

§ 45.4

43 CFR Subtitle A (10–1–24 Edition)

(1) The day of the act or event from which the period begins to run is not included.

(2) The last day of the period is included.

(i) If that day is a Saturday, Sunday, or Federal holiday, the period is extended to the next business day.

(ii) The last day of the period ends at 5 p.m. at the place where the filing or other action is due.

(3) If the period is less than 7 days, any Saturday, Sunday, or Federal holiday that falls within the period is not included.

(b) *Extensions of time.* (1) No extension of time can be granted to file a request for a hearing under §45.21, a notice of intervention and response under §45.22, an answer under §45.25, or any document under subpart C of this part.

(2) An extension of time to file any other document under subpart B of this part may be granted only upon a showing of good cause.

(i) To request an extension of time, a party must file a motion under §45.35

stating how much additional time is needed and the reasons for the request.

(ii) The party must file the motion before the applicable time period expires, unless the party demonstrates extraordinary circumstances that justify a delay in filing.

(iii) The ALJ may grant the extension only if:

(A) It would not unduly prejudice other parties; and

(B) It would not delay the decision under §45.60.

§45.4 What deadlines apply to the trial-type hearing and alternatives processes?

(a) The following table summarizes the steps in the trial-type hearing process under subpart B of this part and indicates the deadlines generally applicable to each step. If the deadlines in this table are in any way inconsistent with the deadlines as set by other sections of this part or by the ALJ, the deadlines as set by those other sections or by the ALJ control.

Process step	Process day	Must generally be completed	See section
(1) DOI files preliminary condition(s) or prescription(s) with FERC.	0	45.20.
(2) License party files request for hearing	30	Within 30 days after DOI files preliminary condition(s) or prescription(s) with FERC.	45.21(a).
(3) Any other license party files notice of intervention and response.	50	Within 20 days after deadline for filing requests for hearing.	45.22(a).
(4) Bureau may file answer	80	Within 50 days after deadline for filing requests for hearing.	45.25(a).
(5) OEPC refers case to ALJ office for hearing and issues referral notice to parties.	85	Within 55 days after deadline for filing requests for hearing.	45.26(a).
(6) Parties may meet and agree to discovery (optional step).	86–91	Before deadline for filing motions seeking discovery.	45.41(a).
(7) ALJ office sends docketing notice, and ALJ issues notice setting date for initial prehearing conference.	90	Within 5 days after effective date of referral notice	45.30.
(8) Party files motion seeking discovery from another party.	92	Within 7 days after effective date of referral notice	45.41(d).
(9) Other party files objections to discovery motion or specific portions of discovery requests.	99	Within 7 days after service of discovery motion	45.41(e).
(10) Parties meet to discuss discovery and hearing schedule.	100–104	Before date set for initial prehearing conference ...	45.40(d).
(11) ALJ conducts initial prehearing conference	105	On or about 20th day after effective date of referral notice.	45.40(a).
(12) ALJ issues order following initial prehearing conference.	107	Within 2 days after initial prehearing conference ...	45.40(g).
(13) Party responds to interrogatories from another party as authorized by ALJ.	120–22	Within 15 days after ALJ's order authorizing discovery during or following initial prehearing conference.	45.43(c).
(14) Party responds to requests for documents, etc., from another party as authorized by ALJ.	120–22	Within 15 days after ALJ's order authorizing discovery during or following initial prehearing conference.	45.45(c).
(15) Parties complete all discovery, including depositions, as authorized by ALJ.	130	Within 25 days after initial prehearing conference	45.41(i).
(16) Parties file updated lists of witnesses and exhibits.	140	Within 10 days after deadline for completion of discovery.	45.42(b).
(17) Parties file written direct testimony	140	Within 10 days after deadline for completion of discovery.	45.52(a).

Process step	Process day	Must generally be completed	See section
(18) Parties complete prehearing preparation and ALJ commences hearing.	155	Within 25 days after deadline for completion of discovery.	45.50(a).
(19) ALJ closes hearing record	160	When ALJ closes hearing	45.58.
(20) Parties file post-hearing briefs	175	Within 15 days after hearing closes	45.59(a).
(21) ALJ issues decision	190	Within 30 days after hearing closes	45.60(a).

(b) The following table summarizes the steps in the alternatives process under subpart C of this part and indicates the deadlines generally applicable to each step. If the deadlines in this

table are in any way inconsistent with the deadlines as set by other sections of this part, the deadlines as set by those other sections control.

Process step	Process day	Must generally be completed	See section
(1) DOI files preliminary condition(s) or prescription(s) with FERC.	0	45.20.
(2) License party files alternative condition(s) or prescription(s).	30	Within 30 days after DOI files preliminary condition(s) or prescription(s) with FERC.	45.71(a).
(3) ALJ issues decision on any hearing request	190	Within 30 days after hearing closes (see previous table).	45.60(a).
(4) License party files revised alternative condition(s) or prescription(s) if authorized.	210	Within 20 days after ALJ issues decision	45.72(a).
(5) DOI files modified condition(s) or prescription(s) with FERC.	300	Within 60 days after the deadline for filing comments on FERC's draft NEPA document.	45.73(a).

Subpart B—Hearing Process

REPRESENTATIVES

§ 45.10 Who may represent a party, and what requirements apply to a representative?

(a) *Individuals.* A party who is an individual may either represent himself or herself in the hearing process under this subpart or authorize an attorney to represent him or her.

(b) *Organizations.* A party that is an organization or other entity may authorize one of the following to represent it:

- (1) An attorney;
- (2) A partner, if the entity is a partnership;
- (3) An officer or agent, if the entity is a corporation, association, or unincorporated organization;
- (4) A receiver, administrator, executor, or similar fiduciary, if the entity is a receivership, trust, or estate; or
- (5) An elected or appointed official or an employee, if the entity is a Federal, State, Tribal, county, district, territorial, or local government or component.

(c) *Appearance.* An individual representing himself or herself and any other representative must file a notice of appearance. The notice must:

- (1) Meet the form and content requirements for documents under § 45.11;
- (2) Include the name and address of the party on whose behalf the appearance is made;
- (3) If the representative is an attorney, include a statement that he or she is a member in good standing of the bar of the highest court of a state, the District of Columbia, or any territory or commonwealth of the United States (identifying which one); and
- (4) If the representative is not an attorney, include a statement explaining his or her authority to represent the entity.

(d) *Lead representative.* If a party has more than one representative, the ALJ may require the party to designate a lead representative for service of documents under § 45.13.

(e) *Disqualification.* The ALJ may disqualify any representative for misconduct or other good cause.