DOCKET
06-AFC-6
DATE JAN 23 2008
RECD. JAN 23 2008

From: Susan Gefter
To: Jewell Hargleroad
CC: Arlin B. Kachalia; Carol Ford; Caryn Holmes; County Counsel Massey An.
Date: 1/23/2008 1:49 PM
Subject: Re: Eastshore Distances Calculation

Re Jewell's e-mail: all counsel for the parties received my message re the exhibit list and stipulated distances. Jewell's e-mail was returned so I re-sent it. Governmental agencies were closed last Monday due to a holiday so we'll extend the deadline for filing the stipulated distances to Tuesday, Jan 29. This time extension should allow all parties to participate in the stipulation. -sg

>>> Jewell Hargleroad <jewellhargleroad@mac.com> 1/23/2008 12:31 PM >>>
Dear Ms. Gefter:

Today I received the below communication from you directed solely to me. Whether the other parties of record have received this is unknown. In this regard, this is to request that all parties be included on all communications from your office.

Without addressing the final Exhibit List attached to your email, this is to also request clarification on the amount of time which the other parties have to review and agree with the distance calculations. Based on Ms. Graves email included below, she states that we would be provided that information yesterday. To date we have received nothing, although we have no objection to all parties receiving additional time to attempt to come to an agreement and appreciate the efforts of the City, CEC staff and applicant to take the lead on this issue.

In this regard, this is to request that all parties have at least three business days from the date of service of the proposed stipulation to have an adequate opportunity to examine the determinations arrived at by the applicant, City and CEC staff and to provide any input on any measurements on which these three may not be able to reach agreement.

Thank you for your attention in this matter.

Jewell J. Hargleroad
Ph: 510-331-2975
jewellhargleroad@mac.com

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Counsel:

Attached is the final Exhibit List. Please refer to the Exhibits and the Reporter's Transcript, including specific page and line numbers, in your briefs.

The Applicant, City of Hayward, and Energy Commission staff will circulate a joint list of their proposed project "distances" as requested by the Committee. The other parties will then have the opportunity to propose their "distance" calculations if different from those included in the joint list. The January 22 deadline for the stipulated distances has been continued till January 25 to allow the parties to compile accurate information.

Thank you.

Susan Gefter
Hearing Officer
Eastshore AFC Committee
California Energy Commission
Tel: 916-653-6110

On Jan 22, 2008, at 4:13 PM, Massey, Andrew J., County Counsel wrote:

> I appreciate the update. I would like to get this issue resolved,
> if possible, well prior to the February 11th filing date for
> opening briefs.
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> Please keep all the parties apprised of your efforts and any
> changes to the schedule so that we may resolve this issue as
> expeditiously as possible.
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> Andrew Massey
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> From: Graves, Diana J. [mailto:diana.graves@pillsburylaw.com]
> Sent: Tuesday, January 22, 2008 4:03 PM
> To: Massey, Andrew J., County Counsel; Jewell Hargleroad; Jane
> Luckhardt; lschulkind@lcwlegal.com; Arlin B. Kachalia; Paul Haavik;
> Sarveybob@aol.com; Caryn Holmes
> Cc: Washington, Brian, County Counsel; David Rizk; Robert Bauman;
> maureen.conneely@hayward-ca.gov
> Subject: RE: Eastshore Distances Calculation
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>
> I spoke with Eastshore after the Hearing and they agreed to work
> with the City to come up with a first draft of distances and a
> map. It is my understanding that Jennifer Scholl from Eastshore
> and the City of Hayward Planning Director, David Rizk, had made
> considerable progress as of Friday afternoon. It is their goal to
> have a first draft of those distances to the parties for review as
> early as by the end of the day today.
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> I spoke with Ms. Gefter and she has approved this approach. She
> would rather the distances be accurate and agreed upon than filed
> by a date certain.

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> If you have any questions, please feel free to call me.
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> Thanks,
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> Diana Graves
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> Diana J. Graves | Pillsbury Winthrop Shaw Pittman LLP
> ----------
> Tel: 415.983.1764 | Fax: 415.983.1200
> 50 Fremont Street | San Francisco, CA 94105-2228
>
> Email: diana.graves@pillsburylaw.com
> Bio: www.pillsburylaw.com/diana.graves
> www.pillsburylaw.com
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>
> From: Massey, Andrew J., County Counsel
> [mailto:andrew.massey@acgov.org]
> Sent: Tuesday, January 22, 2008 2:47 PM
> To: Jewell Hargleroad; Jane Luckhardt; lschulkind@lcwlegal.com;
> Arlin B. Kachalia; Paul Haavik; Sarveybob@aol.com; Caryn Holmes;
> Graves, Diana J.
> Cc: Washington, Brian, County Counsel
> Subject: Eastshore Distances Calculation
>
> I wanted to follow up with everyone regarding Susan Gefter's
> request that the parties attempt to stipulate to the measurement of
> distances from Eastshore to certain locations. It was my
> understanding that the Applicant was going to take the lead on this
> issue, perhaps along with Mr. Rizk from the City of Hayward.
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> Has there been any progress in calculating these measurements, and
> is a proposed stipulation in circulation? Ms. Gefter's email
> originally required the parties to submit the stipulation today.
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> Thanks,
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> Andrew J. Massey
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> Associate County Counsel
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> Office of the County Counsel I 1221 Oak Street, Suite 450 I
> Oakland, California 94612
>
> (510) 272-6700 I Direct line (510) 272-6732 I Tieline x26732 I Fax
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