

been granted *in camera* treatment by use of braces and bold font in the *in camera* versions of their briefs and proposed findings. In addition, parties must indicate that the exhibit or transcript page is in *in camera*. An example follows:

Company A and Company B each submitted budget pricing on the Texas project. Company A's price was **{ \$200,000 }** while Company B's price was **{ \$300,000 }**. (CX 1000-009, *in camera*).

2. 16 C.F.R. § 3.46 has express requirements for proposed findings and conclusions of law. These requirements shall be followed.
3. Each proposed finding of fact shall have a valid and correct cite to the record in support of the proposed finding.
4. Documents that are not in evidence, documents that have been withdrawn, or documents that have been rejected shall not be cited as evidentiary support.
5. Demonstrative exhibits shall not be cited to as substantive evidence.
6. Violations of the requirements of this Order should be pointed out by opposing counsel in the reply brief or reply to proposed finding of fact.
7. Where testimony cited to is testimony elicited at trial, the parties shall identify that cite by the declarant's name, the letters "Tr." and the transcript page number. Do not provide line numbers or the word "at" before the transcript page number. Do not use first initials unless there is more than one declarant with the same last name. The cite following the statement of fact shall be in parentheses. An example of the format that shall be used is: (Smith, Tr. 1098). If more than one source is used for the same proposition, the format that shall be used is: (Smith, Tr. 1098; Jones, Tr. 153).
8. Where testimony cited to in the briefs is from a deposition or an investigational hearing transcript that was admitted in evidence, the parties shall identify that cite by the exhibit number, and then, in parentheses, the deponent's name, the letters "Dep." or "IHT", and the transcript page number. Do not provide line numbers. Do not use first initials unless there is more than one declarant with the same last name. The cite following the statement of fact shall be in parentheses. An example of the format that shall be used is: (RX 100 (Smith, Dep. at 1098)).
9. The proper format for citing to an exhibit is: (RX 100). Do not use the following formats: RX100, RX-100, RX0100 or RX 0100.

10. If a document has both a number following the exhibit number (*e.g.*, CX 200-009) and a page number on the document itself, cite to the CX or RX number.
11. Do not cite to more than one copy of the same document. (*I.e.*, if RX 100 and CX 200 are the different copies of the same document, cite to only one exhibit number.)
12. Do not use “*Id.*” as a cite in the proposed findings of fact or the reply findings of fact.
13. Reply briefs shall be limited to refuting issues raised by the opposing side and should not be used merely to bolster arguments made in the opening post trial briefs. A brief summary of one’s position is acceptable if necessary to place the reply in context.
14. Reply briefs shall reply to the arguments in the same order as the arguments were presented by the opposing party in its opening brief.
15. Reply findings of facts shall set forth the opposing party’s proposed finding of fact in single space and then set forth the reply in double space. Reply findings of facts shall be numbered to correspond to the findings that the reply findings are refuting and shall use the same outline headings as used by the opposing party in its opening proposed findings of fact. If you have no specific response to the opposing party’s proposed finding of fact, set forth the opposing party’s proposed finding of fact and then state that you have no specific response or do not disagree.

An example of the format for reply findings that shall be followed is:

39. Pitt Des-Moines was a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, publicly traded on the American Stock Exchange, with its principal place of business at 1450 Lake Robbins Drive, Suite 400, the Woodlands, Texas, 77380. (CX 328 at CB&I 001253-CHI; CX 21 at PDM-C 1000003; Byers, Tr. 6732).


Response to Finding No. 39:

Respondents have no specific response.

16. Reply findings of fact should be used only to directly contradict the other side’s proposed findings, and should not be used merely to restate the proposition in language which is more favorable to your position.
17. Briefs and proposed findings and replies thereto must be spiral bound. Velo binding shall not be used.

18. The parties shall provide the OALJs with one set in hard copy of all exhibits that were entered into evidence. The parties shall provide this set of exhibits within two weeks.
19. Three ring binders containing the exhibits must not exceed three inches.

ORDERED:


Stephen J. McGuire
Chief Administrative Law Judge

Date: June 28, 2007