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BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 2009-01

WHISTLING RIDGE ENERGY, L.L.C.

WHISTLING RIDGE ENERGY PROJECT

Application No. 2009-01

Skamania County Public Utility District No.
1 Statement of Legal Issues

Skamania County Public Utility District No. 1, (“PUD”) hereby submits its statement of legal issues related to this matter in accordance with the Council’s Prehearing Order No. 1/Council Order No. 842. The PUD’s issues in this matter are not jurisdictional. Instead, they are issues that are policy-oriented and fact-driven. Specifically, is the State’s policy, codified at RCW 80.50.010, of recognizing the pressing need for increased energy facilities and ensuring that the need is met through available and reasonable methods, served by approval of this Project? To answer that question, the PUD’s ability to provide reliable energy service to Skamania County requires consideration of the availability and reliability of power resources. How approval of this Project critically strengthens the PUD’s ability to reliably and continuously serve its constituents’ need for power is factual in nature. Consequently, to the extent that Prehearing Order No. 1 seeks articulation of legal issues, the PUD posits as follows:

