

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

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**Sent:** Tuesday, October 17, 2006 5:03 PM  
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**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>

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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?

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>>> "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