

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of:)
)
Wautoma Solar Energy Project,)
Applicant Docket #EF-220355)

VIDEOCONFERENCE FINAL STATUS, PREHEARING CONFERENCE
BEFORE OAH DAN GERARD

September 20, 2024
Taken Remotely via Zoom

PREPARED BY: Michelle D. Elam, RPR, CCR 3335

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1 APPEARANCES
 2 FOR THE APPLICANT (via Zoom):
 3 VAN NESS FELDMAN, LLP
 4 Erin Anderson
 5
 6 FOR BENTON COUNTY (via Zoom):
 7 BENTON COUNTY PROSECUTING ATTORNEY
 8 LeeAnn Holt
 9
 10 FOR THE ENVIRONMENT (via Zoom):
 11 OFFICE OF THE WASHINGTON STATE ATTORNEY GENERAL
 12 Yuriy Korol
 13
 14 FOR EFSEC (via Zoom):
 15 Andrea Grantham
 16 Jonathan Thompson
 17 Joan Owens
 18 Alex Shiley
 19 Cathy Taliaferro
 20 Adrienne Barker
 21 Audra Allen
 22 Lance Caputo
 23 Zachary Packer
 24
 25

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1 and then handle any other prehearing matters that need to
 2 be handled ahead of the hearing next week.
 3 So let's go ahead and go around the board, from
 4 what I can see on my Teams screen, to confirm that
 5 everybody who is listed is present, and perhaps those who
 6 are not listed are participating jointly with somebody
 7 else who will be announced.
 8 Give me just a moment, please.
 9 So I'll start with who appears to be on behalf
 10 of EFSEC.
 11 Mr. Caputo, are you present?
 12 LANCE CAPUTO: Yes, sir.
 13 OAH DAN GERARD: Thank you.
 14 And just for the record, that's Lance Caputo.
 15 And I'll go ahead and use everyone's full name,
 16 just so the record is clear.
 17 Joan Owens, are you present?
 18 JOAN OWENS: I am present.
 19 OAH DAN GERARD: And, Andrea Grantham, are you
 20 present?
 21 ANDREA GRANTHAM: I am present.
 22 OAH DAN GERARD: Very good.
 23 Ms. Taliaferro, you spoke up just a moment ago,
 24 so I don't need any confirmation that you're here.
 25 Ami Hafkemeyer, are you present as well?

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1 BE IT REMEMBERED that on Friday,
 2 September 20, 2024, at 9:00 a.m., before Michelle D.
 3 Elam, Certified Court Reporter, RPR, the following Final
 4 Status, Prehearing Conference, was held, to wit:
 5
 6 <<<<<< >>>>>>
 7
 8 OAH DAN GERARD: Good morning.
 9 This is Administrative Law Judge Dan Gerard with
 10 the Washington State Office of Administrative Hearings,
 11 calling on a recorded line in the matter of Wautoma
 12 Solar, OH Docket 279466, on September 20th of 2024 at
 13 9:00 a.m. Pacific.
 14 I would like someone to go ahead and unmute very
 15 quick. I will just call someone randomly.
 16 Ms. Taliaferro, can you hear me? I'll use you
 17 as a sample to see if everyone else can hear me as well.
 18 CATHERINE TALIAFERRO: Yes, I can definitely
 19 hear you.
 20 OAH DAN GERARD: Excellent.
 21 All right. So we're going to start today by
 22 taking a roll call to see who is present and who they are
 23 here on behalf of.
 24 We'll then segue into discussing the exhibits,
 25 or proposed exhibits, rather, as well as the witness list

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1 AMI HAFKEMEYER: Yes, I am. Thank you.
 2 OAH DAN GERARD: And I think those are all of
 3 the people, at least from the screen that I have up who
 4 are currently with EFSEC.
 5 I see some people tangentially related to EFSEC,
 6 and that includes the Attorney Generals.
 7 Mr. Thompson, or John Thompson, are you present?
 8 JOHN THOMPSON: Yes, I am.
 9 OAH DAN GERARD: Very good.
 10 And Audra Allen, are you present as well?
 11 AUDRA ALLEN: I am present.
 12 OAH DAN GERARD: Very good.
 13 And as far as those who are associated with
 14 EFSEC, is there anybody who either I did not announce or
 15 simply missed?
 16 ADRIENNE BARKER: Adrienne Barker, present.
 17 OAH DAN GERARD: Thank you, Ms. Barker. I
 18 actually had you down, but for some reason I didn't call
 19 you out. Thank you.
 20 ZACHARY PACKER: Zach Packer, Assistant Attorney
 21 General, present.
 22 OAH DAN GERARD: I'm sorry, is it Packer,
 23 P-a-c-k-e-r?
 24 ZACHARY PACKER: Yes.
 25 OAH DAN GERARD: There it is. I see it now.

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1 And you're acting -- are you acting in the same
2 capacity as Mr. Thompson and I believe Ms. Allen?
3 ZACHARY PACKER: I am, yes.
4 OAH DAN GERARD: Anybody else?
5 AUDRA ALLEN: Oh, no. This is Audra Allen.
6 I just wanted to clarify. I am in records with
7 Catherine Taliaferro.
8 OAH DAN GERARD: Thank you for that.
9 That was a separate AAG. Unfortunately, I
10 forgot her name.
11 Mr. Thompson, please extend my condolences or
12 apologies for forgetting her name.
13 Anybody else here on behalf of EFSEC?
14 All right. Let's move on, then, to the
15 applicant.
16 I do see the applicant's attorney, Erin Anderson
17 is at least listed present.
18 Ms. Anderson, are you present?
19 ERIN ANDERSON: Yes, I am, Your Honor.
20 OAH DAN GERARD: And will anybody else be
21 participating on behalf of the applicant besides you
22 today?
23 ERIN ANDERSON: I will be the only individual
24 speaking, but I do have my colleagues, Clara Park and
25 Andrew Lewis listening in.

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1 OAH DAN GERARD: Ms. Park, are you present?
2 CLARA PARK: Yes, present. Thank you.
3 OAH DAN GERARD: Thank you.
4 And, Mr. Lewis, are you present as well?
5 ANDREW LEWIS: Yes, Your Honor.
6 OAH DAN GERARD: Very good.
7 Anybody else, Ms. Anderson?
8 ERIN ANDERSON: On behalf of my client, I have
9 several individuals listening in. That would be Leslie
10 McClain, Linnea Fossum and --
11 OAH DAN GERARD: Let's slow down because I like
12 to write these down and put them in the order. So let's
13 take them one at a time.
14 So Leslie?
15 ERIN ANDERSON: Leslie McClain.
16 OAH DAN GERARD: Thank you.
17 ERIN ANDERSON: Linnea Fossum.
18 OAH DAN GERARD: I don't see her name actually
19 written down. Oh, there it is. I see it now.
20 ERIN ANDERSON: And it's possible that others
21 may join afterward, but I don't see them on the screen at
22 the moment.
23 OAH DAN GERARD: Very good.
24 And I do see there was a late joiner for EFSEC,
25 and that's Alex Shiley.

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1 Are you present as well?
2 ALEX SHILEY: I am present.
3 OAH DAN GERARD: Let's move onto Benton County.
4 I do see Benton County's attorney of record,
5 LeeAnn Holt, is present.
6 Ms. Holt, are you there?
7 LEEANN HOLT: I am.
8 OAH DAN GERARD: And will anybody else be
9 participating or observing today on behalf of Benton
10 County?
11 LEEANN HOLT: Yes. Observing will be Michelle
12 Mercer and Greg Wendt.
13 OAH DAN GERARD: And, Ms. Mercer, are you
14 present?
15 MICHELLE MERCER: Yes, I am.
16 OAH DAN GERARD: Thank you.
17 Mr. Wendt, are you present as well?
18 GREG WENDT: Yes, I am.
19 OAH DAN GERARD: Anybody else, Ms. Holt, besides
20 the three of you?
21 LEEANN HOLT: No, Your Honor.
22 OAH DAN GERARD: All right. And I do see we
23 have on behalf of counsel for the environment, Yuriy
24 Korol.
25 Mr. Korol are you there as well?

