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DATE	SEP 28 2007
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September 28, 2007

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Ms. Gloria Smith
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

**Re: Panoche Energy Center (06-AFC--5)
Confirmation of Waiver of Service**

Dear Ms. Smith:

This letter serves as confirmation of our telephone discussion on this date regarding service of Applicant Panoche Energy Center, LLC's ("Applicant") Prehearing Conference Statement ("PHC Statement") and exhibits to be presented at Evidentiary Hearing in the above-referenced matter. In summary, you stipulated on behalf of CURE to waive service of Applicant's PHC Statement in paper form and stated that Applicant need only provide electronic service of same by 3:00 p.m. PST on Friday, September 28, 2007. To that end, Applicant promised to timely provide CURE with electronic service of its PHC Statement.

In addition, you stipulated to Applicant's request not to serve CURE with copies of certain exhibits it intends to proffer at the Evidentiary Hearing. Specifically, such documents include those available via the California Energy Commission's website for this proceeding (see <http://www.energy.ca.gov/sitingcases/panoche/index.html>) and those documents with which CURE has previously been served. Examples of such documents include, but are not limited to, Applicant's Application for Certification, Responses to Data Adequacy Requests, Responses to Staff's Data Requests, and Staff's Preliminary and Final Staff Assessments. The reason for this stipulation to waive service of these exhibits is because of the voluminous nature thereof. Applicant and CURE have agreed that Applicant shall serve CURE with any exhibits not tendered or that CURE has not previously received in this matter.



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Should any of the foregoing incorrectly represent the nature of our discussion, please contact me immediately. I would be happy to make the necessary corrections to better reflect our agreement.

Very truly yours,

Stoel Rives LLP


Kimberly J. Hellwig
Paralegal

KJH:pgs

cc: Commissioner Jeffrey D. Byron, California Energy Commission
Commissioner James D. Boyd, California Energy Commission
Paul Kramer, Jr., Hearing Officer, California Energy Commission
Dr. James W. Reede, California Energy Commission
Marc D. Joseph, Esq., Adams Broadwell Joseph & Cardozo
Mr. Gary Chandler, Panoche Energy Center, LLC
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bcc: Mr. David Jenkins, Panoche Energy Center, LLC
Maggie Fitzgerald, Project Manager, URS