

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of DENNIS and	)	Application No. GW-1777/
LYNNETTE HOCHSTEIN,	)	FC-1267
Hartington, Nebraska,	)	
Complainants,	)	
v.	)	PREHEARING CONFERENCE ORDER
	)	
BELDEN GRAIN AND FEED INC.,	)	
of Belden, Nebraska,	)	
	)	
Respondent.	)	Entered: April 5, 2000

APPEARANCES:

For Dennis and Lynnette  
Hochstein, Complainants,  
Carla Heathershaw Risko  
Fitzgerald, Schorr,  
Barmettler & Brennan, P.C.  
1100 Woodmen Tower  
17<sup>th</sup> & Farnam Streets  
Omaha, Nebraska 68102-2002

For Belden Grain & Feed, Inc.  
David A. Domina, Respondent  
Domina Law PC  
1065 N. 115<sup>th</sup> Street  
Omaha, Nebraska 68154

For the Commission:  
Michael Loeffler  
Shanicee L. Knutson  
300 The Atrium  
P.O. Box 94927  
1200 N St.  
Lincoln, NE 68509-4927

BY THE COMMISSION:

A prehearing conference was held on March 28, 2000 pursuant to an order by the Commission entered on March 14, 2000 and upon written notice by the Commission to Dennis and Lynnette Hochstein and Belden Grain and Feed, Inc., parties to Formal Complaint No. 1267. The parties were notified of the prehearing conference by certified mail sent March 17, 2000 by John Fecht, Director of the Grain Warehouse Department. The following order records the actions taken at the conference.

F I N D I N G S

The schedule for processing the above-captioned formal complaint is as follows:

Response to Respondent's Motion to Dismiss:

The Complainants will reply to the Respondent's Motion to Dismiss by April 11, 2000. A copy of the Reply shall be duly served on the Commission and the Respondent.

Information Requests:

The parties are permitted to engage in limited discovery. Interrogatories are limited to 25 questions for each party, including sub-parts. All discovery requests shall be served by April 14, 2000, and answered by May 10, 2000.

Exchange of Direct Testimony and Exhibits:

The parties, shall exchange copies of witness lists, exhibits and any expert testimony on or before June 1, 2000. The Commission retains the right to limit the number of witnesses to the extent the evidence presented is cumulative and repetitive pursuant to section 016.05 of the Rules of Commission Procedure.

Hearing Schedule:

The evidentiary hearing on this matter is set to begin at 10:00 a.m. on June 19, 2000 and continuing at times to be determined, on June 20-22, 2000. The hearing will take place in the Commission Hearing Room in Lincoln, Nebraska.

Conduct of Hearings:

The order of presentation at the hearing shall be conducted pursuant to section 016.14 of the Rules of Commission Procedure and will be as follows: First, opening statements will be allowed to the parties. The time for opening statements shall be limited to ten minutes. Second, the testimony of the Complainant shall be offered into the record. The Complainant's witness or witnesses shall be available for cross-examination by the Respondent's attorney, Commission staff and the Commissioners. Next, the testimony on behalf of the Respondent shall be offered into the record. The respondent's witness or witnesses shall be available for cross-examination by the Commission staff and the Commissioners. The Commission will then receive rebuttal testimony from the Complainant. No questions from any member of the audience at the hearing will be accepted.

All witnesses will be sworn in.

Pursuant to a request by the Respondent, the Nebraska Rules of Evidence will apply to the proceeding.

Issues to be Addressed:

The parties shall present evidence to allow the Commission to determine whether the Respondent issued an

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. GW-1777/FC-1267

PAGE 3

unlawful scale ticket in violation of Neb. Rev. Stat. § 88-535 (Reissue 1999), and if so, what relief should be afforded the Complainant pursuant to Neb. Rev. Stat. § 88-546 (Reissue 1999).

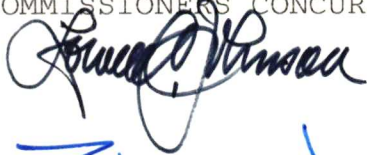
O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that this docket shall be conducted in conformity with the foregoing paragraphs of this prehearing order.

MADE AND ENTERED at Lincoln, Nebraska this 5<sup>th</sup> day of April, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



Vice Chairman

  
//s//Anne C. Boyle

ATTEST:

  
Executive Director

