



**From:** Bill Pfanner  
**To:** Docket Optical System  
**Date:** 11/30/2007 12:32 PM  
**Subject:** Fwd: Eastshore, 06-AFC-6, Hearing Process

Please docket for the Eastshore project and return hard copy (with stamp) and PDF (for web) to me. Thanks.

Bill

>>> Susan Geftter 11/30/2007 12:19 PM >>>  
 To the parties:

In response to Alameda County's request for clarification on declarations:

All direct testimony must be submitted by declaration signed under penalty of perjury. (Cal. Code Regs., tit. 20, sec. 1224.) All declarations are due December 7, 2007, as directed by the Committee at the Prehearing Conference. All parties must identify their witnesses and submit their declarations by December 7, 2007.

Witness qualifications are incorporated by reference and included with each declaration.

Each declaration is identified and numbered as an exhibit.

Each declaration describes and identifies the exhibit number for each document sponsored by the witness in support of his or her testimony.

It is not necessary for witnesses to attend the hearing on topics that the parties did not request cross-examination. The witnesses' declarations on uncontested topics may be offered into evidence by a party's authorized representative. For example, Applicant and Staff's project managers or other authorized representatives may offer their declarations and exhibits. Other parties may choose an authorized representative to offer their uncontested declarations and exhibits.

At the start of the hearing on Dec 17, the parties may offer their declarations and exhibits on uncontested topics (i.e., those topics where no cross-examination was requested by the parties.) Parties may stipulate to the admission of these declarations and exhibits so we can save the time of going through each topic and exhibit one by one.

The parties' authorized representatives will be sworn by the Court Reporter at the hearing. Any other witness who offers oral testimony will also be sworn by the Reporter.

Energy Commission staff's written testimony includes the Final Staff Assessment (FSA). The FSA will be numbered as Exhibit 200. The authors' qualifications are included in the FSA. The Project Manager will offer the FSA into the record. Applicant's Application for Certification (AFC) is Exhibit 1. Applicant's Project Manager may offer the AFC into the record.

Contested topics are: AQ, Public Health, Local System Effects, Alternatives, EJ, Noise, Land Use, Traffic & Transportation. The parties may offer oral, direct testimony and may cross-examine witnesses on these topics. Staff and Applicant will make their witnesses on these topics available for cross-examination at the hearing (including witnesses from the Air District). NOTE: Intervenors Chabot, Alameda County, and City of Hayward indicated intent to provide oral testimony on Socioeconomics but they did not request to cross-ex Applicant or Staff witnesses on this topic.

Any party's witness who testifies at the hearing is subject to cross-examination by the other parties. Only the parties may present evidence and cross-examine witnesses. Repetitive testimony is not encouraged.

Exhibits and complete exhibit lists are due December 7, 2007: along with your exhibits, each party shall submit a LIST of your exhibits using the following format:

"Exhibit XX: Air Quality Testimony and Resume of Jack Doe, dated \_\_\_\_, 2007. Docketed \_\_\_\_, 2007, Sponsored by Intervenor \_\_\_\_\_; received into evidence on December \_\_, 2007."

The Committee's Notice of Evidentiary Hearing will be issued next week on Dec 3 or 4. Please let me know if you have changes to the proposed hearing schedule. Applicant requests that the topics of Socio and EJ be heard on Dec 17 so there will be enough time on Dec 18 for Land Use and Traffic & Transportation. Since Socio and EJ are concerns of the local community, we could schedule those topics around the Public Comment period on Dec 17.

Susan Geftter  
 Hearing Officer  
 Eastshore AFC Committee  
 California Energy Commission