

Chapter 110: RULES OF PRACTICE AND PROCEDURE

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**SUMMARY:** This Rule establishes rules of practice and procedure before the Maine Public Utilities Commission.

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Chapter 110: RULES OF PRACTICE AND PROCEDURE

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**SUMMARY:** This Rule establishes rules of practice and procedure before the Maine Public Utilities Commission.

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**§ 1 APPLICABILITY**

**A. Applicability**

These rules shall govern all practice and procedure before the Commission under applicable laws of the State of Maine, unless otherwise directed by the Commission. Procedures not specifically addressed by these rules shall be governed by the Maine Rules of Civil Procedure and the procedural requirements of 5 MRSA §8001, *et seq.* and Title 35-A of the Maine Revised Statutes.

**B. Liberal Construction**

These rules shall be liberally construed to secure just, speedy and economic determination of all issues presented to the Commission.

**C. Deviation or Waiver from Rules**

To the extent permitted by law, where good cause appears, the Commission may permit deviation or waiver from this Chapter, the procedural requirements or deadlines of any other rule or order and the substantive requirements of any rule. It may permit deviation from procedural requirements insofar as it may find compliance therewith to be impracticable, inexpedient or unnecessary. To the extent possible, any request for a procedural deviation or waiver should be made in writing. In the case of a request for a substantive deviation from the requirements of another chapter of these rules, the request shall be in writing. The Commission may grant a request for a substantive deviation or waiver upon a finding of good cause or that compliance would be unduly burdensome and a finding that the deviation or waiver is not inconsistent with the purposes of the chapter or applicable statute from which the deviation or waiver is sought. This subsection shall not apply to any other rule where a conflicting waiver or modification procedure is provided.

**D. Conflict with Statute or Constitution**

These rules shall be construed, wherever possible, consistently with applicable statutory and constitutional authority. Where a conflict exists, statutory or constitutional authority shall prevail over these rules.



**§ 2 DEFINITIONS**

- A. "Adjudicatory Proceeding" means any proceeding before the Commission in which the legal rights, duties or privileges of a specific person or persons are required by constitutional law or statute to be determined after an opportunity for hearing.
- B. "Administrative Director" means the Administrative Director of the Maine Public Utilities Commission, the Assistant Administrative Director or any Commission employee specifically designated by the Administrative Director to perform an act described in these rules.
- C. "Advisory Staff" means those particular individuals on the Staff or their consultants who are specifically assigned to advise the Commission with respect to issues of law, facts or procedure arising in an adjudicatory proceeding.
- D. "Commission" means the Maine Public Utilities Commission.
- E. "Complainant" means a person who complains to the Commission of any act or of any person.
- F. "General rate case" has the same meaning as 35-A M.R.S.A. §307.
- G. "Holiday" means any day on which either of the following is lawfully ordered or required to be closed:
1. the Public Utilities Commission, in accordance with the procedure and schedules established for State agencies generally; or
  2. the United States Postal Service.
- H. "Inquiry" means a non-adjudicatory and non-rulemaking proceeding initiated by the Commission to obtain information and comment for the purpose of determining whether a rulemaking or adjudicatory proceeding ought to be initiated or exploring policy issues and forming preliminary policies not intended to be enforceable.
- I. "Intervenor" means a person who is permitted to intervene in a proceeding as provided for in these rules.
- J. "Lead Complainant" means, with respect to complaints under 35-A M.R.S.A. §1302(1), the complainant designated as the agent for all other complainants. In absence of such a designation by the complainants, the person who submitted the complaint or the first complainant's name appearing on the complaint will be considered the lead complainant. The Administrative Director shall identify the lead complainant upon receipt of the complaint.
- K. "Party" means: 1) any person granted intervenor status in an adjudicatory proceeding pursuant to Section 8(b)(1) and (2) of this Rule, or 2) the lead complainant in a Commission investigation if the Commission determines a petition filed pursuant to 35-A M.R.S.A. §1302 has merit; and (3) the specific person whose legal rights, duties or privileges are being determined in the proceeding.

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- L. "Person" means an individual, partnership, corporation, governmental entity, association or public or private organization of any character, except for the Maine Public Utilities Commission.
- M. "Petitioner" means any person, other than a complainant, who seeks any relief or order from the Commission or who seeks to commence an action that the Maine Revised Statutes require to be instituted by petition or application.
- N. "Presiding Officer" means the person designated to preside over a Commission proceeding, with the duties and powers set forth in section 8(G), or a substitute officer as provided in section 8(G)(2). The presiding officer may be a Commissioner or any Commission employee. The presiding officer in an adjudicatory proceeding shall be referred to as the Hearing Examiner.
- O. "Regular Business Day" means a day that is not a Saturday, a Sunday or a Holiday.
- P. "Respondent" means a person against whom any complaint is filed or investigation initiated.
- Q. "Rule" means the whole or any part of any regulation, standard, code, statement of policy or other statement of general applicability, including the amendment, suspension or repeal of any prior rule, that is or is intended to be judicially enforceable and implements, interprets or makes specific the laws administered by the Commission or describes the procedures or practices of the Commission.

The term "Rule" does not include:

1. policies or memoranda concerning only the internal management of the Commission which are not judicially enforceable;
  2. advisory rulings issued under Section 7;
  3. decisions issued in adjudicatory proceedings;
  4. any form, instruction or explanatory statement of policy which in itself is not judicially enforceable, and which is intended solely as advice to assist persons in determining, exercising or complying with their legal rights, duties or privileges.
- R. "Staff" means the employees of the Public Utilities Commission and any consultants and other contractors retained by the Commission for the purpose of assisting the Commission and its employees in providing advice or information, or for the purpose of supplementing the work of the Commission and its employees.

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### § 3 PUBLIC UTILITIES COMMISSION

#### A. Meetings, Public Proceedings and Deliberations

Except for matters which may be the subject of executive session as provided in 1 M.R.S.A. §405, all meetings, public proceedings and deliberative sessions of the Commission shall be open to the public. Public notice shall be provided as required by 1 M.R.S.A. §406 and 35-A M.R.S.A. §108-A.

#### B. Commission Record of Proceedings

##### 1. Decisions

Every decision of the Commission shall be in writing. A copy of each decision shall be maintained by the Commission.

##### 2. Deliberative Sessions

The Administrative Director shall ensure that a record is kept of the date, time and place of each deliberative session, the Commissioners in attendance, and all votes. This may be done through the maintenance of an audio, video or other electronic recording.

