

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

**In the Matter of
Application No. 2004-01**

**WIND RIDGE
POWER PARTNERS, L.L.C.**

WILD HORSE WIND POWER PROJECT

**PREHEARING ORDER NO. 3
COUNCIL ORDER NO. 807**

**PREHEARING ORDER DENYING
INTERVENOR LATHROP'S
OBJECTION TO PREHEARING ORDER
NO. 1**

Background and Procedural Matters:

On December 7, 2004, the Energy Facility Site Evaluation Council (EFSEC or Council) issued Prehearing Order No. 1, *Granting, on Condition, Petitions for Intervention*. On December 17, 2004, Intervenor Steven F. Lathrop filed an *Objection* to Council Order No. 805, stating that the Order was (a) inconsistent with EFSEC regulations, (b) incorrect and unsupported in authorizing Intervenor status for the Economic Development Group of Kittitas County (EDG), and (c) unfairly requiring him to demonstrate “specific, concrete, legal interests” when other Intervenors were not subjected to the same standard of proof.

On December 23, 2004, EFSEC sought out all interested Parties’ responses to the above-noted *Objection*. Any such submissions were to be filed no later than January 7, 2005. The Applicant, Wind Ridge Power Partners, LLC, and Intervenor Friends of Wildlife and Wind Power each filed a *Response* on January 7, 2005.

The Council, having reviewed its Order No. 805 and considered Intervenor Lathrop’s *Objection* and the two *Response* briefs filed thereto, hereby DENIES Intervenor Lathrop’s *Objection* for the following reasons:

1. The Council’s interpretation and application of WAC 463-30-400 and -410 is set out in extensive detail in Council Order No. 805. The Council stands by its original rulings in applying its historical interpretation of the standards for intervention to this matter.
2. Intervenor Lathrop’s *Objection* with regard to the Economic Development Group of Kittitas County overlooks the difference between the standards applicable to associations and individuals. The Council has ruled that EDG had presented sufficient interests and expertise to merit granting its *Petition for Intervention*; Intervenor Lathrop’s *Objection* does not make any substantive attack on that ruling.

Further, the Council's taking notice of EDG's statutory authority, even without specific proof thereof having been introduced at the prehearing conference held on September 30, 2004, is not a proper reason to challenge the Council's earlier ruling.

3. The Council determined that both Friends of Wildlife and Wind Power and EDG have demonstrated "specific, concrete, legal interests" that are different from those held by members of the general public. Council Order No. 805 sets these out in sufficient detail that they need not be recounted herein. The Council stands by its original rulings with regard to those two Intervenors.

Having found no merit in any of the three grounds raised in Intervenor Lathrop's *Objection*, the Council hereby DENIES the *Objection* in its entirety.

DATED and effective at Olympia, Washington, the _____ day of January, 2005.

WASHINGTON STATE ENERGY FACILITY
SITE EVALUATION COUNCIL

Adam E. Torem, Administrative Law Judge