

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

WILBERTH GAVIRIA,)
)
 Petitioner,)
)
 vs.)
)
 FLORIDA PUBLIC SERVICE COMMISSION,)
)
 Respondent.)
 _____)

DOCKET 960124-TC
CASE NO. 96-3925

ORDER OF PREHEARING INSTRUCTIONS

This cause having been scheduled for final hearing, it is, therefore,

ORDERED:

(1) Counsel for all parties shall meet no later than 15 days prior to the date for final hearing in this cause and shall:

- (a) discuss the possibility of settlement;
- (b) stipulate to as many facts and issues as possible;
- (c) draw up the prehearing stipulation as required by this Order;
- (d) examine all exhibits (except for impeachment exhibits) proposed to be introduced into evidence at the hearing;
- (e) furnish opposing counsel the names and addresses of all witnesses (except for impeachment witnesses); and
- (f) complete all other matters which may expedite the hearing in this case.

(2) Counsel for Petitioner shall initiate arrangements for the attorneys' conferences. However, all attorneys in this cause are charged with the duty of meeting in such conferences and of complying with the schedule set forth in this Order.

ACK _____
AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG _____
LIN _____
OPC _____
RCH _____
SEC _____
WAS _____
OTH _____

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

(3) The prehearing stipulation shall contain:

- (a) a concise statement of the nature of the controversy;
- (b) a brief, general statement of each party's position;
- (c) a list of all exhibits (except for impeachment exhibits) to be offered at the hearing, noting any objections thereto, and the grounds for each objection;
- (d) a list of the names and addresses of all witnesses (except for impeachment witnesses) to be called at the hearing by each party; expert witnesses shall be designated;
- (e) a concise statement of those facts which are admitted and will require no proof at hearing, together with any reservations directed to such admission;
- (f) a concise statement of those issues of law on which there is agreement;
- (g) a concise statement of those issues of fact which remain to be litigated;
- (h) a concise statement of those issues of law which remain for determination by the Hearing Officer;
- (i) a concise statement of any disagreement as to the application of the rules of evidence;
- (j) a list of all pending motions or other matters which require action by the Hearing Officer;
- (k) an estimate as to the length of time required for the hearing; and
- (l) the signature of counsel for all parties.

(4) The parties shall file their prehearing stipulation no later than 10 days prior to the date set for final hearing in this cause. If for any reason the prehearing stipulation cannot be executed by all counsel, each attorney shall file and serve a separate proposed prehearing statement not later than 7 days

before the final hearing with a statement of reasons why no agreement was reached on the stipulation. Failure to comply with the requirements of this Order may result in cancellation of the hearing on the Hearing Officer's own motion, or may result in the exclusion of not-previously disclosed witnesses or exhibits.

DONE and ORDERED this 7th day of October, 1996, at Tallahassee, Florida.

Susan B. Kirkland

SUSAN B. KIRKLAND
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(904) 488-9675 SUNCOM 278-9675
Fax Filing (904) 921-6847

Filed with the Clerk of the
Division of Administrative Hearings
this 7th day of October, 1996.

Copies Furnished:

Charles J. Pellegrini, Esquire
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Richard E. Doherty, Esquire
66 West Flagler Street, Suite 700
Miami, Florida 33130