



Ohio Administrative Code Rule 4901-1-26 Prehearing conferences.

Effective: May 7, 2007

(A) In any proceeding, the commission, the legal director, the deputy legal director, or an attorney examiner may, upon motion of any party or upon their own motion, hold one or more prehearing conferences for the purpose of:

(1) Resolving outstanding discovery matters, including:

(a) Ruling on pending motions to compel discovery or motions for protective orders.

(b) Establishing a schedule for the completion of discovery.

(2) Ruling on any other pending procedural motions.

(3) Identifying the witnesses to be presented in the proceeding and the subject matter of their testimony.

(4) Identifying and marking exhibits to be offered in the proceeding.

(5) Discussing possible admissions or stipulations regarding issues of fact or the authenticity of documents.

(6) Clarifying and/or settling the issues involved in the proceeding.

(7) Discussing or ruling on any other procedural matter which the commission or the presiding hearing officer considers appropriate.

(B) Reasonable notice of any prehearing conference shall be provided to all parties. Unless otherwise ordered for good cause shown, the failure of a party to attend a prehearing conference constitutes a waiver of any objection to the agreements reached or rulings made at such conference.



(C) Prior to a prehearing conference, the commission, the legal director, the deputy legal director, or the attorney examiner assigned to the case may, upon motion of any party or upon their own motion, require that all parties to the proceeding file with the commission and serve upon all other parties a list of the issues the party intends to raise at the hearing. Issues must be specifically identified and described and the presiding hearing officer may, upon motion of any party or upon his or her own motion, strike issues which do not meet this requirement. In any proceeding in which lists of issues are required, no party shall be permitted to raise an issue at hearing that was not set forth in its list, except for good cause shown.

(D) Following the conclusion of a prehearing conference, the commission, the legal director, the deputy legal director, or the attorney examiner may issue an appropriate prehearing order, reciting or summarizing any agreements reached or rulings made at such conference. Unless otherwise ordered for good cause shown, such order shall be binding upon all persons who are or subsequently become parties, and shall control the subsequent course of the proceeding.

(E) Evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept a valuable consideration in compromising or attempting to compromise a disputed matter in a commission proceeding is not admissible to prove liability for or invalidity of the dispute. Evidence of conduct or statements made in compromise negotiations is likewise not admissible. This rule does not require the exclusion of any evidence otherwise discoverable merely because it is presented in the course of compromise negotiations. This rule also does not require exclusion when the evidence is offered for another valid purpose.

(F) If a conference is scheduled to discuss settlement of the issues in a complaint case, the representatives of the public utility shall investigate prior to the settlement conference the issues raised in the complaint and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues.