

Mr. Johnson,

You must be omniscient. I am working on a revised exhibit list now and hope to remit it this afternoon.

Patricia Clark
Administrative Law Judge
Phone: (360) 664-1136

"Brandon L. Johnson"
<bljohnson@my180.net>

10/17/2006 05:09 PM

T
o

c
c

S
u
b
j
e
c
t

"Patricia Clark" <PClark@wutc.wa.gov>, "Carolyn L. Larson" <CLL@dunn-carney.com>

<John.Ziobro@ci.kennewick.wa.us>,
<jthompo@wutc.wa.gov>, <kevin@montgomeryscarp.com>,
<records@wutc.wa.gov>, <tcowan@cowanmoore.com>

RE: Short Testimony

Judge Clark,

Will you be issuing a new revised exhibit list that includes all of the new and supplemental testimony prior to the hearing? I hate to be a bother, but I will be leaving in the early afternoon tomorrow to drive over and would like to have my notebook in order. If not, can I presume that we will have enough time on Thursday morning to get everything in order? Thank you.

Brandon

Brandon L. Johnson
Minnick Hayner, P.S.
249 W. Alder
P.O. Box 1757
Walla Walla, WA 99362
(509) 527-3500
(509) 527-3506 (fax)
www.minnickhayner.com

From: Patricia Clark [mailto:PClark@wutc.wa.gov]
Sent: Tuesday, October 17, 2006 5:03 PM
To: Carolyn L. Larson
Cc: bljohnson@my180.net; John.Ziobro@ci.kennewick.wa.us; jthompso@wutc.wa.gov; kevin@montgomeryscarp.com; records@wutc.wa.gov; tcowan@cowanmoore.com
Subject: Re: Short Testimony

Mr. Ziobro

As I noted in the prehearing conference, numbering exhibits sequentially avoids having exhibits with duplicative numbers. Unfortunately, there is considerable confusion in Mr. Short's testimony because there are too many "Exhibit A's."

On p. 3, line 15, the Exhibit A appears to be Exhibit 16. On p. 3, line 20, the Exhibit A referenced appears to be Exhibit 7. On p. 3, line 24, Exhibit A appears to be Exhibit 7. On p. 4, line 2, Exhibit A appears to be Exhibit 7. On p. 5, line 20, Mr. Short references a new Exhibit A that was supposed to be attached to his testimony. I do not have an attachment. On p. 6, line 14, I believe the Exhibit A reference is to the missing attachment.

Please refer to the exhibit list I sent to all parties and prepare an errata sheet for Mr. Short's testimony using the correct exhibit numbers. In addition, please provide the missing attachment by 10 am tomorrow.

Patricia Clark
Administrative Law Judge
Phone: (360) 664-1136

"Carolyn L. Larson" <CLL@dunn-carney.com>

10/17/2006 03:59 PM

T
o

c
c

S
u
b
j
e
c
t

<John.Ziobro@ci.kennewick.wa.us>,
<tcowan@cowanmoore.com>, <kevin@montgomeryscarp.com>,
<bljohnson@my180.net>, <jthompso@wutc.wa.gov>,
<PClark@wutc.wa.gov>, <records@wutc.wa.gov>

Re: Short Testimony

Is Exhibit A to Mr. Short's testimony part of Appendix C of Exhibit 7 (Exhibit 1 to Steve Plummer's testimony?) If so, which part of Appendix C?

Carolyn L. Larson
Dunn Carney Allen Higgins & Tongue LLP
851 SW Sixth Ave, Ste. 1500
Portland, OR 97204-1357
c1l@dunn-carney.com
Direct: 503-417-5462
Main: 503.224.6440
FAX: 503.224.7324
www.dunncarney.com
Member of Meritas Law Firms Worldwide www.meritas.org

**

Any tax advice contained herein, or in any attachment, is not a covered opinion under Circular 230 and therefore cannot be used, by itself, for the purpose of avoiding tax penalties that may be imposed. If you would like to receive a covered opinion or advice regarding the nature or

possible extent of tax penalties, please let us know.

**

This message is intended only for the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, or the agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited, and you are requested to please notify us immediately by telephone, and return the original message to us at the above address. Opinions, conclusions and other information in this message that do not relate to the official business of this firm shall be understood as neither given nor endorsed by it. Although this message and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free, and no responsibility is accepted by this firm for any loss or damage arising in any way from its use.

>>> "John Ziobro" <John.Ziobro@ci.kennewick.wa.us> 10/17/2006 3:35:04 PM >>>

Judge Clark et al,

Please find the enclosed testimony Wayne Short. He was required to go back after receipt of Mr. Leathers supplemental testimony this morning.

He attempted to address the new data. Given the limited time he had to digest this, I am requesting some latitude in allowing him to respond to

the new data upon having more than a few hours to evaluate that testimony.

I am also in receipt of Mr. Johnson' s request to have live testimony from the City Managers. They will be at the hearing in person.

My assitant is out. I should be competent enough to send a PDF file.

If

for some reason you cannot open this file, please let me know asap or confirm it is in a readable form.

John Ziobro