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1 Appearances (cont'd):
 2 DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC
 3 DEVELOPMENT, Tony Usibelli, Assistant Director, Energy
 4 Policy Division, P.O. Box 43173, Olympia, Washington
 5 98504-3173.
 6 RESIDENTS OPPOSED TO KITTITAS TURBINES (ROKT),
 7 James C. Carmody, Velikanje, Moore & Shore, P.S., 405 East
 8 Lincoln Avenue, P.O. Box 22550, Yakima, Washington 98907.
 9 F. STEVEN LATHROP, F. Steven Lathrop, Attorney at
 10 Law, Lathrop, Winbauer, Harel, Slothower & Denison, LLP,
 11 201 West Seventh Avenue, Ellensburg, Washington 98926.
 12 ECONOMIC DEVELOPMENT GROUP, Debbie Strand,
 13 Executive Director, 1000 Prospect Street, P.O. Box 598,
 14 Ellensburg, Washington 98926.
 15 * * * * *
 16 JUDGE TOREM: It is now three minutes after
 17 three o'clock, and this prehearing conference of the
 18 Energy Facility Site Evaluation Council is convened on
 19 Wednesday, September 22, 2004. This is Administrative Law
 20 Judge Adam Torem, and this is a special meeting or an
 21 emergency prehearing conference I believe convened based
 22 upon a filing we received on Monday, September 20.
 23 MS. TOWNE: Adam, could you speak up a
 24 little bit?
 25 JUDGE TOREM: Im trying.

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1 MS. TOWNE: Okay. Thanks.
 2 JUDGE TOREM: It is a joint motion to
 3 continue the hearing date in the Kittitas Valley Wind
 4 Power Project. On the telephone line today we should have
 5 -- please acknowledge when I say your name -- Assistant
 6 Attorney General, Ann Essko.
 7 MS. ESSKO: Here.
 8 JUDGE TOREM: We should have the following
 9 Councilmembers. Chairman Jim Luce.
 10 CHAIR LUCE: Here.
 11 JUDGE TOREM: Community, Trade and Economic
 12 Development, Dick Fryhling.
 13 MR. FRYHLING: He is present.
 14 JUDGE TOREM: Department of Ecology, Hedia
 15 Adelsman.
 16 MS. ADELSMAN: Here.
 17 JUDGE TOREM: Department of Fish and
 18 Wildlife, Chris Smith Towne.
 19 MS. TOWNE: Here.
 20 JUDGE TOREM: Department of Natural
 21 Resources, Tony Ifie.
 22 MR. IFIE: Present.
 23 JUDGE TOREM: And the Department of
 24 Utilities and Transportation Commission, Tim Sweeney.
 25 Mr. Sweeney, are you there?

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1 Okay. He hasn't joined us yet. We'll see
 2 if we get him.
 3 For Kittitas County, Patti Johnson.
 4 MS. JOHNSON: Im here.
 5 JUDGE TOREM: All right. So we have six out
 6 of the seven Councilmembers present on the phone.
 7 Also on the line for various intervenors are
 8 Jamie Carmody for Intervenor Residents Opposed to Kittitas
 9 Turbines.
 10 MR. CARMODY: Here.
 11 JUDGE TOREM: For Kittitas County, Jim
 12 Hurson.
 13 MR. HURSON: Here.
 14 JUDGE TOREM: And Clay White.
 15 MR. WHITE: Here.
 16 JUDGE TOREM: Darrel Peeples is present in
 17 the room today as is Andrew Young.
 18 MR. USIBELLI: Tony Usibelli.
 19 JUDGE TOREM: And Tony Usibelli.
 20 Is that right, Mr. Peeples, Andrew Young?
 21 MR. PEEPLES: Yes, correct.
 22 JUDGE TOREM: Present for EFSEC staff are
 23 Irina Makarow and Allen Fiksdal. Are there any other
 24 parties or intervenors or Councilmembers I may have
 25 missed?

