

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 2004-01

WIND RIDGE POWER PARTNERS, L.L.C.

WILD HORSE WIND
POWER PROJECT

NOTICE OF INTENT TO HOLD
ADJUDICATIVE PROCEEDING;

NOTICE OF OPPORTUNITY AND
DEADLINE TO FILE PETITIONS FOR
INTERVENTION –
SEPTEMBER 10, 2004;

NOTICE OF INTENT TO HOLD
PREHEARING CONFERENCE
(date and Location to be announced later)

The Application

Wild Horse Wind Power Project, Application No. 2004-01 – On March 9, 2004, Wind Ridge Power Partners L.L.C., (Wind Ridge or Applicant) a wholly owned subsidiary of Zilkha Renewable Energy, submitted an Application for Site Certification to the Washington State Energy Facility Site Evaluation Council (EFSEC) to construct and operate the Wild Horse Wind Power Project (Project), a generation facility consisting of up to 158 wind generation turbines, and with a nameplate capacity up to 312 megawatts. Related Project facilities include: access roads; foundations; underground and overhead electrical lines, substations and interconnection facilities to allow transmission through existing Puget Sound Energy or Bonneville Power Administration transmission lines; an operations and maintenance center; a concrete batch plant and quarries; and associated supporting infrastructure and facilities. The proposed Project would be located along the ridge tops of Whiskey Dick Mountain, two miles north of Vantage Highway, and 11 miles east of the City of Kittitas, in Kittitas County, Washington.

EFSEC has taken lead agency status under WAC 173-11-938 of the State Environmental Policy Act (SEPA) rules for the environmental review of this wind generation facility. A public informational and SEPA scoping meeting was held in Ellensburg, Washington, on April 22, 2004. A Land Use Consistency hearing was also held in Ellensburg, Washington, on April 22, 2004. A Draft environmental impact statement (EIS) was issued on August 3, 2004. EFSEC will be accepting comments on the EIS through September 10, 2004. EFSEC will also conduct an examination of the project through a formal adjudicative proceeding.

Notice of Intention to Conduct an Adjudicative Proceeding

The Council is reviewing Application No. 2004-01 under the procedures set forth in Chapter 80.50 of

Wild Horse Wind Power Project: Notice of Intent to Hold Adjudicative Proceeding;
Notice of Deadline to File Petitions for Intervention – September 10, 2004;
Notice of Intent to Hold Prehearing Conference

the Revised Code of Washington (RCW) and Title 463 of the Washington Administrative Code (WAC) for reviewing applications for new major energy facilities. The statute requires the Council to hold an adjudicative proceeding under Chapter 34.05 RCW, the Administrative Procedure Act. EFSEC intends to hold adjudicative hearings relating to Application No. 2004-01 in accordance with the procedural rules found in Chapter 463-30 WAC and Chapter 34.05 RCW.

**Notice of Deadline for Submitting Petitions for Intervention –
SEPTEMBER 10, 2004, 5:00 P.M.**

The statutory parties to an adjudicative proceeding are the Applicant, Wind Ridge Power Partners, L.L.C., and the Counsel for the Environment (as defined in RCW 80.50.020(12)), Assistant Attorney General, John Lane. According to WAC 463-30-050, any state agency that is a member of EFSEC, or has opted to appoint a Council member for this proposal, may participate as a party. Any other person may petition to intervene as a party in this adjudicative proceeding under RCW 34.05.443, RCW 80.50.090, and WAC 463-30-400. The Council will consider the requests for intervention and determine whether or not to grant intervention.

An "intervenor," as defined in RCW 80.50.020(3), may be an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized. Any such "person" who wishes to participate in this proceeding may petition for intervention. The nature of intervenor status and a discussion of factors that the Council has used in deciding whether to grant petitions for intervention are set out later in this notice.

Each person admitted to an adjudicative proceeding as an intervenor is a party to the proceedings only for the purposes and subject to any limitations and conditions specified in the EFSEC order granting intervention.

In this case, the deadline for submitting requests for intervention is SEPTEMBER 10, 2004.

