

**State of North Dakota  
Public Service Commission**

**Public Service Commission  
Practice and Procedure  
Rulemaking**

**Case No. AD-14-762**

**69-02-02-02. Formal complaints.**

1. **Complaints.** Complaints may be made by the commission on its own motion, or by any person. Complaints will be in writing and set forth the act or omission complained of. If the complaint is against the reasonableness of any rate or charge of any heat, gas, or electrical public utility, the commission cannot entertain it unless it is signed by the governing body of the county or city, if any, within which the alleged violation occurred, or by not less than ten percent of the consumers or purchasers of such heat, gas, or electrical service.
2. **Form and content.** A formal complaint must show the venue, "Before the Public Service Commission of North Dakota" and will contain a heading showing the name of the complainant and the name of each respondent. The complaint must include the name, address, and telephone number of each complainant's attorney, if any. The complaint will be drawn to fully advise the respondent and the commission of the factual and legal grounds of the complaint, the injury complained of, and the specific relief sought.
3. **Number of copies.** At the time the complaint is filed, the complainant must also file a copy for each respondent plus seven additional copies.

4. **Sufficiency of complaint.** Upon the filing of a formal complaint, the commission will determine whether it states a prima facie case and conforms to this article. If the complaint does not state a prima facie case or does not conform to this article, the commission will notify the complainant and provide the complainant an opportunity to amend within a specified time. If the complaint is not amended, it will be dismissed. The filing of an answer is not an admission of the sufficiency of the complaint.

5. **Service.**

- a. If the complaint is sufficient, the commission will serve a copy of the complaint ~~and the commission's notice~~ on each respondent.
- b. The commission will serve the complaint and notice of hearing personally or by certified mail at least forty-five days before the time specified for hearing. The complaint and notice of hearing may be served separately or together, so long as each is served at least 45 days before the date of the hearing. Service of a complaint and notice of hearing may be waived, in writing, by the respondent. The parties may agree upon a time and place for hearing, with the consent of the commission.
- c. In case of an emergency the commission may notice a proceeding for hearing upon its merits upon less than forty-five days' notice. The time provided for the respondent's answer must be adjusted accordingly.
- d. However, Notwithstanding subparagraph c, hearings on a renewal, suspension, or revocation of a license may not be held on less than ten

days' notice, unless a statute specifically allows or requires suspension or revocation without a hearing.

**History:** Amended effective September 1, 1992; January 1, 2001;\_\_\_\_\_.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 28-32-05, 49-01-07

**69-02-02-03. Answers.**

1. **Filing.** Answers to complaints must be filed within twenty days after service of the notice of hearing and complaint.
2. **Content.** Each answer must contain:
  - a. The title of the proceeding and docket number;
  - b. The name and address of each answering party;
  - c. A specific denial of each material allegation of the complaint which is controverted by the respondent;
  - d. A statement of any new matter which may constitute a defense;  
and
  - e. The name, address, and telephone number of each of the respondent's attorneys, if any.

If the answering party has no information or belief upon the subject sufficient to enable the party to answer an allegation of the complaint, the party may so state in the answer and place the denial upon that ground.

3. **Service and number of copies.** The original answer and seven copies thereof must be filed with the executive secretary of the commission. The respondent shall serve a copy of its answer personally, or by certified mail,

upon each complainant. The respondent shall certify to the commission that the service has been made.

**History:** Amended effective September 1, 1992; January 1, 2001;\_\_\_\_\_.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 28-32-05, 49-01-07