

1  EXPEDITE

2  No Hearing Set

3  Hearing is Set

4 Date: September 28, 2012

5 Time: 11:00 a m

6 The Honorable Judge James J. Dixon

7 **STATE OF WASHINGTON**  
8 **THURSTON COUNTY SUPERIOR COURT**

9 FRIENDS OF THE COLUMBIA  
10 GORGE, INC., and SAVE OUR SCENIC  
11 AREA,

12 Petitioners,

13 v.

14 STATE ENERGY FACILITY SITE  
15 EVALUATION COUNCIL (EFSEC) and  
16 CHRISTINE O. GREGOIRE, Governor  
17 of the STATE OF WASHINGTON,

18 Respondents,

19 and

20 WHISTLING RIDGE ENERGY LLC,  
21 SKAMANIA COUNTY, and  
22 KLICKITAT COUNTY PUBLIC  
23 ECONOMIC DEVELOPMENT  
24 AUTHORITY,

25 Intervenors-Respondents.

NO. 12-2-00692-7

**[PROPOSED]**  
ORDER CERTIFYING  
PETITION FOR REVIEW  
TO SUPREME COURT  
FOR DIRECT REVIEW  
PURSUANT TO  
RCW 80.50.140

**[PROPOSED]**  
ORDER CERTIFYING PETITION FOR  
REVIEW TO SUPREME COURT FOR  
DIRECT REVIEW PURSUANT TO  
RCW 80.50.140

1

ATTORNEY GENERAL OF WASHINGTON  
Government Operations Division  
7141 Cleanwater Drive SW  
PO Box 40108  
Olympia, WA 98504-0108  
(360) 586-3636

1 THIS MATTER, having come on before this Court on the 28th of  
2 September, 2012, Respondents Governor Christine O. Gregoire and the Energy  
3 Facility Site Evaluation Council (“EFSEC”) being represented by  
4 ROBERT M. McKENNA, Attorney General of the State of Washington, and  
5 KYLE J. CREWS, Assistant Attorney General; Whistling Ridge Energy LLC  
6 being represented by TIMOTHY L. McMAHAN; Skamania County and  
7 Klickitat County Public Economic Development Authority being represented by  
8 SUSAN ELIZABETH DRUMMOND; Friends of the Columbia Gorge, Inc.  
9 being represented by GARY K. KAHN and NATHAN J. BAKER; and Save Our  
10 Scenic Area being represented by J. RICHARD ARAMBURU, and the Court  
11 having heard oral argument of the parties and having considered and reviewed  
12 the pleadings, testimony, files and records herein, including the following  
13 documents, and the exhibits and attachments thereto:

14 1. Respondents’ Motion to Certify Petition for Review to Supreme  
15 Court Pursuant to RCW 80.50.140;

16 2. Respondents’ Answer to Petitioners’ Objection to the  
17 Administrative Record and Motion to Correct and Add to the Record

18 3. Petitioners’ Objection to the Administrative Record and Motion to  
19 Correct and Add to the Record (“Objection”);

20 4. The administrative record filed by EFSEC with this Court on  
21 July 30, 2012, and the inadvertently “omitted” documents identified in  
22 Petitioners’ Objection, having been combined by EFSEC into one or a few,  
23 searchable, Bates stamped PDF files and filed with this Court; and

24 5. Petitioners’ Petition for Review.

25 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:



1 **APPROVED AS TO FORM:**

2 REEVES, KAHN, HENNESSY & ELKINS

3  
4 \_\_\_\_\_  
5 Gary K. Kahn, WSBA #17928  
6 Attorney for Friends of the Columbia Gorge, Inc.

7  
8 \_\_\_\_\_  
9 Nathan J. Baker, WSBA #35195  
10 Staff Attorney, Friends of the Columbia Gorge, Inc.

11 ARAMBURU & EUSTIS LLP

12  
13 \_\_\_\_\_  
14 J. Richard Aramburu, WSBA #466  
15 Attorney for Save Our Scenic Area

16 STOEL RIVES LLP

17  
18 \_\_\_\_\_  
19 Timothy L. McMahan, WSBA #16377  
20 Attorney for Whistling Ridge Energy LLC

21 LAW OFFICES OF SUSAN  
22 ELIZABETH DRUMMOND

23  
24 \_\_\_\_\_  
25 Susan Elizabeth Drummond, WSBA #30689  
Attorney for Skamania County and Klickitat  
County Public Economic Development Authority