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1 YURIY KOROL: Yes, Your Honor. Present.
2 OAH DAN GERARD: Will anybody else be
3 participating on behalf of the counsel for the
4 environment besides you?
5 YURIY KOROL: No, Your Honor.
6 OAH DAN GERARD: And we also do have a court
7 reporter, Michelle Elam or Elam. Pardon me for the
8 mispronunciation.
9 Are you on the call as well?
10 MICHELLE ELAM: Yes, I am.
11 OAH DAN GERARD: Thank you.
12 I see another -- I'm trying to -- give me a
13 moment while I look through the list to see who I know
14 has been called and who hasn't that.
15 I do see a -- just a moment, please -- Paris
16 Valdez.
17 Paris Valdez, are you on the call?
18 PARIS VALDEZ: Hi. Yes. I'm with Yakima Nation
19 Fisheries.
20 OAH DAN GERARD: Thank you.
21 And do you know if anybody else will be
22 participating on behalf of Yakima Nation Fisheries
23 besides you, or just observing? You're actually not a
24 party.
25 PARIS VALDEZ: I think it's just me.

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1 OAH DAN GERARD: And I also see a Megan Raymond.
2 Ms. Raymond, are you on the call?
3 MEGAN RAYMOND: Sorry. I was having trouble
4 with my mic.
5 Yep, I'm on the call. Just a member of the
6 public, just listening.
7 OAH DAN GERARD: That's perfectly fine. I just
8 need to know who you are and if you are participating.
9 So thank you for that.
10 MEGAN RAYMOND: Thank you.
11 OAH DAN GERARD: Based on the list that I do
12 see, I think I have all except for Mr. Witt, who has just
13 recently joined, or I just noticed.
14 David Witt, are you present as well?
15 DAVID WITT: Yes, I am here. Nonparticipating.
16 Just as a member of DAHP, Department of Archeology &
17 Historic Preservation.
18 OAH DAN GERARD: Thank you, sir.
19 All right. And was there anybody else present
20 who either I have not announced or who has not announced
21 themselves, even if you're just observing? If so, go
22 ahead and take yourself off mute and please let me know.
23 Okay. Very good. So let's go ahead and begin.
24 Before we get into matters that may or may not
25 be before the council, I would like someone to speak up

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1 who is currently representing the council or who can
2 speak on their behalf, go ahead and announce yourself.
3 Because I would like to make sure that no one who is
4 participating as a council member is present in this
5 prehearing conference because there is a possible
6 exposure to exhibits that may not be before them. And I
7 do not wish to taint their view of the case before we get
8 into it.
9 So who here can speak on behalf of the council
10 to confirm that none of them are present?
11 JOHN THOMPSON: Your Honor, this is John
12 Thompson.
13 There are no -- I don't see any council members
14 present, and I don't believe they were invited.
15 OAH DAN GERARD: Okay. Thank you, sir. I just
16 need to make sure, just so we don't build unnecessary
17 error into the record.
18 Okay. So with that, let's go ahead and -- well,
19 first I would like to discuss with -- just for everyone's
20 clarification, there are three parties who have submitted
21 intent to participate today. So those are the parties
22 I'm going to be speaking directly to.
23 That's Ms. Anderson with the applicant, Ms. Holt
24 with Benton County, and then Mr. Korol with the counsel
25 for the environment.

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1 So of those individuals, are there -- we'll
2 start first with Ms. Anderson.
3 Is there anything we need to discuss ahead of
4 getting into the discussion of the exhibits and witness
5 lists?
6 ERIN ANDERSON: I had some questions, but I
7 think that they can follow the specific agenda. It was
8 just about procedure.
9 OAH DAN GERARD: You are correct. I had
10 anticipated discussing procedural matters at the end of
11 any questions.
12 But more, I just want to preempt anything that
13 would otherwise not make this necessary. I don't foresee
14 anything happening, but I also don't want to guess.
15 That's kind of the nature of the question.
16 ERIN ANDERSON: Thank you. We're good to go.
17 OAH DAN GERARD: Very good.
18 Ms. Holt, same question for you.
19 LEEANN HOLT: I agree on the same position. I
20 think we can proceed.
21 OAH DAN GERARD: Very good.
22 And, Mr. Korol?
23 YURIY KOROL: Likewise, Your Honor. We're good
24 to proceed.
25 OAH DAN GERARD: And is it Korol or Karol? I

