

ORIGINAL

Decision No. 47081

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the amendment and revision of the Rules of Procedure of the Public Utilities Commission of the State of California.

Case No. 4924

ORDER REVISING RULES OF PROCEDURE  
(Revised rules effective July 1, 1952)

The present rules of practice and procedure, drafted with the assistance of practitioners before the Commission, were adopted in 1950, after public hearings in San Francisco and Los Angeles. (Dec. No. 43994.) Rules 7, 11, 35, and 69, relating to the number of copies of pleadings to be filed, were amended in 1951. (Dec. No. 46284.) The 1951 Legislature adopted the Public Utilities Code, codifying therein many of the regulatory statutes conferring jurisdiction upon the Commission. (Stats. 1951, ch. 764, as amended.) Revision of the procedural rules is necessary because of the numerous statutory references therein. The attached revision contains no substantive changes.

Good cause appearing, IT IS ORDERED as follows:

1. The revised Rules of Practice and Procedure, attached hereto, are hereby adopted.
2. The Secretary is directed to cause an adequate number of copies of this decision to be printed for Commission use and for service upon and distribution to practitioners, utilities, carriers, po-

litical subdivisions, and others who appear before the Commission.

This order shall become effective on the date hereof.

Dated, San Francisco, California, this 29th  
day of April, 1952.

A. J. [Signature]  
President

Harold P. [Signature]

[Signature]

[Signature]

Commissioners

Commissioner JUSTUS F. CRAEMER being necessarily absent, did not participate in the disposition of this proceeding.

PUBLIC UTILITIES COMMISSION  
RULES OF PRACTICE AND PROCEDURE

Preface

The following rules of practice and procedure before the California Public Utilities Commission were promulgated by Decision No. 47001 in Case No. 4924. These rules, effective July 1, 1952, are issued under authority contained in the Public Utilities Code (Stats. 1951, ch. 764, as amended), particularly Section 1701 thereof.

The rules of practice and procedure apply to formal proceedings before the Commission. Informal requests for relief or assistance may be made by letter, by telephone, or in person. Matters thus presented, if their nature so warrants, will be taken up by the Commission's staff with the parties involved in an effort to assist them in arriving at an amicable informal adjustment of the matter.

All communications should be addressed to California Public Utilities Commission, State Building, San Francisco 2, or The Mirror Building, 145 South Spring Street, Los Angeles 12.

The former rules, prepared with the assistance of practitioners, were filed with the Secretary of State pursuant to Government Code, sec. 11380. They were printed as Title 20 of the California Administrative Code. Such former rules, as amended, are hereby repealed. Revision is necessary because many of the regulatory statutes have been codified as parts of the Public Utilities Code by Statutes 1951, chapter 764.

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BEFORE THE PUBLIC UTILITIES COMMISSION

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Article 1. Code of Ethics.

1. (Rule 1) Code of Ethics. Any person who signs a pleading or brief, enters an appearance at a hearing, or transacts business with the Commission, by such act represents that he is authorized to do so and agrees to comply with the laws of this State; to maintain the respect due to the Commission and its hearing officers; and never to mislead the Commission or its staff by an artifice or false statement of fact or law.

Article 2. Formal Requirements  
for All Pleadings and Briefs.

2. (Rule 2) Form and Size. Pleadings, if not printed, shall be bound at the top, shall be typewritten upon paper 8½ x 13 inches in size, and exhibits annexed thereto folded to that size. Unless printed, the impression shall be on one side of the paper only and shall be double-spaced, except that footnotes and quotations in excess of a few lines may be single-spaced. Briefs may be typewritten upon paper 8½ x 13 inches or 8½ x 11 inches in size, or printed upon paper 6 by 9 inches in size. Reproduction of typewriting may be by any process, provided all copies are clear and permanently legible. (See Rule 66.)

3. (Rule 3) Title and Number. Pleadings, briefs and other documents shall show the title of the proceeding before the Commission and the docket designation and number assigned by the Secretary.

4. (Rule 4) Signatures. The original of each application, petition, complaint, answer, or amendment shall be signed in ink by each party thereto. If such party is a corporation or association, the pleading may be signed by an officer thereof. Any attorney for or representative of a party shall also sign such pleading, and show his address.

Motions, notices, briefs, and petitions for rehearing may be signed by an attorney or representative.

5. (Rule 5) Verification. Applications or amendments thereto shall be verified by each applicant. Complaints or amendments thereto shall be verified by at least one complainant. Answers shall be verified by at least one of the defendants filing the same.

If the party filing the pleading is a corporation or association, the pleading may be verified by an officer thereof.

6. (Rule 6) Signature and Verification by Attorney. Except in transfer proceedings (see Rule 27), the attorney for a party may sign and verify a pleading if such party is absent from the county where the attorney has his office, or from some cause is unable to sign and verify such pleading. When a pleading is signed and verified by the attorney, he shall set forth in the affidavit the reasons why the verification is not made by such party.

7. (Rule 7) Copies. Unless otherwise required by the Commission, and except as to complaints (see Rule 11), there shall be

filed with the Commission an original and twelve conformed copies of each pleading, or amendment thereof, and the original and twelve copies of each brief or petition for rehearing.

8. (Rule 8) Amended Pleadings. Amendments to pleadings, and amended pleadings, may be filed before hearing, provided they are served upon all known interested parties and filed at least five days before the hearing, and the original contains a certification of service. They may be made or filed thereafter as permitted or directed by the Commission or the presiding officer.

### Article 3. Complaints and Commission Investigations.

9. (Rule 9) Who May Complain. A complaint may be filed by any corporation or person, chamber of commerce, board of trade, labor organization, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, setting forth any act or thing done or omitted to be done by any public utility including any rule or charge heretofore established or fixed by or for any public utility, in violation, or claimed to be in violation, of any provision of law or of any order or rule of the Commission.

