

ARTICLE 69-02 PRACTICE AND PROCEDURE

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CHAPTER 69-02-01 GENERAL PROVISIONS

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69-02-01-01. Applicability.

This article applies to all proceedings before the public service commission unless inconsistent with a specific statute or rule, in which case the more specific statute or rule applies.

History: Amended effective September 1, 1992.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-01-07

69-02-01-02. Address - Sessions.

The office of the public service commission is in the state capitol, 600 east boulevard, department 408, Bismarck, North Dakota 58505-0480. The commission is continually in session.

History: Amended effective September 1, 1992; January 1, 2001.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-01-07

69-02-01-03. Communications.

All correspondence to and filings with the commission must be on eight and one-half by eleven-inch [21.59 by 27.94-centimeter] paper and must be addressed to:

Executive Secretary
Public Service Commission
State Capitol
Bismarck, North Dakota 58505-0480

Documents must be printed, typewritten, or otherwise mechanically reproduced. The left, top, and bottom margins must be one inch [2.54 centimeters] deep on all pages. Each filing must contain a transmittal letter summarizing the authorization, permission, or relief requested, including the name and address of the person making the filing, and identify each item in the filing.

History: Amended effective August 1, 1981; September 1, 1992.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-01-07

69-02-01-04. Case numbers and title.

Each matter before the commission is a case and will be given a docket number and title, descriptive of the subject matter. The number and title must be used on all filings and correspondence concerning the case.

History: Amended effective September 1, 1992.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-01-07

69-02-01-05. Personal and representative appearances.

Participants may appear in any proceeding in person or by an attorney or other qualified representative.

The following persons may appear in any proceeding: (1) an individual in the individual's own behalf; (2) a member of a partnership; (3) an officer or authorized employee of a corporation, association, group, government agency, department, or subdivision.

History: Amended effective September 1, 1992.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-01-07

69-02-01-06. Practice before the commission.

1. **Party in own interest.** Any party may appear before the commission in the party's own right.
2. **Attorneys.** Attorneys at law who are admitted to practice in North Dakota may practice before the commission.
3. **Other persons.** Any other person who possesses the necessary legal or technical qualifications to enable the person to render valuable service may, with the commission's permission, practice before the commission.
4. **Rules of conduct.** All persons appearing before the commission must conform to the standards of ethical conduct required of practitioners before the courts of the state of North Dakota. The commission or a hearing officer may bar a person from appearing before the commission for improper conduct.

History: Amended effective September 1, 1992; April 2011.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-01-07

69-02-01-07. Parties.

1. **Classification.** Parties to proceedings before the commission are designated as applicants, complainants, petitioners, intervenors, protestants, or respondents, according to the nature of the proceeding and the party's interest.
2. **Applicant.** An applicant is a person filing a formal written request with the commission for some right, privilege, or authorization.
3. **Complainant.** A complainant is a person who complains to the commission of acts done or omitted to be done in violation of law, rule, or order.
4. **Petitioner.** A petitioner is a person seeking relief not otherwise designated.
5. **Intervenor.** An intervenor is a person, other than an original party to a pending proceeding, who becomes a party under section 69-02-02-05. Admission as an intervenor shall not be construed as recognition by the commission that the intervenor might be aggrieved by any order of the commission in the proceeding.
6. **Protestant.** A protestant is a person opposing on grounds of private or public interest the approval of an application, petition, motion, or other matter under consideration by the commission.
7. **Respondent.** A respondent is a person subject to the authority of the commission to whom an order or notice is issued by the commission instituting a proceeding or investigation on its own initiative or against whom a complaint is filed.

History: Amended effective September 1, 1992.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-01-07

69-02-01-08. Investigation.

The commission may, upon its own motion or upon the complaint of any person, institute investigation proceedings and hold investigatory hearings in any matter under its jurisdiction. In addition to the evidence presented by the parties, the commission may, through its staff or otherwise, secure and present such evidence as it considers necessary or desirable in any proceeding.

History: Amended effective September 1, 1992.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-08, 49-01-07

69-02-01-09. Definitions.

As used in this article except as otherwise required by the context:

1. "Commission" and "commissioner" mean the public service commission, and a member thereof, respectively.
2. "Commission's staff" includes the commission's experts, employees, and attorneys.
3. "Executive secretary" means the executive secretary or office of the executive secretary of the commission.
4. "Hearing officer" includes any one or more of the members of the commission duly designated, or one or more hearing officers appointed according to law and duly designated to preside at hearings or conferences.

5. "Participants" includes any party or person admitted by the commission to participate in a proceeding, including the commission's staff.
6. "Person" includes any individual, partnership, corporation, association, organized group including governmental agencies and subdivisions and trade associations.
7. "Public utility" includes any association, person, firm, corporation, or agency engaged or employed in any business which is under the jurisdiction of the commission. (See North Dakota Century Code section 49-01-01.)
8. "Tariff" includes any rate, joint rate, fare, toll, schedule, price schedule, classification, contract, practice, rule, regulation, or service, which is required by law to be filed with the commission.

History: Amended effective September 1, 1992.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-01-07

69-02-01-10. Liberal construction.

This article shall be liberally construed to secure just, speedy, and inexpensive determination of the issues presented.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-01-07

69-02-01-11. Suspension of rules.

The commission reserves the right to suspend, either upon its own motion or upon the motion of any party, the operation of or necessity for compliance with any rule of procedure or part thereof, upon due notice to all parties, whenever the public interest or the interest of any party to a proceeding will not be substantially prejudiced thereby.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-01-07