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1 hate to mispronounce your last name.
2 YURIY KOROL: It's Korol.
3 OAH DAN GERARD: Korol. Neither one of them
4 were correct.
5 Okay. So let's go ahead and discuss what I did
6 receive, confirm that the parties did receive them, and
7 then we'll take up the admission of those in order.
8 I would like to start first with the applicants,
9 with the exhibits themselves. We'll talk about the
10 witnesses in just a moment as well.
11 Ms. Anderson, I did receive Applicant's
12 Exhibits -- proposed Exhibits 1 through 27.
13 Is that the totality of what was submitted by
14 the applicant for consideration?
15 If you're speaking, you're on mute.
16 ERIN ANDERSON: I'm sorry. Was the question, is
17 the accurate tally, and it is, yes.
18 OAH DAN GERARD: Thank you. Very good.
19 And, Ms. Holt, did you receive the applicant's
20 Exhibits 1 through 27?
21 LEEANN HOLT: I did.
22 OAH DAN GERARD: Mr. Korol, did you also receive
23 Exhibits 1 through 27?
24 YURIY KOROL: I did.
25 OAH DAN GERARD: All right. And, Ms. Anderson,

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1 are you anticipating submitting all of those documents
2 for consideration in the hearing?
3 ERIN ANDERSON: No, I am not.
4 OAH DAN GERARD: Okay. Which ones are you not
5 anticipating submitting so we can just exit those from
6 the get-go?
7 ERIN ANDERSON: I'm not calling Laura O'Neil as
8 an expert. I'm not going to be submitting her resume.
9 OAH DAN GERARD: Okay. Let's -- we'll talk
10 about the witnesses in just a minute. I don't want to
11 cross streams. So let's just talk about the exhibits and
12 exhibit numbers so we can pull those out.
13 ERIN ANDERSON: Number 1.
14 OAH DAN GERARD: Okay.
15 ERIN ANDERSON: Number 7, and I'm not certain
16 about No. 13, so let's go ahead and leave that in and
17 I'll move to admit it at the hearing if we need it.
18 OAH DAN GERARD: Okay.
19 ERIN ANDERSON: I'm looking through the
20 remainder. That's all. The remainder should come in.
21 OAH DAN GERARD: All right. And you made a
22 qualifying statement that you may enter Exhibit No. 13 at
23 the record.
24 I want to know which ones today you anticipate
25 offering so we can get those to the council ahead of time

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1 for review.
2 Is it all of them with the exception of 1, 7,
3 and 13 you will possibly offer --
4 ERIN ANDERSON: Yes.
5 OAH DAN GERARD: -- at the hearing? Is that
6 what I'm understanding?
7 ERIN ANDERSON: Correct.
8 OAH DAN GERARD: Okay. So with that, Ms. Holt,
9 do you have -- I would like to see what you don't have
10 objections to first so we can just carve those off. And
11 then if you have individual objections, we'll take them
12 in order.
13 So we'll start first with you.
14 Do you have -- are any of the Exhibits 2 through
15 6 and 8 through 27, which the exception of 13, that you
16 are not going to object to the admission?
17 LEEANN HOLT: We are not objecting to their
18 admission.
19 OAH DAN GERARD: On any of them?
20 LEEANN HOLT: Of any of them.
21 OAH DAN GERARD: That makes it easy. Thank you.
22 Okay. And, Mr. Korol, the same question for
23 you.
24 Are you going to object to the admission of any
25 of the documents I just referenced to Ms. Holt?

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1 YURIY KOROL: No objection, Your Honor.
2 OAH DAN GERARD: Okay. Then at this point,
3 Applicant's Exhibits 2 through 6 and 8 through 12, 14
4 through 27 are admitted into the record.
5 And as soon as the prehearing conference is done
6 today, I will have -- I will ensure that they are
7 uploaded for the council's review.
8 So, Ms. Anderson, now we're going to go ahead
9 and talk about your witnesses.
10 I did see on the witness list you had four
11 witnesses listed; though, you've already told me that
12 you're going to not call Ms. O'Neil.
13 So Wally Jossier, Leslie McClain, and Robin
14 Robert.
15 Is that the entirety --
16 ERIN ANDERSON: Your Honor?
17 OAH DAN GERARD: Ms. Anderson.
18 ERIN ANDERSON: No, that's not correct. I'm not
19 calling Ms. O'Neil as an expert witness. I am calling
20 her.
21 OAH DAN GERARD: You're still calling her as a
22 witness, just not an expert witness? Is that --
23 ERIN ANDERSON: Correct. I am calling all four.
24 Three as lay; one as an expert.
25 OAH DAN GERARD: And which is the expert that

