

Resolution SED-3, 12/02/2016; Re: Citations Procedures for Enforcement of Safety Regulations by the Safety and Enforcement Division (SED) for Violations by Communications Facilities

Additional Statutory Authority: §§ 2107, §2108, § 2111

Event	Resolution SED-3, Appendix A	Governing Appellate Rule
File Appeal	File Notice of Appeal and proof of service with the Docket Office within 30 days of service of the citation. (Section II.A.1)	Program Rule 3: File Notice of Appeal with Docket Office; File within time stated by Resolution SED-3, Appendix A § II.A.1.
Content of Appeal	State the date of the citation and explain with specificity each and every ground for appeal. (Section II.A.2)	Program Rule 5: State date of citation; indicate rationale for appeal as required by Resolution SED-3, Appendix A § II.A.2.
Compliance Filing	Staff issuing citation must file Compliance Filing including complete copy of citation and all attachments with Docket Office and serve upon Chief ALJ and Appellant no later than seven business days after Notice of Appeal is filed., (Section II.B.3)	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	Parties must exchange all information they intend to introduce into record no later than three business days prior to hearing. (Section II.B.4)	Program Rule 9: Parties must exchange all information intended to be introduced into the record at hearing which is not included in citation

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		or compliance filing no later than three business days prior to hearing.
Hearing Date	Promptly. The Judge may for good cause or parties' agreement, grant reasonable continuance of hearing. Parties will be notified at least 10 days in advance of the hearing. (Section II.B.2)	Program Rule 10: Hearing must commence as required by Resolution SED-3, Appendix A § II.B.2.
Burden of Proof	Staff has burden by a preponderance of the evidence and accordingly shall open and close the hearing. Appellant has burden to prove affirmative defenses. Judge has discretion to alter order. (Section II.B.8)	Program Rule 11: The burden of proof is as set forth in Resolution SED-3, Appendix A § II.B.8.
Evidence	Rule 13.6 of Commission's Rules of Evidence. (Section II.B.9)	Program Rule 13: Rule 13.6 (Evidence) of the Commission's Rules of Practice and Procedure applies.
Hearing Venue	SF or LA, at Commission's discretion. (Section II.B.5)	Program Rule 12: Venue as set forth in Resolution SED-3, Appendix A § II.B.5.
Party Representative	At appellant's expense. (Section II.B.9)	Program Rule 13: At appellant's expense.

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Transcript	Appellant must pay costs per Commission procedures. (Section II.B.7)	Program Rule 14: Appellant must pay costs per Commission's procedures.
Interpreter	Upon good faith showing of language difficulty, and written request to the assigned Judge and Public Advisor's Office, not less than five business days prior to hearing. (Section II.B.6)	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.
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 II.B.10)	Program Rule 16: The submission date is governed by Resolution SED-3, Appendix A § II.B.10.
Issuance of Draft Resolution	No later than 60 days after appeal submitted. Placed on the first available agenda and persons may file comments pursuant to Commission Rule 14.5. (Section II.C)	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 date citation issued through	Program Rule 19: Prohibited from date the

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	the date a final order issued on the citation appeal. (Section III)	citation (which is being appealed) issues to final order.
Rehearing	Subject to rehearing pursuant to § 1731 and judicial review pursuant to § 1756. (Section II.D)	Program Rule 20: Resolution subject to rehearing.

Additional Program Rules:

- Rule 4: Extension of Time to File the Notice of Appeal
- 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