#### C. Practice before Commission

##### 1. Attorneys

Any attorney duly admitted to practice as an attorney in the State of Maine, any attorney admitted to practice in another state who has entered a limited appearance as authorized by the Commission, any party acting *pro se*, and any authorized officer, employee or representative of a party in any hearing, action or proceeding is authorized to appear on behalf of parties before the Commission. In order to facilitate the efficient processing of any proceeding, the presiding officer may require the appearance of counsel on behalf of any party.

##### 2. Non-Attorneys

All authorized officers, employees or other representatives of parties who are not duly admitted to practice as attorneys in the State of Maine are expected, as a condition of representation, to be familiar with this Chapter, the Maine Rules of Civil Procedure where applicable, the Maine Rules of Evidence where applicable, and to abide by Maine Rules of Professional Conduct for attorneys 3.1, 3.2, 3.3, 3.4, 3.5 and 3.7. Failure of a non-attorney representative to abide by these rules may result in appropriate sanctions including temporary or permanent bar from appearing in a representative capacity before the Commission.

#### D. Alternative Dispute Resolution

In any adjudicatory proceeding, a party or parties may request that some or all the issues in dispute in the proceeding be resolved through the use of alternative dispute resolution, including the use of neutral facilitators, mediators or arbitrators. The request shall explain

why the party or parties believe such alternative means would be appropriate and the timing of such attempt at resolution. The Commission shall consider such requests and issue an order either granting a request or denying it after all parties have had an opportunity to file their position.

#### **§ 4 COMMENCEMENT OF PROCEEDING, SERVICE, and FILINGS**

##### **A. Commencement of Proceeding**

Except as otherwise provided in this Chapter or another Commission rule or by statute, a proceeding is commenced upon filing, unless the Administrative Director or presiding officer finds that the filing fails to include all of the information required by statute or Commission rule.

##### **B. Service and Filing of Pleadings and Other Communications**

###### **1. Service**

All filings shall be served on all other parties to a proceeding. The Commission may provide an electronic filing system to facilitate such service. If such electronic filing system automatically generates a notice of any filing to all parties to a proceeding, this shall meet a party's service obligation.

###### **2. Method of Filing**

All documents shall be filed pursuant to the Commission requirements for electronic filing, unless the presiding officer or the Commission allows otherwise.

##### **C. Time**

In computing any period of time prescribed or allowed by these rules, by order of the Commission, or by the applicable statute, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is not a regular business day, in which event the period runs until the end of the next day which is a regular business day. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and Holidays shall be excluded from the computation.

##### **D. Copies of Commission Documents**

Copies of all documents filed with or by the Commission shall be available through the Commission's electronic filing system. Presiding officers shall ensure that parties who represent that they are unable to access documents through the electronic system receive service of documents through the regular mail.

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## § 5 PETITIONS AND MOTIONS

### A. Form

Other than petitions required by statutes or other Commission rules, every request for Commission action shall be made by motion. Documents which do not on their face purport to be a petition or motion but which request Commission action shall be treated as a petition or motion in accordance with the applicable statutes and this rule. Every petition or motion shall be in writing, except that a motion may be made on the record during a hearing to which the request or motion is related.

### B. Requirements; Procedure

Any person filing a motion shall proceed in accordance with this section.

1. The motion shall be filed with the Commission.
2. Each motion shall include or be accompanied by a clear and detailed statement of the facts and law supporting the action sought including citations to all supporting authorities relied upon.
3. Any party opposing a motion shall file a statement in opposition to the motion, including citations to all supporting authorities, within 7 days after service of the motion, unless some other period is established by the presiding officer. Any party may file a reply to a statement in opposition to a motion within 3 days of the filing of the statement unless some other period is established by the presiding officer.
4. Oral hearings on motions shall be held at the discretion of the presiding officer. A request for oral hearing shall be included in the statements in support of or opposition to the motion, with a statement of the reasons that such a hearing is required or desired. If statements in opposition give rise to new reasons for requesting an oral hearing, the moving party may file a supplemental request for an oral hearing within 3 days of the service of the statement in opposition.
5. If the presiding officer decides to schedule an oral hearing, he or she will either give notice thereof to all parties or will direct the moving party to do so.

## § 6 RULEMAKING

### A. Governing Procedure

The Commission may initiate a rulemaking proceeding on its own motion or in response to a petition filed in accordance with 5 M.R.S.A. §8055. Rulemaking proceedings shall be governed by subchapter II of the Maine Administrative Procedure Act, 5 M.R.S.A. §§ 8051-8074 and by the additional procedures set forth in this part.

**B. Petition for Adoption or Modification of Rule**

1. Any person may petition the Commission for the adoption or modification of any rule.
2. A petition filed under this section shall be in writing and shall include the following:
  - a. the complete text of the proposed rule, if adoption of a new rule is requested, or a clear specification of the exact text of all proposed amendments to an existing rule, showing additions and deletions;
  - b. a detailed statement of the legal, factual and policy basis of the proposed rule or amendments;
  - c. the signatures of all persons joining in the petition;
  - d. the printed names and full mailing addresses of each person signing the petition; and
  - e. the name, address and telephone number of either one person or an organization with an established office and address designated as the person with whom the Commission may communicate on all matters affecting the proposed rule or modification.
3. Within 60 days of filing of a petition, the Commission shall either notify the petitioner in writing of its denial, stating the reasons therefore, or initiate a rulemaking proceeding; provided, however, that a rulemaking proceeding shall be initiated if the petition is signed by 150 or more registered voters, whose signatures had been verified and certified in accordance with 21-A M.R.S.A. §354(7), prior to the filing of the petition.
4. When the Commission gives notice of a rulemaking proceeding that has been initiated by petition, such notice shall include a statement that the proposed rule or amendment is being proposed by a petitioner or group of petitioners and it shall state the name of the person or organization designated on the petition pursuant to paragraph (b)(5) above.

**§7 ADVISORY RULINGS AND OPINIONS****A. Advisory Ruling Requests**

Upon written request of any interested person, the Commission may make an advisory ruling with respect to the applicability of any statute or rule administered by the Commission to the person's property or to acts or events in which the person has a substantial interest.

**1. Petition**

- a. Petitions for advisory rulings shall be in writing and shall include:
  - i. the name, address and telephone number of the person requesting the ruling;
  - ii. the statute or rule for which an interpretation is requested;
  - iii. all known facts which relate to the advisory ruling;
  - iv. all assumptions or hypotheses which relate to the advisory ruling;
  - v. a memorandum setting forth legal research and theories which would assist the Commission in reaching a decision; and
  - vi. a statement that to the petitioner's knowledge, the issue upon which an advisory ruling is sought is not the subject of a pending Commission proceeding.