No complaint shall be entertained by the Commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, or telephone corporation, unless it be signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city or city and county within which the alleged violation occurred, or by not less than 25 actual or prospective consumers or purchasers of such gas, electricity, water, or telephone service. (See Public Utilities Code, sec. 1702.)

10. (Rule 10) Form and Contents of Complaint. Complaints shall comply with Rules 2 through 8. In addition, complaints shall state the full name and address of each complainant and of each defendant. They shall also set forth fully and clearly the specific act complained of, in ordinary and concise language, and shall be so drawn as to advise the parties and the Commission completely of the facts constituting the grounds of the complaint, the injury complained of, and the exact relief which is desired.

11. (Rule 11) Number of Copies. At the time an original complaint or amendment thereof is filed, there must also be filed conformed copies equal in number to twelve more than twice the number of defendants named in the complaint.

12. (Rule 12) Procedure Upon Filing of Complaint. When a complaint is filed, the Commission shall mail a copy to each defendant. A defendant shall be allowed five days within which to point out in writing such jurisdictional or other defects in the complaint as, in defendant's opinion, may require amendment. Trivial defects will be disregarded in considering statements of asserted defects. If it appears to the Commission that the defects brought to its attention are so vital that the complaint should be amended, complainant may be required to amend the complaint. The



Commission, without argument and without hearing, may dismiss a complaint for failure to state a cause of action, or strike irrelevant allegations therefrom.

If the complaint is in substantial compliance with these procedural rules, and appears to state a cause of action within the Commission's jurisdiction, the Commission shall serve a copy thereof upon each defendant, together with an order requiring that the matter complained of be satisfied, or that the complaint be answered within ten days after the date of such service. In particular cases, the Commission may require the filing of an answer within a shorter time. Requests for extension of time to answer shall be made to the President of the Commission in writing, with copies thereof to complainant.

13. (Rule 13) Answer to Complaint. Answers must contain an acknowledgment of service, or a certification that copies thereof have been served upon or mailed to each complainant or his attorney. An answer shall admit or deny each material allegation of the complaint, and shall set forth any new matter constituting a defense. Answers shall be so drawn as to advise the parties and the Commission fully as to the nature of the defense. The filing of an answer will not be deemed an admission of the sufficiency of a complaint, and a motion to dismiss may thereafter be made.

14. (Rule 14) Commission Investigations. The Commission may at any time institute investigations on its own motion. Orders instituting investigation shall indicate the nature of the matters to be investigated, and will be served upon the person or entity being investigated. A respondent need not file a pleading in response to the investigatory order unless so directed therein.

#### Article 4. Applications Generally.

15. (Rule 15) Contents. All applications shall state clearly and concisely the authorization or relief sought; shall cite by appropriate reference the statutory provision or other authority under which Commission authorization or relief is sought; and, in addition to specific requirements for particular types of applications (see Rules 18 through 33), shall state the following:

(a) The exact legal name of each applicant and the location of principal place of business, and if an applicant is a corporation, trust, association, or other organized group, the State under the laws of which such applicant was created or organized.

(b) The name, title, and address of the person to whom correspondence or communications in regard to the application are to be addressed. Notices, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon applicant.

(c) Such additional information as may be required by the Commission in a particular proceeding.

(d) Applications seeking ex parte action or the granting

of relief pending full hearing shall set forth the necessity or emergency for such requested action.

16. (Rule 16) Articles of Incorporation. If applicant is a corporation, a certified copy of its articles of incorporation shall be annexed to the original of the application, but need not be annexed to copies thereof. If articles have already been filed, the application shall make specific reference to the prior proceeding and the date when the last filing was made.

17. (Rule 17) Financial Statement. Wherever these rules provide that a financial statement shall be annexed to the application, such statement, unless otherwise provided herein, shall be prepared as of the latest available date, and shall show the following information:

(a) Amount and kinds of stock authorized by articles of incorporation and amount outstanding.

(b) Terms of preference of preferred stock, whether cumulative or participating, or on dividends or assets, or otherwise.

(c) Brief description of each mortgage upon applicant's property, showing date of execution, mortgagor, mortgagee or trustee, amount of indebtedness authorized to be secured thereby, and amount of indebtedness actually secured, together with any sinking fund provisions.

(d) Amount of bonds authorized and issued, giving name of the public utility which issued same, describing each class separately, and giving date of issue, par value, rate of interest, date of maturity and how secured, together with amount of interest paid thereon during the last fiscal year.

(e) Each note outstanding, giving date of issue, amount, date of maturity, rate of interest, in whose favor, together with amount of interest paid thereon during last fiscal year.

(f) Other indebtedness, giving same by classes and describing security, if any, with a brief statement of the devolution or assumption of any portion of such indebtedness upon or by any person or corporation if the original liability has been transferred, together with amount of interest paid thereon during the last fiscal year.

(g) Rate and amount of dividends paid during the five previous fiscal years, and the amount of capital stock on which dividends were paid each year.

(h) A balance sheet of the latest available date, together with an income and profit and loss (corporate surplus account) statement covering period from close of last year for which an annual report has been filed with the Commission to the date of the balance sheet attached to the application.

Article 5. Applications for Certificates  
of Public Convenience and Necessity.

18. (Rule 18) Construction or Extension. (Electric or street railroad, gas, electric, telephone, telegraph, or water utility.) This rule applies to applications, under Section 1001 of the Public Utilities Code, by any new public utility for a certificate to begin the construction of its plant or system, or by an existing public utility to begin construction of an extension of such a character as to require certification under Section 1001 of the Public Utilities Code. Such an application shall comply with Rules 2 through 8, and 15 and 16. In addition, such applications shall contain the following data, either in the body of the application or in exhibits attached thereto:

(a) A full description of the proposed construction or extension, and the manner in which the same will be constructed.

