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

7 In the Matter of
8 Application No. 2003-01

9 SAGEBRUSH POWER PARTNERS, LLC,
10
11 KITTITAS VALLEY WIND POWER
12 PROJECT

13 **RESPONSE TO APPLICANT'S**
14 **OBJECTIONS AND MOTION TO**
15 **STRIKE PREFILED**
16 **TESTIMONY**

17 In response to the applicant's objection and motion to strike portions of the testimony of
18 David Taylor, Intervenor, F. Steven Lathrop, by and through his attorney, replies and shows:

19 1. With regard to Mr. Taylor's pre-filed direct testimony, page 4, line 21 through
20 page 5, line 3, Mr. Taylor is an experienced, professional planner who is very familiar with the
21 enactment and implementation of GMA in Kittitas County, the efforts of CTED to ensure
22 compliance by Kittitas County, and hearing testimony at the legislature concerning GMA
23 application and amendment. His opinion as an expert is admissible and he is subject to the
24 applicant's cross examination on intent and application of this statute. At best, the applicant's
25 motion is premature and/or would go to weight of the testimony.

26 2. With regard to Mr. Taylor's rebuttal pre-filed testimony, it is in direct response to
the applicant's pre-filed direct testimony. What the applicant apparently objects to are portions
which may repeat his direct testimony. However, rebuttal is exactly that and must be submitted
unless one intends to allow the direct testimony to stand. It would be highly prejudicial to this
intervenor for this rebuttal to be stricken.

Dated this ____ day of August, 2004.

Jeff Slothower WSBA # 14526
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.