**2. Additional Information**

The Commission may seek additional information or comments from the person requesting the opinion or persons likely affected by the request.

**3. Decision**

The Commission shall either issue a written advisory ruling or notify the petitioner in writing of the reasons that an advisory opinion will not be rendered within 60 days of the request.

**4. Advisory Ruling not Binding**

No advisory ruling shall constitute res judicata or legal precedent with respect to the issues raised before the Commission. In any subsequent enforcement action initiated by the Commission, however, any person's justifiable reliance upon the ruling shall be considered in mitigation of any penalty sought to be assessed.

**B. Opinion of General Counsel**

Any person may informally inquire of the Commission's General Counsel with respect to the applicability of any statute or rule administered by the Commission. In addition, any request for an advisory ruling may at the discretion of the Commission be treated as a request for an opinion of the General Counsel. The General Counsel may decline to respond to a request because the facts are not sufficiently complete or detailed to form the basis of an opinion, because resources or time are not available to the General Counsel for the purposes of preparing an opinion, or because the matter should properly be the subject of an advisory ruling of the Commission. The General Counsel may require that the request be put in writing. Any opinion provided by the General Counsel

under this section shall not constitute res judicata or legal precedent in any subsequent proceeding nor shall it be binding on any party. In any subsequent enforcement action initiated by the Commission, however, any person's justifiable reliance upon the opinion may be considered in mitigation of any penalty sought to be assessed.

**C. Consumer Assistance Bulletin**

The Division of Consumer Assistance may from time to time issue bulletins to assist utilities, ratepayers and other interested persons in interpreting and applying provisions of the Commission's rules. Any Consumer Assistance Bulletin shall not constitute res judicata or legal precedent in any subsequent proceeding, nor shall it be binding on any party. In any subsequent enforcement action initiated by the Commission, however, any person's justifiable reliance upon the bulletin may be considered in mitigation of any penalty sought to be assessed.

**§ 8 ADJUDICATORY PROCEEDINGS: GENERAL PROVISIONS**

**A. Notices**

**1. Notice of Proceeding**

Upon commencement of an adjudicatory proceeding, notice shall be given as follows:

- a. in investigations pursuant to Chapter 13 of Title 35-A of the Maine Revised Statutes and in other proceedings in which the legal rights, duties or privileges of persons are at issue, to those persons, within 15 days after commencement of the proceeding, unless another period is required by statute or rule;
- b. in any proceeding found by the Commission to involve the determination of issues of substantial public interest, to the public sufficiently in advance of the anticipated time of the decision to afford interested persons an adequate opportunity to prepare and submit evidence and argument, to petition for intervention, to request notification of hearings and to request a hearing if so desired;
- c. in any proceeding initiated by a public utility, with the proposed effect of increasing rates by more than 1%, or pursuant to Commission order in any other adjudicatory proceeding in which a utility is a party, by the utility, to each of its ratepayers affected by the proceeding and to each party to the utility's last general rate case proceeding or general rate design proceeding. Notice by this provision shall be given, not later than 15 days after, nor earlier than 90 days before the commencement of the general rate case or general rate design proceeding or such other time as the Commission may order. Additionally, the Commission may require a public utility to give notice to its ratepayers if, during the course of a proceeding, it appears that one or more parties has proposed a change in rates or rate design which could have a significant impact on ratepayers



if accepted. Before preparing its notice, the public utility shall inquire of the Administrative Director whether a deadline for intervention has been set, in order that the date may be included in the notice.

2. **Notice of Hearings**

Notice of hearings shall be given as required in 5 M.R.S.A. §9052.

3. **Notice Following Decision**

Upon termination of a proceeding by Commission order, within 45 days following expiration of applicable appeals periods, the utility or utilities that increase rates by more than 1% shall provide notice to each of its ratepayers or other utilities affected by the order or decision. The notice shall include the following:

- a. a prominent statement setting forth the total amount of any rate increase or decrease and the percent by which the rates ordered differ from existing rates for each existing customer class or class of service; and
- b. a statement of the effective date of each rate change for each customer class or class of service.

**B. Participation in Proceeding**

1. **Mandatory Intervention**

Upon the filing of a timely petition to intervene according to section 8(B)(3),(a) any person that is or may be, or that is a member of a class which is or may be substantially and directly affected by the proceeding and (b) any agency of federal, state or local government, shall be allowed to intervene as a party to the proceeding. A person joined as a necessary party pursuant to the provisions of Maine Rule of Civil Procedure 19 shall be treated as an intervenor pursuant to this section.

2. **Discretionary Intervention**

Any interested person not entitled to intervene pursuant to section 1 may in the discretion of the Commission be allowed to intervene and participate as a full or limited party to the proceeding. This provision shall not be construed to limit public participation in the proceeding in any other capacity.

3. **Petition to Intervene**

- a. A petition to intervene pursuant to either section 1 or section 2 above must be filed within the time allowed by the Commission notice. All such petitions must state the name, address, email address and telephone number of the person desiring to intervene and the manner in which that person is affected by or interested in the proceeding.

- b. Petitions to intervene, other than from an agency of government under section 8(B)(1), must also include a short and plain statement of the nature and extent of the participation sought, and a statement of the nature of the evidence or argument that the petitioner intends to submit.
- c. Parties may respond to the petition within the time allowed by the Commission or within seven days if no specific time is designated. Failure to respond shall be held to constitute consent to the petition.

#### 4. **Participation Limited or Denied**

- a. The Commission may deny intervention of any person filing a timely petition for mandatory intervention on the grounds that the petitioner failed to show a direct and substantial interest in the proceeding. The Commission may deny or limit intervention of any person filing an untimely petition for mandatory intervention. The Commission may deny or limit intervention of any person petitioning for discretionary intervention for any reason, including, but not limited to, considerations of the petitioner's likely contribution to the development of relevant issues, the petitioner's participation in previous cases, and the timeliness of the petition.
- b. The Commission may limit the participation of any person petitioning for mandatory intervention when a petitioner for intervention is found by the Commission to have a right to intervene only with respect to a portion of the subject matter of a case.
- c. When participation of any person is limited or denied the Commission shall include in the record an entry to that effect and the reasons therefore.