(b) The names and addresses of all public utilities, corporations, persons or other entities, public or private, with which the proposed construction is likely to compete, and of the cities or counties within which service will be rendered in the exercise of the requested certificate. The application shall contain a certification that a copy of the application has been served upon or mailed to each such party named.

(c) A map to suitable scale showing the location or route of the proposed construction or extension, and its relation to other public utilities, corporations, persons, or entities with which the same is likely to compete.

(d) Copies of such franchises or permits as the appropriate public authorities may require for the proposed construction or extension, or a statement that they will be filed at the hearing, or a statement that such are not required by said public authorities.

(e) Facts showing that public convenience and necessity require or will require the proposed construction or extension, and subsequent operation thereof, and cost of the latter.

(f) The estimated cost of the proposed construction or extension, and the manner in detail in which it is proposed to finance such cost.

(g) A statement of the proposed rates to be charged for service to be rendered by means of such construction or extension.

(h) Such additional data as may be necessary to a full understanding of the situation.

19. (Rule 19) Exercise Franchise Rights. (Electric or street railroad, gas, electric, telephone, telegraph, or water utility.) Applications under Sections 1002 and 1005 of the Public Utilities Code, for a certificate that public convenience and necessity require the exercise of a right or privilege granted to applicant under a franchise or permit, shall comply with Rules 2 through 8,

and 15 and 16. In addition, such applications shall contain the following data, either in the body of the application or in exhibits attached thereto.

(a) Facts showing that public convenience and necessity require or will require the exercise of the right or privilege granted by the franchise or permit.

(b) Copy of the franchise or permit containing the right or privilege which applicant desires to exercise.

(c) A map to suitable scale showing the territory in which it is proposed to exercise such franchise or permit, and the relation to other public utilities, corporations, persons, or entities with which applicant is likely to compete.

20. (Rule 20) Exercise Franchise Rights Not Yet Secured.  
(Electric or street railroad, gas, electric, telephone, telegraph, or water utility.) Applications under Sections 1003-1005 of the Public Utilities Code, for an order preliminary to the issue of a certificate, if a public utility desires to exercise a right or privilege under a franchise or permit which it contemplates securing, but which has not as yet been granted to it, shall comply with Rule 19, except subdivision (b) thereof. The Commission, in its discretion, may make an order declaring that it will thereafter, upon supplemental application, issue a certificate, upon such terms and conditions as it may designate, after applicant has obtained the contemplated franchise or permit. Attached to such a supplemental application shall be a copy of the franchise or permit obtained by applicant.

21. (Rule 21) Common Carrier Certificates.

Carrier by Vessel, P.U. Code 1007-1009

Express Corporation, P.U. Code 1010

Freight Forwarder, P.U. Code 1010

Passenger Stage Corporation, P.U. Code 1031-1036

Highway Common Carrier, P.U. Code 1063-1064

Petroleum Irregular Route Carrier, P.U. Code  
1063-1064, 1067-1069

Applications for certificates, under any of the above sections of the Public Utilities Code, shall comply with Rules 2 through 8, and 15 and 16. In addition, such applications shall contain the following data, either in the body of the application or in exhibits attached thereto:

(a) The type of service being performed by applicant, a general description thereof, and a reference to the authority under which existing service is performed.

(b) The specific authority requested and the particular statutory provision under which the certificate is requested.

(c) If a carrier of property, a description of specified commodities proposed to be transported, and, if general commodities with exceptions are proposed to be transported, a statement specifying such exceptions.

(d) The geographical scope of the proposed operation, including the termini and other points proposed to be served, and a concise narrative description of the proposed route.

(e) A map or sketch of the route and points to be served, drawn to suitable indicated scale, and showing present and proposed operation by distinctive coloring or marking.

(f) The names of all common carriers with which the proposed service is likely to compete, and a certification that a copy of the application has been served upon or mailed to each such carrier named. Applications shall also name all other parties to whom copies of the application will be mailed. Applicants shall promptly notify the Commission of such mailing. Applicants shall also mail copies to such additional parties and within such times as may be designated by the Commission.

(g) Applications to inaugurate new passenger stage service shall name any State or local authorities located in the area or areas to be served, upon whom service of said application is hereby required to be made, and shall name any other parties to whom copies of the application will be mailed. Applicants shall promptly notify the Commission of such mailing. Applicants shall also mail copies to such additional parties and within such times as may be designated by the Commission.

(h) A statement of the rates or fares proposed to be charged, and rules and regulations governing service. Applications for certificates need not contain tariffs, but shall indicate the level and nature of proposed rates, rules and regulations, and, in doing so, may refer to a tariff or tariffs on file with or issued by the Commission.

(i) A statement indicating the frequency of the proposed service. If "on call" service is proposed, the application shall set forth conditions under which such service would be performed.

(j) The kind and approximate number of units of equipment to be employed in the proposed service.

(k) A statement of financial ability to render the proposed service.

(l) Facts showing that the proposed operation is required by public convenience and necessity.

22. (Rule 22) Warehouses. (P.U. Code 1051) Applications for a certificate authorizing the operation of a warehouse or enlargement of warehouse space shall comply with Rules 2 through 8, and 15 and 16, and shall also contain the following:

(a) A description of existing warehouse facilities operated by applicant.

(b) A statement of the service proposed, including a description of the building and the storage capacity to be used, and

the classes of merchandise to be stored.

(c) Facts showing public convenience and necessity, and financial ability to render the proposed service.

Article 6. Applications for Authority  
to Increase Rates.

23. (Rule 23) Rate Increase Applications. (P.U. Code 454)  
This rule applies to applications for authority to raise any rate, fare, toll, rental or charge, or so to alter any classification, contract, practice, rule, or regulation as to result in such an increase. Such applications shall comply with Rules 2 through 8, and 15 and 16. In addition, such applications shall contain the following data, either in the body of the application or in exhibits attached thereto:

(a) Latest available balance sheet and income and profit and loss statement.

