



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

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July 19, 2023

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RE: Joint Requests to Strike Hearing Dates and Extend Pre-Hearing Brief Deadline

Dear Ms. Voelckers and Parties,

Thank you for your letter of July 18, 2023 seeking to strike the first two of the ten hearing dates currently scheduled for August 2023. You also asked to extend the pre-hearing brief filing deadline from August 2, 2023 to August 9, 2023 in order to accommodate ongoing efforts to complete pre-hearing discovery events and include information garnered into party briefs.

I am amenable to eliminating any of the ten days of hearing that all parties agree are no longer needed for this adjudication. The parties hopefully realize, and if not, should be advised, that once hearing dates are stricken it will prove impossible to add them back in after the scheduled end of the adjudicative hearing on Friday, August 25, 2023.

Per the suggestion at the end of your letter, I think it is appropriate for all of us to use some time following the July 25, 2023 mock hearing and technical shakedown session to project the order of testimony topics and sequence of witnesses. We can adopt an order of presentation of issues that parallels that set out on page 2 of the Second Pre-Hearing Conference Order and begin with

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July 19, 2023

the Land Use Consistency topic and go in sequence accordingly. Alternatively, we can adjust the order of evidence to accommodate the parties' witness availability so long as that still allows for a coherent topic-by-topic presentation. I would welcome an agreed proposal from the parties in this regard. If all parties and I can agree on a schedule for presenting the totality of evidence in less than eight days (recall that Wednesday, August 16th is only a morning hearing session) and I am persuaded the entire hearing can be completed within that timeframe, I will grant your joint request to strike the August 10th and 11th hearing dates. In that scenario, the adjudicative hearing will commence at the beginning of the following week on Monday, August 14th.

Next Tuesday morning, it may also be appropriate to discuss scheduling of the public comment session that is required per RCW 80.50.090(4) during the adjudication. I am looking at setting that event as an evening session toward the latter part of the week of August 21-25, 2023.

Assuming the above scenario to cut the adjudicative hearing down from ten days to only eight days, I would also be willing to extend the pre-hearing brief filing deadline out an additional week. A new deadline of August 9th would still allow sufficient time for the EFSEC councilmembers to read, review, and digest all parties' positions before the adjudicative hearing begins. Based on the discussion following next week's dry run, you may anticipate the requested extension of that filing deadline.

Thank you for your cooperation in making this joint request. I look forward to our discussions next Tuesday morning after we work through the technical troubleshooting of the mock hearing.

Sincerely,



Adam Torem
Administrative Law Judge

cc: Kathleen Drew, EFSEC Chair
Sonia Bumpus, EFSEC Director
Jonathan Thompson and Jenna Slocum, AAGs