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1 you anticipate?
2 ERIN ANDERSON: Ms. McClain.
3 OAH DAN GERARD: Thank you for that
4 clarification. I think I overreached in assuming since
5 you weren't calling her as a witness, you weren't calling
6 her at all.
7 Very good.
8 And, Ms. Holt, did you receive a copy of
9 applicant's witness list?
10 LEEANN HOLT: I did.
11 OAH DAN GERARD: Okay. Are you going to object
12 to their testimony of any of those witnesses?
13 LEEANN HOLT: No.
14 OAH DAN GERARD: Okay. And, Mr. Korol, the same
15 question for you.
16 YURIY KOROL: Yes, your Honor, I received it,
17 and I have no objections.
18 OAH DAN GERARD: Okay. Then all four of
19 applicant's witnesses will be allowed to testify at the
20 appropriate time.
21 Ms. Anderson, was there anything else from the
22 applicant, at least as far as witnesses and exhibits,
23 that we have not discussed?
24 ERIN ANDERSON: No, sir. Thank you.
25 OAH DAN GERARD: Very good.

<p style="text-align: right;">Page 18</p> <p>1 Then let's move on to Benton County. 2 Ms. Holt, I did receive your exhibits, alpha 3 through egg. I'm not -- I don't speak the -- sorry. A 4 through E. Is that -- and then a witness list of two 5 witnesses. A George Wendt and a Michelle Mercer. 6 Is that the entirety of the exhibits and 7 witnesses that Benton County is anticipating presenting 8 and proposing into the record? 9 LEEANN HOLT: Yes. 10 OAH DAN GERARD: Very good. 11 Ms. Anderson, did you receive Benton County's 12 Exhibits A through E as well as their witness list? 13 ERIN ANDERSON: I did. 14 OAH DAN GERARD: Mr. Korol, same question for 15 you. 16 Did you receive the witness list and the 17 exhibits? 18 YURIY KOROL: Yes, I did. 19 OAH DAN GERARD: Very good. 20 Ms. Anderson, the same -- first of all, 21 Ms. Holt, are you anticipating having both of those 22 witnesses testify? 23 LEEANN HOLT: I am. 24 OAH DAN GERARD: And are you offering all 25 Exhibits A through E into the record?</p>	<p style="text-align: right;">Page 20</p> <p>1 there wasn't a miscommunication along the way. 2 Did you submit anything for counsel for the 3 environment? 4 YURIY KOROL: I did not, Your Honor. 5 OAH DAN GERARD: All right. So those were the 6 issues I wanted to talk about in regards to the exhibits. 7 As I said before, I will make these available to 8 the council as soon as possible so they can review it 9 ahead of the hearing so they are not distracted by 10 shuffling through new or novel documents. 11 So now I would like to go around to the 12 participants and see if there are any other prehearing 13 matters we need to discuss, that I asked Ms. Anderson and 14 Ms. Holt to hold off until this point. 15 So, Ms. Anderson, what were those preliminary 16 questions or things you wanted to discuss outside of the 17 evidence? 18 ERIN ANDERSON: Thank you, Your Honor. 19 One thing I would note up front, we haven't 20 identified any rebuttal witnesses because we hadn't 21 received any prefiled testimony. 22 So it is possible that the parties may need 23 rebuttal witnesses, that we would identify at the time we 24 receive direct testimony. 25 Does that make -- is that acceptable to Your</p>
<p style="text-align: right;">Page 19</p> <p>1 LEEANN HOLT: I am. 2 OAH DAN GERARD: Ms. Anderson, the same question 3 I asked Ms. Holt. 4 Are there any of those exhibits you are going to 5 object to? If so, let's pull those out first and we'll 6 go ahead and admit the other ones and then we'll take 7 them up one by one, if you do have any objections. 8 ERIN ANDERSON: I don't have any objections, 9 Your Honor. Thank you. 10 OAH DAN GERARD: And that's for both the 11 exhibits as well as the witnesses, just so we're clear? 12 ERIN ANDERSON: Correct. Yes. 13 OAH DAN GERARD: All right. Mr. Korol, any 14 objection to the admission of the exhibits or those 15 witnesses testifying? 16 YURIY KOROL: I have no objections to either the 17 exhibits or the witnesses. 18 OAH DAN GERARD: Excellent. 19 And, Ms. Holt, was there anything else besides 20 what we just discussed that Benton County will be 21 offering or witnesses testifying? 22 LEEANN HOLT: No, sir. 23 OAH DAN GERARD: Okay. And, Mr. Korol, I didn't 24 receive either a witness list or an exhibit list from 25 you. You're not required to. I just want to confirm</p>	<p style="text-align: right;">Page 21</p> <p>1 Honor? 2 OAH DAN GERARD: Well, to request the rebuttal 3 witnesses. It will still be held by the same standard in 4 which rebuttal witnesses are given. 5 ERIN ANDERSON: Sure. 6 OAH DAN GERARD: So I cannot guarantee their 7 admission based on that. That will have to be determined 8 after the testimony is solicited. 9 ERIN ANDERSON: My point was I wanted to make it 10 clear that it is possible there's a universe of unknowns 11 out there. 12 OAH DAN GERARD: Of course. 13 ERIN ANDERSON: That's all. 14 The other two preliminary matters, and I've 15 discussed these with the remaining counsel. I am 16 interested in the opportunity for a brief five-minute 17 opening statement and then I wanted to, once we've 18 discussed that, discuss closing brief and the like. 19 So first request is, may we make a five-minute 20 opening statement? 21 OAH DAN GERARD: I had anticipated that, 22 actually, being practiced. If it was not anticipated, 23 then I'm not sure where the disconnect was. 24 Ms. Holt, I would give everyone the opportunity, 25 at least you and counsel for the environment, both the</p>

