

June 2, 2015

The Honorable Cassandra Noble
Administrative Law Judge
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, WA 98504-3172

Re: Vancouver Energy Distribution Terminal - Adjudication No. 15-001

Dear Judge Noble:

On May 15, 2015, eleven Parties submitted a stipulation to amend the May 5, 2015 Prehearing Order, seeking in part to amend the order to allow the Parties to file dispositive motions after filing final issue lists, but only for good cause shown. The May 28, 2015 Order Amending Pre-Hearing Order Establishing Procedures denied this request. By this letter, Vancouver Energy requests clarification as to whether the EFSEC would be willing to entertain a dispositive motion on an issue not raised in the preliminary issue list, but raised for the first time in the final issue list (and after the deadline that has now been reiterated by the Amended Pre-hearing Order).

The purpose for the Parties' stipulated request that the Council allow dispositive motions ("for good cause") following filing of final issue lists was to address this timing issue. Because we were able to obtain agreement among the Parties for this request, we did not include argument or explanation as to the reason for that request and the narrow circumstance to which it was intended to apply (i.e. new issue not raised in the preliminary issue list) in our stipulated filing. We apologize if that created any ambiguity as to what was being requested or the reason for the request. Vancouver Energy appreciates the time constraint on the Board that would result from filing dispositive motions only 60 days prior to the adjudication. However, Vancouver Energy also wishes to preserve the ability to seek summary disposition of any issue not previously identified in the preliminary issue lists, if it is apparent that the newly-raised issue merits summary disposition.

Vancouver Energy would greatly appreciate the Council's clarification regarding its willingness to allow dispositive motions concerning issues raised for the first time in the final issue lists, and address the schedule for such motions. Thank you for your consideration and clarification of this issue.

Respectfully submitted,

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