

3814 MOTIONS

- 3814.1 A request for the Commission to take a particular action shall be made by filing a written motion or making a motion orally at a hearing, unless a rule in this chapter requires that the particular type of motion be made in writing. If the Commission does not rule on the motion during the hearing at which it is made, the Commission may request that the moving party additionally file the motion in writing.
- 3814.2 Motions made in writing shall be filed with the Commission in accordance with § 3801 and served on other parties in accordance with § 3803.
- 3814.3 A written motion may be filed at any time unless the time for filing a specific type of motion is prescribed by the rules in this chapter or the provisions of the Act.
- 3814.4 The party making a motion shall have the burden of proving that the requested action is warranted. A written motion shall state the legal and factual reasons why the Commission should take the requested action, and a separate memorandum of points and authorities does not need to be filed.
- 3814.5 When a motion is based on information not on the record, a party may support or oppose the motion by attaching affidavits, declarations, or other papers. The Commission may order a party to file supporting affidavits, declarations, or other papers.
- 3814.6 Before filing any motion, except a motion to dispose of an appeal or for reconsideration of a final decision and order, a party must make a good faith effort to ask all parties if they agree to the motion. The motion shall state what effort was made and whether all other parties agreed to the motion.
- (a) A “good faith effort” means a reasonable attempt, considering all the circumstances, to contact a party or representative in person, by telephone, by fax, by email, or by other means.
 - (b) Contact by U.S. mail is a good faith effort only if no other means is reasonably available (for example, not having another party’s telephone number or email address).
 - (c) By itself, serving a party with the motion is not a good faith effort to ask if the party agrees to the motion.
 - (d) If a party fails to make a good faith effort to seek agreement, the Commission may deny the motion without prejudice.

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- 3814.7 Any party may file a response to a motion within ten (10) days after service of the motion. No further filings related to the motion are permitted unless ordered by the Commission.
- 3814.8 The Commission, in its discretion, may schedule any motion for an oral hearing if requested by the moving party or may decide any motion without a hearing.
- 3814.9 A motion for expedited hearing or other form of expedited relief shall be acted upon promptly.
- 3814.10 The Commission shall grant or deny each motion by issuing a written order that shall be served on all parties, or a party's representative of record, by U.S. mail or by email attachment in accordance with § 3803.3. The Commission may grant or deny an oral motion by order at a hearing on the record; provided, that the order shall be promptly followed by a written order in accordance with this subsection.
- 3814.11 In accordance with §§ 3800.4 and 3800.6, an order on any motion shall be issued by a quorum of the Commission unless a provision in this chapter states that the specific type of action requested in the motion may be ordered by a single Commissioner.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1345-46 (March 7, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).