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TCC  
Pre-Filed Testimony  
J. Richard Aramburu  
EXH-5000\_T

BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITING EVALUATION COUNCIL

<p>In the Matter of the Application of:</p> <p>Scout Clean Energy, LLC, for Horse Heaven Wind Farm, LLC, Applicant.</p>	<p>DOCKET NO. EF-210011</p> <p>STATEMENT OF J. RICHARD ARAMBURU REGARDING INITIAL PREFILED TESTIMONY</p>
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I am counsel for Tri-Cities C.A.R.E.S. (TCC) in this proceeding. I make this statement in conjunction with the submission of initial prefiled testimony in this matter.

TCC has been unreasonably restricted and limited in the preparation of its prefiled testimony. Through delays in issuance of prehearing orders and proceedings, TCC has not been allowed adequate time for preparation of testimony in a substantial case of this nature. As documented in the transcripts of the three prehearing conferences, the prehearing process has created delays in preparation for these hearings, including the last prehearing order (PHO#2) issued just on May 19, 2023, only 24 days prior to the deadline for prefiled testimony. This settling of issues, procedures and discovery came too late to allow full preparation of witnesses and testimony. As allowed by WAC 463-30-270(3), TCC timely filed objections to PHO#2

1 on May 30, 2023, but no response to our objection (or others' objections) has been  
2 received from the presiding Administrative Law Judge as of the deadline for  
3 submission of testimony.

4 In addition, PHO#2 did authorize discovery, but only 24 days before submission  
5 of testimony. TCC promptly submitted discovery requests to the Applicant, consisting  
6 of Requests for Production of Documents and a Notice of Deposition for Mr. Kobus,  
7 the project manager for the applicant, but the Applicant refused to provide the  
8 requested documents, make Mr. Kobus available for a deposition or seek protective  
9 orders for this information and the witness. Though TCC intends to submit motions to  
10 compel responses to this discovery, the truncated schedule imposed did not allow  
11 decisions on such motions or use of discovery for the initial round of prefiled  
12 testimony.  
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15 TCC files this statement to preserve for the record the circumstances that have  
16 limited its ability to file complete prefiled initial testimony. We reserve the right to add  
17 additional materials and testimony to the prehearing testimony as it becomes  
18 available.

19 I declare under the penalty of perjury under the laws of the State of Washington  
20 that the preceding is true and correct to the best of my knowledge and belief.  
21

22 Signed this 12th day of June, 2023 at Seattle, Washington.

23  
24 /s/  
25 J. Richard Aramburu, WSBA #466  
26 Attorney for TCC