

RESOLUTION NO. 159

WHEREAS, The Energy Facility Site Evaluation Council did receive on July 6, 1976 Application No. 76-2 for site certification from the Northern Tier Pipeline Company and did receive on June 19, 1979 a certificate from the applicant stating that the application was substantially complete; and

WHEREAS, The Council has held a series of hearings as required by RCW 80.50.090(2) to determine the project's consistency and compliance with county or regional land use plans or zoning ordinances; and

WHEREAS, The Council by Resolution No. 155, of September 10, 1979, did declare its intent to commence the contested case hearing as required by RCW 80.50.090(3) on December 18, 1979; and

WHEREAS, The Council recognizes that the contested case hearing for Application No. 76-2 is the most complex and demanding to come before the Council and therefore requires well defined and understood structure and regulation;

NOW, THEREFORE BE IT RESOLVED THAT The Council adopts the following structure and regulation for the conduct of this contested case hearing:

A. Location

It is the intent of the Council to hear the bulk if not all of the Applicant's case in Olympia. Consideration shall be given to hearing selected portions of the parties cases which are expressly unique to a geographic area outside of Olympia. It is the responsibility of the parties to identify issues which they feel appropriate to address at local hearings. However, it is the Council's intent to limit non-Olympia hearings. Hearings for the taking of public testimony will be scheduled at times and places to best accommodate public participation.

B. Council Participation

The Council sitting as one body may hear the entire case; however, to most effectively employ particular Council member expertise three topical panels have been established. Participation with a particular panel will not preclude attendance with another panel. Panel members will have primary responsibility for questioning witnesses. They also will assist the Administrative Law Judge with the formulation of findings, recommendations and briefings to the Council. The three panels will be:

1. Terrestrial Pipeline - to include all land or-

Panels will be formed by voluntary Council member signup to occur prior to the designated portion of the hearings. Minimum panel size will consist of five Council members plus appropriate County Council member participation with a chairman to be appointed by the Council Chairman. The Council Chairman may be a participating member of any panel.

C. County Representation

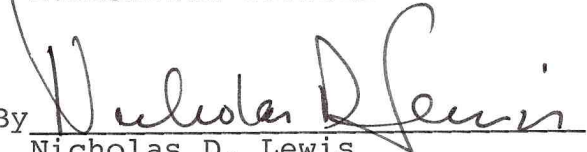
County Council members sitting on the Northern Tier case as voting representatives may participate on any and all panels they desire. Their membership shall be in addition to the five regular Council members. Their participation with respect to final recommendations shall be limited to topical issues specifically oriented to their legal area of jurisdiction.

D. Administrative Law Judge and Staff Support

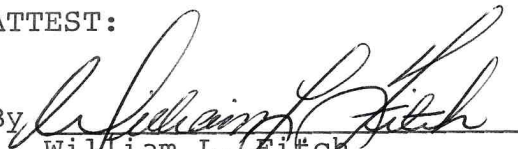
The Administrative Law Judge assigned to this case is responsible for drafting the proposed findings of fact, conclusions of law, and order utilizing as appropriate the findings and recommendations of the topical panels. Provisions are made for the acquisition of legal staff support as required to assist the Administrative Law Judge, panels, Council and staff with the review process. Council staff will provide technical consultation and general assistance on hearing proceedings to Council members, parties and members of the public.

Dated this 13th day of November 1979.


WASHINGTON ENERGY FACILITY SITE
EVALUATION COUNCIL

By 
Nicholas D. Lewis
Chairman

ATTEST:

By 
William L. Fitch
Executive Secretary

APPROVED AS TO FORM:

By 
Kevin M. Ryan
Assistant Attorney General