

PART 202—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE PACKERS AND STOCKYARDS ACT

RULES OF PRACTICE APPLICABLE TO RATE PROCEEDINGS

Sec.

- 202.1 Applicability of other rules.
- 202.2 Definitions.
- 202.3 Institution of proceedings.
- 202.4 Answer and reply.
- 202.5 Hearing.
- 202.6 Taking no position on the merits.
- 202.7 Modification or vacation of final order.

RULES OF PRACTICE APPLICABLE TO REPARATION PROCEEDINGS

- 202.101 Rule 1: Meaning of words.
- 202.102 Rule 2: Definitions.
- 202.103 Rule 3: Beginning a reparation proceeding.
- 202.104 Rule 4: Agency action.
- 202.105 Rule 5: Filing; time for filing; service.
- 202.106 Rule 6: Answer.
- 202.107 Rule 7: Reply.
- 202.108 Rule 8: Docketing of proceeding.
- 202.109 Rule 9: Depositions.
- 202.110 Rule 10: Prehearing conference.
- 202.111 Rule 11: Hearing, oral or written.
- 202.112 Rule 12: Oral hearing.
- 202.113 Rule 13: Written hearing.
- 202.114 Rule 14: Post-hearing procedure.
- 202.115 Rule 15: Submission for final consideration.
- 202.116 Rule 16: Issuance of order.
- 202.117 Rule 17: Petition to reopen a hearing; to rehear or reargue a proceeding; to reconsider an order; or to set aside a default order.
- 202.118 Rule 18: Presiding officer.
- 202.119 Rule 19: Fees of witnesses.
- 202.120 Rule 20: Official notice.
- 202.121 Rule 21: Intervention.
- 202.122 Rule 22: Ex parte communications.
- 202.123 Rule 23: Action by Secretary.

AUTHORITY: 7 U.S.C. 228(a); 7 CFR 2.17(e), 2.56.

SOURCE: 43 FR 30510, July 14, 1978, unless otherwise noted.

RULES OF PRACTICE APPLICABLE TO RATE PROCEEDINGS

SOURCE: Sections 202.1 through 202.7 appear at 53 FR 51236, Dec. 21, 1988, unless otherwise noted.

§ 202.1 Applicability of other rules.

The Rules of Practice Governing Formal Adjudicatory Proceedings Insti-

tuted by the Secretary Under Various Statutes, 7 CFR part 1, subpart H, are applicable to all rate proceedings under Sections 304, 305, 306, 307 and 310 of the Packers and Stockyards Act, 1921, as amended, 7 U.S.C. 205, 206, 207, 208 and 211, except insofar as those Rules are in conflict with any provision herein.

§ 202.2 Definitions.

As used in these rules:

(a) *Rate proceeding* means a proceeding involving the determination and prescription of any rate or charge made or proposed to be made for any stockyard service furnished at a stockyard by a stockyard owner or market agency, or a proceeding involving any rule, regulation or practice affecting any such rate or charge; and

(b) *Administrator* means the Administrator of the Grain Inspection, Packers and Stockyards Administration (Packers and Stockyards Programs) (GIPSA), or any officer or employee of GIPSA to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act for the Administrator.

§ 202.3 Institution of proceedings.

(a) *Informal complaint.* Any interested person desiring to complain of the lawfulness of any rate or charge made or proposed to be made for any stockyard service furnished at a stockyard by a stockyard owner or market agency, or rule, regulation or practice affecting any such rate or charge, may file an informal complaint with the Administrator.

(b) *Investigation.* If there appears to be any reasonable ground for doing so, the Administrator will investigate the matter complained of. If the Administrator reasonably believes that there are not sufficient facts to form the basis for further proceeding, the matter may be dropped. If it is dropped, the person filing the informal complaint will be informed.

(c) *Status of person filing.* A person filing an informal complaint will be a party to a rate proceeding if the Administrator files such person's informal complaint as a formal complaint, or if the Judge permits such person to intervene upon written application.