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**BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL**

IN RE APPLICATION NO. 99-1	RESPONSE OF THE CITY OF SUMAS TO WHATCOM COUNTY'S MOTION FOR RECONSIDERATION OF COUNCIL ORDER NO. 757
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The City of Sumas respectfully urges the Council to deny Whatcom County's Motion for Reconsideration of Council Order No. 757.

In part, in Order No. 757 the Council provided as follows:

The Council also considered the spirit of our guiding statutes and our rules to determine how best to consider the changes that the Applicant is proposing. In particular, the Council finds that RCW 80.50.100, which governs the Council's responsibilities to the Governor, contemplates that the Council's recommendation should be based on the best information available to the Council concerning the Project. ...

We are persuaded that the Applicant's revised Project proposal, as outlined in its Motion for Reconsideration, should be considered on its merits.

The Council believes that given the commitments the Applicant is now apparently willing to make, the interests of efficiency would best be served by transmitting a recommendation to the Governor that is based on the changes that the Applicant is proposing. The Council is therefore willing to delay transmitting its recommendation to the Governor until these changes have been adequately explored. ...

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This process necessarily will include some additional opportunity for evidentiary hearings and may require some additional opportunity for public comment to be received. ...

Council Order No. 757 @ pgs 11 and 12. As the Council recognized in its Order, both the law, including RCW 80.50.100, and the interests of efficiency and economy support its decision to consider the revised proposal. More importantly, the Council’s decision is consistent with the intent set forth in RCW 80.50.010. No party or interest will be prejudiced by allowing the revised proposal to be considered.

Whatcom County does not advance any compelling reason, either in law or in fact, for opposing that portion of the Council’s Order allowing the Applicant to submit a revised or new application. Whatcom County’s Motion should be denied.

SMITH KOSANKE & WRIGHT

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Attorney for City of Sumas