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1 MR. LATHROP: Steve Lathrop. Im on the
 2 line in the absence of my counsel.
 3 JUDGE TOREM: Thank you. I noted I got an
 4 email yesterday from Jeff Slothower, your counsel,
 5 indicating he wouldn't be here. His input was that he had
 6 reviewed the County and Applicant's joint request of
 7 relief to postpone the matter, and he had no objection to
 8 EFSEC granting that relief.
 9 We are now joined by Mr. Sweeney in person
 10 here in Olympia. That's why he's not on the phone line,
 11 so the Council is all present and accounted for.
 12 Are there any other parties just joining the
 13 call?
 14 MR. GARRETT: Ed Garrett for ROKT.
 15 JUDGE TOREM: Thank you, Mr. Garrett.
 16 Mr. Carmody is on the line as well for your intervenor
 17 ROKT.
 18 MS. STRAND: Debbie Strand from the Economic
 19 Development Group.
 20 JUDGE TOREM: Anybody else?
 21 MR. TAYLOR: Chris Taylor from the
 22 Applicant.
 23 MS. DRUMMOND: This is Susan Drummond on
 24 behalf of RNP. I may be in and out, so I will be happy to
 25 transfer to my cell phone though.

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1 JUDGE TOREM: Anybody else from RNP?
2 MS. DRUMMOND: I don't believe so, no.
3 MR. LANE: Judge, John Lane is here too.
4 JUDGE TOREM: Thank you, Mr. Lane.
5 MS. STRAND: Did you get me, Debbie Strand?
6 JUDGE TOREM: Got you.
7 MS. STRAND: Okay.
8 JUDGE TOREM: All right. I think we've
9 accounted for everybody on the list. Let's go ahead and
10 hear from Darrel Peoples who is here and then hear from
11 Mr. Hurson on the joint motion to continue the hearing
12 date.
13 MR. PEEPLES: This first motion should be in
14 front of everybody. It's a very short motion. The basis
15 is primarily it was announced yesterday that PSE is
16 purchasing Wild Horse or has entered into a contractual
17 relationship that hopefully will end up in a purchase of
18 Wild Horse. Partly because of that and we want to put all
19 of our efforts into the Wild Horse application it was felt
20 that trying to try the Kittitas Valley case at the same
21 time we were trying to process the Wild Horse case would
22 cause somewhat of a delay for Wild Horse mainly because of
23 staff time on both the Applicant and particularly the
24 County who has basically two people.
25 So we decided that we would try to delay

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1 Kittitas Valley with the permission of EFSEC if it were
2 granted, so that we could concentrate our efforts on that.
3 At the same time we're doing that the request stated as
4 well as to afford the parties additional time to address
5 outstanding issues between them regarding Kittitas Valley
6 Wind Power Project. So we will be working to see if we
7 can come up with some other resolution of the compliance
8 issue with the County during that time.
9 JUDGE TOREM: Mr. Hurson, anything to add?
10 MR. HURSON: No, just that the County agrees
11 that's a good process. Frankly, it's probably a good
12 business decision for Zilkha and also a good public
13 process decision. I think that working through the Wild
14 Horse process might kind of get the momentum on the K
15 Valley process, and, frankly, what we're hoping is on the
16 March review by that time frame you will already have a
17 report to us that we're done with Wild Horse, and we're
18 proceeding along with Kittitas Valley in a timely fashion.
19 So that's kind of the hopes from the County's perspective.
20 JUDGE TOREM: When you say that you're done
21 with Wild Horse, you're not suggesting that the EFSEC
22 process and the hearing would be done, but the County's
23 land use consistency process?
24 MR. PEEPLES: We expect both can be done by
25 that date.

