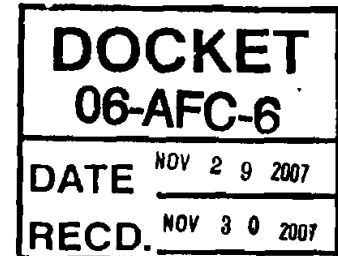


From: "Massey, Andrew J., County Counsel" <andrew.massey@acgov.org>
To: "docket@energy.state.ca.us" <docket@energy.state.ca.us>, "greg.trewitt...
CC: "Washington, Brian, County Counsel" <brian.washington@acgov.org>
Date: 11/29/2007 5:52 PM
Subject: Eastshore AFC, Docket 06-AFC-6, Response to "Draft Hearing Schedule"

Dear Ms. Gefer,

I appreciate your timely response to Alameda County's letter this afternoon, as well as inquires from the other parties. Please note this email is re-sent because I experienced errors using "reply to all." I apologize for any duplication.



I was somewhat confused by your discussion of prepared testimony in the form of declarations. It was my impression from the Prehearing Conference that we were precluded from adducing live direct testimony, and would instead be required to submit direct testimony in the form of written declarations. It was also my impression that the witnesses would only appear live to answer any cross-examination questions to the extent the other parties had any.

My reading of your email suggests that we can put on live witnesses for contested issues, but have the option of submitting written declarations in lieu of live testimony if accompanied by a stipulation. I'm also reading your email to indicate that if we wish to proceed by declaration, rather than by live testimony, we are still required to submit that declaration by the December 7th deadline you imposed at the Prehearing Conference.

Please advise as to whether we may elect to have live direct testimony, or if we must submit all direct testimony as written declarations. We need to inform our witnesses -- in particular our outside consultants -- what is required of them, especially given the short timeframe.

Thank you for your consideration,

Andrew J. Massey

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