

**BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL**

In the Matter of the Application of:

Scout Clean Energy, LLC, for  
Horse Heaven Wind Farm, LLC,  
Applicant

DOCKET NO. EF-210011

PREHEARING CONFERENCE #1  
(March 10, 2023 at 9:00 a.m.)

JUDGE TOREM'S AGENDA

**1. Appearances / Roll Call:**

Horse Heaven Wind Farm, LLC – Applicant

- Tim McMahan, Stoel Rives
- Crystal Chase, Stoel Rives
- Emily Schimelpfenig, Stoel Rives

Benton County – Statutory Party of Right

- Kenneth Harper, Menke Jackson Beyer, LLP
- Aziza Foster, Menke Jackson Beyer, LLP
- Ryan Brown, Benton County Prosecuting Attorney

Counsel for the Environment (CFE) – Statutory Party of Right

- Sarah Reyneveld, Assistant Attorney General

The Confederated Tribes and Bands of the Yakama Nation (Yakama Nation)

- Ethan Jones
- Shona Voelckers
- Jessica Houston

Tri-Cities C.A.R.E.S. (Community Action for Responsible Environmental Stewardship)

- J. Richard Aramburu

*ALSO Participating / Supporting* PHC#1 – EFSEC Staff

- Jonathan Thompson, Assistant Attorney General
- Lisa Masengale
- Andrea Grantham
- \_\_\_\_\_, Court Reporter

## **2. Preliminary Order on Intervention**

The petitions filed by the Yakama Nation and by Tri-Cities C.A.R.E.S. were both **GRANTED** IAW WAC 463-30-092 per Judge Torem’s Preliminary Order on Intervention, with a reservation that the exact scope of intervention would be determined at a later date, following PHC #1.

## **3. Venue for Adjudication – VIRTUAL?**

- Survey of Parties regarding preferences for in-person, virtual, or hybrid proceeding

## **4. Scheduling of Adjudication – July 8, 2023 [notional deadline]**

On September 27, 2022, the Applicant filed its Second Extension Request and obtained EFSEC’s agreement that the processing time for this Project be extended to July 8, 2023. At that time, it was suggested that this Adjudication might take place in the Fourth Quarter of 2022 so as to allow the Council sufficient time for all parties to have a “robust engagement in the process” and simultaneously make a credible effort to comply with the twelve month processing time required by RCW 80.50.100.

In early 2023, EFSEC Council Members were surveyed with regard to their availability to be present and participate in the Horse Heaven Wind Adjudication during May and June 2023. , based on their responses, the Council is currently holding the following weeks for scheduling:

- Monday, May 15, 2023 through Friday, May 19, 2023 [Aramburu Unavail ex 5/19]
- Monday, May 22, 2023 through Friday, May 26, 2023
- Tuesday, May 30, 2023 through Friday, June 2, 2023 [Aramburu Unavailable]
- Monday, June 5, 2023 through Friday, June 9, 2023
- Tuesday, June 20, 2023 through Friday, June 2023

## **5. Filing Requirements – Electronic / Paper**

- Deviations from WAC 463 requirements → modernize if all parties agree to service and filing requirements (additional discussion to be had today and next PHC)
- Use of Horse Heaven Adjudication E-mail → [adjudication@efsec.wa.gov](mailto:adjudication@efsec.wa.gov)

## **6. Pre-Filed Testimony**

- Parties’ Proposed Timing for Pre-Filed Testimony

## **7. Development of Disputed Issues List**

- Degree of Specificity / Neutral in Tone
  - EFSEC Example? Kittitas Valley Wind Power Project – EFSEC Order #790
  - Other Agency Examples?
    - Shorelines Hearing Board
    - Pollution Control Hearings Board
- Does the Proposed Issue Have a Basis in Existing Law? [*see CR 11 for guidance*]
  - If not, is there a Good Faith Argument for Extension/Modification/Reversal of Existing Law or the Establishment of New Law?