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1 Jim, am I misstating anything?
2 MR. HURSON: I'm not sure what the EFSEC
3 time frame was, but I know that we are hoping that Wild
4 Horse can be in our public hearing process in January.
5 MR. PEEPLES: So March is I consider a
6 legitimate date to aim for completion of the EFSEC
7 hearing.
8 JUDGE TOREM: So if I understand folks, the
9 Applicant and the County are in sum asking for a delay and
10 a postponement of six months of this Kittitas Valley Wind
11 Power Project hearings that are scheduled to begin next
12 Monday, September 27, and put them off and not reschedule
13 them or discuss the project again before this Council
14 until at least March of 2005. At which point they expect
15 the other project upon which we have a prehearing
16 conference next Thursday, September 30, to discuss
17 petitions for intervention in the Wild Horse Wind Power
18 Project, they expect that entire process to be completed
19 by the time we bring up Kittitas Valley again and then as
20 necessary reschedule the hearings in that matter.
21 MR. PEEPLES: I would use the word hope
22 rather than expect.
23 MR. HURSON: Jim Hurson. Yes, that's our
24 goal, and, yes, in fact, in the motion the way we said it
25 is to schedule the meeting March 2005. We discussed the

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1 fact that if we resolved it, great. If there is still an
2 issue, then we get back to the Council, and we need to get
3 back on a schedule for preemption which we hope isn't the
4 case. But anyway that would give us the opportunity to
5 revisit, work together with all the other parties on the
6 reschedule as necessary.
7 JUDGE TOREM: Let me go through each of the
8 parties first before I call on the Councilmembers and
9 determine if they have an objection or if they have a
10 concurrence with this approach.
11 I'll start with Mr. Usibelli who's here in
12 the room in Olympia representing Community, Trade, and
13 Economic Development as an intervenor. Any objection or
14 comments?
15 MR. USIBELLI: We support the motion and do
16 have a few comments. We support the motion, especially if
17 this actually gets a real project in the ground sooner
18 rather than later. We do have a concern in general that
19 we not lose what we think is a significant state and
20 regional asset, namely, the Kittitas Valley site and
21 potential project there. And we know that the rest of the
22 country has been looking at whether Washington represents
23 a good site to place wind projects, and that this process
24 and other processes are an important indicator of the
25 willingness of our state to be a good place to do wind

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1 business which is an important consideration for us. So
2 in sum we do support the motion with those qualifications.
3 JUDGE TOREM: Mr. Lathrop, I had already
4 expressed that by email your attorney, Mr. Slothower,
5 expressed his lack of objection and I think his support.
6 MR. LATHROP: That's correct.
7 JUDGE TOREM: I should have said no
8 objection. He didn't indicate support. Did you have
9 anything else you wanted to add?
10 MR. LATHROP: We have no objection.
11 JUDGE TOREM: Mr. Carmody and Mr. Garrett,
12 for ROKT.
13 MR. CARMODY: Ed, do you have any comments
14 on it?
15 MR. GARRETT: No, I basically think that
16 it's probably a good idea.
17 MR. CARMODY: I agree with that.
18 JUDGE TOREM: Ms. Drummond, are you still
19 there for RNP?
20 All right. She may have gone to her cell
21 phone. We will try her again at the end of the list.
22 Debbie Strand for the Economic Development
23 Group.
24 MS. STRAND: Yes.
25 JUDGE TOREM: Do you have any objections,

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1 concerns, or want to voice support for this request?
2 MS. STRAND: We have no objection, and we
3 would certainly support the request.
4 JUDGE TOREM: Counsel for the Environment?
5 MR. LANE: I have no objection. I do have a
6 clarification question. In terms of March is that when we
7 would reconvene, start setting dates again? Is that the
8 understanding?
9 MR. PEEPLES: I think John and Jim you cut
10 in after me if I'm not right. I think we'll report back.
11 Hopefully we would be reporting back with something solid.
12 We may say we're ready to get the process going or we may
13 not but report back just with the status is what the first
14 meeting in March was for.
15 Jim?
16 MR. HURSON: Yes, it was to get a status
17 report, and, frankly, I anticipate that at the
18 semi-monthly meetings that the Council may occasionally
19 ask to have a verbal update. We can probably give you
20 those because we will be on the phone for Wild Horse
21 anyway.
22 MR. PEEPLES: I do want to point out, and I
23 think I stated this at the last Council meeting, I will be
24 probably this week filing for an extension of the
25 preemption period with regard to Wild Horse too. I

