D. GRAHAM BOTHA
Guam Power Authority
1911 Army Drive, Suite 227
Tamuning, Guam 96913
Ph: (671) 648-3203/3002
Fax: (671) 648-3290

Attorney for the Guam Power Authority

ORIGINAL

OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

IN THE APPEAL OF MORRICO EQUIPMENT, LLC, Appellant.	**DOCKET NO. OPA-PA-13-015** OPPOSITION TO MOTION FOR EVIDENTIARY RULING

COMES NOW, the GUAM POWER AUTHORITY, by and through its counsel of record, D. GRAHAM BOTHA, ESQ., and hereby files its opposition to Appellant's motion for an evidentiary ruling, authorizing request to admit to GPA, or an order to depose witness.

Morrico requests that the attached exhibits be used presumably for the purpose to establish that Terex Utilities has terminated its distributorship with Mid Pac Far East. It also claims that the termination is relevant to the issues on appeal. Exhibit B also indicates that if Mid Pac Far East requests a quote from Terex for an installed product on a MPFE supplied chassis for Guam, Terex will provide MPFE a quotation.

While the OPA may not be bound by the technical rules of evidence, there is nothing in the rules that requires the OPA to accept anything offered by a party, without examining the relevance of the documents, and determining whether the documents need to be offered in accordance with the normal rules of evidence. The OPA has already given a scheduling order for the parties, which requires the parties to provide pre-trial briefs establishing each party's position on different issues.

Morrico can state its issue with the documents in its pre-trial brief, and state its argument at that time with regard to the letter and e-mail in Exhibit A and B in its motion. Morrico first argues that the OPA should not be bound by the technical rules of evidence, and next argues that GPA should respond according the Guam Rules of Evidence to a request for admissions, which is not contained in the OPA hearing rules.

GPA requests that OPA deny the request submitted by appellant Morrico, and allow them to state their position in their pre-trial brief.

RESPECTFULLY SUBMITTED this 5th day of December, 2013.

/ s /

D. GRAHAM BOTHA, ESQ.
GPA Legal Counsel

D. GRAHAM BOTHA, ESQ.
Legal Counsel for GPA