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1 same opportunity.
2 Do you have any reason why we can't do opening
3 statements if we limit them to five minutes?
4 LEEANN HOLT: I do not.
5 OAH DAN GERARD: And, Mr. Korol, same question
6 for you, sir.
7 YURIY KOROL: No objections, Your Honor.
8 OAH DAN GERARD: Okay. Then, Ms. Anderson, yes,
9 we'll go ahead and start everyone being allowed to, or at
10 least given the opportunity to make an opening statement.
11 Please move on to your next question.
12 ERIN ANDERSON: My next question is whether we
13 can have a five-minute summation at the end of the
14 proceeding and then submit written posthearing memoranda?
15 OAH DAN GERARD: As with opening statements, I
16 did anticipate making closing summations or closing
17 arguments.
18 As far as the hearing brief goes, this is --
19 although we are rather late in the process, there is
20 still a need to move the process forward.
21 So if we are going to do closing briefs, if the
22 other parties agree, it will be a very short window, like
23 a week, just so that counsel can start to prepare their
24 discussions on the matter. And then from there, they can
25 use your briefs in consideration.

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1 But let's see what the other parties'
2 perspective is on that before we codify it.
3 Ms. Holt, do you have any reason why we can't do
4 closing statements and closing briefs with a week after
5 close of record for submission?
6 LEEANN HOLT: I would agree to both.
7 And I would request as well doing a closing
8 brief, I would be fine with even a short turnaround of
9 one week.
10 OAH DAN GERARD: Okay. And, Mr. Korol, same two
11 questions for you, sir.
12 YURIY KOROL: Your Honor, although I don't
13 anticipate filing a closing brief, I have no objections
14 to it.
15 OAH DAN GERARD: You're still a party of
16 interest, so I would like to get your input,
17 notwithstanding what you wish or don't wish to do.
18 Very good. Thank you.
19 All right. So, Ms. Anderson, then, yes, closing
20 brief, five-minutes summations, and you'll have a week
21 after close of record to submit voluntary posthearing
22 briefs.
23 ERIN ANDERSON: Thank you, Your Honor.
24 I have nothing further.
25 OAH DAN GERARD: And just so the parties are

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1 clear, too, the deliberations, or at least my
2 construction of the summation of facts, will not wait
3 until the posthearing briefs are received. So that
4 analysis and that work is going to begin immediately.
5 So I think -- well, I just want to be clear, set
6 in stone, how exactly those are going to interplay with
7 the construction of the order.
8 All right. Anything else, Ms. Anderson? I
9 think you may have stated this, but I talked over you.
10 ERIN ANDERSON: No, that's all right.
11 I did have just a technical question about
12 sharing of exhibits.
13 Is that something that staff handles? Would you
14 like the attorney for the represented party to put the
15 exhibit up on the screen? Just interested in whichever
16 way makes it easiest for everybody.
17 OAH DAN GERARD: The hearing, if I'm correct, is
18 going to be held via Teams. And as far as my other
19 hearings with OAH, we use them extensively. And in those
20 practices, the party offering the document or wish to
21 share the document, they will simply utilize the share
22 function and then they will control the flow of the
23 information itself.
24 I would just ask before anybody does share
25 something, just to request my permission first so we can

