. On March 7, 2001, David Bricklin, on behalf of Abbotsford and the Abbotsford Chamber of Commerce, filed a motion to extend the time to respond to the Applicant's Motion for Reconsideration to March 30, 2001. On March 8, 2001 the Counsel for the Environment, Mary Barrett, also filed a motion to extend time for responding to the Motion for Reconsideration. In light of the extensive nature of the Motion for Reconsideration and Abbotsford's counsel's and the Counsel for the Environment's prior commitments, the Council grants this motion. All parties may file responses to the Motion for Reconsideration by 5:00 p.m. on March 30, 2001.

The Council requests that, in addition to any other issues parties wish to address, that all responses to the Motion for Reconsideration indicate 1) whether the Applicant's proposed changes satisfy the party's objections or concerns on each issue and, 2) what, if any, new evidence the party believes necessary as a result of the applicant's petition. The Council also requests that the applicant and intervenors also provide the Council with their opinion as to whether, in view of the proposed changes to the site certification agreement, new public hearings need to be scheduled on air and wetlands issues in order to comply with federal and state Clean Air and Clean Water Act requirements. It will be helpful to the Council if parties organize their responses by issue so that the Council can decide whether any additional hearings or oral argument would be appropriate and the scope of any such proceedings, in the event that the Council decides to reopen the record.

DATED and effective at Olympia, Washington, the \_14\_ day of March, 2001.

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Nan Thomas, Administrative Law Judge