



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98504-3172

May 19, 2023

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Benton County Prosecuting Attorney
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Counsel for Tri-Cities C.A.R.E.S.
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RE: Motion Practice – Response and Reply Intervals for Non-Dispositive Motions

Dear Parties,

The Council received three motions yesterday (Thursday, May 18, 2023), as follows:

- Tri Cities C.A.R.E.S. Motion for Stay Pending SEPA Compliance
- Yakama Nation’s Motion for Continuance of Adjudication Deadlines
- Benton County’s Motion to Stay Adjudicative Proceedings Pending FEIS Issuance

Each of these non-dispositive motions requested oral argument.

In accordance with RCW 34.05.437(1), this letter serves to inform all parties of the response and reply deadlines that will apply to these motions and all other non-dispositive motions that might be filed going forward. Following the filing and service of a motion, all other parties may file their response within five (5) business days. The moving party may then file a reply within three (3) business days. In the case of the above-noted motions, responses are due no later than

Thursday, May 25, 2023 and replies are due on Wednesday, May 31, 2023. I expect to rule on these motions on or before June 2, 2023.

Oral argument will not be granted as a matter of right for non-dispositive motions. When a moving party requests oral argument, the presiding officer will review the original motion and responsive pleadings before determining whether to grant or deny the request for oral argument. The decision to grant or deny oral argument is solely in the presiding officer's discretion. If oral argument is to be held, EFSEC staff will attempt to coordinate a mutually agreeable time for both the moving party and any party who has responded to the motion. Parties who are not active with regard to a particular motion need not attend any oral argument scheduled for that motion.

All parties should please take note that motions to strike are separately addressed in the Second Pre-Hearing Conference Order and have slightly more accelerated response deadlines and no provision for replies.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Torem', with a large, sweeping flourish above the name.

Adam Torem
Administrative Law Judge

cc: Jon Thompson, AAG