(b) A statement of the presently effective rates, fares, tolls, rentals, or charges which are proposed to be increased, or of the classification, contract, practice, rule, or regulation proposed to be altered. Such statement need not be in tariff form.

(c) A statement of the proposed increases, or changes which will result in increases, which applicant requests authority to make effective. Such statement need not be in tariff form, but shall set forth the proposed rate structure with reasonable clarity.

(d) A general rate increase application shall contain a description of applicant's property and equipment, together with a statement of the original cost thereof, and the cost thereof to applicant. If it is impossible to state original cost, the facts creating such impossibility shall be set forth.

24. (Rule 24) Service of Rate Increase Applications. If applicant for authorization to increase rates is a gas, electric, telephone, telegraph, or water utility, or a street railroad corporation or a passenger stage corporation, the applicant shall name in the application and mail a copy thereof to the State, when the State is a customer or subscriber whose rates would be affected by the proposed increase in rates, and to the counties, or the municipal corporations whose citizens would be affected by the proposed increase in rates, and shall name any other parties to whom copies of the application will be mailed, and applicant shall promptly notify the Commission of such mailing. Applicant shall also mail copies to such additional parties and within such times as may be designated by the Commission.

In lieu of mailing to the State, the counties, or the municipal corporations hereinabove indicated, an applicant, within ten days after filing the application, may publish once a notice, in general terms, of the proposed increases in rates, in a newspaper of general circulation in the county or city in which the rate increases are proposed to become effective. Such notice shall advise

the State, the counties, and the municipal corporations which may be interested in the application that a copy thereof may be obtained from the applicant upon request. Proof of such publication shall be filed with the Commission at or prior to the opening of such hearings as may be had upon the application.

Article 7. Applications to Issue Stock or Evidences of Indebtedness, or to Assume Liabilities.

25. (Rule 25) Contents. This article applies to applications, under Sections 816-830 of the Public Utilities Code, for authority to issue stock and stock certificates or other evidence of indebtedness, or the assumptions of obligations or liabilities. Such applications shall comply with Rules 2 through 8, and 15 and 16. In addition, they shall contain the following data, either in the body of the application or in exhibits attached thereto:

(a) A general description of applicant's property and its field of operation, the original cost of its property and equipment, and the cost thereof to applicant. If it is impossible to state original cost, the facts creating such impossibility shall be stated.

(b) The amount and kind of stock, or other evidence of interest or ownership, which applicant desires to issue, and, if preferred, the nature and extent of the preference; the amount of bonds, notes or other evidences of indebtedness which applicant desires to issue, with terms, rate of interest, and whether and how to be secured; the amount and description of the indebtedness which applicant desires to assume.

(c) The purposes for which the securities are to be issued:

1. If for property acquisition, a detailed description thereof, the consideration to be paid therefor, and the method of arriving at the amount.

2. If for construction, completion, extension or improvement of facilities, a description thereof in reasonable detail, the cost or estimated cost thereof, and the reason or necessity for the expenditures.

3. If for improvement or maintenance of service, a statement of the character of the improvements proposed and the reasons why service should be maintained from capital.

4. If for discharge or refunding of obligations, a full description of the obligations to be discharged or refunded, including the character, principal amount, discount or premium applicable thereto, date of issue, date of maturity, rate of interest, and other material facts concerning such obligations, together with a statement showing the purposes for which such obligations had been issued or the proceeds expended, and the Commission's decisions, if any, authorizing the issue of such obligations.

5. If for reorganization or readjustment of indebtedness or capitalization, or for retirement or exchange of securities, a full description of the indebtedness or capitalization to be re-adjusted or exchanged; complete terms and conditions of the merger, consolidation, exchange or other reorganization; a pro forma balance sheet, if possible, giving effect to such reorganization, readjustment or exchange; and a statement of the reason or necessity for the transaction.

6. If for reimbursement of moneys actually expended from income, or from any other moneys in the treasury, a general description of the expenditures for which reimbursement is sought, the source of such expenditures, the periods during which such expenditures were made, and the reason or necessity for such reimbursement.

(d) A complete description of the obligation or liability to be assumed by applicant as guarantor, indorser, surety or otherwise, the consideration to be received by applicant, and the reason or necessity for such action.

(e) Other pertinent facts. The filing of additional information may be required in particular cases.

26. (Rule 26) Exhibits. With the application shall be filed:

(a) Articles of incorporation and effective amendments.  
See Rule 16.

(b) Financial statement. See Rule 17.

(c) Copy of deeds of trust, mortgages, conditional sales contracts, or other instruments defining the terms of the proposed securities, unless the same shall have been filed with the Commission, in which event reference should be made to the proceeding in which they have been filed.

(d) Copy of each plan, offer or agreement for the reorganization or readjustment of indebtedness or capitalization or for the retirement or exchange of securities.

Article 8. Applications to Sell, Lease or Encumber Utility Property or Rights; to Merge or Consolidate Facilities; or to Acquire Stock of Another Utility.

27. (Rule 27) Contents. This article applies to the following applications, under Sections 851-853 of the Public Utilities Code:

For authority to sell, lease, assign, mortgage, or otherwise dispose of or encumber any utility properties necessary or useful in the performance of duties to the public, or any franchise, permit, or operative right; or any merger or consolidation with any other public utility; or the acquisition of any of the capital stock of another public utility.

Such applications shall comply with Rules 2 through 8, and 15 and 16, and shall be signed by all parties to the proposed transaction, except the mortgagee, unless such mortgagee is a public



utility. In addition, they shall contain the following data, either in the body of the application or in exhibits attached thereto:

(a) The character of business performed and the territory served by each applicant.

(b) A description of the property involved in the transaction, including any franchises, permits, or operative rights; and, if the transaction is a sale, lease, assignment, merger or consolidation, a statement of the book cost and the original cost, if known, of the property involved.

