

Resolution TL-19108, 7/25/2013, Revising and Partially Rescinding Resolution TL-19099, 11/19/2010; Regarding Permanent Revocation of a Charter Party Carrier's Permit to Operate or Penalty Against the Carrier

Additional Statutory Authority: § § 5387, et al.

Event	Resolution TL-19108, revising and partially rescinding Resolution TL-19099	Governing Appellate Rule
File Appeal	Within 15 days after mailing the notice to the carrier. (Pub. Util. Code § 5387.3 (a); Resolution TL-19108, Ordering Paragraph (OP) 4)	Program Rule 3: File Notice of Appeal with Docket Office; File within time stated by Pub. Util. Code § 5387.3 (a) and Resolution TL-19108, OP 4.
Content of Appeal	Full explanation of the basis for the appeal and copies of documents that demonstrate that factual error caused the revocation or refusal to issue. (OP 4)	Program Rule 5: State date and dollar amount of citation; indicate rationale for appeal as required by Resolution TL-19108, OP 4. (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 must serve filing on Chief

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		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	Within 21 days of receipt of the appeal. (Pub. Util. Code § 5387.3 (b); OP 5)	Program Rule 10: Hearing must commence as required by Pub. Util. Code § 5387.3 (b) and Resolution TL-19108, OP 5.
Burden of Proof	Appellant has burden to prove that it was not in violation of Pub. Util. Code § 5387(c). (Pub. Util. Code j§ 5387.3(b))	Program Rule 11: The burden of proof is as set forth in Pub. Util. Code § 5387.3(b).
Evidence	Silent	Program Rule 13: Rule 13.6 (Evidence) of the Commission's Rules of Practice and Procedure applies.
Hearing Venue	Silent	Program Rule 12: Hearing venue in SF or LA, at the Commission's discretion.

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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.
Submission	Silent	Program Rule 16: 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.
Issuance of Draft Resolution	Expedientiously. (OP 6)	Program Rule 17: Draft decision issued expeditiously, and no later than 60 days after submission. Program Rule 18: Draft Resolution issued for public comment.

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Ex Parte Communications	Silent	Program Rule 19: Prohibited from date the citation (which is being appealed) issues to final order.
Rehearing	Yes. (OP 7 and 8)	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 § 5387 (c) and OP 4 requires 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