

Resolution TL-18336, 05/22/1990; Re: Rescinding Resolution TL-18266 and Revising Procedures for Denying, Suspending, or Revoking the Operating Authorities of Passenger Carriers and Property Carriers on California Highway Patrol's Recommendation

Additional Statutory Authority: §§ 1033.7, § 1033.5, § 1070, § 768

| Event | Resolution TL-18336 | Governing Appellate Rule |
|--------------------------|--|--|
| File Appeal | No stated period to file Notice of Appeal. (Resolution TL-18336, see e.g., Ordering Paragraph (OP) 4.) | Program Rule 3: File Notice of Appeal with Docket Office; File within time stated by Resolution TL-18336, OP 4. (No stated period within which to file the appeal; however, the entity's license is suspended by order.) |
| Content of Appeal | Silent | Program Rule 5: State date and dollar amount of citation; indicate grounds for appeal. (See also annotation below regarding service requirements under Rule 6.) |
| 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 |

| Event | Resolution TL-18336 | Governing Appellate Rule |
|-------------------------|--|---|
| | | 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 days prior to hearing. |
| Hearing Date | Hearing to be held within 21 days from the date the Application for Hearing form is filed, unless the carrier requests a postponement. (OP 4.) | Program Rule 10: Hearing must commence as required by Resolution TL-18336, OP 4. |
| Burden of Proof | Silent | Program Rule 11: Staff has the burden of proof by a preponderance of the evidence and accordingly shall open and close the hearing. Respondent/Appellant has the burden to prove affirmative defenses it might raise. |
| Evidence | Silent | Program Rule 13: Rule 13.6 (Evidence) of the Commission's Rules of Practice and Procedure applies. |

| Event | Resolution TL-18336 | Governing Appellate Rule |
|-------------------------------------|----------------------------|--|
| Hearing Venue | Silent | Program Rule 12: SF or LA at Commission discretion |
| Party Representative | Silent | Program Rule 13: At appellant's expense. |
| Transcript | Silent | Program Rule 14: Appellant must pay costs per Commission's procedures. |
| Interpreter | Silent | 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 | Silent | Program Rule 16: ordinarily, at the close of hearing. Judge may keep record open for reasonable period. |
| Issuance of Draft Resolution | Silent | Program Rule 17: Draft decision issued expeditiously, and no later than 60 days after submission. Program Rule 18: Draft Resolution issued for public comment |

| Event | Resolution TL-18336 | Governing Appellate Rule |
|--------------------------------|----------------------------|--|
| Ex Parte Communications | Silent | Program Rule 19: Prohibited from date Citation (which is being appealed) issues to final order. |
| Rehearing | Silent | 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; Note that Pub. Util. Code § 1033.7(d) and Resolution TL-18336, OP 4 also require that a written copy of this notice of appeal also be served on the California Highway Patrol
- 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