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BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

In re Application No. 96-1  
of  
OLYMPIC PIPELINE COMPANY  
For Site Certification

PREHEARING ORDER NO. 26  
COUNCIL ORDER NO. 727  
  
ORDER GRANTING MOTIONS  
FOR LATE FILING OF PREFILED  
TESTIMONY

**Nature of the Proceeding:** This matter involves an application to the Washington State Energy Facility Site Evaluation Council (the Council) for certification of a proposed site in six Washington counties for construction and operation of a pipeline for the transportation of refined petroleum products between Woodinville and Pasco.

**Procedural Setting:** In Prehearing Order No. 14, served August 24, 1998, the Council established the week of February 8, 1999, for the receipt of the parties' prefiled responsive testimony. In Prehearing Order No. 19, February 12 was set as the due date.

On February 11, 1999, the Council received the Department of Natural Resources' Motion for Extension of Time to File Prefiled Testimony by Carl Jeffrey Cederholm. At Judge Heller's request, Council staff called Ms. Maryanne McGovern, counsel for the Department of Natural Resources (DNR), and advised her to file as much of DNR's prefiled testimony as possible on February 12. Ms. McGovern was informed that the Council would deal with all motions for late filing at one time, as expeditiously as possible.

On February 16, 1999, the Council received Cascade Columbia Alliance, North Bend, and Snoqualmie's Motion for Late Filing of Pre-Filed Testimony of George Wooten.

By letter dated February 18, Judge Heller set March 1 as the due date for any responses to these motions.<sup>1</sup> No objections were raised.

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<sup>1</sup> Counsel had immediate notice of the letter by email or fax on February 18, 1999.

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**Discussion:**

The Council grants both motions for late filing.

DNR’s motion was based on the unexpected illness of its witness, Mr. Carl Jeffrey Cederholm. Although Mr. Cederholm’s testimony appears to have been substantially prepared prior to the due date, he was unable to finalize it before February 12 because of his need for medical treatment. DNR did file the testimony of its other eighteen (18) witnesses in a timely manner.

Cascade Columbia Alliance, North Bend, and the City of Snoqualmie’s motion was based on a clerical error. Mr. Wooten’s testimony was bound and ready for delivery on February 12. In fact, it was properly served on February 12 to the parties of record by deposit in the U.S. mail. Inadvertently, Mr. Wooten’s testimony was not included with the bulk of the Alliance, North Bend, and Snoqualmie’s testimony that was filed with the Council in a timely manner.

Pursuant to this order, the testimony of Messrs. Cederholm and Wooten will be distributed to the Council.

DATED and effective at Olympia, Washington, this 8<sup>th</sup> day of March 1999.

/s/ Ernest Heller  
Ernest Heller, Senior Administrative Law Judge

**Notice to Participants.** Unless modified, this prehearing order will control the course of the hearing. Objections to this order may be stated only by filing them in writing with the Council within ten days after the date of this order.