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June 22, 2015

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RE: Adjudication Tasks to Undertake Pending Issuance of Draft Environmental Impact
Statement

Dear Parties:

As you have been informed via the scheduled posted today on EFSEC's website, the DEIS issuance has been delayed to November. As a result, your preliminary issues lists will not be due until approximately January 4, 2016. I would like to use the interim to address matters that do not require the parties' full articulation of their adjudication issues. For example, as I recall from our pre-hearing conference in April, Mr. Derr indicated that he was intending to raise the question of the Council's jurisdiction with regard to certain matters. I believe the parties can communicate with each other now to gain a sufficient enough understanding of what general subject matters will be at issue in this adjudication to allow motion practice to proceed on such questions.

I have agreed to allow the parties time to study the DEIS prior to the deadline for filing preliminary issues lists, and I do not at this time expect to revisit that decision. However, this does not mean that parties cannot address broad legal issues that do not arise from the factual

information provided in the DEIS. So I encourage the parties to file any dispositive and other motions they may wish to bring with regard to those questions in the time we have to address them between now and November.

With regard to the publication of the DEIS and the issues lists, I would also like to remind the parties of EFSEC's multiple process structure. Please keep in mind that the adjudication is a separate process, and not a DEIS appeal process.

Sincerely,

A handwritten signature in blue ink that reads "Cassandra Noble". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Cassandra Noble
Administrative Law Judge