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September 24, 2015

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RE: Tesoro-Savage Vancouver Energy Terminal Adjudication Mailings to Non-Participating
Statutory Parties

Dear Parties:

This letter concerns, and is primarily intended for, the state agencies that are statutory parties to EFSEC's adjudication for the above-referenced siting application but who have not indicated an intention to actively participate.

EFSEC's governing statutes provide that certain state agencies must designate an individual to serve as a voting Council member. These are: the Department of Commerce, the Department of Ecology, the Department of Fish and Wildlife, the Department of Natural Resources, and the Utilities and Transportation Commission. RCW 80.50.030(2)(b). Other agencies, the Department of Agriculture, the Department of Health, the Military Department, and the Department of Transportation, may choose to participate as voting members of EFSEC, but it is

not mandatory that they do so. For the Tesoro-Savage application, only the Department of Transportation has designated someone to serve as a Council member.

EFSEC's siting application review involves an adjudication process. If an agency has a representative on the Council, it is also deemed to be a party for purposes of the adjudication. WAC 463-30-050. But, since active participation as an adjudication party is not mandatory, not all agencies choose to become parties, even if they have designated someone to serve on the Council. For the Tesoro-Savage adjudication, I have asked the agencies wishing to be active parties to file a Notice of Participation. To date, only the Department of Natural Resources has filed a notice. So it is the only state agency that both has a Councilmember designee, and is participating through its attorneys as a party to the adjudication.

The mandatory Councilmember state agencies not currently also actively participating as adjudication parties may still choose to do so at some point. Therefore I have directed that they continue to receive copies of all orders, pleadings, notices, and correspondence in the adjudication so that they remain apprised. If any of the non-party agencies wishes to cease receiving these communications, they may opt out of directly receiving them by sending me a written request to be taken off the service list. Even after an agency removes itself from the list, most, though not all, events in the adjudication can still be monitored because all the pleadings and nearly all communications are being posted on the Tesoro page of EFSEC's website.

Sincerely,



Cassandra Noble

Administrative Law Judge