

CHAPTER 69-02-06 REOPENING AND RECONSIDERATION

Section

69-02-06-01	Petition to Reopen
69-02-06-02	Petition for Reconsideration
69-02-06-03	Appeal [Repealed]

69-02-06-01. Petition to reopen.

At any time after the conclusion of a hearing, but before the final order is issued or a rule is adopted, any party may file a petition to reopen the proceeding for the purpose of taking additional evidence.

1. **Contents.** The petition must set forth clearly the facts claimed to constitute the grounds requiring reopening of the proceeding, including any material changes of fact or law alleged to have occurred since the conclusion of the hearing.
2. **Service.** A copy of the petition to reopen must be served by the petitioning party upon all parties and a certificate to that effect must be attached to the petition when filed with the commission. The original and seven copies must be filed with the commission.
3. **Responses.** Within ten days following the service of a petition to reopen, any other party may file a response. The response must be served on the parties and the original response and certificate of service and seven copies must be filed with the commission. Failure to file a response is a waiver of any objection to the granting of the petition.
4. **Order to reopen.** If the commission has reason to believe the conditions of fact or law have so changed as to require, or that public interest requires, the reopening of a proceeding, the commission may issue an order to reopen.

History: Amended effective September 1, 1992.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-01-07

69-02-06-02. Petition for reconsideration.

1. **Time for filing.** A petition for reconsideration must be filed within fifteen days after notice of the decision has been given under North Dakota Century Code section 28-32-13.
2. **Content.** The petition must state the specific grounds upon which the petition rests or a statement of any further showing to be made. The petition must also state if a rehearing or oral argument is requested.
3. **Service.** A petition must be served by the petitioner upon all parties and a certificate to that effect must be attached to and filed with the commission at the time the petition is filed. The original and seven copies must be filed with the commission.
4. **Responses.** Within ten days after the service of the petition, any party to the proceeding may file with the commission an original and seven copies of the party's response. Failure is a waiver of any objection to the granting of the petition.

History: Amended effective September 1, 1992.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-01-07

69-02-06-03. Appeal.

Repealed effective September 1, 1992.