

CHAPTER 13-01.1-06 REOPENING, REHEARING, REVIEW

Section

13-01.1-06-01 Petition to Reopen
13-01.1-06-02 Petition for Reconsideration

13-01.1-06-01. Petition to reopen.

After the conclusion of a hearing, but before the board issues its final order, any party may file with the board a petition to reopen the proceeding for the purpose of taking additional evidence.

1. The petition must state the facts claimed to constitute the grounds for reopening of the proceeding, including the material changes of fact or law alleged to have occurred since the conclusion of the hearing.
2. A copy of the petition to reopen must be served by the petitioning party upon all parties to the proceedings or their attorneys of record, and a certificate to that effect will be attached to the petition when filed with the board. The original and ten copies must be filed with the board.
3. Within ten days following the service of any petition to reopen, any other party to the proceeding may file with the board the party's answer thereto, and in default thereof shall be deemed to have waived any objection to the granting of such petition.
4. If, after the hearing in a proceeding, either before or after the issuance of its final order, the board has reason to believe the conditions of fact or law have so changed as to require, or that public interest requires, the reopening of such proceeding, the board shall issue an order for the reopening of the proceeding. If approved, the board may grant the petition to reopen upon such terms and conditions as the board may provide.

History: Effective January 1, 1980; amended effective November 1, 1994.

General Authority: NDCC 6-01-04, 28-32-02

Law Implemented: NDCC 6-01-01, 6-01-04, 28-32-14

13-01.1-06-02. Petition for reconsideration.

Petitions for reconsideration must be filed in accordance with North Dakota Century Code section 28-32-14. The original and ten copies of all petitions for reconsideration must be filed with the board at the time the petition is served upon the parties. Responses to petitions for reconsideration must be filed with the board within ten days following the service of the petition or objection to the granting of the petition will be deemed waived.

History: Effective January 1, 1980; amended effective November 1, 1994.

General Authority: NDCC 6-01-04, 28-32-02

Law Implemented: NDCC 6-01-01, 6-01-04, 28-32-14