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DEPARTMENT OF PUBLIC SERVICE, PROCEDURE 216.13

Railroads, Warehouses, Utilities, Grain, Livestock CHAPTER 216

DEPARTMENT OF PUBLIC SERVICE, PROCEDURE

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NOTE: For penalties for the violation of the provisions of this chapter, see section 235.13.

- 216.01 [Repealed, 1967 c 864 s 10]
- 216.02 [Repealed, 1967 c 864 s 10]
- 216.03 [Repealed, 1967 c 864 s 10]
- 216.04 [Repealed, 1967 c 864 s 10]
- 216.05 [Repealed, 1967 c 864 s 10]
- 216.06 [Repealed, Ex1957 c 10 s 8]
- 216.07 [Repealed, Ex1957 c 10 s 8]
- 216.08 [Renumbered 219.815]
- 216.09 [Renumbered 219.695]

216.10 ATTORNEYS; PROCEEDINGS IN NAME OF STATE.

The attorney general shall be ex officio attorney for the public utilities commission. He shall institute and prosecute all actions which the commission shall order brought and render the commissioners all advice, counsel, and assistance necessary for the proper performance of their duties. The county attorney of any county in which an action is pending, prosecuted, or defended by direction of the commission shall aid in the prosecution or defense thereof until final determination when requested by the commission. When necessary the commission may employ additional counsel to assist the attorney general.

All actions or proceedings instituted by the commission shall be brought in the name of the state.

History: *RL s 1960,1979; 1971 c 25 s 67; 1980 c 614 s 123 (4635, 4658)*

- 216.11 [Repealed, 1967 c 864 s 10]
- 216.12 [Repealed, Ex1957 c 10 s 8]

216.13 PROCEEDINGS BEFORE COMMISSION; HOW COMMENCED.

Proceedings before the commission against any such carrier or public warehouseman shall be instituted by complaint, verified as a pleading in a civil action, stating in ordinary language the facts constituting the alleged omission or offense. The parties to such proceedings shall be termed, respectively, "complainant" and "respondent."

History: *RL s 1963; 1971 c 25 s 67; 1980 c 614 s 123 (4638)*

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216.14 NOTICE TO RESPONDENT.

Upon filing such complaint, if there appear reasonable grounds for investigating such matter, the commission shall issue an order directed to such carrier or warehouseman requiring him to grant the relief demanded or show cause by answer within 20 days from the service of such notice why such relief should not be granted. Such order, together with a copy of the complaint, shall forthwith be served upon the respondent.

History: *RL s 1964; 1971 c 25 s 67; 1980 c 614 s 123 (4639)*

216.15 ANSWER.

The respondent may file and serve by mail upon the complainant, within 20 days after service of the order, an answer alleging that it has already granted the relief demanded or setting up any matter of defense. If the answer allege the granting of the relief the complainant shall within 20 days reply admitting or denying such allegation. If he fails to reply or admits the allegation, the proceeding shall be dismissed.

History: *RL s 1965 (4640)*

216.16 HEARINGS BEFORE PUBLIC UTILITIES COMMISSION.

If the matter be not adjusted to the satisfaction of the commission, it shall set a time and place of hearing, and give at least ten days notice thereof to each party. The parties may appear either in person or by attorney. The commission shall hear evidence and otherwise investigate the matter, make findings of fact upon all matters involved, and such order or recommendation in the premises as may be just. A copy of such findings and order or recommendation shall forthwith be served upon each party. No proceedings shall be dismissed on account of want of pecuniary interest in the complaint.

History: *RL s 1966; 1907 c 305; 1921 c 159 s 1; 1971 c 25 s 67; 1980 c 614 s 102 (4641)*

216.161 CONTESTED CASES; NOTICE.

Notwithstanding the provisions of any other law the commission in any contested case shall give reasonable notice to representatives of associations or other interested groups or persons who have registered their names with the secretary of the commission for that purpose, to all parties and to cities and municipalities which the commission deems to be interested in the proceeding. The commission may prescribe an annual fee to be paid into the state treasury which shall be a charge to all registered groups or persons. This charge is to cover the costs involved.

“Contested case” means a proceeding before the commission in which the legal rights, duties or privileges of specific parties are required by law or constitutional right to be determined after a hearing.

