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

8 In the Matter of Application No. 2003-01
9 SAGEBRUSH POWER PARTNERS, LLC
10 KITTITAS VALLEY WIND POWER
11 PROJECT

INTERVENOR, F. STEVEN
LATHROP'S SUPPLEMENTAL
OPENING STATEMENT

12
13 By way of supplemental opening statement and for purposes of the record, Intervenor, F.
14 Steven Lathrop (Lathrop) states as follows:

15 1. Lathrop maintains and reasserts his objection to a representative of the
16 Washington State Department of Natural Resources (DNR) participation, as a member of
17 EFSEC, in this adjudicative hearing because DNR owns land within the project boundaries and
18 will financially benefit from the project. As such DNR's participation violates the Appearance of
19 Fairness Doctrine and related rules, regulations and laws governing Conflicts of interest.

20 2. Lathrop maintains and reasserts his objection to a representative of the
21 Washington State Department of Community Trade and Economic Development (CTED)
22 participation, as a member of EFSEC, in this adjudicative hearing because CTED holds
23 Intervenor status and thus is both a decision maker and an advocate for approval of the project.
24 As such CTED's participation violates the Appearance of Fairness Doctrine and related rules,
25 regulations and laws governing Conflicts of interest.

26 3. Lathrop maintains and reasserts his position that RCW 80.50.110 does not exempt
EFSEC from the requirements of Chapter 36.70A RCW (GMA), and EFSEC is required to
comply with local comprehensive plans and development regulations. Therefore, EFSEC is

1 without jurisdiction to preempt the Kittitas County development rules and regulations adopted
2 pursuant to the GMA and should not proceed with its hearings as otherwise allowed under
3 Chapter 80.50 RCW unless and until the applicant has complied with GMA.
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6 **BEFORE THE STATE OF WASHINGTON**
ENERGY FACILITY SITE EVALUATION COUNCIL

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

CERTIFICATE OF SERVICE

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

12 I certify that I have this day served the following documents:

- 13 1. Intervenor F. Steven Lathrop's Supplemental Opening Statement
14 2. Certificate of Service

15 upon all parties in this proceeding by authorized method of service pursuant to WAC 468-309-
16 120(2)(a) as noted below:

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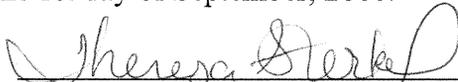
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I certify, or declare, under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Ellensburg, Washington this 1st day of September, 2006.



Theresa Sterkel, legal assistant to
Jeff Slothower – WSBA #14526
Attorney for Intervenor F. Steven Lathrop