



and notes that when there are large numbers of parties, permitting all counsel to examine witnesses “may waste time and money, confuse and misdirect the litigation, and burden the court unnecessarily.” *Manual for Complex Litigation*, § 10.22 (2004). The most effective remedy is “to institute procedures under which one or more attorneys are selected and authorized to act on behalf of other counsel and their clients with respect to specified aspects of the litigation.” *Id.* For parties with a common interest, using this procedure is more efficient, saves time, and does not prejudice any party.

Thus, to ensure that the evidentiary hearing can be completed on time, Keystone moves that the Commission require Intervenors with a common interest to designate one lawyer for purposes of cross-examining each witness.

2. Although the Commission’s administrative rules provide for an opening statement and the Commission has stated in its Order For and Notice of Evidentiary Hearing that each party may make an opening statement not to exceed 10 minutes, if even 20 parties make an opening statement of that length, it will take over three hours just for opening statements, which are not evidence. Keystone moves that the Commission require instead a written opening statement to be filed Friday July 24, 2015.

3. The Commission should preclude friendly cross-examination. If a witness is not adverse to a party, the party should not be permitted to cross-examine the witness. Again, this limitation would save time, as the Commission would not be burdened with duplicative testimony having no evidentiary value.

4. If a party is represented by counsel, only counsel should be permitted to conduct cross-examination.

5. Cross-examination should be limited to the scope of the direct examination. This is standard judicial practice because it not only saves time, but also preserves the fairness of the proceedings.

6. The parties should not be permitted to argue evidentiary objections unless directed by General Counsel for the Commission. In other words, an objection should be stated without argument, and no other party should be allowed to argue the objection unless so directed by General Counsel. This will save considerable time given the number of parties.

Keystone respectfully requests that the Commission issue an appropriate order addressing these issues to ensure that the evidentiary hearing is completed efficiently, fairly, and on time.

Dated this 10<sup>th</sup> day of July, 2015.

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## CERTIFICATE OF SERVICE

I hereby certify that on the 10<sup>th</sup> day of July, 2015, I sent by United States first-class mail, postage prepaid, or e-mail transmission, a true and correct copy of Applicant's Motion Concerning Procedural Issues at the Evidentiary Hearing, to the following:

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