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1 haven't talked to Jim about what end date that would be,
2 but we are in a dialogue process with the County which we
3 both believe is progressing. So we will be asking to
4 extend that preemption time which is now set for November
5 15.
6 JUDGE TOREM: That's correct.
7 MR. PEEPLES: So I'll talk to Jim and come
8 back with a date.
9 JUDGE TOREM: All right. Has Susan Drummond
10 rejoined us yet?
11 MS. DRUMMOND: RNP does not have an
12 objection.
13 JUDGE TOREM: All right. Thank you,
14 Ms. Drummond.
15 MS. DRUMMOND: Yes.
16 JUDGE TOREM: At this time I just have a few
17 clarification questions to determine what might be going
18 on in the six-month period that's being requested, and
19 then I will see what other Councilmembers have questions
20 in that regard.
21 First, Mr. Peeples, I want to point out that
22 up until early this month the Applicant was quite
23 vociferously against any stays or delays of the
24 proceedings, and I realize that your client has now got
25 something different from Puget Sound Energy shifting its

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1 focus to the Wild Horse Project.
2 In this Kittitas Valley Wind Power Project
3 there's a request for EFSEC to preempt local land use. Is
4 there any indication that that request might be withdrawn,
5 and you will be attempting to seek land use consistency
6 during this six months?
7 MR. PEEPLES: It is likely in that we will
8 be working with the County during that period; however, we
9 will not withdraw the request for preemption at this time.
10 I mean if we do get consistency, then we will withdraw the
11 request.
12 JUDGE TOREM: Is it the intention of the
13 Applicant to continue to work with the County?
14 MR. PEEPLES: Yes, it is. That's what the
15 motion states. The motion stated as well to afford the
16 parties additional time to work on outstanding issues, and
17 we will be working on the outstanding issues.
18 JUDGE TOREM: Can you clarify other than the
19 staffing in Kittitas County, which clearly if the next
20 three weeks they have to focus on Kittitas Valley and have
21 to then focus on post-hearing briefs would have clear time
22 commitment, besides that what is it that the Applicant is
23 gaining by putting this off for six months or maybe longer
24 before the hearing can ever be held? I'm trying to figure
25 out what the connection from your perspective is between

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1 Wild Horse and the Kittitas Valley project then being
2 delayed instead?

3 MR. PEEPLES: Well, I think what we are
4 going to do is we plan to really put a lot of effort and
5 all our time into Wild Horse. It's just not the hearing.
6 We'll be working on the EIS issues. Clearly the County
7 staff there's just two of them, just Clay and Jim, and
8 they don't have the time to work on the briefs and at the
9 same time go forward full speed with the process that
10 we're trying to go through with them to obtain compliance
11 with the local land use.

12 So I think that is a big thing, and the
13 other thing would be probably something that is not solid,
14 but if we're working in a positive way on the Wild Horse
15 application, it would be I think somewhat complicated if
16 we were dealing in a very negative situation on the KV on
17 personal relationships going through this. So I think
18 both of those would be the factors.

19 Andrew, did you have anything to add?

20 MR. YOUNG: The only thing I think I would
21 add is that it's not just limited resources on the
22 County's side but also on Zilkha's side. We have a
23 certain finite amount of resources to focus attention on
24 projects, and this one has a real customer at this time,
25 and that's where we would also like to focus our

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1 attention.

2 MR. HURSON: This is Jim Hurson. Frankly, I
3 think one of the side benefits the County is looking for
4 and I think Zilkha is too is that working through the Wild
5 Horse project which I think most people agree seems to be
6 less controversial that can carry with it some momentum to
7 get Kittitas Valley working well in that process too.
8 That's our hope and why we think it's important for the K
9 Valley project because we think the Wild Horse and that
10 process will help the K Valley project get through the
11 process better. And hopefully we can resolve the
12 preemption issues and don't have to deal with them.

