

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

In the Matter of:
Application No. 2013-01

TESORO SAVAGE, LLC

VANCOUVER ENERGY DISTRIBUTION
TERMINAL

CASE NO. 15-001

NOTICE OF PRE-HEARING
CONFERENCE

**Friday, April 24, 2015
10:00 a.m. PDT**

NOTICE is hereby given that the Energy Facility Site Evaluation Council will hold an informal pre-hearing conference in the above-captioned matter on **Friday, April 24, 2015 at 10:00 a.m. PDT** in the Utilities and Transportation Commission hearing room at the following location:

Utilities and Transportation Commission
Room 206
1300 S. Evergreen Park Dr. SW
Olympia, Washington

The purpose of this conference is to discuss organizational matters with the parties prior to the issuance of a pre-hearing order. The intention is to avoid problems and concerns of a practical nature as much as possible. Parties that do not attend waive their right to state a view on matters that are discussed and will be bound by the pre-hearing order issued following the conference. The pre-hearing order will address as many adjudication organizational matters as can be put into place at this time. As much as possible, it will accommodate the practical suggestions and requests of the parties. Remaining matters will be addressed in future pre-hearing orders.

Parties' counsel are asked to appear in person if at all possible to participate in this informal conference with the undersigned administrative law judge, and should be prepared to discuss the following subjects:

General Adjudication Organization:

EFSEC website adjudication postings
Service and filing methodologies
Form of submittals (electronic and paper adjudication record)
Contacting the ALJ with questions
Hearing venue issues – electronics, accommodations needed, interpreters

Pre-Adjudication Hearing Preparation:

Establishment of event timeline and deadlines for submittals (final witness and exhibit lists)
Motion practice and deadlines

Preparation of Evidence:

Discovery practice – See WAC 463-30-190 & RCW 34.05.446
Exhibit organization, numbering, and filing requirements
Preliminary and final lists of potential exhibits - timing
Preliminary and final lists of potential witnesses - timing
Early listing of expert witnesses
Possible agreement on expert witness qualifications and experience – use of resumes
Pre-filed direct testimony – how much and timing
Procedure for objections to pre-filed direct testimony
Filing and distribution of pre-filed testimony and exhibits prior to hearing
Possibility of obtaining stipulations and admissions of fact
Issue formulation and possible simplification – two-stage development
Consideration of the disposition or settlement of certain issues
Hearing briefing and deadlines

Hearing Procedures:

Only one sponsoring and one cross-examining attorney per witness
Necessity of time restrictions on presentations
Agreement as to the genuineness of documents to avoid unnecessary proof
Possibility of consolidation of examination for certain witnesses
Procedure for requests for rebuttal testimony
Written closings

As time permits, the conference may address items not listed above as raised by the parties or the administrative law judge and needed to establish pre-hearing procedures that achieve efficiencies and smooth process as much as is possible.

DATED and effective at Olympia, Washington this 2nd day of April, 2015.

STATE OF WASHINGTON ENERGY SITE EVALUATION COUNCIL



Cassandra Noble
Administrative Law Judge

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the State of Washington. I am over 18 years of age and not a party to this action. My business address is 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504.

I HEREBY CERTIFY that on April 2, 2015 I served the following document on the following parties:

| <u>Party</u> | <u>Method of Service</u> |
|---|---|
| <p>Kelly J. Flint Tesoro Savage Petroleum Terminal, LLC 110 Columbia Boulevard, Suite 108 & 110 Vancouver, WA 98660</p> <p>Email: kellyf@savageservices.com Phone: 801/944-6600</p> <p><i>Applicant</i></p> | <p><input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service</p> <p><input checked="" type="checkbox"/> email</p> |
| <u>Party</u> | <u>Method of Service</u> |
| <p>Jay Derr, Counsel Van Ness Feldman, LLP 719 Second Avenue, Suite 1150 Seattle, WA 98104-1728</p> <p>Email: jpd@vnf.com Phone: 206/623-9372</p> <p>Dale N. Johnson Email: dnj@vnf.com</p> <p>Tadas A. Kisielius Email: tak@vnf.com</p> <p><i>Counsel for the Applicant</i></p> | <p><input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service</p> <p><input checked="" type="checkbox"/> email</p> |
| <u>Party</u> | <u>Method of Service</u> |
| <p>Matthew R. Kernutt, Assistant Attorney General Office of the Attorney General 1125 Washington Street SE PO Box 40100 Olympia, WA 98504-0100</p> <p>Email: Matkl@atg.wa.gov Phone: 360/586-0740</p> <p><i>Counsel for the Environment</i></p> | <p><input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service</p> <p><input checked="" type="checkbox"/> email</p> |
| <u>Party</u> | <u>Method of Service</u> |
| <p>David F. Bartz, Jr. Schwabe, Williamson & Wyatt, P.C. 1211 SW Fifth Avenue, Suite 1900 Portland, OR 97204-3795</p> <p>Email: dbartz@schwabe.com Phone: 503/905-1427</p> <p>Alicia L. ("Lisa") Lowe Email: alowe@schwabe.com</p> | <p><input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service</p> <p><input checked="" type="checkbox"/> email</p> |

