

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of:
Application No. 2003-01

SAGEBRUSH POWER PARTNERS, L.L.C.

KITTITAS VALLEY
WIND POWER PROJECT

PREHEARING ORDER NO. 18

COUNCIL ORDER NO. 804

PREHEARING CONFERENCE ORDER
GRANTING JOINT MOTION TO
CONTINUE HEARING DATE

Nature of the Proceeding: On Monday, September 20, 2004, Intervenor Kittitas County, by and through its counsel James Hurson, and the Applicant, by and through its counsel Erin Anderson, jointly filed their *Motion to Continue Hearing Date* requesting that the Energy Facility Site Evaluation Council (EFSEC or Council) postpone the adjudicative hearing on this matter scheduled to commence on September 27, 2004, in Ellensburg. These Parties specifically requested a continuance of the proceedings to EFSEC's first regularly scheduled Council meeting in March 2005 in order to allow both Parties to focus their efforts on the Wild Horse Wind Power Project.

On Tuesday, September 21, 2004, EFSEC served all Parties with a *Notice of Intent to Hold Prehearing Conference*, using this communication to inform all other Parties of Intervenor Kittitas County's and the Applicant's joint *Motion to Continue*. In the *Notice*, the Council requested all Parties to be available at 3:00 p.m. the following day, on Wednesday, September 22, 2004, prepared to comment on the requested postponement of the scheduled adjudicative hearing.

The Council convened a prehearing conference on Wednesday, September 22, 2004, at approximately 3:00 p.m., in Olympia, Washington. The prehearing conference was held before Council Chairman James Luce (by phone), as well as Councilmembers Tony Ifie (Department of Natural Resources) (by phone), Chris Smith Towne (Department of Fish & Wildlife) (by phone), Hedia Adelsman (Department of Ecology) (by phone), Richard Fryhling (Department of Community, Trade, and Economic Development) (by phone), Tim Sweeney (Utilities and Transportation Commission), and Patti Johnson (Kittitas County) (by phone), with Adam E. Torem, Administrative Law Judge (ALJ), presiding over the prehearing conference. Assistant Attorney General Ann Essko was also present (by phone) as the Council's legal advisor.

As noted above, the primary purpose of the prehearing conference was to obtain the Parties' input on and issue a ruling regarding a continuance of the adjudicative hearing and for the Council to issue its verbal ruling regarding the *Motion for Continuance* of the adjudicative hearing.

Participants: The Parties were present as follows: the Applicant, SAGEBRUSH POWER PARTNERS, LLC, via Andrew Young, Portland, Oregon, Chris Taylor, Portland, Oregon (by phone), Darrel Peeples, Attorney at Law, Olympia, Washington; Counsel for the Environment

(CFE), John Lane, Assistant Attorney General, (AAG), Olympia, Washington (by phone); Washington State Department of Community, Trade & Economic Development, Tony Usibelli, Energy Policy Division Director, Olympia, Washington; Kittitas County, James Hurson, Deputy Prosecuting Attorney (by phone), and Clay White (by phone), Planning Department, Kittitas County, Ellensburg, Washington; Renewable Northwest Project (RNP), Susan Drummond, Attorney at Law, Seattle, Washington (by phone); Residents Opposed to Kittitas Turbines, James Carmody, Attorney at Law, Yakima, Washington (by phone), and Ed Garrett, Lay Representative, Snohomish, Washington (by phone); and F. Steven Lathrop (by phone); and Economic Development Group of Kittitas County, Debbie Strand, Ellensburg, Washington (by phone).

Summary of Prehearing Conference: The Council entertained discussion on the joint *Motion for Continuance*. The Applicant advised the Council that Puget Sound Energy (PSE) had announced its intent to enter into an agreement to purchase Zilkha's proposed Wild Horse Wind Power Project (WHWPP). Therefore, having entered into an agreement with PSE regarding the WHWPP, the Applicant wished to focus its energies on obtaining site certification for that matter. The Applicant explained that even though the Kittitas Valley Wind Power Project (KVVWPP) was set and ready to proceed with the adjudicative hearing, now that a buyer had been identified for another of the Applicant's proposed projects, the Applicant would rather prioritize limited Applicant and County staff resources on the WHWPP. Intervenor Kittitas County concurred, noting that postponing the KVVWPP for six months would also allow for additional negotiations regarding potential resolution of land use consistency issues, perhaps mooted by the Applicant's *Request for Preemption*.

The Council, having ascertained that no Parties were opposed to postponing the pending adjudicative proceeding, announced that it would grant the *Motion for Continuance* jointly filed by Intervenor Kittitas County and the Applicant.

Decision: EFSEC hereby GRANTS the Applicant's and Intervenor Kittitas County's joint *Motion to Continue*. The Council hereby ORDERS the Parties to be ready to advise the Council at the first regular EFSEC meeting scheduled in March 2005 of the status of the case, including any progress toward resolution of land use consistency matters, and the ability to reschedule the adjudicative hearing.

Notice to Parties: Unless modified, this prehearing conference order shall control all further proceedings in this matter. In accordance with WAC 463-30-270(3), any objections to this order must be stated within ten days after the date of mailing of this order.

DATED and effective at Olympia, Washington, the ____ day of September, 2004.

Served
Sept 28 '04



Adam E. Torem, Administrative Law Judge