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

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:

Skamania County Public Utility District No. 1
Statement of Legal Issues
Legal Issue: Does effective implementation the state’s policy of ensuring that the state’s energy needs are met through available and reliable power sources commend approval of the Whistling Ridge Energy Project?

PUD Position: It is the position of the PUD that the approval of this Project is imperative to implementation of state energy policy as it is applied by the PUD as the sole provider of electrical service in Skamania County. The PUD is directly dependent on the generation sources and network of transmission lines that enable it to deliver electrical service. The Whistling Ridge Energy project has the ability to provide what may be the only reasonably reliable backup source of power to the PUD in the near future. Approval of this Project is necessary to implement state policy regarding reliable, continuous provision of electrical service not only as a matter of convenience but as a matter of the public's health, safety and welfare to the electrical consumers of Skamania County solely dependent on PUD for its reliable grid-based power supply.

RESPECTFULLY SUBMITTED this ___ day of ____________, 2009.

SKAMANIA COUNTY PUBLIC UTILITY DISTRICT NO. 1

By: