

**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

FOURTH PRE-HEARING
CONFERENCE ORDER

Procedural Setting

On August 4, 2023 at 3:15 p.m., Administrative Law Judge (ALJ) Adam E. Torem conducted a pre-hearing conference in this matter. During the prehearing conference, the following items were discussed (summary):

- Order of presentation of evidence at adjudicative hearing per parties' collaboration(s)
- Development of daily roster / line-up of witnesses for adjudicative hearing
- Requirement for all witnesses to appear (virtually) in order to adopt pre-filed testimony
 - Although parties may not have cross-examination for a witness, the Council might
 - ALJ will identify those TCC witnesses to be re-characterized as public comment
- Stipulation(s) and Agreed Orders to allow submission of supplemental testimony
 - Scout Clean Energy will not oppose Tri-Cities C.A.R.E.S. motion to supplement the record with the deposition of Dave Kobus
 - Scout Clean Energy will not oppose the Yakama Nation's motion to supplement the record with additional information from a WDFW deposition
- Scout Clean Energy intends to file supplemental testimony from Dave Kobus
 - Tri-Cities C.A.R.E.S. intends to oppose that supplemental testimony via motion
 - ALJ will try to resolve any dispute over Kobus' testimony at/before PHC #5
- Final prehearing conference to be held on Thursday, August 10, 2023 at 2:00 p.m.

The progress made on scheduling discussed is further detailed below and will be finalized at the final pre-hearing conference (#5), also detailed below.

Order of Presentation of Evidence

Per the parties' updated estimates of cross-examination times at the conference, the flow of evidence will be approximately as follows:

- | | |
|--|---------------------------|
| 1) Land Use Consistency (1 to 1.5 days) | ~ Monday, 8/14 |
| 2) Environmental / Physical Impacts (2 days) | ~ Tues, 8/15 & Weds, 8/16 |
| Wildlife / Habit Issues | + Thurs, 8/24 & Fri, 8/25 |
| 3) Cultural / Historic / Archaeological Resource Impacts (1 day) | ~ Monday 8/21 |
| 4) Societal / Economic Impacts (1-2 days) | ~ Tues, 8/22 & Weds, 8/23 |

- 5) Cumulative Impacts (less than 1 day) TBD per other topics
6) Site Restoration and Decommissioning (less than 1 day) TBD per other topics

Note: Applicant witness Ragsdale is only available to testify on Monday, August 21, 2023.

Witnesses whose testimony may span more than one topic area (*i.e.*, Applicant witness McClain) should, if possible, be called to testify on more than one day.

The parties shall continue to work collaboratively to refine the daily line-up of witnesses, estimating the time needed for cross-examination and re-direct examination of each witness. **Time should be built into the schedule to allow for questions from the Councilmembers and/or the ALJ.** *If time constraints allow*, Wednesday, August 23rd should be scheduled to allow a long afternoon break prior to that night's public comment hearing.

Final Pre-Hearing Conference

The final pre-hearing conference is scheduled for **Thursday, August 10, 2023 at 2:00 p.m.** The parties anticipate that this conference will conclude prior to 5:00 p.m. At that conference, all final "housekeeping" matters (*i.e.*, final scheduling of topics and ordering of witnesses, marking of exhibits, ruling on remaining motions if an oral "from the bench" ruling can be made) will be discussed to ensure the adjudication runs as smoothly as possible.

DATED and effective at Olympia, Washington, on the 7th day of August, 2023.

WASHINGTON ENERGY FACILITY
SITE EVALUATION COUNCIL



Adam E. Torem, Administrative Law Judge