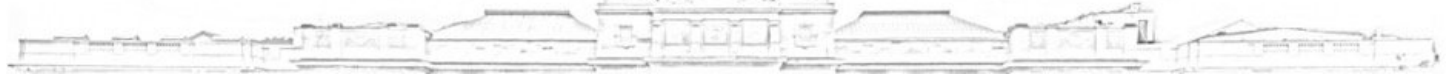




ADMINISTRATIVE RULES OF MONTANA



38.2.4806 RECONSIDERATION

- (1) Within ten days after an order or decision has been made by the commission, any party may apply for a reconsideration in respect to any matter determined therein. Such motion shall set forth specifically the ground or grounds on which the movant considers said order or decision to be unlawful, unjust, or unreasonable.
- (2) Motion for such a reconsideration shall not excuse any corporation or person or public utility from complying with or obeying any order or decision or any requirement of an order or decision of the commission, or operate in any manner to stay or postpone the enforcement thereof except as the commission may by order direct as provided by law.
- (3) If, after such motion for reconsideration is filed, the commission is of the opinion that the original order or decision is in any respect unjust or unwarranted, or should be changed, the commission may abrogate, change, or modify the same.
- (4) A motion for reconsideration shall not be well taken unless accompanied by a supporting brief.
- (5) A motion for reconsideration shall be deemed denied when it has not been acted upon within 20 days of its filing.
- (6) A commission order is final for purpose of appeal upon the entry of a ruling on a motion for reconsideration, or upon the passage of 20 days following the filing of such a motion, whichever event occurs first.
- (7) Reconsideration is not available in regard to the granting of a motion for protective order.
- (8) If and only if a party applies to a court for an injunction staying or suspending the operation of a commission order, within the applicable statutory deadlines, does the filing of a motion for reconsideration become optional for the purpose of finalizing a commission order for appeal.

Authorizing statute(s): 69-1-110(3), 69-2-101, 69-3-103, 69-12-201(2), MCA

Implementing statute(s): 69-2-101, MCA

History: NEW, 1977 MAR p. 1200, Eff. 12/24/77; AMD, 2000 MAR p. 2037, Eff. 7/28/00; AMD, 2016 MAR p. 1966, Eff. 10/29/16.