



BRADLEY W. ANDERSEN

Admitted in Washington and Oregon

Direct Line: Vancouver 360-905-1431; Stevenson 509-427-0093

E-Mail: bandersen@schwabe.com

June 14, 2011

C. Robert Wallis
Administrative Law Judge
P.O. Box 43172
Olympia, WA 98504-3172

Re: In the Matter of Application No. 2009-01
Whistling Ridge Energy LLC
Whistling Ridge Energy Project
Our File No.: 115093/179616

Dear Judge Wallis:

Enclosed please find Skamania County Economic Development Council's, Port of Skamania County's, and Skamania County Public Utility District's Reply to Friends of the Columbia Gorge and Save Our Scenic Area's Joint Motion to Reopen the Adjudicative Record for Limited Purpose with regard to the above-referenced matter.

Very truly yours,

**SENT WITHOUT SIGNATURE
TO AVOID DELAY**

Bradley W. Andersen

BWA:tmk

Enclosure

cc (w/encl.): Al Wright
Kyle Crews
Jason S. Spadaro
Timothy L. McMahan, Esq.
Darrel Peeples, Esq.
Erin Anderson, Esq.
H. Bruce Marvin

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Tony Usibelli
Dorothy H. Jaffe, AAG
Gary K. Kahn, Esq.
Nathan Baker
Kevin Gorman
Tom Drach
J. Richard Aramburu
Robert Wittenberg
Kenneth B. Woodrich, Esq.
Robert Waymire
Peggy Bryan-Miller
John Crumpacker
Chris McCabe
Shawn Cantrell
John McSherry
David Poucher
Michael Canon
Klickitat and Cascades Tribes of the Yakama Nation
Harry Smiskin
Warren Spencer, Jr.
George Colby
Johnson Meninick
Jessica Lally
Susan Drummond, Esq.



**BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL**

| | | |
|----------------------------|---|--------------------------------------|
| In the Matter of |) | |
| Application No. 2009-01 |) | |
| |) | |
| WHISTLING RIDGE ENERGY LLC |) | SKAMANIA COUNTY ECONOMIC |
| |) | DEVELOPMENT COUNCIL’S, PORT |
| |) | OF SKAMANIA COUNTY’S, AND THE |
| |) | SKAMANIA COUNTY PUBLIC |
| WHISTLING RIDGE ENERGY |) | UTILITY’S REPLY TO FRIENDS OF |
| <u>PROJECT</u> |) | THE COLUMBIA GORGE AND SAVE |
| |) | OUR SCENIC AREA’S JOINT |
| |) | MOTION TO REOPEN THE |
| |) | ADJUDICATIVE RECORD FOR |
| |) | LIMITED PURPOSE |

COMES NOW the Skamania County Economic Development Council, Port of Skamania County, and the Skamania County Public Utility (collectively referred to as “EDC”) by and through its attorney of record, Bradley W. Andersen, and submit 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. As described below, Skamania County joins the Applicant’s request that the Council deny FOCG/SOSA’s Joint Motion for the reasons the Applicant has identified. In addition, EDC points out the following:

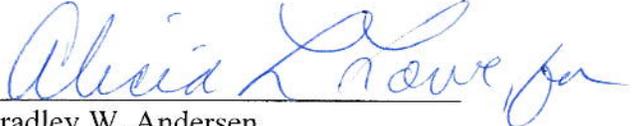
The Opponents have had plenty of opportunity to present their case and any further proceedings will only serve to delay this matter.

SOSA cross-examined multiple witnesses about BPA’s “environmental dispatch” policy during the adjudicative hearing. SOSA also unsuccessfully tried to admit documentary evidence about this same policy into the record. SOSA’s brief to the Council addressed this same policy. So FOCG/SOSA certainly cannot claim that their surrebuttal testimony concerns “new evidence.” “Need” is undoubtedly not a Council consideration, as the Washington Supreme

Court previously affirmed in its review of the Council's decision in the Kittitas Valley Wind Power Project. Furthermore, FOCG/SOSA have not identified a single reason why "interest of justice" would warrant the record being reopened to admit their surrebuttal testimony, whereas the Applicant has identified a host of reasons counseling against reopening the record for FOCG/SOSA's purported "limited purpose."

Because the Opponents have had plenty of opportunity to present their position and arguments, and any reopening of the record will only serve to delay the process and encourage further abuse of the procedural rules, the EDC requests the Council to deny FOCG/SOSA's Joint Motion. No legitimate purpose will be accomplished by granting this Motion.

SIGNED this 14th day of June 2011 at Vancouver, Washington.


Bradley W. Andersen