#### 5. **Consolidation of Presentations**

Where appropriate, the Commission or presiding officer may require consolidation of discovery, presentation of evidence and argument by members of a class entitled to intervene under section 8(B)(1) or by persons allowed to intervene under section 8(B)(2). In determining that any party shall be required to consolidate its discovery, presentation or arguments, the Commission or the presiding officer shall consider the number of parties, the interests of each party, whether they propose to offer testimony or participate only by cross-examination, the nature and extent of their proposed testimony, and, if applicable, whether they are in the same or in separate rate classifications, either existing or proposed. No party shall be required to consolidate its presentation or arguments where it is clear that the party will, as a consequence of such consolidation, be unable to make an adequate presentation of that party's position.

#### 6. **Public Witness Participation**

Persons desiring to present their own testimony or argument in an adjudicatory proceeding may, in the discretion of the Commission or presiding officer, be allowed to testify or argue without appearing as a party to the proceeding. Such

public witnesses may give sworn testimony or may present argument without being sworn. The Commission or presiding officer may (a) designate a particular time and place for the hearing of such persons and (b) limit the length of time that each public witness may speak.

**C. Subpoenas**

**1. Authority**

In any adjudicatory proceeding, any party upon application shall be entitled as of right to the issuance of subpoenas in the name of the Commission to require the attendance and testimony of witnesses and the production of any evidence relating to any issue of fact in the proceeding. Such subpoenas may be signed and issued in blank by any member of the Commission, the Administrative Director or a presiding officer. Subpoenas shall be issued in a form prescribed by the Commission.

**2. Issuance**

Subpoenas may be issued by the Commission in accordance with the following provisions:

- a. Witnesses shall be subpoenaed only within the territorial limits and in the same manner as witnesses in civil cases before the courts, unless another territory or manner is provided by law. Witnesses subpoenaed shall be paid the fees for attendance and travel as set forth in 16 M.R.S.A. §251, except as otherwise provided by 35-A M.R.S.A. §1312. Such fees shall be paid by the party requesting the subpoena.
- b. Any subpoena issued shall show on its face the name, address and telephone number of the party who requested that it be issued.
- c. Any witness subpoenaed may petition the Commission to vacate or modify a subpoena issued in its name. After prompt notice to the party who requested issuance of the subpoena and such investigation as the Commission considers appropriate, it may grant the petition in whole or in part upon a finding that the testimony or the evidence whose production is required does not relate with reasonable directness to the proceeding, or that a subpoena for the attendance of a witness or the production of evidence is unreasonable or oppressive or has not been issued reasonably in advance of the time when the evidence is requested.
- d. Failure to comply with a subpoena lawfully issued in the name of the Commission and not revoked or modified as provided in subsection (c) shall be punishable as for contempt of court.

**D. Termination or Limitation of Proceedings by Stipulation**

The Commission may dispose of all or part of any adjudicatory proceeding by approving a stipulation of one or more issues entered into between two or more parties in accordance with the provisions of sections 1 through 7 below.

1. **Participation of Parties**

All parties shall be given an opportunity to participate in stipulation discussions. Accordingly, persons initiating such discussions should provide reasonable notice of discussions to all other parties where feasible, hold discussions at the office of the Public Utilities Commission where practicable and defer execution of comprehensive stipulations until the deadline for petitions to intervene, if any, has passed. In addition, all parties and proposed intervenors must be provided sufficient opportunity to review any executed stipulation in order to allow reasonable opportunity to object to the stipulation.

2. **Participation of Commission's Advisory Staff**

- a. **Agreement of Parties.** Where parties request participation of advisory staff in settlement discussions, all parties must either affirmatively agree to the participation of advisory staff or be given an opportunity to object by a date certain. The agreement or result of the opportunity to object must be documented in a procedural order.
- b. **Staff participation during negotiations.** The advisory staff will only participate in negotiations/discussions that have been noticed to all parties with an opportunity for all parties to attend. If for any reason parties wish to have discussions with staff with less than all parties, all parties must agree to this or be given an opportunity to object and the circumstances described in a procedural order prior to discussions taking place.
- c. **Sharing of Negotiation Documents.** Any documents provided by advisory staff or parties must be shared with all parties attending settlement discussions unless all parties have agreed to another arrangement or been given an opportunity to object to the arrangement. Any such arrangement must be documented in a procedural order.

3. **Participation of Staff Advocates**

The Commission may assign one or more staff members to serve as advocates to facilitate negotiated settlements. If the Commission receives a written request from all of the parties in an adjudicatory proceeding that staff advocates be appointed to facilitate negotiations, the Commission shall grant the request or issue a written order explaining the reasons why the Commission denies the request.

4. **Information Accompanying all Stipulations**

To facilitate the review process for all stipulations, stipulations should be accompanied by a cover letter and memorandum containing the following information.

- a. **Cover letter**
  - i. the names of the parties joining in the stipulation, those opposing and those neither for nor against;

- ii. a description of the process leading to the stipulation (e.g., number of negotiating sessions, who was involved, etc.); and
- iii. whether the parties have agreed to allow the Commission staff to make a recommendation to the Commissioners concerning the stipulation without a hearing examiner's report, thereby agreeing to waive 5 M.R.S.A. §9062 and Chapter 110 §8(F)(4).

b. **Memorandum**

- i. the major provisions agreed upon;
- ii. why the provisions are in the public interest; and
- iii. the statutory authority for the Commission to adopt the stipulation provisions and a description of any departures from Commission precedent contained in the stipulation.

5. **Consideration of Uncontested Stipulations**

The Commission may accept an uncontested stipulation in any proceeding if it determines the stipulation meets the criteria set forth in 8(D)(7) below. The Commission may require that an uncontested stipulation be accepted only following notice to the parties and/or a hearing on the stipulation. If the Commission rejects the stipulation, the adjudicatory proceeding shall be resumed.

6. **Consideration of Contested Stipulations**

- a. In the event that fewer than all of the parties to a proceeding have entered into a stipulation, the Commission shall provide an opportunity to be heard to all non-signatory parties. The Commission may accept a contested stipulation in any proceeding if it determines the stipulation meets the criteria set forth in 8(D)(7) below. The Commission may require that a contested stipulation be accepted only following notice to the parties and/or a hearing on the stipulation. If the Commission rejects the Stipulation, the adjudicatory proceeding shall be resumed.
- b. In proceedings where portions of a stipulation are contested and remaining portions are uncontested, the Commission may rule upon uncontested provisions pursuant to section 8(D)(5). Contested portions shall be treated as described in 6(a) above.

