

Resolution ALJ-274, 12/1/2011; Regarding Enforcement of Safety Regulations for Violations by Gas Corporations, for Citations Issued Prior To 9/29/2016⁵

Additional Statutory Authority: Various, including but not limited to General Order (GO) 112-E and CFR Title 49, Parts 190, 191, 192, 193 and 199.

Event	Resolution ALJ-274	Governing Appellate Rule
File Appeal	Within 10 calendar days from service of the citation. (Appendix A § II.A.1)	Program Rule 3: File Notice of Appeal with Docket Office; File within time stated by Resolution ALJ-274, Appendix A § II.A.1.
Content of Appeal	Explain with specificity each and every ground for appeal. (Appendix A § II.A.2)	Program Rule 5: State date and dollar amount of the citation; indicate rationale for appeal as required by Resolution ALJ-274, Appendix A § 11.A.2.
Compliance Filing	Silent	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 Judge and Appellant on same day.

⁵ Decision (D.)16-09-055, as modified by D.18-05-023 (summarized below) governs electric and gas citations issued on or after 9/29/16.

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Exchange of Info	Silent	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 business days prior to hearing.
Hearing Date	Promptly, parties notified at least 10 days in advance of hearing; Judge may for good cause or parties' agreement, grant reasonable continuance of hearing. (Appendix A § II.C)	Program Rule 10: Hearing must commence as required by Resolution ALJ-274, Appendix A § II.C.
Burden of Proof	Staff has the burden to prove a <i>prima facie</i> case supporting its issuance of the citation; the burden then shifts to appellant to demonstrate that a violation did not occur and the citation should not issue or that the amount of the penalty is inappropriate. (Appendix A § II.G)	Program Rule 11: The burden of proof is as set forth in Resolution ALJ-274, Appendix A § II.G.
Evidence	Rule 13.6 (Evidence) of the Commission's Rules of Practice and Procedure	Program Rule 13: Rule 13.6 (Evidence) of the Commission's Rules of

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	applies. (Appendix A § H)	Practice and Procedure applies.
Hearing Venue	SF or LA at Commission discretion. (Appendix A § II.D)	Program Rule 12: Venue as set forth in Resolution ALJ-274, Appendix A § II.D.
Party Representative	At appellant's expense. (Appendix A § II.H)	Program Rule 13: At appellant's expense.
Transcript	Appellant must pay costs per Commission's procedures. (Appendix A § II.F)	Program Rule 14: Appellant must pay costs per Commission's procedures.
Interpreter	Upon good faith showing of language difficulty and written request to the assigned Judge and the Public Advisor's Office not less than three business days prior to date of hearing. (Appendix A § II.E)	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 evidence or argument. (Appendix A § II.I)	Program Rule 16: The submission date is governed by Resolution ALJ-274, Appendix A § II.I.
Issuance of Draft Resolution	Within 60 days after submission.	Program Rule 17: Draft decision issued

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	Parties may file comments on draft resolution. (Appendix A § II.J)	expeditiously, and no later than 60 days after submission. Program Rule 18: Draft Resolution issued for public comment.
Ex Parte Communications	Prohibited from date of service of the citation through Commission and court decisions, if any, resolving applications for rehearing of the resolution on the citation. (Appendix A § II.L)	Program Rule 19: Prohibited from date the citation (which is being appealed) issues to final order.
Rehearing	Yes. (Appendix A § II.K)	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. Note that Rule 6 requires that the Notice of Appeal must also be served on other entities (besides the minimum required in Rule 6) if required by the Citation Program. Resolution ALJ-274, Appendix A § II.A.1 requires service on other entities besides the minimum required by Rule 6.
- 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