

Rulemaking 14-05-013; Regarding the Commission’s Natural Gas and Electric Safety Citation Programs as Required by D.16-09-055, as modified by D.18-05-023, for both electric and gas citations issued on or after 9/30/2016⁹

Additional Statutory Authority: various, including § 1702.5

Event	D.16-09-055, as modified by D.18-05-023, Appendix A	Governing Appellate Rule
File Appeal	File Notice of Appeal and proof of service with the Docket Office within 30 days from the date of service of the citation. (Appendix A § II.A.1) ¹⁰	Program Rule 3: File Notice of Appeal with Docket Office; File within time stated by D.16-09-055, as modified by D.18-05-023, Appendix A § II.A.1.
Content of Appeal	State the date of the citation and explain with specificity each and every ground for appeal. (Appendix A § II.A.2)	Program Rule 5: State date and dollar amount of citation; indicate rationale for appeal as required by D.16-09-055, as modified by D.18-05-023, Appendix A § II.A.2.
Compliance Filing	Staff issuing citation must file Compliance Filing including complete copy of citation and all attachments with Docket Office and serve upon Chief ALJ and Appellant no later than seven business days after	Program Rule 7: Staff issuing citation must file complete citation and proof of service with Commission's Docket Office no later than 14 days after Notice of Appeal is filed. Staff must serve filing on Chief

⁹ Although the citation programs differ in these two decisions, the applicable appellate procedural rules are the same. Therefore, the decisions are treated together.

¹⁰ All section references for this item are to Appendix A.

Event	D.16-09-055, as modified by D.18-05-023, Appendix A	Governing Appellate Rule
	Notice of Appeal is filed. (Appendix A § II.B.3)	Judge and Appellant on same day.
Exchange of Info	Parties must exchange all information they intend to introduce into record no later than three business days prior to hearing. (Appendix A § II.B.4)	Program Rule 9: Parties must exchange all information intended to be introduced into the record at hearing which is not included in citation or compliance filing no later than three days prior to hearing.
Hearing Date	Promptly; The Judge may for good cause or parties' agreement, grant reasonable continuance of hearing. Parties will be notified at least 10 days in advance of the hearing. (Appendix A § II.B.2)	Program Rule 10: Hearing must commence as required by D.16-09-055, as modified by D.18-05-023, Appendix A § II.B.2.
Burden of Proof	Staff has burden by a preponderance of the evidence so opens and closes. Appellant has burden to prove affirmative defenses. Judge has discretion to alter order. (Appendix A § II.B.8)	Program Rule 11: The burden of proof is as set forth in D.16-09-055, as modified by D.18-05-023, Appendix A § II.B.8.

Event	D.16-09-055, as modified by D.18-05-023, Appendix A	Governing Appellate Rule
Evidence	Rule 13.6 of Commission's Rules of Practice and Procedure (Appendix A § II.B.9)	Program Rule 13: Rule 13.6 (Evidence) of the Commission's Rules of Practice and Procedure applies.
Hearing Venue	SF or LA, at Commission discretion. (Appendix A § II.B.5)	Program Rule 12: Venue as set forth D.16-09-055, as modified by D.18-05-023, Appendix A § II.B.5.
Party Representative	At appellant's expense. (Appendix A § II.B.9)	Program Rule 13: At appellant's expense.
Transcript	Appellant must pay costs per Commission procedures. (Appendix A § II.B.7)	Program Rule 14: Appellant must pay costs per Commission's procedures.
Interpreter	At the Commission's expense, upon a good faith showing of language difficulty, and written request to the assigned Judge and the Public Advisor's Office not less than five business days prior to date of hearing. (Appendix A § II.B.6)	Program Rule 15: Upon a good faith showing of language difficulty and written request to the assigned Judge and Commission's Public Advisor's Office not less than five business days prior to date of hearing. At Commission's expense.
Submission	Ordinarily at close of hearing; Judge may keep record open for good cause for a reasonable period to permit a party to submit additional	Program Rule 16: The submission date is governed by D.16-09-055, as modified by D.18-05-023, Appendix A § II.B.10.

Event	D.16-09-055, as modified by D.18-05-023, Appendix A	Governing Appellate Rule
	evidence or argument. (Appendix A § II.B.10)	
Issuance of Draft Resolution	No later than 60 days after appeal submitted. Placed on the first available agenda and persons may file comments pursuant to Commission Rule 14.5 (Appendix A § II.C)	Program Rule 17: Draft decision issued expeditiously, and no later than 60 days after submission. Program Rule 18: Draft Resolution issued for public comment
Ex Parte Communications	Prohibited from date the citation issued through the date a final order issued on citation appeal. (Appendix A § III)	Program Rule 19: Prohibited from date of citation (which is being appealed) issues to final order.
Rehearing	Resolution subject to rehearing pursuant to § 1731 and subject to judicial review pursuant to § 1756 (Appendix A § II.D)	Program Rule 20: Resolution subject to rehearing.

Additional Program Rules:

- Rule 1: Applicability
- Rule 2: Definitions
- Rule 4: Extension of Time to File the Notice of Appeal
- Rule 6: Minimum Service Requirements for the Notice of Appeal
- Rule 6.1 Expedited Citation Appeal Procedure
- Rule 8: Service List and Parties to An Appeal
- Rule 21: Service of Rules and Resolution Adopting Them With All Citations and Clearinghouse Decisions Concerning General Order 156

- Rule 22: Applicable Procedure when Appellate Rules Are Silent