(c) Detailed reasons upon the part of each applicant for entering into the proposed transaction, and all facts warranting the same.

(d) The agreed purchase price and the terms for payment. If a merger or consolidation, the full terms and conditions thereof.

(e) Other pertinent facts.

28. (Rule 28) Exhibits. With the application shall be filed:

(a) In consolidation and merger proceedings, a financial statement under Rule 17. In other transfer proceedings, the latest available balance sheet and income and profit and loss statements.

(b) Copy of proposed deed of sale, lease, mortgage, or other encumbrance, and contract or agreement therefor, if any, and copy of each plan or agreement for purchase, merger or consolidation.

(c) If a merger or consolidation, a pro forma balance sheet giving effect thereto.

29. (Rule 29) Additional Requirements for Carriers. In addition to the above requirements, if the transaction involves a certificate or operative right under Sections 1005-1009, 1010, 1031-1036, or 1061-1067 of the Public Utilities Code, the application shall show the following data:

(a) If buyer is a carrier, the territory or points served, the nature of the service, and the effect of the transaction upon present operations or rights.

(b) As to the seller, whether it is a party to any through routes or joint rates or fares with any other carrier, and whether operation under the rights involved is presently being conducted. If there has been any suspension or discontinuance of service during the preceding three years, the application shall state the facts and circumstances thereof.

#### Article 9. Applications to Construct, Alter or Abolish Railroad Crossings.

This article applies to applications, under Sections 1201-1205 of the Public Utilities Code, to construct, alter, or abolish a cross-

ing of a railroad by a public road, highway, or street; or of a public road, highway, or street by a railroad; or of a railroad or street railroad by a railroad or street railroad. The following requirements are in addition to Rules 2 through 8, and 15 and 16 of these rules.

30. (Rule 30) To Construct a Public Highway Across a Railroad. Applications to construct a public road, highway, or street across a railroad must be made by the municipal, county, state, or other governmental authority which proposes the construction, and shall contain the following data:

(a) A legal description of the location of the proposed crossing.

(b) Crossing numbers of the nearest existing public crossing on each side of the proposed crossing. (Numbers may be obtained from the crossing sign at the crossing, or from the office of the railroad.)

(c) A statement showing the public need to be served by the proposed crossing.

(d) If the proposed crossing is at grade, a statement showing why a separation of grades is not practicable.

(e) A statement showing the signs, signals, or other protection which applicant recommends be provided at the proposed crossing.

(f) A map, on a scale of from 50 to 200 feet per inch, showing accurate locations of all streets, roads, property lines, tracks, buildings, structures or other obstructions to view for a distance of at least 400 feet along the railroad and 200 feet along the highway in each direction from the proposed crossing. Such map shall show the character of surface or pavement and width of same, either existing or proposed, on the street or road adjacent to the proposed crossing and on each side thereof.

(g) A map, on a scale of from 1,000 to 3,000 feet per inch, showing the relation of the proposed crossing to existing roads and railroads in the general vicinity of the proposed crossing.

(h) A profile showing the ground line and grade line and rate of grades of approach on all highways and railroads affected by the proposed crossing.

31. (Rule 31) To Widen or Relocate an Existing Crossing. When the political subdivision or governmental authority having jurisdiction desires to widen, relocate, or otherwise alter an existing crossing, the application shall show the information required by Rule 30, supra, except that the crossing number of the crossing proposed to be altered shall be stated, instead of the information required by Rule 30(b).

32. (Rule 32) To Construct a Railroad Track Across a Public Highway. When a railroad desires to construct a track across a pub-

lic road, highway or street, it shall mail a copy of its application to the municipal, county, state or other governmental authority having jurisdiction and control over the highway or charged with its construction and maintenance. The original thereof shall contain a certification of such mailing. Such application shall comply with Rule 30(a), (c), (d), (e), (f), and (h), and shall also contain the following information:

(a) There shall be attached to the original application a certified copy of the franchise or permit, if any be requisite, from the authority having jurisdiction, which gives to the railroad the right to cross the highway involved, and a copy thereof shall be attached to each copy of the application. If such franchise or permit has already been filed with the Commission, reference may be made to the proceeding containing same.

(b) The proposed crossing number shall be stated.

(c) The map referred to in Rule 30(f) shall also show, by distinct colorings or lines, all new tracks or changes in existing tracks, within the limits of the drawing, which are to be made in connection with the construction of the proposed crossing.

(d) If the proposed construction is part of a line extension or relocation, a Rule 30(g) map shall be attached.

33. (Rule 33) To Construct a Railroad or Street Railroad Across a Railroad or Street Railroad. Such applications shall also contain the following:

(a) A map, on a scale of from 50 to 200 feet per inch, showing accurate locations of all streets, roads, property lines, tracks, buildings, structures or other obstructions to view in the immediate vicinity.

(b) A map, on a scale of from 1,000 to 3,000 feet per inch, showing the relation of the proposed crossing to existing railroads in the general vicinity.

(c) A profile showing the ground line and grade line of approaches on all railroads affected.

(d) A true copy of the contract executed by the parties, or other evidence that the carrier to be crossed is willing that the crossing be installed.

#### Article 10. Other Applications.

34. (Rule 34) Generally. Applications and pleadings relating to matters not specifically mentioned in these rules shall comply with Rules 2 through 8, and 15 and 16. Inquiries may be directed to the Secretary of the Commission.

35. (Rule 35) For Extension of Effective Date of or Time to Comply with Decision. Such applications shall set forth specifically the reasons for the requested extension, and an original and twelve copies shall be filed. The original shall contain a certification showing service upon or mailing to all parties to the proceeding.

Article 11. Filing, Docket, and  
Hearing Calendar.

36. (Rule 36) Filing. Pleadings, briefs and other documents shall be filed with the office of the Secretary of the Commission at San Francisco or Los Angeles.

