

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

THE COLONY BEACH & TENNIS CLUB,)	
LTD.,)	
)	
Petitioner,)	
)	
vs.)	Case No. 00-1117
)	
FLORIDA POWER AND LIGHT,)	
)	
Respondent,)	
)	
and)	
)	
FLORIDA PUBLIC SERVICE)	
COMMISSION,)	
)	
Intervenor.)	
)	

991680-EI

ORDER OF PRE-HEARING INSTRUCTIONS

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

ORDERED that:

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

shall:

- APP _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- LEG _____
- OPC _____
- PAI _____
- RCO _____
- SEC 1
- SER _____
- OTH _____

- (a) Discuss the possibility of settlement;
- (b) Stipulate to as many facts and issues as possible;
- (c) Prepare the pre-hearing stipulation as required by this Order;

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(d) Examine all exhibits (except for impeachment exhibits) proposed to be offered 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.

3. The pre-hearing 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, with expert witnesses being so 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 pre-hearing stipulation no later than 10 days prior to the date set for final hearing in this cause. If for any reason the pre-hearing stipulation cannot be executed by all counsel, each attorney shall file and serve a separate proposed pre-hearing statement not later than 5 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 the exclusion of witnesses or exhibits not previously disclosed.

DONE AND ORDERED this 1st day of December, 2000, in
Tallahassee, Leon County, Florida.

Mary Clark

MARY CLARK
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 1st. day of December, 2000.

COPIES FURNISHED:

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