13 JUDGE TOREM: Councilmembers, any questions
14 for Mr. Hurson or for Mr. Peeples or any of the other
15 parties on the line?

16 Councilmember Luce, Council Chair, anything
17 you want to bring up?

18 CHAIR LUCE: I have just a couple of
19 clarifications. Mr. Peeples said, and understandably so,
20 that a request for preemption on Kittitas Valley would be
21 withdrawn if they could resolve the consistency issue. Is
22 that correct, Mr. Peeples?

23 MR. PEEPLES: Yes, I think that would be
24 correct.

25 CHAIR LUCE: Would you also contemplate

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1 withdrawing your application from EFSEC, or would you
2 continue to go forward with EFSEC?

3 MR. PEEPLES: No, we will go forward with
4 it. Remember the real issue is and we've always stated to
5 the County that the appeal time is real critical.

6 CHAIR LUCE: That's what I understood, and I
7 just wanted to clarify that.

8 MR. PEEPLES: No, these will both remain as
9 EFSEC applications, and I can't emphasize more, I can't
10 emphasize enough that we're going ahead with KV. We're
11 just delaying it.

12 CHAIR LUCE: So here's the second question.
13 Has Zilkha considered the possibility as has been done in
14 other cases of financially contracting with the County,
15 providing financial assistance, so that the County could
16 retain the services of a staff person to help expedite
17 this process?

18 MR. PEEPLES: Well, I think and, Jim,
19 interrupt me if I'm misstating it, with regard to Wild
20 Horse we are entering into a contract, and the County is
21 not hiring an extra staff person as such, but they're
22 entering into a contract with Huckell/Weinman to do the
23 work. So I think it's doing about the same thing.

24 CHAIR LUCE: That's what I meant. I mean on
25 other projects when county staff was overburdened and

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1 didn't have FTE applicants have sometimes made funding
2 available, so that the work could get done by someone
3 else.

4 MR. PEEPLES: I believe the contract has
5 been executed. I believe. Am I right, Jim?

6 MR. YOUNG: Yes.

7 MR. HURSON: Yes.

8 MR. PEEPLES: For Wild Horse.

9 MR. YOUNG: A staffing agreement.

10 MR. PEEPLES: A staffing agreement. I think
11 Andrew and Jim and Clay are going to be meeting Friday
12 with Huckell/Weinman; is that right?

13 MR. HURSON: Correct.

14 CHAIR LUCE: So that would, if I understand
15 it, that would help expedite the process on Wild Horse.

16 MR. PEEPLES: Yes, and allows everybody to
17 turn all their attention to it. I mean we can't be
18 meeting with Huckell/Weinman if we're trying to get ready
19 for hearing.

20 CHAIR LUCE: Understood. The last thing I
21 guess I would ask, and I didn't ask this on Kittitas
22 Valley until a lot of time had passed. But when you come
23 to us at the Wild Horse prehearing conference next week
24 would the two of you, the County and Applicant, use your
25 very best efforts to sit down and draw out a time line, a

1 specific time line in terms of milestones for processing
2 Wild Horse.

3 MR. PEEPLES: Yes, I think we can.
4 Jim, do you think we can?

5 MR. HURSON: We'll try to get one done in
6 the next week.

7 CHAIR LUCE: Okay. I think that would be
8 very helpful to the Council. As you're aware we've put a
9 heck of a lot of work into Kittitas Valley, and I
10 understand the circumstances revolving around today's
11 special meeting, but we would like to know where we are in
12 terms of processing these applications.

13 JUDGE TOREM: Thank you, Chairman Luce. Any
14 other Councilmembers with questions or comments?

15 MS. TOWNE: Yes, Judge Torem, Chris Towne.
16 I'm trying to picture the schedule out some months. We've
17 been asked to accept a report not earlier than March 1,
18 which is five months and ten days out, and I seem to
19 recall Mr. Hurson saying that he felt the Wild Horse local
20 government hearing would be concluded in January. Why
21 then can we not have a report shortly thereafter, keeping
22 in mind EFSEC's charged to get on about the business of
23 deciding power plants? I'd just as soon do it sooner
24 rather than later.

