



OFFICE OF THE PUBLIC AUDITOR

PROCUREMENT APPEALS

IN THE APPEAL OF,

O & M ENERGY

APPEAL NO.: OPA-PA-09-008

SCHEDULING ORDER

RE: NOTICE OF FORMAL HEARING

APPELLANT

To: **Purchasing Agency:**  
Guam Power Authority  
C/O D. Graham Botha, Esq.  
Legal Counsel  
1911 Route 16, Suite 227  
Harmon, Guam 96913  
**Via Facsimile: 648-3290**

**Appellant:**  
**O & M Energy, Inc.**  
C/O Mr. Luis Zarauza  
General Manager  
Parque Empresarial La Finca  
Paseo del Club Deportivo 1  
28223 Pozuelo de Alarcon  
Madrid, Spain  
**Via Email: clema@unionfenosa.es**

**Interested Party:**  
Mr. John S. Unpingco, Esq.  
Legal Counsel for TEMES  
777 Route 4, Suite 12B  
Sinajana, Guam 96910  
**Via Facsimile: 475-8550**

The following schedule is hereby ordered of the hearing on Appellant's appeal, but remains subject to change at the discretion of the Hearing Officer:

1 **Filing Deadline for Motions:**

**December 9, 2009, Wednesday, 5:00 PM**

2 Parties may file and serve on the other parties no  
3 later than this date and time, copies of their Motions  
4 for Summary Judgment, or any other Motions  
5 relative to this appeal. A filing must include one  
6 original and four copies and submitted to OPA.

5 **Filing Deadline for Motion Responses:**

**December 16, 2009, Wednesday, 5:00 PM**

6 **Filing Deadline for Response Rebuttals:**

**December 21, 2009, Monday, 5:00 PM**

7 **Filing Deadline for Hearing Materials:**

**December 30, 2009, Wednesday, 5:00 PM**

8 Parties shall file and serve on the other parties no  
9 later than this date and time, copies of their Hearing  
10 Briefs, Witness Lists, Exhibits Lists, List of Issues  
11 which require evidence or arguments to be  
12 presented at the Hearing, Admissions of Fact and  
13 Stipulations. One original and no less than four  
14 copies of all lists and exhibits must be submitted to  
15 OPA.

14 **Hearing Date:**

14 **January 7, <sup>2010</sup>2009, Thursday, 9:00 AM**

15 The Hearing will take place on this date and time in  
16 Suite 602 in the DNA Building located at 238  
17 Archbishop Flores Street, Hagatna, Guam. The  
18 Hearing will proceed in the following order:

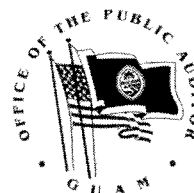
- 19 1) Opening Statements of the Parties;
- 20 2) Appellant's Case in Chief;
- 21 3) The Appellee's Case in Chief;
- 22 4) Closing Statements of the Parties.

20 **SO ORDERED** at the Status and Scheduling Conference held on **November 30, 2009**, and  
21 signed on the **3<sup>rd</sup> day of December, 2009** by:

23   
24 **ROBERT G. P. CRUZ, ESQ.**  
25 **Hearing Officer**

Suite 401 Pacific News Building  
238 Archbishop Flores St.  
Hagåtña, Guam 96910

Phone: (671) 475-0390  
FAX: (671) 472-7951



OFFICE OF THE PUBLIC AUDITOR

# Fax

**To:** Mr. D. Graham Botha, Esq., Legal  
Counsel for Guam Power Authority

**From:** Doris Flores Brooks, Public Auditor

Mr. Luis Zarauza, General Manager,  
Union Fenosa – O & M Energy

Mr. John Unpingco, Esq., Attorney for  
Interested Party TEMES

<b>Agency:</b>	<b>Pages:</b> 3 (Including cover)
<b>CC:</b>	<b>Date:</b> December 4, 2009
<b>Fax:</b> GPA: 648-3290; O&M (email clema@unionfenosa.es; J. Unpingco (475-8550)	<b>Phone:</b> (671) 475-0390 x 219 (Anne)
<b>Re: OPA-PA-09-008: Scheduling Order Re: Notice of Formal Hearing</b>	

Urgent     For Review     Please Comment     Please Reply     Please Recycle

● **Comments:** Please note correction to page 2 of referenced Order sent to parties on 12/3/09. The date of the Formal Hearing should read January 7, 2010, 9:00 AM. Thank you.

**Please see attachment and acknowledge receipt of this fax by re-sending this cover page stamped with your agency name, date, and initials. Thank you.**

Anne Camacho x. 219 [acamacho@guamopa.org](mailto:acamacho@guamopa.org)

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