7. **Approval of Either a Contested or Uncontested Stipulation**

In deciding whether to approve a stipulation, the Commission will consider the following criteria:

- a. Whether the parties joining the stipulation represent a sufficiently broad spectrum of interests that the Commission can be sure that there is no appearance or reality of disenfranchisement;
- b. Whether the process that led to the stipulation was fair to all parties;
- c. Whether the stipulated result is reasonable and is not contrary to legislative mandate; and
- d. Whether the overall stipulated result is in the public interest.

**E. Withdrawal or Dismissal**

**1. Voluntary Withdrawal or Dismissal**

Except for petitions brought pursuant to 35-A M.R.S.A. §1302(1), proceedings may be dismissed by the petitioner without order of the Commission by filing a notice of dismissal. A petition filed under 35-A M.R.S.A. §1302(1) may be dismissed upon a representation by the lead complainant that the cause of the complaint no longer exists. Unless otherwise specified by the commission, an order, dismissing a complaint shall be without prejudice.

**2. Involuntary Dismissal**

- a. The Commission, on its own motion, after notice to the parties, and in the absence of a showing of good cause to the contrary, may dismiss an action for want of prosecution at any time more than two years after the last docket entry showing any action taken therein.
- b. The Commission may dismiss any proceeding for failure of the party initiating the proceeding to comply with these rules, other required action or any order of the Commission, provided that notice has been given that failure to take the required action may result in dismissal. Any such dismissal may be set aside by the Commission for good cause shown.

**F. Presiding Officer**

**1. Powers of Presiding Officer**

Presiding officers may:

- a. administer oaths and affirmations;
- b. rule on the admissibility of evidence, and admit into the record material relied upon by the Commission pursuant to section 8(I)4, provided that the presiding officer is either authorized to practice before the Maine Supreme Judicial Court or a Commissioner;

- c. regulate the course of the proceeding, set the time and place for hearings and fix the time for filing of evidence, briefs and other written submissions;
- d. examine witnesses;
- e. issue subpoenas;
- f. require the production of books, accounts, papers, documents and testimony;
- g. rule on motions or petitions made pursuant to the Maine Rules of Civil Procedure or this Chapter, except that rulings on motions to dismiss, motions for summary judgment or denials of petitions to intervene shall be made by the Commission;
- h. prepare written reports with the assistance of the advisory staff, as set forth in section 8(G)4; and
- i. perform such other duties as may be assigned to them.

2. **Presiding Officer to Conduct Hearing; Substitute Officer**

One or more presiding officers may be designated to preside over a hearing. Whenever a presiding officer is disqualified or it becomes impracticable for him or her to preside over a hearing, another presiding officer may be assigned to preside, provided that, if it is shown that substantial prejudice to any party will thereby result, the substitute officer shall commence the hearing anew.

3. **Use of Advisory Staff and Consultants**

- a. If an advisory staff member or consultant relies upon facts not otherwise in the record or presents to the Commission any independent financial or technical analysis not otherwise in the record, the staff member or consultant:
  - i. shall place any such information into the record;
  - ii. is subject to discovery; and
  - iii. must be available to answer questions regarding those facts or analysis, in the same manner as witnesses in the proceeding, at a time sufficient to permit parties to respond.
- b. This paragraph does not apply to reviews, evaluations or examinations of information, data, studies, analyses or computer modeling placed into the record by other parties or other aid or advice provided by advisory staff members or consultants. Compliance with this paragraph does not

render the advisory staff member or consultant an advocate under the Maine Administrative Procedure Act.

4. **Report of Presiding Officer**

- a. In the event that the presiding officer prepares any report or proposed findings for the agency, the report or findings shall be in writing. For purposes of this section a report includes recommended decisions, conclusions of law and discretionary policy determinations. A report does not include the oral recounting of evidence, the furnishing of materials which will aid in finding, interpreting or evaluating evidence, providing the Commission with legal advice or other aid or advice of the presiding officer an advisor or other staff member or consultant.
- b. A copy of the report or findings shall be provided to each party, and an opportunity shall be provided for response or exceptions to be filed by each party. The presiding office shall set the time within which exceptions may be filed.
- c. When a report has been prepared and time for filing of exceptions has elapsed the presiding officer, other advisors, other members of the staff or consultants may, upon request of the Commission, comment upon the proceeding, the presiding officer's report, and the exceptions thereto.

5. **Bias of Presiding Officer, Advisory Staff or Commission Member**

Proceedings shall be conducted in an impartial manner. Upon the filing in good faith by a party of a timely charge of bias or of personal or financial interest, direct or indirect, of a presiding officer, advisory staff member, or Commissioner in the proceeding, requesting that the person disqualify him or herself, the person whose disqualification is sought shall determine the matter as a part of the record.

G. **Ex Parte Communications**

1. **Ex Parte Communications Prohibited**

- a. Throughout any adjudicatory proceeding:
  - i. no commissioner, presiding officer, or other advisory staff member in a proceeding shall communicate, directly or indirectly with any party, including a proposed intervenor, or any other person legally interested in the outcome of the proceeding; and
  - ii. no party, including a proposed intervenor or person legally interested in the outcome of a proceeding shall communicate, directly or indirectly, with any commissioner, presiding officer, or other advisory staff member in connection with any potential decision in the case or any issue of fact, law or



procedure, except upon notice and opportunity for all parties to participate as provided in these rules or pursuant to order of the presiding officer.

- b. Any Commissioner, presiding officer, other advisory staff member, party or representative of a party making or receiving an ex parte communication prohibited by this section shall, within 48 hours after first having reason to believe the communication was prohibited, disclose the substance of such communication to all parties to the proceeding.

## 2. **Prohibited Communications after Issuance of Presiding Officer's Report**

- a. In an adjudicatory proceeding, after the issuance of the presiding officer's report or proposed findings, no person shall make any direct or indirect communication to any commissioner, presiding officer, or other advisory staff member in connection with any potential or proposed decision in the proceeding or any issue of fact, law or procedure, except for the filing by a party of a response or exceptions to the report or proposed findings as permitted by section 752(b), or except as permitted by order or prior approval of the Commission or presiding officer, or except as by motion pursuant to section 1004. In the event any of the above receive such a communication it should be disclosed as required in Section F(A)(2) above.
- b. In the event that the Commission receives a communication that violates the prohibition contained in subsection (a), the communication shall be disclosed as required in (G)(1)(b) above.
- c. No party in a proceeding shall request, encourage, suggest, or provide any assistance to any other person to make a communication that would violate subsection (a) of this section.

