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Subject: R.10-05-006, LTPP: scheduling problem

Your Honor,

I wanted to alert you and the other parties to R.10-05-006 to a scheduling problem that the Independent Energy Producers Association is encountering and to suggest some possible solutions.

The problem grew out of the revision of the schedule for testimony and hearings on Track I and Track III issues made in your ruling of June 10. The shift in hearings from Aug. 1-12, as provided in the earlier schedules, to Aug. 11-19 resulted in a complete overlap of the new hearing dates with a previously scheduled vacation of William Monsen, IEP's witness, and with a separately scheduled vacation of a potential backup witness. Because Mr. Monsen's vacation involves foreign travel, it has not been possible to reschedule the trip. In short, IEP's witness is unavailable during the time currently reserved for evidentiary hearings.

Having posed the problem, let me offer some possible solutions:

1. In its current form, IEP's testimony addresses Track III issues, rather than Track I issues. I expect that the bulk of the evidentiary hearings will focus on Track I issues. The Track III issues relate to policy questions to a large extent and may not be well-suited for presentation and cross-examination in evidentiary hearings. If IEP's testimony continues to focus on Track III issues, it is possible that no party will have cross-examination for IEP's witness, which could eliminate the need for Mr. Monsen to appear at the hearings. However, we obviously will not know whether any party has cross-examination until after the testimony is served on Aug. 4.
2. Alternatively, the response to any cross-examination questions on the testimony could be submitted in writing (the responses may or may not be available during the time scheduled for evidentiary hearings, depending on the condition and availability of international communications).
3. Mr. Monsen could also be available for cross-examination earlier in the week of Aug. 8, before the current commencement of hearings, although that schedule does not allow much time between the service of testimony on Aug. 4 and the date of an earlier hearing.

4. Mr. Monsen's testimony (and possibly other Track III testimony) could be considered in a later hearing, after he has returned to the United States.

I apologize for raising this issue so long after your June 10 ruling. We were looking into some better alternatives, but so far no better options have emerged. We welcome any creative solutions to this problem that you or the other parties may offer, and we will respond promptly to any questions that you may have.

Thank you,

Brian Cragg

Attorney for IEP

Brian T. Cragg

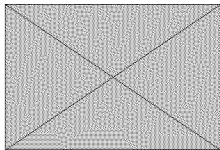
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