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2
3 BEFORE THE STATE OF WASHINGTON
4 ENERGY FACILITY SITING EVALUATION COUNCIL

5 In the Matter of the Application of:

6 Scout Clean Energy, LLC, for
7 Horse Heaven Wind Farm, LLC,
8 Applicant.

DOCKET NO. EF-210011

9 TRI-CITIES C.A.R.E.S. MOTION
10 FOR RECONSIDERATION OF
11 ORDER DENYING MOTION TO
12 COMPEL PRODUCTION OF
13 DOCUMENTS

14 On August 15, 2023, the PALJ issued his order denying Tri-Cities C.A.R.E.S.
15 (TCC) motion to compel production of four defined sets of documentary materials. For
16 the reasons stated herein, TCC requests that the PALJ reconsider his Order and grant
17 the motion to compel the production of documents.

18 The foundation for the Order is stated at pages 7-8 of the limited transcript for
19 August 15, 2023, in which the PALJ characterizes the basis for TCC's request for
20 information, stating: "the economic viability of a proposed project was not relevant."
21 Page 7 lines 14-15. See also page 7 lines 20-22 and page 8 lines 13-17 ("certain
22 economic viability information is not germane or helpful to Council members or their
23 work to develop a recommendation to the governor.")¹

24 The Order mischaracterizes the basis for TCC's motion. As explained in our
25 Motion to Compel Production of Documents at page 6, lines 17-26, meteorological data
26 and individual turbine output predictions do not go to overall "economic viability" of the

27 ¹ In fact, the Applicant has stated in its Updated Application for Site Certification ("UASC") at page 2-
28 118: "*The site represents a commercially viable wind resource area that is favorable for regional utilities
as it is coincident with peak loading demand.*"

1 Project, but rather to identify individual turbines with lesser output or production that
2 would make them better candidates for removal/relocation to meet other Council
3 priorities in the established balancing process. These include balancing issues such
4 as wildlife protection (including hawk habitat areas), aesthetic impacts, aerial fire
5 fighting, protection of cultural values for the Yakama Nation and other societal and
6 environmental impacts. As the project is substantial in a linear sense (25 miles long)
7 and in the number of wind turbines (244), and spaced such that several turbines may
8 block the wind from adjacent (downstream) turbines, it is likely that certain turbines
9 may produce less electricity than others. Less valuable/less productive turbines could
10 be deleted or relocated to achieve other statutory goals.

11 Moreover, the Applicant admits that its plans include “up to 650 MW of
12 nameplate generating capacity, limited to a 350 MW grid injection capacity” to
13 interconnect at one of the project substations. UASC at 2-16. In deciding whether to
14 allow this “overbuilding” or to limit it to a certain number of turbines/solar panels,
15 productivity of individual turbines provides useful and important information in the
16 Council's analysis. The information requested from BPA (not claimed as confidential)
17 will inform this Council's decision making.

18 TCC is not challenging the “economic feasibility” of the Horse Heaven Wind
19 Farm. TCC does believe that information regarding the production of individual
20 turbines is important to this Council's statutory balancing obligation. In light of this
21 clarification, TCC respectfully requests that the PALJ reconsider his Order and grant
22 TCC's motion to compel production, subject to confidentiality agreements.

23 DATED this 18th day of August, 2023.

24
25 /s/
26 J. Richard Aramburu, WSBA #466
27 Attorney for Tri-Cities C.A.R.E.S.

1 DECLARATION OF SERVICE

2 I hereby certify that I have this day served the foregoing upon the parties of
3 record in this proceeding (listed below my signature block) by authorized method of
4 service pursuant to WAC 463-30-120(3) to the email addresses for parties as provided.

5 Dated at Seattle, Washington this 18th day of August, 2023.

6
7 /s/
8 Carol Cohoe, Legal Assistant
9 Law Offices of J. Richard Aramburu, PLLC

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