## 3. **Communications Permitted**

This section shall not prohibit:

- a. Any commissioner or presiding officer from communicating in any respect with commissioners or presiding officers; or
- b. Any commissioner or presiding officer from having the aid or advice of those members of the Commission staff, counsel or consultants retained by the Commission who have not participated and will not participate in the Commission proceeding in an advocate capacity; or
- c. Inquiry by a party, a commissioner, a presiding officer, or other advisory staff member concerning the status of any event contained in the procedural schedule, any filing, or any order.
- d. Individual communications between any party and members of the Commission's advocacy staff or between any party and any staff members in a non-adjudicatory proceeding.

4. **Proposed Findings or Decisions**

No party or representative of any party shall prepare and forward proposed or draft findings or final decisions of any matter pending before the Commission to any Commissioner, presiding officer or advisory staff member unless such party or representative has been requested to do so by the Commissioner or presiding officer. Any party making a procedural motion to the Commission or presiding officer may append a proposed procedural order to the motion.

H. **Record**

1. **Contents of Record**

In an adjudicatory proceeding, the Administrative Director shall maintain and preserve a record which shall consist of:

- a. all applications, pleadings, motions and preliminary and interlocutory rulings and orders;
- b. evidence received or considered ;
- c. a statement of facts officially noticed;
- d. offers of proof, objections and ruling thereon;
- e. presiding officer's report or reports, if any;
- f. exceptions, if any, to report or reports;
- g. the decision of the Commission; and
- h. all briefs and other memoranda submitted to the Commission or presiding officer by parties.

2. **Hearings Recorded**

The Commission shall record all adjudicatory hearings in a form capable of transcription.

3. **Availability of Record**

The transcript of adjudicatory hearings shall be available through the Commission's electronic filing system.

4. **Decision Based on the Record**

All material, including records, reports and documents in the possession of the Commission, that it desires to use in making a decision, shall be offered and

made a part of the record as evidence. Factual information shall be considered in rendering a decision only if such information is in the record as evidence.

5. **Documentary Evidence**

Documentary evidence may be incorporated into the record by reference when the materials so incorporated are made available for examination by the parties before being received into evidence.

6. **Specialized Agency Knowledge**

The Commission may use its experience, technical competence and specialized knowledge, including that of the members of its advisory staff, in the decision-making process, for the purpose of evaluating the evidence presented to it.

**§ 9 ADJUDICATORY PROCEEDINGS; PREHEARING PRACTICE**

A. **Prehearing Conferences**

The presiding officer may, upon written notice to all parties and proposed intervenors, hold a prehearing conference before or upon completion of discovery, for the purposes of ruling on pending motions and petitions for intervention, setting procedures and timetables for discovery, scheduling hearings and other proceedings, considering motions, limiting the amount of additional discovery and addressing other discovery issues, formulating or simplifying the issues, obtaining admissions of fact and of documents which will avoid unnecessary proof, arranging for the exchange of proposed exhibits or prepared expert testimony, limiting the number of witnesses and consolidating the examination of witnesses, setting forth the scope of recross and redirect examination, providing for the procedure to be followed at the hearing, identifying proposed witnesses, discussing the status of stipulation negotiations, if any, and for any other purposes that may expedite the orderly conduct and disposition of the proceeding.

1. **Prehearing Memoranda**

The presiding officer may require the parties to file prehearing memoranda and to serve a copy of the memoranda on all parties of record.

2. **Prehearing Order**

The presiding officer may issue an order based upon the prehearing conference or the prehearing memoranda which will control the course of subsequent proceedings. Modification of the order may be allowed at the hearing by the presiding officer for good cause or to avoid significant prejudice.

**B. Discovery**

The Maine Rules of Civil Procedure and this subpart shall govern the parties' rights to discovery before the Commission.

**1. Discovery by Commission and Staff**

In addition to the discovery rights contained in the Maine Rules of Civil Procedure, the Commission shall have all the rights granted by statute to obtain all necessary information to enable it to perform its duties.

**2. Data Requests by Parties**

In addition to the discovery rights provided by the Maine Rules of Civil Procedure, all parties shall have the right to serve data requests upon any other party. The following procedures shall be observed in filing data requests and responses:

- a. A copy of each such request and data response shall be filed with the Commission.
- b. Data requests shall not be unduly repetitious, shall be relevant to the subject matter involved in the proceeding, and shall be in writing specifically directed to a party or parties, unless requested on the record during a hearing. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.
- c. The response to each item shall begin in a separate page and shall include the text of the request, the date, the name of the author of the data response and the identity of the witness responsible for the response.
- d. Unless another time is fixed by the presiding officer, responses to data requests shall be served within one month from receipt by the responding parties. Objections to data requests shall be served within one week from receipt unless otherwise ordered by the presiding officer.

**3. Technical Conferences**

In lieu of, or in addition to, data requests, the presiding officer may schedule technical conferences during which oral discovery will take place. A transcript may be made of such conferences and all or part of the transcript may be entered into the record in the same manner as data responses.

**4. Oral Data Requests**

If during the course of examination of a witness, the witness states that he or she cannot testify to a matter from memory or following a review of readily available documents, the examining party, subject to objection by the party whose witness

is being examined, may make an oral data request for the information. The presiding officer shall assign a number to each oral data request.

5. **Use of Discovery**

Any discovery obtained by any party pursuant to this subpart may be used during the proceeding to the extent permitted by the Maine Rules of Evidence.

6. **Sanctions**

Any and all of the sanctions for failure to respond to discovery requests provided in Rule 37 of the Maine Rules of Civil Procedure are available to the Commission or presiding officer, except that dismissal for failure to respond to discovery a request shall be ordered only by the Commission.

**§ 10 ADJUDICATORY PROCEEDINGS; HEARINGS AND EVIDENCE**

A. **Hearings**

1. **Right to Hearing**

Public hearings will be held whenever required by law or requested by a party entitled to a hearing, and otherwise as may determined by the Commission or presiding officer.

2. **Order of Procedure**

The presiding officer will open the hearing and may make a concise statement of its scope and purposes. Appearances shall be entered on the record. The presiding officer at the initial hearing or at the prehearing conference, if any, shall inform the public of the manner in which an appeal of any decision resulting from the proceeding may be taken.

3. **Examination**

Unless limited by stipulation, by order under section 8(B)4 or unless otherwise limited by the Commission or presiding officer to prevent repetition or unreasonable delay in proceedings, every party shall have the right to present evidence and arguments on all issues, to call and examine witnesses at hearings and to make oral cross-examination of any person present and testifying.

