

Harold McLean, Esq.
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of admissible evidence; otherwise, no test is needed or appropriate. If both your client and mine are going to the trouble to test the water quality for various constituents, then we do not believe it is productive for any of us to get into an argument about the quality of the testing itself. That would be a waste of our time and yours, as well as the Commission's.

2. Because of the small size of the well facilities, the dangerous chemicals present there, as well as a result of liability concerns, both parties in attendance will be limited to two representatives plus the person from the certified lab who will take the samplings and perform the tests. If you wish to have others in attendance, they should not plan to enter on to the utility grounds for these reasons.
3. We will need, at least two weeks in advance of the proposed testing date, a listing of:
 - (a) All of the constituents for which you are proposing to test.
 - (b) The locations (well or plant numbers) which you intend to test, and
 - (c) Whether you will be testing for each constituent in the raw or finished water of the Utility.

We need this information in order to properly schedule and arrange for our companion testing which we will undertake at the same time.

4. All information related to the testing will be submitted as part of prefiled testimony by the parties. The parties will not attempt to submit any such evidence for the first time at hearing, or after the due date for prefiled testimony submittal.

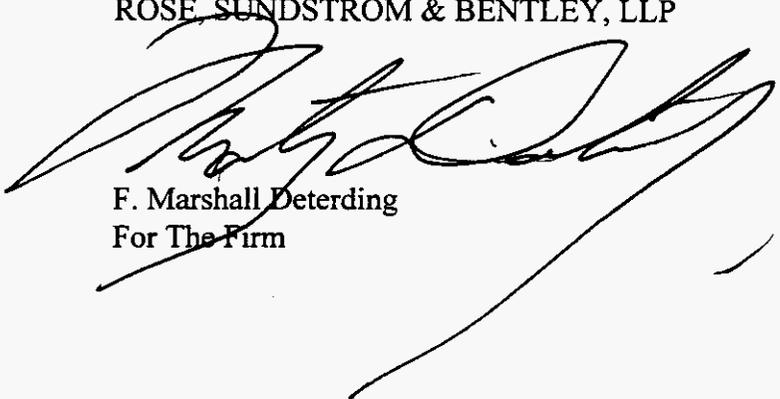
I believe you will see that all of these conditions are reasonable, not only to ensure safety of the individuals involved, but also to decrease the likelihood of injury to the participants and to make sure that the tests are conducted in a manner that may lend to the discovery of admissible evidence.

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Please let me know if these conditions are acceptable to you. If so, we can agree to the testing on the date proposed by you of August 4, 1999. I have checked with my client and our engineer and this date is by far the most convenient for us given vacations plans of the individuals who will be involved. If you cannot agree to these conditions, we will have to file an Objection to your request by the close of business today. I look forward to hearing from you before that time.

Sincerely,

ROSE, SUNDSTROM & BENTLEY, LLP



F. Marshall Deterding
For The Firm

FMD/tmg

cc: Ralph Jaeger, Esquire
Mr. Bob Crouch
Ms. Blanca Bayo
Mr. Stephen Watford
David Porter, P.E.

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