

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In re Application No. 96-1

of

OLYMPIC PIPELINE COMPANY

For Site Certification

PREHEARING ORDER NO. 8
COUNCIL ORDER NO. 707

COUNCIL ORDER MODIFYING
PREHEARING ORDER NO. 7

Nature of the Proceeding: This matter involves an application to the Washington State Energy Facility Site Evaluation Council (the Council) for certification of a proposed site in six Washington counties for construction and operation of a pipeline for the transportation of refined petroleum products between Woodinville and Pasco.

Procedural Setting: The Council convened a fourth prehearing conference session on January 29, 1997, pursuant to due and proper notice, to discuss procedural matters in this adjudication. Prehearing Order No. 7, served on February 11, 1997, set forth the agreements emerging from this discussion. On February 18, 1997, the Council received a request from King County to modify the final two paragraphs in discussion section D. On February 24, 1997, the Council received a document from Adams, Grant, and Kittitas Counties, joining King County's request.

Discussion:

Through its prehearing conference orders, the Council strives to reflect accurately the agreements reached at prehearing conferences and to direct the course of the adjudication as expeditiously as possible, consistent with available resources and a thorough examination of the issues.

King County¹ requests a modification to clarify that only Adams, Grant, and Kittitas counties expressed a willingness to defer to agreements reached between the Applicant and state/federal agencies. Modification of the order should be made as follows (changes from the original are underlined):

Adams, Kittitas, and Grant counties indicated that they will give substantial deference to any agreements reached between the Applicant and state/federal agencies, which affect land within their jurisdictions.

¹ Counsel for Adams, Grant, and Kittitas counties presented a late-filed pleading in support of the motion. In light of our decision, we need not decide whether to receive the late filing.

Counsel for these counties is urging his clients to hold public hearings before the county commissioners sign any stipulation agreements with the Applicant.

King County also asks that the statement that “the counties are striving to complete this portion of the process within 90 days” be limited to Adams, Grant, and Kittitas counties. We deny this request.

First, the statement is framed as an objective, not as a command. To the extent consistent with available resources and a thorough examination of the issues, we urge all the counties to strive to complete their land use consistency negotiations expeditiously.

Second, King County’s representative had an opportunity to voice the county’s view during the prehearing conference and did not do so. The purpose of the discussion was to gauge timing of the application process, a purpose that was central to the purpose of the prehearing conference. If King County or any other party has different perceptions of timing and process than are stated in the conference, those perceptions should be voiced in the discussion. We do not believe a change in the order is required.

DATED and effective at Olympia, Washington, this 25 th day of February, 1997.

/Signed/

C. Robert Wallis, EFSEC Acting Chair