

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF BELLEVUE**

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6 In the Matter of the:)
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8 **Conditional Use Permit Application for) DSD File No. 17-120556-LB**
9 **the South Bellevue Segment of the)**
10 **Energize Eastside Project)**
11 **PUGET SOUND ENERGY, Applicant)**
12 **PRE-HEARING ORDER ADDRESSING**
13 **CENSE AND CSEE REQUESTS FOR**
14 **DESIGNATED TIME AT THE PRE-**
15 **DECISION HEARING**
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11 Based on written requests submitted on behalf of CENSE and CSEE, and responses
12 provided by the applicant, PSE, and the Development Services Department, the Examiner issues the
13 following pre-hearing order regarding allocation of time, reserving the right to modify this order
14 during the course of the hearing, based on circumstances and testimony provided at such time:

14 A. CENSE requested one hour and identified 9 potential witnesses/speakers. By this Order,
15 CENSE will be allocated 1 hour to present witness testimony on behalf of members of the
16 organization. As explained in CENSE's written materials submitted by its counsel, the list of
17 potential witnesses/speakers during the CENSE-designated time period and the general subject
18 matter for each will be as follows:

- 17 1. Ric Austria: Load flow modeling.
- 18 2. Jean DeMund: Project Costs.
- 19 3. Ken Nichols: Forecasts and Energy Technologies.
- 20 4. Michael Ropp: Alternatives to Project.
- 21 5. Robert McCullough: Forecasts and Canadian Returns
- 22 6. Don March: Overview, Project description and Cost
- 23 7. Rick Aramburu: Summary of CENSE position and evidence.
- 24 8. Karen Esayian: Tree impacts.
- 25 9. Dean Apostol: Visual impacts.

22 B. CSEE requested 30 minutes and limited its witness list to just one person, Richard
23 Lauckhart. By email from counsel, CSEE asked that Mr. Lauckhart be provided: (i) 15-minutes to
24 give an in-person "overview of some key power planning concepts and standards" to assist the
25 decision maker in evaluating expert reports and opinions involved in this matter, which would

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BELLEVUE, WASHINGTON 98009-9012

1 include visual aids, possibly by PowerPoint; and explained that Mr. Lauckhart would not repeat
2 arguments and opinions he has already expressed in written materials that are in the record; and (ii)
an additional fifteen minutes for Mr. Lauckhart to “speak on anything testified to by PSE’s
witnesses”.

3 By this Order, CSEE will be allocated 30-minutes, during which time its designated
4 witness, Mr. Lauckhart, can provide his testimony, which may include a PowerPoint presentation
5 (provided the burden is on CSEE to work with staff to coordinate all logistical/technological issues
6 well ahead of the hearing time), and he will be allowed to speak to anything offered by PSE
witnesses during their initial presentation that is scheduled to occur before public testimony begins.
(See *Format of Hearing, HEx Rule 2.5*).

7 C. The burden of proof rests on the applicant, so rebuttal testimony (if any) may be provided
by the Department or the applicant. (See *HEx Rule 2.6 and 2.5(E)*).

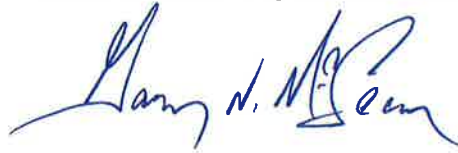
8 D. In-person testimony by witnesses is strongly preferred. Telephonic testimony should only
9 be reserved for witnesses with a compelling excuse for not being able to attend in-person, and being
“out of town” is not usually a compelling excuse, especially given the fact that all parties have been
10 on notice for quite some time as to the hearing date(s) and location. Moreover, telephonic
11 testimony inevitably presents complications during the hearing process, and often results in delays,
where speakers talk-over other participants, have a hard time hearing objections or questions, can be
12 difficult to hear or understand, and are not “in the room” which deprives other participants and the
Examiner an opportunity to consider demeanor and other factors that affect the weight, credibility,
13 and effectiveness of an individual’s testimony. Nevertheless, if CENSE chooses to call a witness by
telephone, they will follow the completion of all in-person testimony by other CENSE witnesses, so
14 no one who took the time and made the effort to attend the hearing will have to wait, and possibly
negating the need to call anyone by phone because other witnesses were able to fully-address the
15 issues and make the key points during their in-person testimony.

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1 E. At the hearing, the Examiner may set aside a specific period of time at the beginning of
2 public testimony (possibly a half-hour or hour) when speakers who are not part of CENSE or CSEE
3 may be called to speak, based on a showing of hands or sign-in sheets. Any general public
4 testimony not completed before CENSE and CSEE presentations begin would recommence after
5 CENSE and CSEE testimony is complete, and continue until concluded. Time limits will likely be
6 announced for individual speakers during general public testimony, possibly 3 to 5 minutes,
7 provided that people who wish to continue speaking for a longer period of time may speak a second
8 time on topics not already addressed by other speakers after all other speakers have had a chance to
9 speak at least once.
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11 ISSUED this 26th Day of March, 2019

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Gary N. McLean
Hearing Examiner

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BELLEVUE, WASHINGTON 98009-9012

AFFIDAVIT OF SERVICE

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

Charmaine Arredondo, being first duly sworn upon oath, deposes and states:

In the Matter of Energize Eastside CUP Application-South Bellevue Segment, on the 26th day of March, 2019, I served a copy of:

PRE-HEARING ORDER ADDRESSING CENSE AND CSEE
REQUESTS FOR DESIGNATED TIME AT THE PRE-DECISION
HEARING

BY ELECTRONIC SERVICE – EMAIL by electronically mailing a true and correct copy thereof through the City of Bellevue’s electronic mail system to the email address(es) set forth below:

MMcfarland@bellevuewa.gov
sleverette@vnf.com
rick@aramburu-eustis.com
carol@aramburu-eustis.com
ack@vnf.com
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed at Bellevue, Washington on this 26th day of March, 2019.


Charmaine Arredondo
Assistant Director, City Clerk’s Office

Subscribed and sworn this 26th day of March, 2019



Karin Roberts
Notary Public in and for the State of Washington,
residing at Sammamish, WA

My appointment expires: Feb. 1, 2022

Application, Petition or Case:

Energize Eastside CUP/CALUP Application
Files Nos.: 17-120556-LB & 17-120557-LO