

- 5**      **Witnesses' appearance:** It is expected that most of the evidence adduced at the hearing is provided through witnesses who have first hand knowledge about the specific matters involved. Therefore, the Hearing Officer is responsible for ensuring that the witnesses who can provide such information are present at the hearing to testify.

Getting the parties to focus on who would be the best witness for the issues raised by the petition begins during the first contacts with the parties after the Notice of Hearing has been issued. This can take several forms:

- a)      discussing, during the initial telephone conversation and follow-up conversations, which individuals can best provide information pertinent to the issues, based on their first hand knowledge;
- b)      requesting the parties to provide the Hearing Officer and each other with a list of witnesses and the general parameters of their testimony in advance of the prehearing conference;
- c)      ensuring that once the witness lists are received, the individuals identified on those lists will provide collectively sufficient and relevant testimony to cover all issues raised at the hearing in a non-cumulative manner; and/or
- d)      reviewing the witness list and the parameters of their testimony at the prehearing conference to confirm that all issues raised by the petition are addressed at the hearing.

If the Hearing Officer learns that known witnesses must be subpoenaed in order to testify, see § 2429.7 of the regulations and *HOG 27*. If the Hearing Officer finds during the hearing that additional witnesses are necessary, see *HOG 27.5*.

