

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

COUNCIL ORDER NO. 867

WHISTLING RIDGE ORDER NO. 22

Order Denying  
Motion to Reopen

The Washington State Energy Facility Site Evaluation Council (EFSEC or the Council) is hearing this matter pursuant to RCW 80.50.090 and RCW 34.05. Intervenors Save Our Scenic Area (“SOSA”) and Friends of the Columbia Gorge (“Friends”), together “movants,” moved on June 10, 2011 to reopen the record for additional evidence. They offer supplemental testimony from Dr. Robert Michaels, a witness in the proceeding, and documents of the Bonneville Power Administration (“BPA”). The thrust of the offer is that in adopting Interim Environmental Redispatch and Negative Pricing Policies, BPA has taken an action that would properly supplement the record.

Applicant opposes the motion. Others also oppose the motion: Skamania County and Klickitat PEDC (“Skamania”), the Association of Washington Business (“AWB”) Skamania County Economic Development Council, Port of Skamania County and the Skamania County Public Utility District (“EDC, *et al.*”).

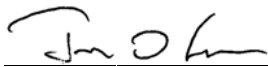
The BPA policy document declines power from wind projects at certain times of day, under limited conditions, when the agency’s need to generate power for environmental reasons exceeds its capacity to transmit power. Movants maintain the submission is “the best evidence available” at the present time relating to the topic.

The Council ruled in Prehearing Orders Nos. 11 and 12 that insofar as “need for power “relates to the financial viability of the applicant’s project, “it is not a matter for Council consideration. This is, consistent with the Council’s prior review of a merchant plant that was affirmed in *Residents Opposed to Kittitas Turbines v. State Energy Facility Site Evaluation*

Council, and we affirm the earlier rulings.<sup>1</sup> Opponents also argue that the evidence is not “new,” and that BPA’s policy was announced prior to the filing of Mr. Michaels’ hearing testimony. AWB and other intervenors also urge that the motion be rejected. Movants argue that the Council has the discretion to grant the motion. We agree. However, we decline to do so. The BPA policy is discussed in the record and has been briefed.

WASHINGTON STATE ENERGY FACILITY SITE EVALUATION COUNCIL

Dated at Olympia, Washington and effective this 21<sup>st</sup> day of June, 2011.



James O. Luce, EFSEC Chair

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<sup>1</sup> See RCW 80.50.010 and WAC 463-14-020. The Council *Residents Opposed to Kittitas Turbines, et al., v. the State Energy Facility Site Evaluation Council, et al.*, 165 Wn.2d 275, 197 P.3d 1153 (2008) where the Court observed “ As economic analysis does not relate to environmental or ecological concerns, we believe EFSEC was within its authority to refuse to review the economic viability of the KVVPP.”