

BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITING EVALUATION COUNCIL

In the Matter of the Application of:  
  
Scout Clean Energy, LLC, for Horse Heaven  
Wind Farm, LLC,  
  
Applicant.

DOCKET NO. EF-210011

DECLARATION OF TIMOTHY L.  
MCMAHAN IN SUPPORT OF  
APPLICANT'S RESPONSE IN  
OPPOSITION TO MOTION TO STRIKE  
APPLICANT'S DIRECT TESTIMONY

1           1.       I am one of the attorneys representing Scout Clean Energy, LLC for Horse  
2 Heaven Wind Farm, LLC ("Applicant") in this matter. I am competent to testify as to the  
3 matters set forth herein. I make this declaration based on personal knowledge.

4           2.       On June 12, 2023, counsel for Applicant filed Applicant's direct testimony at  
5 10:22pm, several hours after the Administrative Law Judge's established filing deadline of  
6 5:00pm.

7           3.       This tardiness was a result of staffing and technological problems stemming  
8 from a new team of administrative and support staff and pre-existing attorney travel  
9 commitments. Specifically, at least one of our coordinating attorneys was traveling and off-  
10 site on June 12, 2023, communicating with our team of witnesses and newly onboarded  
11 administrative and technology-support staff remotely.

12          4.       My understanding is that our technology-support staff were unexpectedly  
13 unable to properly format one particularly voluminous set of exhibits per the requirements in  
14 the prehearing orders. The coordinating attorney learned of this problem late in the day on  
15 June 12. Once we became aware of the problem, a team consisting of two attorneys, three  
16 members of our administrative staff, and a technology-support staff member worked  
17 diligently into the evening to find a solution. Rather than file an incomplete or inaccurate set  
18 of materials by 5:00pm, we filed all submittals together, albeit several hours late.

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1           5.       I apologize on behalf our team for the untimely submittal and have taken steps  
2 to ensure the same formatting and document compilation problems do not repeat.

3  
4           I declare under the penalty of perjury under the laws of the United States that the  
5 foregoing is true and correct.

6           Executed this nineteenth day of June 2023, in Portland, Oregon.

7  
8 DATED: June 19, 2023.

STOEL RIVES LLP

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12 TIMOTHY L MCMAHAN  
13 tim.mcmahan@stoel.com

14 Telephone: (503) 294-9517  
15 *Attorney for Applicant*

1 **CERTIFICATE OF FILING AND SERVICE**

2 I hereby certify that on June 19, 2023, I filed an original and one copy of the  
3 foregoing **DECLARATION OF TIMOTHY L. MCMAHAN IN SUPPORT OF**  
4 **APPLICANT’S RESPONSE IN OPPOSITION TO MOTION TO STRIKE**  
5 **APPLICANT’S DIRECT TESTIMONY** with the Washington Energy Facility Site  
6 Evaluation Council through electronic filing via email to [adjudication@efsec.wa.gov](mailto:adjudication@efsec.wa.gov).

7 I hereby certify that I have this day served the foregoing document upon all parties  
8 of record in this proceeding at the addresses listed below (with a copy sent via email  
9 where an email address is indicated).

10 *Service List Attached*

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12 DATED: June 19, 2023.

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*Attorneys for Confederated Tribes  
and Bands of the Yakama Nation*