BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 2003-01

SAGEBRUSH POWER PARTNERS, L.L.C.

PREHEARING ORDER NO. 2
COUNCIL ORDER NO. 778

ORDER ON MOTION TO DISQUALIFY
COUNCIL MEMBERS IFIE AND
FRYHLLING, MOTION TO CLARIFY
ISSUES, AND MOTION FOR
RECONSIDERATION OR
ALTERNATIVELY OBJECTION TO
LIMITATION OF ISSUES

KITTITAS VALLEY WIND
POWER PROJECT

This matter having come initially on June 26, 2003, in Ellensburg, Washington, at the first
prehearing conference in the adjudication regarding Application No. 2003-01 of Sagebrush
Power Partners L.L.C., on the oral motion of F. Steven Lathrop, based on the oral statement of
his legal counsel, and now upon the written Motion, dated July 1, 2003, to Disqualify Energy
Facility Site Evaluation Council (EFSEC or Council) Members; Motion to Clarify Issues; and
Motion for Reconsideration or Alternatively Objection to Limitation of Issues, supported by the
Declaration of Counsel for Intervenor F. Steven Lathrop; the Council, with Messrs Ifie and
Fryhling abstaining, having considered the Motion and the Declaration and being fully advised,
makes the following:

IT IS HEREBY ORDERED as follows:

1. In connection with the Motion to Disqualify Energy Facility Site Evaluation Council
Members, involving Mr. Ifie and the Department of Natural Resources and Mr. Fryhling and the
Department of Community, Trade and Economic Development (paragraphs 1 and 2 of the
Motion), RCW 34.05.425 (3) through (5) provides the basis for any Motion to disqualify and
further provides that the decision on this Motion shall be determined by the person or persons
asserted to be disqualified, this being an adjudicative proceeding covered by the Washington
state Administrative Procedures Act; therefore, it is ordered that any party to these proceedings
who wishes to respond to the Motion of F. Steven Lathrop shall have until July 21, 2003, to file a
written response, with copy to F. Steven Lathrop and his legal counsel and all other parties, after
which the Moving Party, F. Steven Lathrop shall have 5 days in which to further respond, with
copies to all parties, after which Mr. Ifie and Mr. Fryhling will promptly render their individual
decisions on the Motion.
2. In connection with the Motion to Clarify Issues (paragraph 3 of the Motion), this issue was considered by the Council in its first Prehearing Order dated July 3, 2003, which is being mailed to the parties at the time this order is issued and provides, in paragraph 7 thereof, for the filing of objections pursuant to WAC 463-30-270(3); therefore it is ordered that this portion of the Motion is denied as being premature.

3. In connection with the Motion For Reconsideration or Alternatively Objection to Limitation of Issues (paragraph 4 of the Motion), this issue was considered by the Council in its first Prehearing Order dated July 3, 2003, which is being mailed to the parties at the time this order is issued and provides, in paragraph 7 thereof, for the filing of objections pursuant to WAC 463-30-270(3); therefore it is ordered that this portion of the Motion is denied as being premature.

DATED at Olympia, Washington and effective this ________day of July, 2003.

WASHINGTON STATE ENERGY FACILITY SITE EVALUATION COUNCIL

By

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Julian C. Dewell, Administrative Law Judge