4. **Witnesses**

All witnesses shall swear that their testimony is wholly truthful or shall make a solemn affirmation to that effect in lieu thereof.

**B. Rules of Evidence**

The Maine Rules of Evidence shall be followed in Commission adjudicatory proceedings except as provided below.

1. **Hearsay.** The Commission may allow testimony that would be considered hearsay under the Rules of Evidence if it has equivalent circumstantial guarantees of trustworthiness to other hearsay exceptions, if the presiding officer determines that:
  - a. The statement is offered as evidence of a material fact and does not constitute unduly repetitious evidence;
  - b. The statement is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs; and
  - c. The general purposes of the rules of evidence and the interests of justice are best served by admission of the statement into evidence.

**C. Admission into Evidence of Oral Data Requests by Commission, Presiding Officer or Advisory Staff Member**

If, during the course of the hearing, the Commission, presiding officer or advisory staff member makes an oral data request of any witness, the response to the data request shall be made part of the record 10 days following receipt by the Commission, unless an objection to introduction of the response is filed or made orally at the time of the request. The presiding officer shall rule on any such objection within 10 days following filing of the objection.

**D. Late-Filed Exhibits**

1. The presiding officer may in his or her discretion allow documentary evidence not in existence or otherwise not readily available at the time of hearing to be identified as a late-filed exhibit and offered as evidence after the close of hearing if the evidence proposed to be submitted is described at the hearing with sufficient particularity to apprise all parties of its content and purpose. The presiding officer shall establish a process for filing, objecting to, and admitting such exhibits.

**E. Official Notice**

The Commission or the presiding officer may take official notice of any facts of which judicial notice could be taken and, in addition, may take official notice of general, technical and scientific matters within their specialized knowledge, and of statutes, regulations and non-confidential agency records. Parties shall be notified of the material proposed to be so noticed, and they shall be afforded an opportunity to contest the substance or materiality of the facts noticed. Facts officially noticed shall be included and indicated as such in the record.

**F. Protective Orders**

The presiding officer may issue protective orders as provided for in 35-A M.R.S.A. §§ 1311-A and 1311-B.

**G. Prefiled Testimony and Exhibits**

Unless the presiding officer specifies that testimony will be taken orally, the direct and rebuttal cases of all parties shall be presented in accordance with this subpart.

**1. Direct Case of Petitioner**

Unless the presiding officer orders another date, the petitioner shall file the direct testimony and exhibits of each witness which it proposes to present in support of its direct case no later than 14 days prior to the first hearing. A utility filing a general rate case shall include the testimony and exhibits at the time of filing its case.

**2. Form of Testimony**

Prefiled testimony shall be in writing, double spaced with each line numbered on each page and indicate the sponsoring witness. If the prefiled testimony standing alone does not satisfy the party's evidentiary burden, that party's case may be dismissed upon motion of a party. Prefiled written testimony shall be double spaced and shall include the line number of each line, in the left-hand margin, except as otherwise permitted by the presiding officer. If the testimony is greater than 20 pages in length, a Table of Contents specifying each issue in the testimony shall be included. Each party may file with its prefiled testimony and exhibits an opening statement containing a narrative summary of the testimony and exhibits.

**3. Other Testimony**

Testimony of the parties other than the petitioners and any rebuttal testimony shall be filed pursuant to the schedule established by the Presiding Officer.

**4. Corrections/Supplements**

A witness must correct errors in his or her prefiled testimony and exhibits and, with consent of the presiding officer, may supplement prefiled testimony if further facts become available following the original filing, by filing amendments thereto through corrective or supplemental prefiled testimony as soon as possible after the receipt of correct or additional information. Copies of corrected or supplemental prefiled testimony shall be filed with the Commission and served on other parties in the same manner as original testimony. With the consent of the presiding officer, and if it is impractical to file corrective prefiled testimony, a witness may be permitted to make minor corrections to prefiled testimony on the witness stand. The prefiled testimony, sponsored by the witness under oath and subject to cross-examination, may be offered as an exhibit with

the same effect as if such testimony had been given orally. Redirect examination will be conducted orally and will be limited to matters raised during cross-examination. Testimony and exhibits may be offered either following the witness's adoption of the prefiled testimony or identification of exhibit or at close of examination of the witness. Objection to prefiled testimony or exhibits may be made at the time the testimony or exhibits are offered or prior thereto.

5. **Oral Direct Testimony**

Whenever prefiled written testimony appears unnecessary or impracticable, the presiding officer may order that direct testimony or supplementation of prefiled direct testimony will be received orally at the time set for hearing.

**§ 11 ADJUDICATORY PROCEEDINGS; POSTHEARING PRACTICE AND PROCEDURE**

A. **Briefs and Exceptions**

Parties shall file exceptions or responses to the report of the presiding officer pursuant to the times established by the presiding officer. Briefs and Exceptions or responses which contain a statement of evidence or facts shall include a reference to the specific portion of the record in which such evidence or facts may be found. When the transcript of the hearing is available, reference to oral testimony shall be by page number.

B. **Oral Argument**

The presiding officer may allow or require oral argument in lieu of or in addition to allowing briefs. Oral argument may be given at the conclusion of the evidence, or at a time and place to be fixed by the presiding officer.

C. **Decisions**

1. Every Commission decision made at the conclusion of an adjudicatory proceeding shall be in writing or stated in the record and shall include findings of fact sufficient to apprise the parties and any interested member of the public of the basis for the decision. A copy of the decision shall be sent to each party to the proceeding or its attorney or representative of record. Written notice of the party's rights to obtain review of the decision within the Commission or to appeal to the Supreme Judicial Court, as the case may be, and of the action required and the time within which such action must be taken in order to exercise the right to review or appeal, shall be given to each party with the decision. Such notice shall not constitute an opinion by the Commission as to whether the party is entitled to such review or appeal. Unless otherwise provided, the order shall be effective on the date it is issued by the Administrative Director. Any period for reconsideration and, pursuant to decision of the Law Court, appeal shall commence as of that date.
2. In extraordinary circumstances, including those in which a deadline imposed by rule or statute requires the issuance of a decision by a specific date, the Commission may issue its decision in two or more parts. The first part shall plainly



state the result of the decision, specify the orders made by the Commission and summarize the factual conclusions reached. The second part shall contain the full statements or findings of fact and shall be issued as soon as possible. In the case of proceedings with a deadline imposed by rule or statute, the second part shall be issued prior to the expiration of the deadline. The Commission may also issue supplemental orders approving compliance filings or other actions on the part of the petitioner required as a result of the Commission's decision.

