

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

ALBERT SADAKA, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 FLORIDA POWER & LIGHT COMPANY, )  
 )  
 Respondent, )  
 )  
 and )  
 )  
 FLORIDA PUBLIC SERVICE COMMISSION, )  
 )  
 Intervenor. )  
 \_\_\_\_\_ )

Case No. 98-5067

980864

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:

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF   1
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG   1
- LEG   1
- LIN \_\_\_\_\_
- OPS \_\_\_\_\_
- ROB \_\_\_\_\_
- SEC   1
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

- 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.

DOCUMENT NUMBER-DATE

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REC'D RECORDS REPORTING

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 no 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 15<sup>th</sup> day of December, 1998, in Tallahassee, Leon County, Florida.

  
\_\_\_\_\_  
SUSAN B. KIRKLAND  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675 SUNCOM 278-9675  
Fax Filing (850) 921-6847

Filed with the Clerk of the  
Division of Administrative Hearings  
this 15<sup>th</sup> day of December, 1998.

COPIES FURNISHED:

Robert E. Stone, Esquire  
Post Office Box 029100  
9250 West Flagler Street  
Miami, Florida 33102-9100

Richard Bonehill, Jr., Esquire  
305 Northeast 24th Street  
Miami, Florida 33137

Grace A. Jaye, Esquire  
Florida Public Service Commission  
Gerald L. Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0863

Kay Flynn, Chief  
Florida Public Service Commission  
Bureau of Records  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850