

BEFORE THE STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application No. 2009-01  
of

COUNCIL ORDER NO. 847  
PREHEARING ORDER NO. 3

WHISTLING RIDGE ENERGY PROJECT LLC  
for

PREHEARING ORDER DENYING REQUEST  
FOR CONTINUANCE

WHISTLING RIDGE ENERGY PROJECT

The Council issued a Notice of Prehearing Conference in this matter on May 25, 2010, setting a conference in this matter for June 17, 2010. On June 1, J. Richard Aramburu, counsel for Save Our Scenic Area, indicated to the Council that he has a conflict on the date of the conference, and requested that the conference be reset to another date. He suggested two periods of time that would be convenient for him.

Shortly thereafter, also on June 1, Mr. Gary Kahn, counsel for Friends of the Columbia Gorge, responded, noting that he had conflicts during the periods Mr. Aramburu proposed. Mr. McMahon, on behalf of the Applicant, opposed any schedule change.

It is necessary for the Council to make some preliminary decisions on process for this application. The Council chose the June 17 date and the Columbia Gorge location for this prehearing conference for the convenience of all concerned. It anticipated that many, if not all, of the parties, as well as all available Council members, would also be present for environmental comment meetings to be conducted nearby on the evenings of June 16 and 17.

The Council tries its best to accommodate the needs of all of the parties, but sometimes it is not possible to do so. The response from Mr. Kahn is consistent with our experience that no date is likely to be perfect for all parties, and that during summer months, with vacation schedules, parties' availability is often limited. The issue regarding schedule conflicts arose at the time of the initial prehearing conference in this matter, and counsel were able to find means to ensure that interests were protected and views presented. It is not optimum, but it allows matters to proceed with all parties' interests considered and without undue delays. Proceeding with the conference, moreover, will help the Council achieve a schedule that will minimize such issues in the future.

We regret the inconvenience that the current schedule imposes on Mr. Aramburu, but there are options to protect his client's interests. For the convenience of all parties, as well as the Council, we deny the request for a continuance.

It is so ordered.

Dated at Olympia, Washington, and effective this 4<sup>th</sup> day of June, 2010.

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/s/  
C. Robert Wallis, Administrative Law Judge

**Notice to Parties:**

Any objections to the procedural ruling in this order must be filed with the Council and served on parties within seven days after the date of service of this order.