

#### **R1-04 COMMENCEMENT OF PROCEEDINGS**

Proceedings may be instituted before the Commission in the following manner:

- (1) By Informal Proceedings.
  - (a) Whenever practical, informal proceedings are recommended for speedy, amicable adjustments of complaints or controversies which do not necessarily require a formal hearing or a formal order or decision, and to that end, informal complaints may be made to the Commission or Public Staff by letter, or otherwise, setting forth the name and post-office address of the person making the complaint; the name and post-office address of the person or persons against whom the complaint is made; a concise statement of all the facts necessary to an understanding of the situation presented; and a statement of the relief desired. Matters so presented will be taken up by the Commission or Public Staff with the parties affected, by correspondence, or otherwise, in an endeavor to bring about an adjustment of the subject matter of the complaint without a formal order or hearing.
  - (b) The filing of an informal complaint is without prejudice to the right to thereafter file a formal complaint.
  - (c) An informal complaint will not be docketed for formal hearing and no formal order will be issued thereon, but matters thus presented may be transferred by the Commission to the Formal Docket for formal action by the Commission, in which case the complainant will be required to file a formal complaint.
- (2) By Formal Proceedings. - Matters which require the taking of testimony, a formal hearing and a formal order must be instituted by filing with the Commission a formal application, petition, or complaint, as provided by Rule R1-5.
- (3) By the Commission. - The Commission may institute proceedings upon its own motion, in which case the procedure shall be substantially as follows:
  - (a) Allegations. - Any rule to show cause, complaint, order of investigation, or other proceeding instituted by the Commission upon its own motion against any particular person or persons shall set out the grounds therefor with such clarity as to inform the respondent or respondents therein named of the issue involved and the particular information or action required by the Commission. Reasonable time shall be given within which to comply with the Commission's order, or within which to prepare a defense, depending on the nature of the proceeding and the work required.
  - (b) Answers. - Formal written answers or other pleadings need not be filed by respondents in such cases unless so directed by the Commission.
  - (c) Procedure at hearing. - In proceedings instituted by the Commission, evidence will ordinarily be offered in the following order:
    - (1) By the Commission Staff,
    - (2) By the Public Staff, and
    - (3) By the respondents, but the presiding officer in any such proceeding may direct the order in which evidence shall be offered.
  - (d) Parties. - Those having an interest in the subject matter of any proceeding instituted by the Commission may become parties thereto by compliance with Rule R1-19.

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