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| Phone: 360/905-1427 <i>Attorneys for the Port of Vancouver</i> | |
| <u>Party</u> | <u>Method of Service</u> |
| Taylor Hallvik, Deputy Prosecuting Attorney Christopher Horne, Chief Civil Deputy Clark County Board of Commissioners Civil Division PO Box 5000 Vancouver, WA 98666-5000 Email: taylor.hallvik@clark.wa.gov Phone: 360/397-2478 <i>Counsel for Clark County Board of Commissioners</i> | <input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service <input checked="" type="checkbox"/> email |
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| E. Bronson Potter, Vancouver City Attorney City of Vancouver PO Box 1995 Vancouver, WA 98668-1995 Email: bronson.potter@cityofvancouver.us Phone: 360/487-8500 Susan Drummond, Counsel for the City of Vancouver Law Office of Susan Elizabeth Drummond 5400 Carillon Pt. Bldg 5000 Kirkland, WA 98033-7357 Email: susan@susandrummond.com Phone: 206/682.0767 <i>Counsel for City of Vancouver</i> | <input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service <input checked="" type="checkbox"/> email |
| <u>Party</u> | <u>Method of Service</u> |
| Robert W. Ferguson, Attorney General Terence A. Pruitt, Assistant Attorney General Natural Resources Division 1125 Washington Street SE PO Box 40100 Olympia, WA 98504-0100 Email: terryp@atg.wa.gov & RESOlyEF@atg.wa.gov Phone: 360/586-0642 <i>Counsel for Washington State Department of Natural Resources</i> | <input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service <input checked="" type="checkbox"/> email |

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| <p>Kristen L. Boyles *Earthjustice 705 Second Avenue, Suite 203 Seattle, WA 98104</p> <p>Email: kboyles@earthjustice.org Phone: 206/343-7340</p> <p>Janette K. Brimmer Email: jbrimmer@earthjustice.org <i>Continued from page 2</i></p> <p>Matthew R. Baca Email: mbaca@earthjustice.org</p> <p>David Bricklin Bricklin & Newman, LLP 1001 Fourth Avenue, Suite 3303 Seattle, WA 98154</p> <p>Email: bricklin@bnd-law.com Phone: 206/264-8600</p> <p>Bryan Telegin Email: telegin@bnd-law.com</p> <p><i>*Counsel for Columbia Riverkeeper et al. Columbia Riverkeeper, Climate Solutions, ForestEthics, Friends of the Columbia Gorge, Fruit Valley Neighborhood Association, Sierra Club, Spokane Riverkeeper, and Washington Environmental Council</i></p> | <p><input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service</p> <p><input checked="" type="checkbox"/> email</p> |
| Party | Method of Service |
| <p>Columbia Waterfront LLC 19767 SW 72nd Avenue, Suite 100 Tualatin, Oregon 97062-8352</p> <p>Linda R. Larson Marten Law, PLLC 1191 Second Avenue, Suite 2200 Seattle, WA 98101</p> <p>Email: llarson@martenlaw.com Phone: 206/292-2600</p> <p>Daniel Timmons Marten Law, PLLC 1001 SW Fifth Avenue, Suite 1500 Portland, OR 97217</p> <p>Email: dtimmons@martenlaw.com Phone: 503/243-2200</p> <p><i>Counsel for Columbia Waterfront LLC</i></p> | <p><input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service</p> <p><input checked="" type="checkbox"/> email</p> |

