

**WASHINGTON STATE  
ENERGY FACILITY SITE EVALUATION COUNCIL**

**RESOLUTION NO. 274**

WHEREAS, on December 13, 1993, the Energy Facility Site Evaluation Council (Council or EFSEC) received application (No. 93-2) from KVA Resources, Inc. and CSW Energy, Inc. to site the Northwest Regional Power Facility (NRPF) near Creston, Washington; and

WHEREAS, under chapter 80.50 RCW it will be necessary for the Council to conduct an adjudicative proceeding pursuant to chapter 34.05 RCW upon the application and to designate a presiding officer for that hearing; and

WHEREAS, the Council has considered the costs and the benefits of the available options, and it has determined in its regular open public meeting of October 10, 1994, that the Council should designate itself as presiding officer to conduct the adjudicative hearings on Application No. 93-2; and

WHEREAS, it is administratively infeasible for the Council to deliberate and vote individually on every ruling required in the course of a complex hearing such as that involved in deciding Application No. 93-2; and

WHEREAS, the Council has the power under RCW 34.05.425 to designate one or more of its members as presiding officer for an adjudicative proceeding, but doing so could deprive the presiding officer of the opportunity to participate in the Council's final decision upon the application; and

WHEREAS, the Council can retain its role as presiding officer by delegating to one of its members the authority to facilitate the proceeding, and delegating the authority to the facilitator to take certain action or make procedural rulings; and

WHEREAS, the Council desires that the adjudicative proceeding in re Application No. 93-2 begin shortly with the scheduling of a prehearing conference.

NOW, THEREFORE, BE IT RESOLVED, That

THE COUNCIL DESIGNATES member C. Robert Wallis, Council vice-chair, as facilitator of the adjudicative hearings and prehearing conference(s) on Application No. 93-2, and in his absence designates the Council Chair to act as facilitator; and

THE COUNCIL DELEGATES to the facilitator the authority to make procedural rulings that do not directly limit issues in the proceeding and do not grant, deny, or terminate party status of any person. Authorized actions include, without limitation, rulings upon matters of discovery and admissibility of evidence; rulings on motions and petitions except on the topics specified in this paragraph, requests for continuance, and other procedural rulings. Such rulings are subject to consensus of Council members who are present and to Council review at the request of a party; and

THE COUNCIL ALSO DELEGATES to the facilitator the authority to conduct prehearing conferences as necessary or appropriate in the facilitator's or the Council's judgment, in order to narrow the issues, facilitate discovery, and deal with other procedural aspects of the adjudication, *Provided*, that any ruling accepting a stipulation or settlement or otherwise restricting the Council's right to consider an issue, or any ruling accepting, rejecting, or terminating party status for any party or petitioner for party status may be effected only by order of the Council; and

THE COUNCIL DIRECTS its staff to issue a notice of prehearing conference and notice of opportunity to intervene to commence the adjudication of Application No. 93-2.

Dated this 10th day of October, 1994.

Washington State Energy Facility Site  
Evaluation Council

By: Frederick S. Adair  
Frederick S. Adair, Chair

Attest:

By: Jason J. Zeller  
Jason J. Zeller, EFSEC Manager