

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution of Board of Sumter)	DOCKET NO. 870060-WS
County Commissioners declaring Sumter)	ORDER NO. 22216
County subject to jurisdiction of)	ISSUED: 11-21-89
FPSC)	
)	

ORDER ESTABLISHING PREHEARING PROCEDURE

Commission Order No. 21203, issued as proposed agency action, determined that Florilow, Inc., ("Florilow"), was subject to this Commission's jurisdiction. Florilow protested this determination and requested a hearing. This matter is currently set for an administrative hearing on April 11, 1989, with a prehearing conference to be held on March 26, 1989.

The scope of this proceeding shall be based upon the issues raised by the parties and the Commission staff (Staff) during the prehearing conference, unless modified by the Commission. The hearing will be conducted according to the provisions of Chapter 120, Florida Statutes, and the rules and regulations of this Commission.

Discovery

When interrogatories or requests for production are served upon a party and the respondent intends to object to or ask for clarification of an interrogatory or request for production, the objection or request for clarification shall be made within ten (10) days of service of the interrogatory or request for production. This procedure is intended to reduce delay time in discovery.

Prefiled Testimony and Exhibits

In accordance with Rule 25-22.048, Florida Administrative Code, each party shall be required to prefile all written testimony that it intends to sponsor. Written testimony shall be typed on standard 8 1/2" x 11" transcript-quality paper, double-spaced, with 25 numbered lines, on consecutively numbered pages, with left margins sufficient to allow for binding.

A copy of any prefiled exhibit sponsored by a witness shall be attached to his or her testimony and marked for identification. All other known exhibits shall be marked for identification at the prehearing conference. After an

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opportunity for opposing parties to object to introduction of the exhibits and to cross-examine the witness sponsoring them, exhibits may be offered into evidence at the hearing. Exhibits accepted into evidence at the hearing will be numbered sequentially. The pages of each exhibit shall also be numbered sequentially prior to filing with the Commission.

Florilow shall file an original and 12 copies of its prefiled direct testimony and exhibits no later than January 16, 1990. Intervenors shall prefile an original and 12 copies of their direct testimony and exhibits on or before February 16, 1990. Staff shall file an original and 8 copies of its prefiled direct testimony and exhibits, if any, no later than February 16, 1990. All parties shall prefile an original and 12 copies of their rebuttal testimony and associated exhibits on or before March 2, 1990.

A copy of all prefiled testimony and exhibits shall also be mailed to all other parties no later than the date filed with the Commission.

Prehearing Statements

Pursuant to Rule 25-22.038(3), Florida Administrative Code, a prehearing statement shall be required of all parties and Staff in this docket on or before March 12, 1990. A copy of the prehearing statement shall also be mailed to all other parties and Staff no later than the date that it is filed with the Commission. The failure of a party to timely file a prehearing statement shall constitute a waiver of any issue not raised by other parties or by the Commission. In addition, such failure shall preclude the party from presenting testimony in support of its position. Such prehearing statements shall set forth the following information in the sequence listed below.

(a) the name and address of all known witnesses that may be called by the party, and the subject matter of their testimony;

(b) a description of all known exhibits that may be sponsored by the party, their contents, whether they may be identified on a composite basis, and the witness sponsoring each;

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- (c) a statement of basic position in the proceeding;
- (d) a statement of each question of fact the party considers at issue, the party's position on each such issue and which of the party's witnesses will address the issue;
- (e) a statement of each question of law the party considers at issue, the party's position on each such issue and which of the party's witnesses will address the issue;
- (f) a statement of each policy question the party considers at issue, the party's position on each such issue and which of the party's witnesses will address the issue;
- (g) a statement of issues that have been stipulated to by the parties;
- (h) a statement of all pending motions or other matters the party seeks action upon; and
- (i) a statement as to any requirement set forth in this order that cannot be complied with, and the reasons therefore.

Prehearing Conference

A prehearing conference is currently scheduled to be held on March 26, 1990 at 9:30 p.m. in Room 122 of the Fletcher Building, 101 East Gaines Street, Tallahassee, Florida. The conditions of Rule 25-22.038(5)(b), Florida Administrative Code, shall be observed. Any party who fails to attend the prehearing conference, unless excused by the Prehearing Officer, will have waived all issues and positions raised in that party's prehearing statement.

Prehearing Procedure: Waiver of Issues

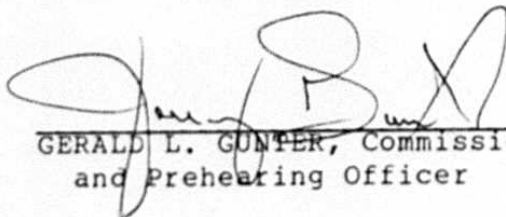
Any issue not raised by a party prior to the issuance of the prehearing order shall be waived by that party, except for good cause shown. Any party seeking to raise a new issue after the issuance of the prehearing order shall demonstrate that: it was unable to identify the issue because of the complexity

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Based upon the foregoing, it is

ORDERED by Commissioner Gerald L. Gunter, as Prehearing Officer, that the provisions of this Order shall govern this proceeding unless modified by the Commission.

By ORDER of Commissioner Gerald L. Gunter, as Prehearing Officer, this 21st day of NOVEMBER, 1989.



GERALD L. GUNTER, Commissioner
and Prehearing Officer

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