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|---|---|
| <p>Julie A. Carter Columbia River Inter-Tribal Fish Commission (CRITFC) 70 NE Multnomah Street, Suite 1200 Portland, OR 97213</p> <p>Email: carj@critfc.org Phone: 503/238-0667</p> <p>Robert C. Lothrop Email: lotr@critfc.org</p> <p><i>Counsel for CRITFC</i></p> | <p><input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service</p> <p><input checked="" type="checkbox"/> email</p> |
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| <p>Cager Clabaugh, International Longshore Warehouse Union Local 4 1205 Ingalls Road Vancouver, WA 98660</p> <p>Email: cagerclabaugh@aol.com Phone: 360/903-7678</p> <p>Jared Smith Email: mithared@yahoo.com Phone: 360/241-0314</p> <p><i>Representatives of International Longshore Warehouse Union Local 4</i></p> | <p><input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service</p> <p><input checked="" type="checkbox"/> email</p> |
| Party | Method of Service |
| <p>City of Spokane Office of the Mayor 7th Floor Municipal Building W. 808 Spokane Falls Blvd Spokane, WA 99201</p> <p>Nancy Isserlis, City Attorney Office of the City Attorney 5th Floor Municipal Building W. 808 Spokane Falls Blvd Spokane, WA 99201</p> <p>Email: nisserlis@spokanecity.org Phone: 509/625-6225</p> <p>Michael J. Piccolo, Assistant City Attorney Email: mpiccolo@spokanecity.org</p> <p><i>Counsel for City of Spokane</i></p> | <p><input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service</p> <p><input type="checkbox"/> email</p> |

| Party | Method of Service |
|--|---|
| <p>Brent H. Hall Confederated Tribes of the Umatilla Indian Reservation 46411 Timine Way Pendleton, OR 97801</p> <p>Email: Brenthall@ctuir.org Phone: 541/429-7407</p> <p><i>Attorney for Confederated Tribes of the Umatilla Indian Reservation</i></p> | <p><input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service</p> <p><input checked="" type="checkbox"/> email</p> |
| Party | Method of Service |
| <p>Joe Sexton Galanda Broadman PLLC 8606 35th Ave NE, Suite L1 P.O. Box 15146 Seattle, WA 98115</p> <p>Email: joe@galandabroadman.com Phone: 206/557-7509</p> <p><i>Attorney for The Confederated Tribes and Bands of the Yakama Nation</i></p> | <p><input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service</p> <p><input checked="" type="checkbox"/> email</p> |
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| <p>Donald L. English City Attorney, City of Washougal 12204 SE Mill Plain, Suite 200 Vancouver, WA 98684</p> <p>Email: english@elmbsv.com</p> <p>Scott Russon City Attorney, City of Washougal 12204 SE Mill Plain, Suite 200 Vancouver, WA 98684</p> <p>Email: russion@elmbsv.com</p> | <p><input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service</p> <p><input checked="" type="checkbox"/> email</p> |
| Party | Method of Service |
| <p>Brian Bonlender, Director Department of Commerce 1011 Plum Street SE PO Box 42525 Olympia, WA 98504-2525</p> <p>Email: brian.bonlender@commerce.wa.gov</p> <p>Phone: 360/725-4021</p> | <p><input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service</p> <p><input checked="" type="checkbox"/> email</p> |

| <u>Party</u> | <u>Method of Service</u> |
|--|--|
| Maia D. Bellon, Director Department of Ecology 300 Desmond Drive PO Box 47600 Olympia, WA 98504-7600 Email: maia.bellon@ecy.wa.gov Phone: 360/902-1004 | <input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service <input checked="" type="checkbox"/> email |
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| Phil Anderson, Director Department of Fish and Wildlife 1191 Second Ave, Suite 2200 Seattle, WA 98101 Email: Philip.Anderson@dfw.wa.gov Phone: 360/902-2720 | <input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service <input checked="" type="checkbox"/> email |
| <u>Party</u> | <u>Method of Service</u> |
| David Danner, Chairman Utilities and Transportation Commission 1300 S. Evergreen Park Drive SW PO Box 47250 Olympia, WA 98504-7250 Email: ddanner@utc.wa.gov Phone: 360/664-1208 | <input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service <input checked="" type="checkbox"/> email |
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| Lynn Peterson Department of Transportation 310 Maple Park Avenue SE PO Box 47300 Olympia, WA 98504-7300 Email: lynnp@swdot.wa.gov | <input checked="" type="checkbox"/> US Mail Postage Prepaid via Consolidated Mail Service <input checked="" type="checkbox"/> email |

I, Kali Wraspir, hereby certify under penalty of perjury under the law of the state of Washington that the foregoing is true and correct. I served the following documents upon each person designated on the official service list in the proceeding.

DATED this 2nd day of April, 2015, at Olympia, Washington


KALI WRASPIR, Secretary Senior