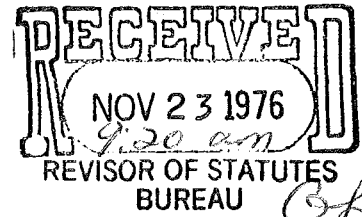


PSC 2

CERTIFICATE



STATE OF WISCONSIN            )  
   )  
 PUBLIC SERVICE COMMISSION)        ss.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Lewis T. Mittness, Executive Secretary of the Public Service Commission of Wisconsin, and custodian of the official records of said commission, do certify that the annexed rules relating to procedure and practice before the Public Service Commission of Wisconsin were duly approved and adopted by this commission on October 26, 1976.

I further certify that said copy has been compared by me with the original on file in this commission and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the commission at the Hill Farms State Office Building in the City of Madison this 22 day of November, 1976.

*Lewis T. Mittness*

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 Lewis T. Mittness  
 Executive Secretary  
 PUBLIC SERVICE COMMISSION OF WISCONSIN

*AL*

BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

Rules Governing Practice and Procedure    )  
Before the Public Service Commission       )       1-AC-9

ORDER OF THE PUBLIC SERVICE COMMISSION  
REPEALING, CREATING, AND AMENDING RULES

Pursuant to authority vested in the Public Service Commission of Wisconsin by Chapter 196 and sections 227.014 and 227.09(3), Wis. Stats., the Public Service Commission hereby repeals, adopts and amends rules as follows:

Sections PSC 2.01(1) and (2), 2.35 (intro.), 2.391, 2.60(1) and (2), 2.61, 2.611, 2.62, and 2.66 of the Wisconsin Administrative Code are amended to read:

PSC 2.01 Communications and documents addressed to commission. (1) All written communications and documents should be addressed to Public Service Commission of Wisconsin, Hill Farms State Office Building, 4802 Sheboygan Avenue, Madison, Wisconsin 53702, and not to individual members of the staff. All communications and documents delivered at the office of the executive secretary are officially received.

(2) The executive secretary may designate agents to receive written communications and documents. Presiding officers will receive communications and documents at hearings.

(Underlinings indicate additions.)

PSC 2.35 Rules of evidence are governed by section ~~227.10~~ 227.08, Wis. Stats.

(Underlining indicates addition; strike indicates deletion.)

(Note: PSC 2.35(1)--(8) remain unchanged.)

PSC 2.391 Objections to proposed decisions.

(1) Where a proposed decision is prepared and circulated pursuant to sec. 227.09(2) or (4), Wis. Stats., objections thereto shall be filed within 15 days of service unless a different period is specified by the hearing examiner or commission. Such objections and briefs in support thereof shall be filed together and shall be governed by sec. PSC 2.38(2).

(2) Oral argument will be held only where directed by the commission. Requests for oral argument shall be included with objections and supporting briefs.

PSC 2.60 Application for rehearing; objections. (1) Application for rehearing may be made within 20 days after entry of any determination or order, and the commission may order a rehearing on its own motion within 20 days after entry of an order. A petition for rehearing is not a prerequisite for judicial review.

(2) Applications for rehearing shall set forth the particular grounds as specified in paragraphs (a) through (c) of section 227.12(3), Wis. Stats., upon which the applicant claims that the order is unlawful, unreasonable, improper or unfair.

PSC 2.61 Service of rehearing applications and objections; technical defects. (1) Applications for rehearing shall be served on all parties to the proceeding. Objections to an application for rehearing shall be served on all parties and filed with the commission within 7 days after the date of service of such application. Such applications for rehearing and objections thereto shall be accompanied by a certificate showing the names of the persons upon whom service was made and the date and manner of service.

(2) The commission will consider timely rehearing applications and objections which do not comply with sections PSC 2.60(4) or 2.61(1) if the defect is promptly corrected when called to the attention of the rehearing applicant or objector by the commission or another party to the proceeding.

PSC 2.611 Order entered without hearing; rehearing; evidence. In a rehearing upon an order entered without hearing, the presiding officer may receive such evidence as he deems will be of assistance to the commission in making a proper determination in the proceeding, and which otherwise complies with the provisions of section 227.08(1), Wis. Stats.

PSC 2.62 Denial of applications by lapse of time. Any application for rehearing not granted within 20 days from the date of its filing shall be taken by the applicant to have been denied. (Section 227.12(5), Wis. Stats.)

PSC 2.66 Prehearing conference. (1) The commission, prior to hearing upon due notice to the parties, or the presiding officer, after calling a hearing and noting appearances, may call a prehearing conference. The purposes of a prehearing conference shall be those specified in section 227.07(4)(a), Wis. Stats.

(2) When a prehearing conference is held, the commission or presiding officer shall prepare a memorandum summarizing the action taken at the conference unless the conference is transcribed or summarized on the record. Section 227.07(4)(b), Wis. Stats. Parties to the conference shall be served with the memorandum and may submit objections or proposed corrections thereto to the commission or presiding officer within 10 days of service. Such objections or proposed corrections shall be served on all other parties to the conference, who may respond within seven days of service.

Section PSC 2.81 of the Wisconsin Administrative Code is created to read:

PSC 2.81 Nonappearance of motor carrier applicants at hearings; examiner's proposed decision. Where an application for a new or amended motor carrier certificate or license has been docketed and set for hearing, failure of the applicant to appear without good cause shown shall be sufficient reason for the dismissal of the application for want of prosecution. The hearing examiner may issue a decision dismissing an application for want of prosecution and such decision shall become the final order of the commission. (Section 227.09(3), Wis. Stats.)

The rules amended and created herein shall take effect on the first day of the month following their publication in the Wisconsin Administrative Register, as provided in section 227.026(1), Wisconsin Statutes.

Dated at Madison, Wisconsin, October 26, 1976

By the Commission.

*Lewis T. Mittness*

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Lewis T. Mittness  
Executive Secretary