37. (Rule 37) Filing Fees. A filing fee of \$50.00 is required on each application for a certificate of public convenience and necessity, or for the mortgage, lease, transfer or assignment thereof (Public Utilities Code, Sec. 1904), except that such filing fee is not required on an application for a certificate by a passenger stage corporation which is already operating in the immediate vicinity under the jurisdiction of the Commission (Public Utilities Code, Sec. 1036).

38. (Rule 38) Rejection of Filings. Pleadings, briefs or documents which are not in substantial compliance with these rules, Commission orders, or applicable statutes, will not be filed. The Secretary may return such papers with an indication of the deficiencies therein and the reasons for not filing same, or, in the event that a pleading omits information required by these rules, may require the filing of an amendment containing such information. Tendered filings which have been rejected shall not be entered on the Commission's docket. The mere fact of filing shall not waive any failure to comply with these rules, and the Commission may require amendment of a pleading, or entertain appropriate motions in connection therewith.

39. (Rule 39) Docket. The Secretary's office shall maintain a docket of all proceedings, and each proceeding shall be assigned an appropriate designation. Such docket shall be available for public inspection at the San Francisco office during office hours.

40. (Rule 40) Hearing Calendar. The Secretary shall cause to be maintained a daily calendar of proceedings filed and proceedings set for hearing, which calendar shall be available for public inspection at the office of the Secretary in San Francisco and Los Angeles. Printed copies of such calendar may be obtained by subscription at such price as may be established by the Commission.

Article 12. Prehearing Procedure and  
Exchange of Exhibits.

41. (Rule 41) Prehearing Conference. A presiding officer may hold a prehearing conference for the purposes of formulating or simplifying the issues, arranging for the exchange of proposed exhibits or prepared expert testimony, limitation of number of witnesses, and such other matters as may expedite orderly conduct and disposition of the proceeding.

42. (Rule 42) Facts Disclosed Privileged. Facts disclosed in prehearing conferences are privileged. Except by agreement, they

shall not be used against participating parties, before the Commission or elsewhere, unless proved by evidence other than that employed in disclosing such facts.

### Article 13. Hearings.

43. (Rule 43) Notice. In complaint or investigation proceedings, the Commission will give notice of hearing at least ten days before such hearing, unless it be found that public necessity requires hearing at an earlier date. Comparable notice ordinarily will be given when hearings are held in application proceedings.

44. (Rule 44) Publication of Notice. In application proceedings, the Commission may give, or may require applicant to give, notice of hearing to entities or persons who may be affected thereby. It may also require publication of notice of hearing, at applicant's expense, for such time and in such newspapers as the Commission may designate. In such cases, the form of notice shall be given by the Secretary of the Commission, and proof of publication thereof must be filed at or before the hearing.

45. (Rule 45) Intervention. In a complaint proceeding petitions to intervene and become a party thereto shall be in writing, shall set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, and whether petitioner's position is in support of or opposition to the relief sought. Such a petition shall be served and filed by petitioner at least five days before the proceeding is called for hearing, except for good cause shown. If petitioner seeks a broadening of the issues and shows that they would not thereby be unduly broadened, the petition shall be served and filed by petitioner at least ten days, and the parties may serve and file replies at least five days, before the matter is called for hearing.

Leave will not be granted except on averments which are reasonably pertinent to the issues already presented, but do not unduly broaden them. If leave is granted, the petitioner thereby becomes an intervener and a party to the proceeding to the degree indicated by the order allowing intervention, or by the presiding officer at the hearing.

46. (Rule 46) Participation Without Intervention. In an investigation or application proceeding, or in such a proceeding when heard on a consolidated record with a complaint proceeding, an appearance may be entered at the hearing without filing a pleading, if no affirmative relief is sought, if there is full disclosure of the persons or entities in whose behalf the appearance is to be entered, if the interest of such persons or entities in the proceeding and the position intended to be taken are stated fairly, and if the contentions will be reasonably pertinent to the issues already presented and any right to broaden them unduly is disclaimed.

A person or entity in whose behalf an appearance is entered in this manner becomes a party to and may participate in the proceeding to the degree indicated by the presiding officer.

47. (Rule 47) Consolidation. Proceedings involving related questions of law or fact may be consolidated.

48. (Rule 48) Order of Procedure. In hearings on complaints, applications and petitions, the complainant, applicant, or petitioner shall open and close.

In hearings on investigation proceedings where filed rates or rules which do not result in an increase have been suspended, the respondent shall open and close. In other investigation proceedings, the Commission's staff shall open and close. Interveners shall follow the parties in whose behalf the intervention is made. The presiding officer, where circumstances warrant, may vary the order of presentation.

49. (Rule 49) Limiting Number of Witnesses. To avoid unnecessary cumulative evidence, the presiding officer may limit the number of witnesses or the time for testimony upon a particular issue.

#### Article 14. Subpoenas.

50. (Rule 50) Requests for Subpoenas. Requests for the issuance of subpoenas, requiring the attendance of a witness for the purpose of taking oral testimony before the Commission, shall be in writing and may be made by letter or wire.

51. (Rule 51) Subpoenas Duces Tecum. Requests for the issuance of subpoenas for the production of documents or records shall be in writing; shall specify the particular document or record, or part thereof, desired to be produced; and shall state the reasons why the production thereof is believed to be material and relevant to the issues involved.

52. (Rule 52) Who May Issue. Subpoenas may be issued by the Commission, a Commissioner, an Examiner, the Secretary, or an Assistant Secretary. No subpoena shall issue unless applicant therefor establishes that he has a proper relation to the matter, and gives the name and address of the desired witness. Signed and sealed blank subpoenas will not be issued to anyone. The name and address of the witness shall be inserted in the original subpoena, a copy of which shall be filed in the proceeding. Subpoenas shall show at whose instance the subpoena is issued.

