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BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application No.
99-1:

SUMAS ENERGY 2
GENERATION FACILITY

ABBOTSFORD'S RESPONSE TO
WHATCOM COUNTY'S MOTION
FOR RECONSIDERATION OF
COUNCIL ORDER NO. 757

The City of Abbotsford and the Abbotsford Chamber of Council do not object to a procedure that would allow the Council to reconsider proposed modifications in the SE2 plant by means of a process that take advantage of the analysis and evidence already of record. For instance, the existing EIS and much of the prior testimony will continue to be relevant. To the extent that re-use of that information constitutes "expediting" the process, Abbotsford has no objection.

Abbotsford shares Whatcom County's concern only if "expediting" the process were used to limit the rights of any affected person or entity in any

1 significant way. Regardless whether the project revisions are considered in the
2 form of a new application or an amended application, the process must still
3 provide to interested and affected persons and entities reasonable opportunities
4 to be heard.

5 As long as characterizing the forthcoming application as an “amended”
6 application instead of as a “new” application does not restrict anyone’s rights,
7 Abbotsford has no objection to the Board’s Order. The City of Sumas opposes the
8 County’s motion, asserting “No party or interest will be prejudiced by allowing
9 the reviewed proposal to be considered [as an amended application].” If that is
0 the case, Abbotsford has no objection.
1

2
3 Conversely, Abbotsford will object if expedited processing of an amended
4 application is used to limit rights that would otherwise be protected if the matter
5 were handled as a new application. Abbotsford is not concerned with the label
6 attached to the forthcoming application but is concerned that expedited
7 procedures do not short-circuit anyone’s rights. Dated this ____ day of May,
8 2001.

9 Respectfully submitted,

10 BRICKLIN & GENDLER, LLP

11 By: _____
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23 ABBOTSFORD’S RESPONSE TO WHATCOM
24 COUNTY’S MOTION FOR RECONSIDERATION
25 OF COUNCIL ORDER NO. 757 - 2