

**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

PRE-HEARING ORDER REGARDING  
NAMING CONVENTIONS FOR ALL  
EVIDENTIARY FILINGS

**Procedural Setting:**

On March 10, 2023, March 20, 2023, and May 2, 2023, ALJ Torem conducted Pre-Hearing Conferences in this matter. On each of those dates, Judge Torem and various parties raised the question of how pre-filed testimony, exhibits, and other various and sundry evidentiary items were to be submitted. At those prehearing conferences, EFSEC Forms and Records Analyst Lisa Masengale provided preliminary guidance to the parties regarding marking submissions. This Prehearing Order provides Judge Torem's and EFSEC Staff's current guidance on how all parties should submit their evidentiary filings for the adjudicative hearing in this matter.

**Naming Conventions – Parties.** For purposes of this adjudication, EFSEC is utilizing the following three letter abbreviations for each of the parties:

SCE Scout Clean Energy (Applicant)

BEN Benton County

CFE Counsel for the Environment

TYN Confederated Tribes and Bands of the Yakima Nation

TCC Tri-Cities C.A.R.E.S.

**Filing Format for Evidentiary Submissions.** All pre-filed testimony and accompanying exhibits, including cross-examination exhibits, must be filed and served electronically in .pdf format. All evidentiary submissions shall be paginated and each page must include line numbering (as common to legal pleadings). All evidentiary submissions must be double-spaced and utilize a 12-point typeface (Arial, Times New Roman, or an equally legible font) with footnotes of at least 10-point typeface in the same font. Margins shall be at least one inch on all sides of documents, excepting those not created by the submitting party (and those submissions must be legible). All pre-filed testimony must include an exhibit list, if applicable (*see below*).

**Filing Format for Confidential Information.** When a party's pre-filed testimony or supporting exhibit(s) contain information designated as confidential under the Protective Order, the party must file both redacted and unredacted copies. The unredacted copy must indicate the confidential information by highlighting that text with no more than twenty percent gray shading; the redacted copy must fully obscure the confidential information.

**Assignment of Exhibit Numbers.** The parties shall consult with each other to determine the approximate number of exhibits anticipated for each party’s case-in-chief and assign each party a series of numbers sufficient to their individual needs. Party estimates should allow for any additional exhibits that might be added during the course of the adjudicative hearing. If additional exhibits cannot be sequentially numbered in such “gaps” they will be allotted exhibit numbers at the end of the main adjudication exhibit list.

**Evidentiary Filing Numbering Format.** The parties shall utilize four-digit numbers, with leading zeros as necessary (e.g., 0001, 0010, 0100, etc.). When naming .pdf exhibit files, the parties shall use the prefix EXH- followed by the four-digit exhibit number (e.g., the .pdf file for Exhibit 0001 would be EXH-0001.pdf). As appropriate, the following suffixes must be added to the file name with a preceding underscore (e.g., \_X or \_R):

_T	Pre-filed testimony
_R	Rebuttal or Reply testimony
_X	Cross-examination exhibit
_CONFIDENTIAL	Unredacted (non-public) version of an evidentiary filing that contains confidential information or other information exempt from public disclosure under RCW 42.56
_REDACTED	Redacted (public) version of an evidentiary filing that contains confidential information or other information exempt from public disclosure under RCW 42.56 with an explanation in the header of the first page citing the reason the information is confidential
_REVISED	Revised version of any pre-filed testimony or previously admitted exhibit (revisions must be highlighted in legislative style or other manner to clearly indicate any changes from original submission and the header or footer of each revised page of testimony must be labeled “REVISED” and indicate the date of revision).

Cross-examination exhibits must be labeled and grouped consecutively according the witness the party intends to cross-examine with those exhibits.

Examples of this naming convention and numbering format are provided below:

EXH-0001_T	Pre-filed testimony
EXH-0010_CONFIDENTIAL	Non-public version of Exhibit 0010
EXH-0010_REDACTED	Public version of Exhibit 0010
EXH-0024_REVISED	Revised version of previously submitted Exhibit 0024
EXH-0040_R	Rebuttal or Reply testimony
EXH-0200_X	Cross-examination exhibit

**Pre-filed Testimony Format – First Page.** Parties must mark all pre-filed written testimony and exhibits in the upper right-hand corner of the first page as follows (example given to right):

Party	CFE
Exhibit Title (or description)	Owl Activity Centers -- Map
Name of Sponsoring Witness (if applicable)	Jane Byrd Doe
Exhibit Number	EXH-0010_REDACTED

**Exhibit Lists.** Each party must file with the Council and serve on all parties a list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits of that party’s witnesses and cross-examination exhibits designated for other party’s witnesses. A template individual party exhibit lists is appended to this prehearing order. The presiding ALJ will establish a deadline for filing of exhibit lists.

**Errata / Revised Testimony or Exhibits.** Each party must file with the Council and serve on all parties a list of any corrections or revisions to its witnesses’ pre-filed testimony and exhibits. Each correction or revision must be identified separately by exhibit number, page, and line (or row, column, cell, etc., as applicable) and must specify the text to be revised, added, or deleted. The \_REVISED suffix naming convention (see above) must be utilized when filing revised testimony or exhibits. The presiding ALJ will establish a deadline for filing revision lists.

**Main Adjudication Exhibit List.** EFSEC Staff shall maintain and periodically make available to all parties a main adjudication exhibit list designed to track all party evidentiary filings and their status (i.e., admitted, rejected or withdrawn). All parties and the presiding ALJ will work from identical exhibit lists and update the main adjudication exhibit list as the adjudicative hearing progresses. A template for the main adjudication exhibit list is appended hereto.

**Modification.** This prehearing order regarding naming conventions for all evidentiary filings may be modified during the course of this adjudication as circumstances dictate or as necessary. Parties may submit requests for modifications or amendments to this order by filing a letter addressed to ALJ Torem and copies to all other parties. A prehearing conference may be scheduled to discuss any such party requests.

DATED and effective at Olympia, Washington, on the 26th day of May, 2023.

WASHINGTON ENERGY FACILITY  
SITE EVALUATION COUNCIL



Adam E. Torem, Administrative Law Judge