#### Article 15. Presiding Officers.

53. (Rule 53) Designation. When evidence is to be taken in a proceeding before the Commission, one or more of the Commissioners, or a duly appointed and designated Examiner, may preside at the hearing.

54. (Rule 54) Authority. The presiding officer may set hearings and control the course thereof; administer oaths; issue subpoenas; receive evidence; hold appropriate conferences before or during hearings; rule upon all objections or motions which do not involve final determination of proceedings; receive offers of proof; hear argument; and fix the time for the filing of briefs. He may

take such other action as may be necessary and appropriate to the discharge of his duties, consistent with the statutory or other authorities under which the Commission functions and with the rules, regulations and policies of the Commission.

Article 16. Evidence.

55. (Rule 55) Form and Admissibility. Although technical rules of evidence ordinarily need not be applied in hearings before the Commission, substantial rights of the parties shall be preserved.

56. (Rule 56) Rulings. The presiding officer shall rule on the admissibility of all evidence. Such rulings may be reviewed by the Commission in determining the matter on its merits. In extraordinary circumstances, where prompt decision by the Commission is necessary to promote substantial justice, the presiding officer may refer the matter to the Commission for determination.

57. (Rule 57) Objections and Exceptions. When objections are made to the admission or exclusion of evidence, the grounds relied upon shall be stated briefly. Formal exceptions to rulings are unnecessary and need not be taken.

58. (Rule 58) Offer of Proof. An offer of proof for the record shall consist of a statement of the substance of the evidence to which objection has been sustained.

59. (Rule 59) Prepared Testimony. With the approval of the presiding officer, a witness may read into the record his testimony on direct examination. Before any prepared testimony is read, unless excused by the presiding officer, the witness shall deliver copies thereof to the presiding officer, the reporter, and all counsel or parties. Admissibility shall be subject to the rules governing oral testimony. If the presiding officer deems that substantial saving in time will result, and where the parties so agree, prepared testimony may be copied into the record without reading, provided that copies thereof shall have been served upon all parties and the Commission ten days before the hearing or such prior service is waived.

60. (Rule 60) Documentary Evidence. If relevant and material matter offered in evidence is embraced in a document containing other matter, the party offering it shall designate specifically the matter so offered. If other matter in the document would unnecessarily encumber the record, the document will not be received in evidence, but at the discretion of the presiding officer, the relevant and material matter may be read into the record or copies thereof received as an exhibit. Other parties shall be afforded opportunity to examine the document, and to offer in evidence other portions thereof believed material and relevant.

61. (Rule 61) Exhibits. Exhibits shall be legible and either prepared on paper not exceeding 8½ x 13 inches in size, or bound or folded to that approximate size. Wherever practicable, the sheets of each exhibit should be numbered, and rate comparisons and other figures shall be set forth in tabular form.

62. (Rule 62) Copies. When exhibits are offered in evidence, the original shall be furnished to the presiding officer and a copy to the reporter and to each party, unless the presiding officer directs otherwise.

63. (Rule 63) Commission Records. If any matter contained in a document on file as a public record with the Commission is offered in evidence, unless directed otherwise by the presiding officer, such document need not be produced as an exhibit, but may be received in evidence by reference, provided that the particular portions of such document are specifically identified and otherwise competent, relevant and material. If testimony in proceedings other than the one being heard is offered in evidence, a copy thereof shall be presented as an exhibit, unless otherwise ordered by the presiding officer.

64. (Rule 64) Official Notice of Facts. Official notice may be taken of such matters as may be judicially noticed by the courts of the State of California;

65. (Rule 65) Additional Evidence. At the hearing, the presiding officer may require the production of further evidence upon any issue. Upon agreement of the parties, he may authorize the filing of specific documentary evidence as a part of the record within a fixed time after submission, reserving exhibit numbers therefor.

#### Article 17. Briefs and Oral Arguments.

66. (Rule 66) Briefs. The presiding officer may fix the time for the filing of briefs. Concurrent briefs are preferable. Exhibits may be reproduced in an appendix to a brief. A brief of more than 20 pages shall contain a subject index and table of authorities. Requests for extension of time to file briefs must be made to the President of the Commission in writing, and a copy thereof served upon or mailed to the other parties to the proceeding. Ordinarily, when a matter has been submitted on concurrent briefs, extensions will not be granted unless a stipulation is filed with the Commission. The original of each brief shall contain a certification that copies have been served upon or mailed to each party or his attorney.

67. (Rule 67) Oral Argument. If the Commission or the presiding officer is of the opinion that the complexity or importance of the issues so warrant, the Commission or the presiding officer may direct or permit the presentation of oral argument.

#### Article 18. Decisions and Proposed Reports.

68. (Rule 68) Issuance of Decisions. A proceeding shall stand submitted for decision by the Commission after the taking of evidence, and the filing of such briefs or the presentation of such oral argument as may have been prescribed by the Commission or the presiding officer.

69. (Rule 69) Petition for Proposed Report. A party to a proceeding may file a petition requesting that a proposed report be is-



sued by the presiding officer. Such petition shall be filed and called to the attention of the presiding officer before the conclusion of the hearing. The original and twelve copies of the petition shall be filed with the Commission, and the original shall show that copies have been served upon all parties to the proceeding. The petition shall set forth the reasons why it is believed that issuance of such a proposed report will promote the administration of justice and will not cause unreasonable delay in the final determination of the proceeding. Objections may be served and filed by other parties within five days after service of the petition.

70. (Rule 70) Proposed Reports. Upon direction by the Commission, the presiding officer shall prepare and file his proposed report. The Secretary's office shall cause copies thereof to be served upon all parties to the proceeding. Such proposed report shall contain recommended findings, conclusions, and order.

