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BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of the Application No. 2009-01:  
  
WHISTLING RIDGE ENERGY LLC  
  
WHISTLING RIDGE ENERGY PROJECT

ASSOCIATION OF WASHINGTON  
BUSINESS' REPLY TO FRIENDS OF  
THE COLUMBIA GORGE AND SAVE  
OUR SCENIC AREA'S JOINT MOTION  
TO REOPEN THE ADJUDICATIVE  
RECORD FOR LIMITED PURPOSE

COMES NOW the Association of Washington Business ("AWB"), by and through its attorney of record Christian McCabe, and submits this reply to Intervenor Friends of the Columbia Gorge and Intervenor Save Our Scenic Area's (collectively "FOCG/SOSA") joint motion to reopen the adjudicative record for limited purpose. Having read both FOCG/SOSA's joint motion and the Applicant's reply, AWB joins the Applicant's request that the Council deny FOCG/SOSA's joint motion for the reasons set forth in the Applicant's reply.

FOCG/SOSA's evidence about BPA's "environmental redispach" policy cannot be "new" when SOSA's counsel cross-examined multiple witnesses about it and even briefed it in this proceeding. The Applicant's briefing clearly demonstrates that "need" is not a Council standard, such that FOCG/SOSA's proffered surrebuttal evidence lacks any relevancy to this proceeding. In fact, the Council already recognized this in Prehearing Order No. 12, in which the Council, citing the Washington Supreme Court's decision in *Residents Opposed to Kittitas Turbines v. EFSEC*, 165 Wn.2d 275, 321, 197 P.3d 1153 (2008), "decline[d] to consider the economic attributes of the proposed facility." Finally, litigation concerning the validity of

1 BPA's "environmental redispatch" policy has already commenced before the Federal Energy  
2 Regulatory Commission. It is not in the State of Washington's interest for the Council to wade  
3 into a challenged, presumptively federal policy concerning electricity transmission. The State of  
4 Washington's policy, as embodied in I-937, is to require the use of renewable energy, such that  
5 which will be generated by Whistling Ridge.

6 FOCG/SOSA continue to exploit the unprecedented latitude afforded them by the  
7 Council. These two intervenors unfortunate and unnecessary abuse of this proceeding, the  
8 Council, the Applicant, and all the other intervenors is again demonstrated in the joint motion  
9 now pending before the Council. There is no reason for the Council to further encourage  
10 FOCG/SOSA's tactics by allowing them to introduce their surrebuttal testimony after the record  
11 was closed.

12 For the reasons set forth above, which are more extensively discussed in the Applicant's  
13 reply, AWB asks that the Council to deny FOCG/SOSA's joint motion.

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15 DATED this 14th day of June, 2011.

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18 Christian McCabe, WSBA #29532  
19 Counsel  
20 Association of Washington Business  
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