The Council will consider requests for late intervention according to the requirements of WAC 463-30-400 and other considerations identified in this Notice of Opportunity and Deadline to file Petitions for Intervention. See the discussion below for further information. Also see Other Opportunities for Public Participation below.

How to Intervene

To be considered timely, Petitions for Intervention in the matter of Application No. 2004-01 **must be received in the offices of the Council no later than the close of business (5 p.m.) on SEPTEMBER 10, 2004.** Petitions for Intervention will not be considered after that date except for good cause shown. A copy of each petition must be served on Wind Ridge Power Partners L.L.C., and on Counsel for the Environment at the same time they are filed with the Council. The names and mailing addresses of the Council, all known parties, and their representatives appear in Attachment A.

Petitions for Intervention must be filed with:

Washington State Energy Facility Site Evaluation Council
Attn: Allen J. Fiksdal, EFSEC Manager
P.O. Box 43172
925 Plum Street SE
Olympia, WA 98504-3172

Petitions must be filed in hard copy with one original and one copy. A courtesy electronic copy should be provided on disk¹ at the time of filing, or e-mailed to efsec@ep.cted.wa.gov. E-mail alone does not constitute filing with EFSEC.

Persons wishing to intervene should consider relevant provisions of Chapter 463-30 WAC. In particular, WAC 463-30-400 establishes the following requirements for Petitions for Intervention:

All petitions to intervene shall be verified under oath by the petitioner, shall adequately identify the petitioner, and shall establish with particularity an interest in the subject matter and that the ability to protect such interest may be otherwise impaired or impeded.

In considering whether to file a petition to become an intervenor, potential parties should recognize that persons who are granted intervenor status assume responsibilities they must meet in order for the adjudicative process to be an effective means for all participants to resolve the significant issues that are raised. Intervenors are expected to appear in the proceeding, either on their own behalf or through an attorney. Intervenors must study other parties' cases so they can participate knowledgeably. They must decide whether to cross-examine other parties' witnesses, and determine the nature and scope of the cross-examination. Intervenors also have the responsibility either to attend the entire proceeding, including prehearing conferences, or to monitor it to learn when their interests will be at issue -- otherwise they may be bound by matters that are resolved in their absence. Intervenors have the responsibility to become familiar with the Council's procedural rules and guidelines to enable them to participate knowledgeably and to advance their interests effectively. Because of potential delay to the proceeding that could interfere with rights of the parties involved, and because simply appearing to give advice to one party could give the appearance of impropriety or could adversely affect the rights of others, the Council has a limited ability to instruct participants on procedural matters. Intervention is not a step to be approached casually. Becoming an intervenor in a Council adjudicative proceeding may require a significant commitment of time and financial resources.

To receive examples of petitions for intervention that have been filed in previous EFSEC cases, contact Irina Makarow of EFSEC staff at (360) 956-2047 or the EFSEC office at (360) 956-2121.

¹ Electronic versions must be IBM-PC compatible and may be supplied on: CD-ROM, IOMEGA (or other brand) 100 MB ZIP disk, or 3 1/2" floppy. For questions or assistance with these requirements please contact Irina Makarow of EFSEC staff at (360) 956-2047, or irinam@ep.cted.wa.gov.

Each petitioner for intervention, the Counsel for the Environment, and each governmental agency appearing as a party must identify the particular issue(s) or concern(s) that the petitioner or agency intends to address as an intervening party. The identification of issues must be specific enough for the Council and other parties to identify the specific problem that could cause harm to the petitioner or agency and the nature of that harm. The designation of issue(s) may be a factor in determining whether to grant intervention and will be used to organize and to manage the hearing. Parties may add additional issues later in the proceeding on the same bases on which the Council may grant late-filed petitions for intervention.

The Council requests that all governmental agencies who intend to participate as parties submit notice of that intention on or before the deadline for intervention, September 10, 2004, 5:00 p.m.

Notice of Intention to Conduct a Prehearing Conference

Shortly after the deadline for petitions for intervention, the Council intends to hold a prehearing conference to hear the Applicant's objections, if any, to petitions for intervention filed with EFSEC, petitioner's responses to such objections, and other scheduling matters. The Council will provide notice of the time and date of this conference at a later date to all parties, all petitioners for intervention, and all persons who ask to receive such notices.

