

Resolution ALJ-187, 9/22/2005; Citation Appeal Procedures for Household Goods Carriers, Charter Party Carriers and Passenger Stage Corporations

Note: Appeals from the following citation program resolutions are governed by Resolution ALJ-187: Resolutions CE 11-84 (charter party carriers); CE 1-86 (passenger stage carriers and motor transportation brokers); CE 9-86 (general freight reregulation program); CE 11-86 (highway common carriers, cement carriers and household goods carriers)¹¹, CE 4-87 (for violations of the Highway Carriers Act, the Household Goods Carriers Act or the Charter-Party Carriers Act); CE 10-90 (household goods carriers and charter-party carriers); CE 2-92 (passenger stage corporations, charter party carriers, highway common carriers, highway permit carriers, cement carriers and household goods carriers)

Additional statutory authority: Various

Event	Resolution ALJ-187	Governing Appellate Rule
File Appeal	20 days after service of citation; if request made before deadline, staff may grant up to two 30 day extensions. (Section 2)	Program Rule 3: File Notice of Appeal with Docket Office; File within time stated by Resolution ALJ-187 § 2. Program Rule 4: Any extension of time to file the Notice of Appeal must be made by the Division Director in writing and attached to the Notice of Appeal.
Content of Appeal	Indicate grounds. (Section 4.c)	Program Rule 5: State date and dollar amount of citation; indicate

¹¹ The Commission currently does not regulate certain carriers mentioned herein (e.g., household goods carriers). We also exclude a synopsis of Resolution TL-19102 from this appendix because it applied solely to household goods carriers which the Commission no longer regulates.

Event	Resolution ALJ-187	Governing Appellate Rule
		rationale for appeal as required by Resolution ALJ-187 § 4.c; Attach written permission for extension of time to file the Notice of Appeal, if applicable.
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.
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, not less than 10 days after appeal received from staff. Judge may for good cause or parties'	Program Rule 10: Hearing must commence as required by Resolution ALJ-187 § 4.d.

Event	Resolution ALJ-187	Governing Appellate Rule
	agreement, grant reasonable hearing continuance. (Section 4.d)	
Burden of Proof	Staff opens and closes; Judge may alter order. (Section 4.h)	Program Rule 11: The burden of proof is as set forth in Resolution ALJ-187 § 4.h.
Evidence	Formal rules do not necessarily apply; Judge may receive all relevant and reliable evidence. (Section 4.h)	Program Rule 13: Rule 13.6 (Evidence) of the Commission's Rules of Practice and Procedure applies.
Hearing Venue	SF or LA; Judge may recalendar. (Section 4.b)	Program Rule 12: Venue as set forth in Resolution ALJ-187 § 4.b.
Party Representative	At appellant's expense. (Section 4.g)	Program Rule 13: At appellant's expense.
Transcript	Appellant must pay costs per Commission's procedures. (Section 4.e)	Program Rule 14: Appellant must pay costs per Commission's procedures.
Interpreter	Upon written request to Chief Judge not less than three business days prior to date of hearing. (Section 4.f)	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.

Event	Resolution ALJ-187	Governing Appellate Rule
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. (Section 4.i)	Program Rule 16: The submission date is governed by Resolution ALJ-187 § `4.i.
Issuance of Draft Resolution	Not later than 30 days after submission. (Section 4.j)	Program Rule 17: Draft decision issued expeditiously, and no later than 60 days after submission. Program Rule 18: Draft Resolution issued for public comment.
Ex Parte Communications	Prohibited from Notice of Appeal to final order. (Section 4.k)	Program Rule 19: Prohibited from date the citation (which is being appealed) issues to final order.
Rehearing	Silent	Program Rule 20: Resolution subject to rehearing.

Additional Program Rules:

- Rule 6: Minimum Service Requirements for the Notice of Appeal
- 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