

BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of  
Application No. 2009-01

of

WHISTLING RIDGE ENERGY PROJECT LLC  
for

WHISTLING RIDGE ENERGY PROJECT

POSTHEARING ORDER NO. 18

COUNCIL ORDER NO. 863

Post hearing conference order

The Council convened an adjudicative hearing session and conference on January 20, 2011, before Council members Jeff Tayer, Richard Fryhling, Hedia Adelman, Andrew Hayes and Doug Southerland and Administrative Law Judge C. Robert Wallis. The purpose of the session was to hear additional cross-examination of witness Mark Storm, to determine the status of certain exhibits offered to the record in the adjudication, and to discuss and resolve some elements of post-hearing process. This Order considers matters relating to post-hearing process.

Land use briefing.

The parties agreed to begin post-hearing process with briefing on the issue of land use consistency. They agreed that the record was adequate for briefing and agreed to simultaneous briefs of no more than 20 pages,<sup>1</sup> due not later than February 11, with simultaneous responding briefs of not more than 15 pages due not later than February 25. The initial briefs have been received.

Exhibits

An updated exhibit list is attached. It is marked as Exhibit No. 110 for identification. Upon completion of post-hearing process affecting exhibits, it will be updated and received in evidence, and will determine the status and identity of documents of record. Parties having questions or concerns about the draft exhibit list should notify the Council, stating reasons, no later than close of business on Feb. 25; responses must be made before close of business on March 2, 2011.

Exhibits have been posted on the Council's web page under the heading "Adjudicative Proceeding" within the Whistling Ridge web page segment.

---

<sup>1</sup> Briefing page lengths and formatting instructions were provided to parties.

Wind Speed Exhibits.

Dispute remains regarding wind speed exhibits offered through Mr. Spadaro and Mr. Till. It was noted that the parties appeared to use the same underlying source for some proffered documents. The disputing parties were asked to provide appropriate underlying data and to consult and attempt agreement as to their presentations. Parties failed to reach agreement and have submitted additional proposed evidence. The Council is considering a response, which will be forthcoming.

Adjudication briefing.

The parties agreed to a maximum brief length of 60 pages for the adjudication briefing, with simultaneous briefs to be filed no later than March 18, 2011, and with simultaneous answering briefs of no more than 30 pages due no later than April 1, 2011.

Site and KVA views.

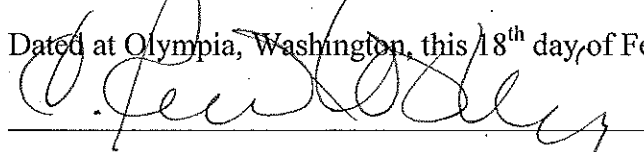
The Council agrees with the parties that views of the site and views from key viewing areas ("KVAs") are appropriate. Parties may submit recommendations as to priorities for appropriate KVAs to include, and suggest alternate timing, no later than March 2, 2011. The Council will then will determine the date or alternate dates, timing and exact itinerary of the viewing process.

SEPA process.

EFSEC staff member Mr. Posner at the February Council meeting shared the anticipated timing of the SEPA process with the parties and the Council, estimating the completion of a preliminary final environmental impact statement during April, 2011 and of a final EIS by the middle of the year.

WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL

Dated at Olympia, Washington, this 18<sup>th</sup> day of February, 2011



C. Robert Wallis, Administrative Law Judge