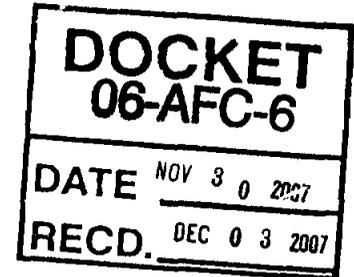


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Date: 11/30/2007 5:45 PM
Subject: Eastshore AFC, Docket No. 06-AFC-6, Further Comments on Proposed Evidentiary Hearing Schedule

Dear Ms. Geffer,

I appreciate your thorough response to my request for clarification. Alameda County has a clarification of its own to offer.



The Hearing Schedule lists Supervisor Gail Steele under "Socioeconomics." As I indicated at the Prehearing Conference, I was under the impression that Socioeconomics included Environmental Justice. Once you explained that Environmental Justice is a separate and distinct topic, I had indicated that Supervisor Steele's public official comments were more appropriately listed under Environmental Justice. For that reason, Alameda County did not request cross-examination on the issue of Socioeconomics. As Environmental Justice follows on from Socioeconomics under the present Hearing Schedule, I do not believe this clarification will have any impact on scheduling.

In addition, in response to Ms. Holmes' email this afternoon regarding cross-examination, I assumed that the listing of "cross-examination" next to the name of any party on the proposed Hearing Schedule simply meant that that party had requested cross-examination only, and was not offering up its own witness. I am also assuming that any party offering a witness for a contested topic reserves the right to cross-examine other witnesses on the same topic. I am making this assumption because Alameda County requested cross-examination on all contested topics for which it was offering its own witness, but at present the Hearing Schedule does not reflect any of Alameda County's requests for cross-examination.

Furthermore, Alameda County requests that parties be allowed to reserve the decision of which witnesses they would like to cross-examine until all of the declarations are filed, and the parties have had a sufficient amount of time for review. At this time, Alameda County continues to reserve its right to cross-examination.

Thank you again for your consideration.

Andrew J. Massey

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