25 MR. PEEPLES: I guess my response, my

1 suggestion would be to keep the March date. I'm usually
2 at every single meeting, and I think probably Kittitas
3 County will too. And believe me when we hear something,
4 we get something, we'll report it immediately.

5 MR. HURSON: This is Jim Hurson. That was
6 my thought too. We kind of had the March date as sort of
7 the official formal this would be where we are, but when
8 you have your regular telephone conferences, we will have
9 Wild Horse there too, I undoubtedly will be on most of
10 those conference calls anyway. So if the Council wants to
11 ask how are things going on K Valley, I won't have a
12 problem updating you.

13 MS. TOWNE: Judge Torem, I guess my concern
14 is if our order says everybody has until March 1 to think
15 about where they're going to be, everybody is going to
16 take it until March 1. Would it be helpful in moving the
17 process along to set a date at least a month earlier?

18 JUDGE TOREM: It may be that also given the
19 January time frame for completing the land use consistency
20 issues in both Wild Horse and now if Kittitas Valley is
21 also going to be pursued that the Applicant may be adding
22 in that month, Chris, to allow the hearings for Wild Horse
23 to take place, and, if necessary, to determine if they're
24 going to file a request for preemption in that matter.
25 Therefore, after Wild Horse would have been fully spent

1 after perhaps the month of February is being targeted, and
2 Mr. Peeples is nodding his head here that seems to be
3 correct, March 1 would then come on after the hearing for
4 Wild Horse had been accomplished, and we would certainly
5 be waiting for post-hearing briefs and ready to do
6 deliberations thereafter. But we could then start
7 thinking about rescheduling the hearings. At the first
8 meeting in March we could set that schedule.

9 Mr. Peeples, is that correct?

10 MR. PEEPLES: That's exactly correct. But I
11 don't have any objection about reporting in early because
12 we'll probably be giving you status, at least unofficial
13 status reports all the way through this. Not that I know
14 what's official or unofficial, but we will be giving you
15 status reports as we go through. I think that's pretty
16 obvious.

17 MS. ADELSMAN: Judge Torem, this is Hedia.

18 JUDGE TOREM: Yes, ma'am.

19 MS. ADELSMAN: I think what the Chair has
20 said I fully agree with him 100 percent on the last point
21 about getting a plan in toward the end of September and
22 the County talking about January finalizing their
23 hopefully decision. So it would be really good to not
24 only have the milestones and the time frame because I know
25 there are public hearings, and, you know, I don't know if

1 there's 60-day public comments of the GMA or what is
2 really the process. I think it would be really good to
3 have that for the next meeting.

4 JUDGE TOREM: Let's leave that,
5 Councilmember Adelsman, for the Wild Horse project we'll
6 expect to have some presentation next Thursday morning in
7 Ellensburg as to what's going to happen there. Once we
8 find out who the other intervenors are, they can speak up
9 and add what other dates on that schedule might be
10 necessary. But the Applicant and the County can certainly
11 begin to work on that for the other project.

12 For the Kittitas Valley Project it might be
13 helpful to get that not next Thursday morning but at the
14 next regularly scheduling meeting which may be -- well,
15 there isn't one scheduled because of the hearings that are
16 now on the docket for October.

17 Mr. Fiksdal, when is the next regularly
18 scheduled meeting?

19 MR. FIKSDAL: The regularly scheduled
20 meetings are the first and third Mondays of each month.

21 JUDGE TOREM: That would be October 18,
22 right?

23 MR. FIKSDAL: Right. So that would be maybe
24 the next standard meeting. The Council is contemplating
25 or staff has been contemplating because of scheduling

1 issues perhaps canceling the October 4 meeting. We may
2 need to have a special meeting on the week of October 11
3 for other issues going on with the Council for the rule
4 making, and then if we were to have that meeting, there
5 may be no reason to have the October 18 meeting. So
6 that's some of the discussion that staff has been having.