History: *1971 c 25 s. 67; Ex1971 c 48 s 23; 1973 c 123 art 5 s 7; 1973 c 754 s 1; 1980 c 614 s 123*

216.17 NOTICES AND ORDERS; SERVICE.

All notices and orders in proceedings before the commission shall be signed by the secretary. Service may be made of all notices, orders, and other papers by mail upon any person or firm, or upon the president, general manager, or other proper

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executive officer of any corporation interested. If any party has appeared by attorney, such service shall be made upon such attorney.

History: *RL s 1967; 1971 c 25 s 67; 1980 c 614 s 123 (4642)*

216.18 WITNESSES.

The commission in any hearing or investigation may require the attendance of witnesses and the production of any books, papers, and records. Witnesses shall receive the same fees and mileage as in civil actions. Disobedience of any subpoena in such proceeding or contumacy of a witness may, upon application of the commission, be punished by any district court in the same manner as if the proceedings were pending in such court.

History: *RL s 1968; 1971 c 25 s 67; 1980 c 614 s 123 (4643)*

216.19 [Repealed, Ex1957 c 10 s 8]

216.20 [Repealed, Ex1957 c 10 s 8]

216.21 [Repealed, Ex1957 c 10 s 8]

216.22 [Repealed, Ex1957 c 10 s 8]

216.225 [Repealed, Ex1957 c 10 s 8]

216.23 [Repealed, Ex1957 c 10 s 8]

216.24 [Repealed, 1983 c 247 s 219]

216.25 APPEALS.

Any party to a contested case before the commission may appeal from the decision and order of the commission in accordance with chapter 14.

History: *RL s 1972; 1907 c 167 s 2; 1961 c 393 s 1; 1969 c 646 s 1; 1971 c 25 s 67; 1976 c 239 s 38; 1977 c 253 s 1; 1980 c 614 s 123; 1983 c 247 s 93 (4651)*

216.26 DISMISSAL IN CERTAIN CASES; PROCEDURE.

When in any proceedings pending before it relating to or involving the reasonableness of rates, fares, charges, or classifications, the commission shall decide that it has not jurisdiction for the reason that the traffic covered by such rates, fares, charges, and classifications is interstate commerce, it shall make an order dismissing the proceeding, stating therein the ground of such dismissal, which order may be appealed from in like manner as other appealable orders of the commission.

If in any such proceeding one of the commissioners shall dissent from the order of dismissal, the question of its jurisdiction shall be certified to the district court of a county to which an appeal might be taken and thereupon the commission shall notify all parties to the proceedings of such certification, stating the county and date thereof.

History: *RL s 1973; 1971 c 25 s 67; 1980 c 614 s 123 (4652)*

216.27 FILING PAPERS; EFFECT.

When an appeal is taken, the commission shall file with the clerk of the appellate courts the documents described by the rules of civil appellate procedure. The court of appeals shall have full jurisdiction to hear and determine the matter appealed. The proceeding shall be governed by the rules of civil appellate procedure. If the order of the commission is reversed, upon filing a copy of the order of

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reversal with the commission, it shall proceed to determine the reasonableness of the rates, fares, charges, and classification on the merits.

History: *RL s 1974; 1971 c 25 s 67; 1980 c 614 s 123; 1983 c 247 s 94 (4653)*

- 216.271 [Repealed, 1983 c 247 s 219]
- 216.28 [Repealed, 1967 c 864 s 10]
- 216.29 [Repealed, 1967 c 864 s 10]
- 216.30 [Repealed, 1967 c 864 s 10]
- 216.31 [Repealed, 1967 c 864 s 10]
- 216.32 [Repealed, 1967 c 864 s 10]
- 216.33 [Repealed, 1967 c 864 s 10]
- 216.34-216.42 [Repealed, Ex1957 c 10 s 8]
- 216.43-216.45 [Repealed, 1957 c 647 s 2; Ex1957 c 10 s 8]
- 216.46-216.62 [Repealed, Ex1957 c 10 s 8]
- 216.63 [Repealed, 1949 c 440 s 7; Ex1957 c 10 s 8]
- 216.64 [Repealed, 1949 c 440 s 7; Ex1957 c 10 s 8]
- 216.65 [Repealed, 1967 c 864 s 10]
- 216.66 [Repealed, Ex1957 c 10 s 8]
- 216.67 [Repealed, 1967 c 864 s 10]
- 216.68 [Repealed, Ex1957 c 10 s 8]