BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of the Application No. 2009-01:

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

WHISTLING RIDGE ENERGY LLC

WHISTLING RIDGE ENERGY PROJECT

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

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

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

DATED this 14th day of June, 2011.

Christian McCabe, WSBA #29532
Counsel
Association of Washington Business