7 JUDGE TOREM: Mr. Hurson and Mr. Peeples, is
8 it correct to assume that many of the land use milestones
9 in both the KV case and the Wild Horse case would be the
10 same?

11 MR. PEEPLES: You know, I probably assume
12 so, but I'd just like -- I would request that the County
13 and the Applicant not report back or be required to report
14 back a schedule or anything regarding KV.

15 JUDGE TOREM: You're looking to focus your
16 attention on Wild Horse.

17 MR. PEEPLES: We want to focus our attention
18 on Wild Horse. We're working through some things, and I
19 think it's best that we just leave that. After we get
20 through Wild Horse, then we'll turn our attention to KV.

21 Jim, am I misstating anything?

22 MR. HURSON: No, I think that's fine with
23 me. I know that they want to focus on Wild Horse, so
24 probably I guess you could say in the near term that will
25 be all of it, but then eventually we will be getting to

1 the KV project trying to get that back on track too.

2 CHAIR LUCE: Judge Torem that was really
3 what I was asking is I want a specific schedule with
4 milestones for Wild Horse presented at the Council
5 prehearing meeting next week in Ellensburg.

6 MR. PEEPLES: And we might come out with
7 something in KV maybe at the same time, but I don't want
8 to be required to do that. Let's let that develop between
9 the Applicant and the County as it goes.

10 JUDGE TOREM: Chris, did that address your
11 concerns between February and March?

12 MS. TOWNE: It's better sooner than later,
13 but, yes, I guess.

14 JUDGE TOREM: Is there any other
15 Councilmember with a comment regarding the KV proposed
16 requested delay until the first meeting in March?

17 Are there any other parties on the line that
18 want to comment on this?

19 All right. Councilmembers, I think it's
20 appropriate then that someone make a motion. We will
21 close discussion formally now, but then we will make a
22 motion to either adopt and approve the joint motion before
23 us. And that again is to continue the matter to the first
24 regularly scheduled meeting in March at which time they
25 will present a status conference. Does anyone want to

1 make that particular motion?

2 MS. TOWNE: So moved.

3 MR. IFIE: Second.

4 JUDGE TOREM: Any further discussion on the
5 motion?

6 CHAIR LUCE: Call for the question.

7 Question has been called for. All in favor say aye.

8 COUNCILMEMBERS. Aye.

9 JUDGE TOREM: Are there any opposed?

10 Okay. The motion carries. This matter will
11 be continued. For all those that are still on the line
12 this does mean we will be having a press release issued
13 that says the hearings scheduled for next week will be
14 canceled and discussed again about rescheduling as
15 necessary in March of 2005.

16 There will be no status reports required,
17 Mr. Peeples and Mr. Hurson, but any that you can give us
18 in tandem when Wild Horse is on the regular scheduled
19 meeting docket will be helpful. For those folks that are
20 interested in the Wild Horse Project that meeting is still
21 going to be scheduled next Thursday morning in Ellensburg,
22 but the time is currently scheduled at 9:00 a.m.

23 There are no parties to that but,
24 Mr. Peeples, did you want to be there at nine o'clock in
25 the morning, Mr. Hurson, or did you want for those of us

1 coming from this side of the mountain perhaps travel that
2 day, have the meeting and then travel back and avoid
3 overnight accommodations? Any feelings, Mr. Peeples?

4 MR. PEEPLES: I don't. I think to me it's
5 whatever is the most convenient for the Council.

6 MR. FIKSDAL: Judge Torem, staff has already
7 noticed that meeting for 9:00 a.m. It would take I think
8 a renotification to change it. We can do that, but it's
9 an extra step on our part.

10 MR. PEEPLES: I don't care, but we have at
11 least one attorney traveling over from Seattle which would
12 be probably Mr. Lathrop's on the line, and if those people
13 want to go to another time, it's fine with me. I don't
14 care.