71. (Rule 71) Exceptions. A party may serve and file exceptions to a proposed report within twenty days after service thereof. Exceptions shall be specific, and stated and numbered separately. Exceptions to factual findings shall specify the portions of the record relied upon; proposed substitute findings; and proposed additional findings, with supporting reasons. Exceptions to conclusions shall cite statutory provisions or principal authorities relied upon; proposed substitute conclusions; and proposed additional conclusions.

72. (Rule 72) Replies to Exceptions. Replies may be served and filed within fifteen days after service of exceptions.

73. (Rule 73) Service of Orders. Decisions and orders shall be served by the Secretary's office by mailing copies thereof to the parties of record. When service is not accomplished by mail, it may be effected by personal delivery of a copy thereof. When a party to an application proceeding has appeared by a representative, service upon such representative shall be deemed to be service upon the party.

74. (Rule 74) Effective Date. Decisions and orders in complaint or investigation proceedings shall become effective twenty days after service thereof, unless otherwise provided therein. Decisions and orders in other proceedings shall become effective twenty days after issuance thereof, unless otherwise provided therein.

#### Article 19. Reopening Proceedings.

75. (Rule 75) Petition to Set Aside Submission. After conclusion of hearings, but before issuance of a decision, a party to the proceeding may serve on all other parties, and file with the Commission, a petition to set aside submission and reopen the proceeding for the taking of additional evidence. Such petition shall specify the facts claimed to constitute grounds in justification thereof, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing. It shall contain a brief statement of proposed additional evidence, and explain why such evidence was not previously adduced.

Article 20. Rehearings.

76. (Rule 76) Petitions for Rehearing. Petitions for rehearing of a decision shall be served upon all parties and should be filed before the effective date thereof. (See Public Utilities Code, sec. 1731.) Petitions shall set forth specifically the grounds on which petitioner considers the order to be unlawful or erroneous.

77. (Rule 77) Effect of Filing. Mere filing of a petition for rehearing shall not excuse compliance with a decision. A petition filed 10 or more days before but not granted or denied before the effective date of an order suspends the order until the petition is granted or denied. (See Public Utilities Code, sec. 1733.)

Article 21. Rules.

78. (Rule 78) Construction and Amendment. These rules shall be liberally construed to secure just, speedy, and inexpensive determination of the issues presented. In special cases and for good cause shown, the Commission may permit deviations from the rules. Rules may be amended at any time by the Commission.

Article 22. Forms.

79. (Rule 79) Forms. The following skeleton forms of an application, a complaint, and an answer are merely illustrative as to general form. The content of particular pleadings will vary, depending upon the subject matter and applicable procedural rules.

1. Application
2. Complaint
3. Answer

No. 1 - Application  
(See Rules 2-8 and 15-35)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of JOHN JONES (Jones Rapid Transit) to operate bus service between San Francisco and South San Francisco; to establish fares; and to issue a \$10,000 note.

Application No.

Commission will insert number.

APPLICATION

The application of exact legal name, and the address, of each applicant respectfully shows:

1. That communications in regard to this application are to be addressed to name, title, and address.

2. That applicant here, and in succeeding numbered paragraphs, set forth the specific facts required by the applicable rules, together with additional facts deemed material.

WHEREFORE, applicant requests an order here state clearly and concisely the specific authorization sought by applicant.

Dated at \_\_\_\_\_, California, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signature of each applicant

Signature and address of attorney, if any

STATE OF CALIFORNIA

\_\_\_\_\_  
COUNTY OF \_\_\_\_\_

} ss.

Name of applicant, being first duly sworn, deposes and says: That he is the applicant in the above proceeding, has read the foregoing application, and knows the contents thereof; and that the same is true of his own knowledge except as to matters stated on information or belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Notary Public in and for the \_\_\_\_\_  
County of \_\_\_\_\_, State of California

No. 2 - Complaint  
(See Rules 2-8 and 9-11)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

John A. Jones,  
  
Complainant,  
  
vs.  
  
Smith Public Utility System,  
a corporation,  
  
Defendant.

Case No.

Commission will insert number

COMPLAINT

The complaint of full name and address of each complainant respectfully shows:

1. That defendant is full name and address of each defendant.
2. That here, and in succeeding numbered paragraphs, set forth fully and clearly the facts constituting the grounds of the complaint and the injury complained of.

WHEREFORE, complainant requests an order here state clearly and concisely the exact relief desired.

Dated at \_\_\_\_\_, California, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signature of each complainant

Signature and address of attorney, if any

STATE OF CALIFORNIA  
  
\_\_\_\_\_ COUNTY OF \_\_\_\_\_

ss.

Name of one complainant, being first duly sworn, deposes and says: That he is \_\_\_\_\_ complainant in the above matter, has read the foregoing complaint, and knows the contents thereof; and that the same is true of his own knowledge except as to matters therein stated on information or belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public, in and for the \_\_\_\_\_  
County of \_\_\_\_\_, State of California.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

John A. Jones,  
  
Complainant,  
  
vs.  
  
Smith Public Utility System,  
a corporation,  
  
Defendant.

Case 0000

Insert number on complaint

ANSWER

Defendant name and address of each defendant joining in answer, for answer to the above complaint, respectfully shows:

1. That here, and in succeeding numbered paragraphs, admit or deny material allegations of the complaint, and set forth any matters constituting a defense.

WHEREFORE, defendant requests that the complaint be dismissed or other appropriate request.

Dated at \_\_\_\_\_, California, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Signatures of each defendant joining in answer

Signature and address of attorney, if any

STATE OF CALIFORNIA  
\_\_\_\_\_  
COUNTY OF \_\_\_\_\_

ss.

Name of one defendant, being first duly sworn, deposes and says: That he is \_\_\_\_\_ defendant in the above matter, has read the foregoing answer, and knows the contents thereof; and that the same is true of his own knowledge except as to matters therein stated on information or belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Notary Public, in and for the \_\_\_\_\_  
County of \_\_\_\_\_, State of California.