



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98504-3172

September 6, 2023

Timothy McMahan
Counsel for Applicant Scout Clean Energy
Stoel Rives LLP
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205

J. Richard Aramburu
Counsel for Tri-Cities C.A.R.E.S.
705 2nd Avenue, Suite 1300
Seattle, WA 98104-1797

Dear Mr. McMahan and Mr. Aramburu,

Thank you for your motions to supplement the record that were timely filed yesterday afternoon. This letter serves to notify you and all other parties of my overall decision on your motions. A more detailed Order setting out the evidentiary basis for admitting or excluding each of your newly proposed exhibits will follow in the days ahead.

The Applicant's motion to supplement Brynn Guthrie's testimony will be granted. Scout Clean Energy shall promptly submit Ms. Guthrie's supplemental testimony re-labeled as EXH-1065_S.

TCC's motion to supplement the record will be granted in part and denied in part. The following exhibits proposed by TCC will be admitted:

- Dennis Bates's EXH-5911_S (in part)
[pages 1-5 only / maps at pages 6-7 excluded, along with references thereto]
- Lonnie Click's EXH-5912_S

The following exhibits proposed by TCC will be excluded:

- Dean Apostol's EXH-5105_S and EXH-5106_S
- David Wardall's EXH-5907_S, EXH-5908_S; and EXH-5909_S
- Mark Baird's EXH-5910_S and EXH-5913_S
- Paul Krupin's EXH-5915_S
- Margaret Hue's EXH-5918_S

The following exhibits proposed by TCC will be admitted, but, as with several similar pre-filed testimonies from interested citizens and neighbors, designated and considered as public comments:

- John Christensen's EXH-5914_S
- Loren Miller's EXH-5916_S
- Margaret Hue's EXH-5917_S

TCC shall, upon receipt of the forthcoming Order, resubmit EXH-5911_S with excluded material excised from and/or red-lined out of the exhibit.

Thank you for your attention to these advance summary rulings. Upon issuance of the Order and receipt of the re-labeled EXH-1065_S and updated EXH-5911_S, Lisa Masengale will update the main exhibit list.

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
Kenneth Harper and Aziza Foster, Menke Jackson Beyer, LLP, Counsel for Benton County
Sarah Reyneveld, Counsel for the Environment
Shona Voelckers and Ethan Jones and Jessica Houston, Counsel for Yakama Nation