3. The Administrative Director shall maintain a record of the vote of each member of the Commission with respect to the Commission's decision as reflected on each decision issued.

**D. Rehearing, Reopening, Reconsideration and Clarification**

Petitions to change, modify, rescind, clarify, reconsider or vacate any decision or order of the Commission or presiding officer must be filed by any party in the case of an adjudicatory proceeding or any participant in a non-adjudicatory proceeding with the Commission within 20 days after entry of the determination or order to which the petition relates or at any time within the 20 days following entry of the Commission's final decision or order. A petition for rehearing, reopening or reconsideration shall set forth specifically all grounds supporting the petition and the relief requested. Any petition for rehearing, reopening or reconsideration not granted within 20 days from the date of filing is denied. The time for appeal of a final Commission order does not begin to run until the motion for reopening, rehearing or reconsideration is acted upon or presumed to be denied.

**§ 12 COMPLAINTS**

**A. Formal Complaints under 35-A M.R.S.A. §1302(1)**

1. A complaint filed under 35-A M.R.S.A. §1302(1) shall:
  - a. state the full names and post office addresses of the complainants and identify the lead complainant including the email address of the lead complainant;
  - b. state the full name of the utility complained against;
  - c. state fully, clearly and with reasonable certainty the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order or rule and the section or sections thereof of which a violation is claimed;
  - d. state such other matters or facts, if any, as may be necessary to acquaint the Commission fully with the details of the matter complained of; and
  - e. be signed by least 10 aggrieved persons.

2. The utility must file an answer within 10 days of service. If the utility desires to satisfy the complaint, it may submit to the Commission a written statement of the relief which it is willing to give and an answer to all matters complained of. Upon the acceptance by the Commission of any satisfaction offered, no further proceedings need be taken.
3. If the Commission does not accept the utility's offer of satisfaction, if any, it may conduct such inquiry, under Section 13 of these rules, as needed to determine whether the complaint has merit. After receipt of the answer and any additional inquiry, the Commission may dismiss the complaint as without merit or may open an adjudicatory proceeding to investigate formally the matters to which the complaint relates. The Commission shall issue the decision within 9 months after the complaint's filing.

**B. Informal Complaints**

An informal complaint may be made by any person. The complainant shall provide a statement of the facts involved, name, address of each complainant and of the party complained against. In addition, the following procedures shall apply:

1. consumer complaints shall be resolved by the Consumer Assistance Division;
2. other informal complaints may be assigned to one or more Commission staff members for resolution; and
3. following investigation of informal complaints the Commission may open an inquiry pursuant to Section 13, may institute an adjudicatory investigation or may decline to take action.

**§13 INQUIRIES**

**A. Initiation of Inquiry**

The Commission may initiate an inquiry at any time for the purposes set forth in section 2(H) above.

**B. Notice**

The Commission in its discretion may provide notice of the initiation of any inquiry to any utility which it reasonably believes may be affected by the inquiry or to other persons that it believes may be interested in the proceeding. .

**C. Presiding Officer**

The Commission may appoint a presiding officer whose duties may include those set forth in section 8(G) of this Chapter.

**D. Hearings**

If a hearing is held, examination of persons testifying orally at any inquiry hearing shall be limited to questions from the Commission, the presiding officer and members of the Commission Staff, unless otherwise permitted by the Commission or presiding officer.

**E. Subpoenas and Discovery**

In order to carry out its inquiry, the Commission and its Staff shall have all powers of discovery in connection with the subject matter of the inquiry and may require production of books, accounts, papers, records or verified copies of them by order or subpoena in accordance with the provisions of 35-A M.R.S.A. §112(4)(A).

**F. Termination of Inquiry**

Upon the termination of the Commission's inquiry, the Commission may:

1. initiate an adjudicatory investigation;
2. initiate a rulemaking pursuant to section 6 of this Chapter;
3. make findings of fact or issue a preliminary statement of policy which is not intended to be enforceable but which is intended as a basis for implementing a proceeding pursuant to subsections 1. or 2. above or as advice to assist persons in determining, exercising or complying with their legal rights, duties or privileges; or
4. terminate the inquiry with no action taken.

**§ 14 DELEGATIONS****A. Applicability**

The Commission's delegations under this Section are in addition to delegations of authority contained in other chapters of the Commission's Rules and Regulations, and any other orders issued by it which do not conflict with the delegations granted herein. The Commission may rescind any of the delegations granted in this Part without notice or hearing.

**B. Waiver of Applicability of Chapter 110**

The Commission delegates its authority to permit deviations from the procedural requirements and deadlines of its rules and statutes which allow deviations to the Administrative Director or to the presiding officer assigned to a particular case. The Commission may make further delegations of its authority to permit such deviations by written order.

**C. Compliance**

Unless otherwise ordered, the Directors of the Telephone and Water Utility Industries and Electric and Gas Utility Industries or his or her designee are hereby delegated the authority to approve schedules which are filed solely in compliance with Commission orders or rules.

**D. Suspension, Reorganization, Affiliated Interest, Contract, Transmission**

The Administrative Director is hereby delegated the following authority:

1. to suspend schedule and contract filings pursuant to 35-A M.R.S.A. §310(2);
2. to suspend the effective date of a contract pursuant to 35-A M.R.S.A. §707(3)(A); and
3. to extend the effective date of a reorganization pursuant to 35-A M.R.S.A. §708(2)(A).

**E. Additional Delegations**

The Commission may delegate its authority through additional delegation orders issued from time to time. Copies of all delegation orders which apply to more than a single proceeding shall be indexed and maintained by the Administrative Director and shall be made available in the same manner as all other Commission Orders.

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**STATUTORY AUTHORITY:**

5 M.R.S.A. §§ 8001-9063 and 35-A M.R.S.A. §§ 108-A, 111, 112, 1302, 1304, 1305, 1311, 1312, 1313, 1318

**EFFECTIVE DATE:**

This rule was approved by the Secretary of State on **March 21, 1990** and became effective on **March 26, 1990**.

**AMENDED:**

February 10, 1996

**EFFECTIVE DATE (ELECTRONIC CONVERSION):**

May 4, 1996

**CONVERTED TO MS WORD:**

May 18, 2005

**AMENDED:**

This rule was approved by the Secretary of State on **November 21, 2012** and became effective on **November 26, 2012** (filing 2012-331).