

220 CMR: DEPARTMENT OF PUBLIC UTILITIES

220 CMR 250.00: TRANSPORTATION OVERSIGHT DIVISION PRACTICE

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250.01: General

(1) Functions of the Transportation Oversight Division. The Transportation Oversight Division of the Department of Public Utilities (Department) shall perform all the designated functions in relation to the administration and enforcement of the provisions of M.G.L. c. 159A and 159B, other than the making of rules and regulations, the establishment and fixing of rates and adjudication of rate investigations in which the propriety of the rate is the prime issue.

(2) Presiding Officer. Hearings shall be conducted by a presiding officer who shall be the Director, Assistant Director, hearings officers of the Transportation Oversight Division, or any other employee of the Transportation Oversight Division, designated by the Chairman of the Commission of the Department of Public Utilities or the Director of the Transportation Oversight Division. The presiding officer is hereby designated and assigned to hear, examine, investigate, and decide on new applications for, or transfer of, carrier certificates or certificates of compliance with state regulations, as well as preside at hearings in which suspension or revocation of a certificate is involved. The presiding officer shall administer oaths and affirmations, issue subpoenas, and make all decisions regarding the admission or exclusion of evidence or any other procedural matter that may arise in the course of the hearing. Any ruling of the presiding officer may be appealed to the Director or, in his absence, the Assistant Director.

250.02: Filing

(1) Filing. All pleadings, documents, or papers relating to matters requiring action by the Transportation Oversight Division shall be filed with the Transportation Oversight Division, One South Station, 5<sup>th</sup> Floor, Boston, Massachusetts 02110, unless electronically filed pursuant to 220 CMR 250.02(2).

(2) Electronic Filing. Papers may be filed and signed by electronic means pursuant to the Department's Electronic Filing Guidelines. A paper filed electronically in compliance with the Electronic Filing Guidelines is a written paper or document for purposes of 220 CMR 250.00.

250.03: Calendar

The Transportation Oversight Division shall maintain a hearing list, and, so far as practicable, matters shall be heard in the order in which they have been initiated.

250.04: Place of Transportation Oversight Division Hearings

Hearings of the Transportation Oversight Division shall be held at the offices of the Department, except as provided in M.G.L. c. 159B, § 3.

250.05: Mailing List

The Transportation Oversight Division shall maintain a mailing list of all persons who request notice of hearings, which may be revised from time to time by the Transportation Oversight Division, and the Transportation Oversight Division shall provide notice of each hearing either by mail through the United States Postal Service, or electronically as consistent with the Department's Electronic Filing Guidelines to each person on the mailing list.

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250.06: Appeals from Decisions of the Transportation Oversight Division

Any party in interest aggrieved by any order of the Director of the Transportation Oversight Division shall have a right of appeal to the Commission. Such appeal shall be claimed by filing with the Secretary of the Commission, and with the Director of the Transportation Oversight Division, a written claim of appeal within 20 days from the date of the order appealed from, which claim of appeal shall specifically set forth the grounds upon which the appellant claims to be aggrieved by the order of the Director. A copy of the claim shall be served by the appellant on each person who appeared at the hearing before the Transportation Oversight Division. Such appeal shall be heard on the evidence introduced at the hearing before the Transportation Oversight Division. No new evidence will be received at the hearing on appeal. An appeal shall not operate as a stay of the order of the Director, except in cases involving suspension or revocation of operating rights.

REGULATORY AUTHORITY

220 CMR 250.00: M.G.L. c. 25, § 12F; M.G.L. c. 159A and M.G.L. c. 159B.