

AGENDA

DOCKET NO. 17-01

**PRE-HEARING CONFERENCE
Procedural Matters**

(OCTOBER 25, 2017)

(a) Introduction – Information

1. Correspondence through Clerk
2. Role of counsel to Hearing Board

(b) Motion and Requests, including motions for intervention, subpoenas, and protective orders

1. Does either party anticipate filing any motions or requests with the Hearing Board? If so, what are they?
2. Calendar the Requests/Motion (Dates to file motion and reply)

(c) Clarification of issues

1. Chair has delivered a request for further clarification of issues in Petition: State laws and District regulations at issue; scope of abatement order
2. Are there clarifications requested by either party of the other party? Which statutory provisions are alleged?

(d) Status of settlement discussions

1. Is settlement feasible?
2. If hearing proceeds, do the parties anticipate submitting a request for stipulated conditional order for abatement?

(e) Hearing – Witnesses (Rulings on the identity and limitation on the number of witnesses)

1. Identify the number of witnesses for each party and the estimated length of time for direct testimony of each witness.
2. Will any of them be listed as expert witnesses?
3. Does either party request that each party submit to the Hearing Board and other party a summary of testimony anticipated by each witness?
4. Does either party have objections to the other party's witness list?

(f) Hearing – Filing and Exchanges of Evidence (Witness lists and exhibits to be offered in evidence at the hearing)

1. Witness Lists: If a witness list is not available at the pre-hearing conference, does either party seek a list in advance of the hearing? Schedule the exchange of witness lists (including the Hearing Board).

2. Documentary Evidence: Chair to schedule submission of list of documentary evidence and the documentary evidence to be submitted to Hearing Board and opposing party prior to public hearing.

(g) Hearing – Conduct of the Hearing; Order of evidence to be presented and cross-examination

1. Chair to state the order of proceedings: appearances of parties; swearing in those testifying; opening statements; procedural matters addressed; evidentiary hearing – direct and cross-examination [and re-direct and re-cross]; public testimony; deliberation; decision.

2. Other matters that could promote the orderly and prompt conduct of the hearing?

(h) Pre-Hearing Conference Order