15 MR. FIKSDAL: I would suggest that a later
16 date may be cheaper.

17 JUDGE TOREM: Later date or later time?

18 MR. FIKSDAL: Later time, excuse me. Later
19 time may be cheaper. That way the Councilmembers and
20 staff wouldn't have to go over earlier.

21 MS. ADELSMAN: That would be my preference
22 if we could make it even at ten o'clock or so.

23 JUDGE TOREM: For those people on the line
24 interested in Wild Horse is there any objection to
25 scheduling this meeting for 10:30 a.m.?

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1 MR. FRYHLING: That would be great. This is
 2 Dick.
 3 MR. HURSON: That's fine. This is Jim
 4 Hurson.
 5 JUDGE TOREM: Anybody opposed to 10:30 a.m.?
 6 All right. Then I'm going to ask that staff -- Chairman
 7 Luce, you still there?
 8 CHAIR LUCE: Yes, I am.
 9 JUDGE TOREM: Will you concur in my
 10 recommendation to staff that we push that back an hour and
 11 a half to avoid the early bird express?
 12 CHAIR LUCE: Yes, that's reasonable.
 13 JUDGE TOREM: So we will renote that for
 14 10:30.
 15 Mr. Peeples.
 16 MR. PEEPLES: Yes. Jim, could you check
 17 with Lathrop and make sure that's okay with him?
 18 MR. LATHROP: Yes, that's fine.
 19 MR. PEEPLES: Okay. I didn't hear that.
 20 MR. LATHROP: 10:30 is fine.
 21 MR. PEEPLES: Somebody needs to get a hold
 22 of Dave Bricklin.
 23 JUDGE TOREM: Mr. Carmody, are you still on
 24 the line? And I don't think you had indicated you were
 25 going to intervene.

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1 Ms. Strand, are you still there?
 2 MS. STRAND: Yes.
 3 JUDGE TOREM: Is 10:30 fine with you?
 4 MS. STRAND: Yes.
 5 JUDGE TOREM: So we'll renote this for
 6 10:30 in the morning as opposed to nine o'clock. I think
 7 everything else will stay the same, and my hope is that
 8 we'll be done by an hour and a half to two hours even with
 9 the projected scheduling update from the County and the
 10 Applicant on Wild Horse. Is there any other business the
 11 Council needs to take up this afternoon?
 12 MR. LATHROP: Location, Your Honor?
 13 JUDGE TOREM: For the meeting next week?
 14 MR. LATHROP: Yes.
 15 JUDGE TOREM: I think that will stay the
 16 same as previously noticed in Ellensburg, and,
 17 Mr. Fiksdal, what's the specifics?
 18 MR. FIKSDAL: It's at the fairgrounds.
 19 MR. LATHROP: Got it.
 20 JUDGE TOREM: Mr. Hurson, if you will make
 21 sure to check with the fairgrounds folks and our staff if
 22 at all possible to make sure if there's a telephone
 23 connection need that we don't have the previous problems
 24 we had in that building.
 25 MR. HURSON: I will give them a call this

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1 afternoon.
 2 JUDGE TOREM: I appreciate it, and I'm sure
 3 Mr. Fiksdal does as well. He doesn't want to run around
 4 with the cell phones again. I know everybody else liked
 5 watching it, Allen.
 6 Anything else for the Council today?
 7 All right. Then this meeting is adjourned,
 8 and, again, the motion is granted. There will be no
 9 hearings next week and into October.
 10 * * * * *
 11 (Whereupon, the prehearing conference was
 12 adjourned at 3:36 p.m.)
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 6 AFFIDAVIT
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 8 I, Shaun Linse, CCR, Certified Court Reporter,
 9 do hereby certify that the foregoing transcript
 10 prepared under my direction is a true and accurate
 11 record of the proceedings taken on September 22, 2004,
 12 in Olympia, Washington.
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 17 Shaun Linse, CCR
 18 CCR NO. 2029
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