

1 Applicant's cross-examination of a witness that was called by another Intervenor should
2 be counted against the time allotted to the Applicant and the Port. To the extent that the
3 Order suggests that a Party's cross-examination and argument will be attributed to the
4 Party that had called the witness on direct, we request that the Administrative Law Judge
5 clarify or amend the Order to reflect the agreement and understanding of the Parties.

6 **B. Written Rebuttal Testimony**

7 Pursuant to the Parties' prior agreement and as discussed at the pre-hearing
8 conference, the Parties agreed to providing the opportunity to offer written expert rebuttal
9 testimony in response to written direct testimony no later than June 13, 2016. As stated at
10 the prehearing conference, the Parties intend such written rebuttal testimony to allow for
11 more efficient proceedings. While the Order does not explicitly reflect that specific
12 deadline for written rebuttal testimony, the Parties intend to proceed with that approach
13 based on their agreement and the direction the Administrative Law Judge provided on this
14 topic at the Pre-hearing Conference.

15 **C. Witness Availability**

16 In furtherance of the Parties' mutual effort to streamline the proceedings, the
17 Parties intend to confer in advance of the hearing to identify any witnesses that may not
18 need to appear at the Hearing because no Party intends to call the witness at the hearing
19 (for direct or rebuttal testimony) or cross-examine the witness. The Parties will transmit
20 a list of any identified witnesses to the ALJ in advance of the Hearing and request that the
21 Council confirm at the outset of the Hearing whether those witnesses will need to be made
22 available to answer the Council's questions.

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Dated this 5th day of April, 2016.

VAN NESS FELDMAN LLP



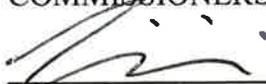
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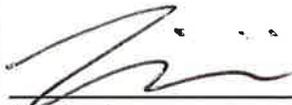
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