

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

THOMAS W. HART,)	
)	
Petitioner,)	
)	
vs.)	CASE NO. 97-1850
)	
FLORIDA POWER & LIGHT COMPANY,)	
)	
Respondent,)	
)	
and)	
)	
FLORIDA PUBLIC SERVICE)	
COMMISSION,)	
)	
Intervenor.)	

NOTICE OF HEARING BY VIDEO

A hearing will be held by video teleconference in this case at the Attorney General's Office, 110 Tower Video Room, 10th Floor, 110 Southeast 6th Street, Fort Lauderdale, Florida, on August 18-19, 1997, beginning at 9:00 a.m., or as soon thereafter as can be heard. Two days have been set aside for the hearing. Continuances will be granted only by order of the Administrative Law Judge for good cause shown.

ACK _____ ISSUES: Whether there has been current diversion or meter
 AFA _____
 APP _____ tampering by Petitioner, and if so, whether Respondent is
 CAF _____ entitled to rebill Petitioner for estimated usage of electricity.
 CMU _____
 CTR _____ AUTHORITY: Section 120.57(1), Florida Statutes, and Chapter
 EAG _____ 60Q-2, Florida Administrative code.
 LEG _____
 LIN _____ The parties shall arrange to have all witnesses and evidence
 OPC _____ present at the time and place of hearing. Subpoenas will be
 RCH _____
 SEC _____
 WAS _____
 OTH _____

DOCUMENT NUMBER-DATE
05283 MAY 28 97
FPSC-RECORDS/REPORTING

issued by the Administrative Law Judge upon request of the parties. All parties have the right to present oral argument and to cross-examine opposing witnesses. All parties have the right to be represented by counsel or other qualified representative, in accordance with Rule 60Q-2.008, Florida Administrative Code. Failure to appear at this hearing shall be grounds for entry of an order of dismissal or recommended order of dismissal, as appropriate.

The hearing will be conducted by video teleconference with the Administrative Law Judge in Tallahassee. Arrangements for a court reporter will be made by the agency, and the reporter shall be at the Ft. Lauderdale location. Witnesses and/or attorneys wishing to participate in Tallahassee may report to the Department of Business and Professional Regulation, Northwood Centre, Video Room #129, 1940 North Monroe Street, Tallahassee, Florida.

To facilitate matters, any party, attorney or witness who intends to participate at the Tallahassee end of the video teleconference shall advise the Administrative Law Judge in writing of such intention no later than ten (10) days before the formal hearing.

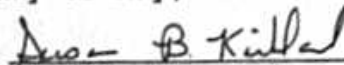
To further facilitate the hearing process, all parties shall, no later than ten (10) days before the formal hearing, do the following:

- a) File with the Administrative Law Judge a copy of all exhibits the party intends to offer into evidence at the formal hearing. Each such exhibit shall be prenumbered by the party offering the exhibit.

b) Serve on each other party a copy of all exhibits the party intends to offer into evidence at the formal hearing. Each such exhibit shall be prenumbered by the party offering the exhibit.

Petitioner indicated in his Compliance With Initial Order that he did not know who was representing Respondent and therefore he did not copy Respondent with a copy of the compliance document. A copy of Petitioner's Compliance is enclosed with this Notice of Hearing to Respondent and to the Florida Public Service Commission.

NOTICE given this 27th day of May, 1997.



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

COPIES FURNISHED:

Kay Flynn Chief
Public Service Commission -
Bureau of Records
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Cochran Keating, Esquire
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Jeremy A. Koss, Esquire
Phillips, Eisinger & Koss, P.A.
4000 Hollywood Boulevard, Suite 265 South
Hollywood, Florida 33021

Robert E. Stone, Esquire
Post Office Box 029100
Miami, Florida 33102

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FLORIDA PUBLIC SERVICE)
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Intervenor.)

ORDER OF PREHEARING INSTRUCTIONS

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

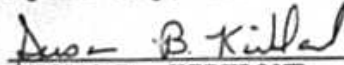
ORDERED:

- (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.

b) Serve on each other party a copy of all exhibits the party intends to offer into evidence at the formal hearing. Each such exhibit shall be prenumbered by the party offering the exhibit.

Petitioner indicated in his Compliance With Initial Order that he did not know who was representing Respondent and therefore he did not copy Respondent with a copy of the compliance document. A copy of Petitioner's Compliance is enclosed with this Notice of Hearing to Respondent and to the Florida Public Service Commission.

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Miami, Florida 33102

NOTE: In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Division's Clerk no later than seven (7) days prior to the proceeding or hearing at which such special accommodation is required. The Division Clerk may be contacted at 1230 Apalachee Pkwy., Tallahassee, FL 32399-3060 Telephone: (904)488-9675; 1-800-955-8771 (TDD); or 1-800-955-8770 (Voice) via Florida Relay Service.

Enclosure

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Intervenor.

CASE NO. 97-1850

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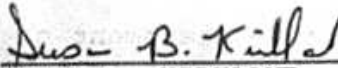
(2) Counsel for Petitioner shall initiate arrangements for the attorneys' conferences. However, all attorneys in this cause are charged with the duty of meeting in such conferences and of complying with the schedule set forth in this Order.

(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 Administrative Law Judge;
- (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 Administrative Law Judge;
- (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 Administrative Law Judge's own motion, or may result in the exclusion of not-previously disclosed witnesses or exhibits.

DONE and ORDERED this 27th day of May, 1997, at Tallahassee, Florida.



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Administrative Law Judge
Division of Administrative Hearings
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Tallahassee, Florida 32399-3060
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Fax Filing (904) 921-6847

Filed with the Clerk of the
Division of Administrative Hearings
this 27th day of May, 1997.

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FLORIDA
PUBLIC SERVICE COMM.
DIV. OF ADMINISTRATION
OUT IF CHECKED

97 MAY 28 AM 11:11