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1 ensure the documents that are being shared are entered in
2 the record and we don't inadvertently put something in
3 that otherwise doesn't need to be before the council.
4 ERIN ANDERSON: Very good. That's very helpful
5 information. Thank you.
6 OAH DAN GERARD: All right. Anything else?
7 ERIN ANDERSON: No, sir.
8 OAH DAN GERARD: All right. And, Ms. Holt, any
9 other prehearing matters you would like to discuss before
10 we end today's prehearing conference, with still going
11 around the table?
12 LEEANN HOLT: No, Your Honor. I believe
13 Ms. Anderson summed them up.
14 OAH DAN GERARD: Okay. And, Mr. Korol, anything
15 else we need to discuss before I go around and see if
16 there's any final -- anything else we need to discuss
17 today?
18 YURIY KOROL: I don't have anything to add, Your
19 Honor.
20 OAH DAN GERARD: Okay. So with that, we have
21 numerous participants, even if they are not parties of
22 interest, in this matter. I would like to see those of
23 the major ones, if there's anything else we need to
24 discuss today in their review? Whether or not we'll take
25 them up is dependent upon what those suggestions are.

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1 So as far as EFSEC goes -- and someone will have
 2 to designate who is going to speak on behalf of EFSEC --
 3 is there anything else we need to discuss today that will
 4 facilitate a smooth hearing next week?
 5 AMI HAFKEMEYER: This is Ami Hafkemeyer speaking
 6 for EFSEC staff.
 7 EFSEC staff have no other issues for this
 8 meeting.
 9 We will be reaching out to the OAH office to
 10 ensure any final logistics needed are worked out ahead of
 11 next week's meeting.
 12 OAH DAN GERARD: Okay. Thank you.
 13 All right. And then -- well, we have two other
 14 actual agencies here as well -- well, agency and a
 15 nation.
 16 Ms. Valdez, again, although you're not a
 17 participant, you still have an interest in this matter.
 18 Anything we need to discuss or any questions you
 19 have before we end?
 20 PARIS VALDEZ: No, I don't have any questions.
 21 OAH DAN GERARD: And, Mr. Witt?
 22 DAVID WITT: No, no questions.
 23 OAH DAN GERARD: Okay. And members of the
 24 public, I appreciate your participation, but I'm not
 25 going to ask you, as you will simply be just observers.

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1 So that was everything I needed to discuss
 2 today. After the conclusion of today's prehearing
 3 conference, I will memorialize what was agreed upon in a
 4 prehearing conference order that will be sent to parties
 5 immediately, as the hearing is next week.
 6 I will also instruct my staff to upload the
 7 admitted exhibits into the record for council's
 8 consideration.
 9 I'm going to open the floor to anybody who
 10 wishes to speak on any questions, not testimony, before
 11 we conclude today.
 12 Is there anything else anybody has any questions
 13 about before we conclude? If so, go ahead and turn
 14 yourself off mute and we'll take them up in order, if
 15 there are more than one.
 16 All right. Hearing none, I will go ahead and
 17 end today. Thank you all for your participation.
 18 The time is 9:25 a.m., and the prehearing
 19 conference is adjourned.
 20 (Prehearing conference adjourned at
 21 9:25 a.m.)
 22
 23
 24
 25

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C E R T I F I C A T E

1
 2
 3 I, MICHELLE D. ELAM, Certified Court Reporter
 in the State of Washington, residing in Mayer, Arizona,
 4 reported;
 5 That the foregoing final status, prehearing
 conference was taken before me and completed on
 6 September 20, 2024, and thereafter was transcribed under
 my direction; that the final status, prehearing
 7 conference is a full, true and complete transcript;
 8
 9 That I am not a relative, employee, attorney or
 counsel of any party to this action or relative or
 employee of any such attorney or counsel and that I am
 10 not financially interested in the said action or the
 outcome thereof;
 11
 12 That I am herewith securely sealing the said
 final status, prehearing conference and promptly
 delivering the same to EFSEC.
 13
 14 IN WITNESS WHEREOF, I have hereunto set my
 signature on the 7th day of October, 2024.
 15
 16
 17
 18
 19
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 21
 22
 23
 24
 25

 /s/MICHELLE D. ELAM, RPR, CCR
 State of Washington CCR #3335
 My CCR certification expires on 6/12/24

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