Other Opportunities for Public Participation

Besides formal intervention, public participation in the EFSEC process is accommodated in several additional ways. First, under RCW 80.50.080, the Counsel for the Environment represents "the public and its interest in protecting the quality of the environment"; second, RCW 80.50.090(3) affords an opportunity for members of the public to present testimony in the hearing without having to intervene formally. Third, the public has the opportunity to participate in the environmental review portion of the Council's process through comments on the draft Environmental Impact Statement.

When evidentiary hearings begin, the Council plans to schedule one or more specially-designated sessions for the purpose of receiving the testimony of members of the public, at one or more times and places to be set by later notice of hearing. The Council will maintain a copy of current records of the hearing at its offices in Olympia for the use of persons who may wish to review them. Mr. John Lane has been designated as Counsel for the Environment by the Attorney General under RCW 80.50.080 to represent the public and its interest in protecting the quality of the environment. Persons wishing to contact Counsel for the Environment should contact him directly at the address, e-mail or telephone number listed on Attachment A.

Additional Information

To obtain additional information about the intervention process, please contact the EFSEC office at (360) 956-2121. More specific information about the Project is available from EFSEC's office, on EFSEC's web site at www.efsec.wa.gov, or from reviewing the application at public libraries at the

following locations:

- Washington State Library, Joel M. Pritchard Branch: 6880 Capitol Blvd South, Olympia, WA, 98504-5513, (360) 704-5200;
- Carpenter Memorial (Cle Elum) Library: 302 Pennsylvania Ave, Cle Elum, WA 98922-1196, (509) 674-2313;
- Kittitas Public Library: NE corner 2nd & Pierce Streets, Kittitas, WA 98934, (509) 968-0226.

WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL

Dated in Olympia, Washington this 4th day of August, 2004.

Allen J. Fiksdal, EFSEC Manager

Attachment A: Addresses of the Council and representatives of known parties
Wild Horse Wind Power Project Application No. 2004-01

Note: Parties petitioning to intervene must serve petitions to all of the addresses below.

Wind Ridge Power Partners L.L.C. Applicant:	
Chris Taylor Zilkha Renewable Energy 210 SW Morrison, Suite 310 Portland, OR 97204 E-mail: ctaylor@zilkha.com Phone: (503) 222-9400 Fax: (503) 222-9404	Darrel Peebles Attorney at Law 325 Washington Street NE, #440 Olympia, WA 98501 E-mail: dpeeples@ix.netcom.com Phone: (360) 943-9528 Fax: (360) 943-1611
Energy Facility Site Evaluation Council:	Counsel for the Environment:

<p>Mr. Allen J. Fiksdal EFSEC Manager Energy Facility Site Evaluation Council 925 Plum Street SE, Building 4 PO Box 43172 Olympia, WA 98504-3172</p> <p>E-mail: allenf@ep.cted.wa.gov Phone: (360) 956-2252 Fax: (360) 956-2158</p>	<p>John Lane Counsel for the Environment Attorney General's Office 1125 Washington Street SE P.O. Box 40100 Olympia, WA 98504-0100</p> <p>E-mail: johnL1@atg.wa.gov Phone: (360) 586-2438 Fax: (360) 664-0229</p>
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Request for Interpreter or Other Assistance

NOTICE

PLEASE TAKE NOTICE that:

- Smoking is prohibited in hearing facilities:
- The hearing facilities are accessible to interested persons with disabilities:
- A qualified interpreter will be appointed at no cost to the party or witness, if a party or witness is hearing impaired or limited English-speaking and needs an interpreter.

Information needed to provide an appropriate interpreter or other assistance should be given below and the form returned to Allen Fiksdal, EFSEC Manager, Energy Facility Site Evaluation Council, P.O. Box 43172, 925 Plum Street, Olympia, WA 98504-3172.

Please print all requested information.

Hearing date/location: _____

Applicant: Wind Ridge Power Partners L.L.C. _____

Name of Party: _____

Primary language: _____

Hearing impaired? (Yes) ___ (No) ___

Do you need a certified sign language interpreter? Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be reached if there are questions:

Name: _____

Address: _____ City: _____

Telephone: () _____