**HOW DO I FILE AN APPEAL?**

IF YOU WISH TO APPEAL A CD CITATION PURSUANT TO RESOLUTION T-17601, YOU MUST DO SO WITHIN 30 CALENDAR DAYS OF THE DATE YOU RECEIVED THE CITATION.

If you file an appeal, you ***must*** follow the process as set forth by Appendix A to CPUC Resolution ALJ-377. **Your Notice of Appeal and Certificate of Service MUST be filed and served with the Commission and the Service List.** To file your Notice of Appeal and Certificate of Service, review the Commission’s electronic filing process at <https://www.cpuc.ca.gov/proceedings-and-rulemaking/e-file-a-document>. A Notice of Appeal template (including Notice of Appeal, Privacy Notice, and Certificate of Service) is available from the Commission website at this link: <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/documents/licensing-compliance/citation-appeal-process-and-forms/cd-citation-appeal-form.docx>.

**To properly serve your Notice of Appeal and Certificate of Service, email copies to the following:**

1. **Docket Office**, California Public Utilities Commission, 505 Van Ness Ave., 5th Floor, San Francisco, CA 94102 or ALJ\_Docket\_Office@cpuc.ca.gov.
2. **Robert Osborn, Director**, **Communications Division,** California Public Utilities Commission, cdcompliance@cpuc.ca.gov.
3. **Michelle Cooke, Chief Administrative Law Judge**, California Public Utilities Commission, Administrative Law Division, 505 Van Ness Ave., 5th Floor, San Francisco, CA 94102 or Michelle.Cooke@cpuc.ca.gov.
4. **ALJ Division Appeals Coordinator**, California Public Utilities Commission, Administrative Law Division, 505 Van Ness Ave., 5th Floor, San Francisco, CA 94102 or ALJ\_Div\_Appeals\_Coordinator@cpuc.ca.gov.

**If you do not submit your Notice of Appeal and Certificate of Service pursuant to the procedures outlined above, your appeal may be rejected.**

The Citation Appeals Process can be found in Appendix A to CPUC Resolution ALJ-377. For additional information regarding filing requirements, you may also wish to refer to the CPUC’s Rules of Practice and Procedure which can be found at: <https://www.cpuc.ca.gov/rpp>

**WHAT HAPPENS IF I DON’T RESPOND?**

If you fail to pay the full amount of the penalty by the due date specified in the Citation or to file a Notice of Appeal within 30 calendar days, or within the date of any extension granted, you will be in default and the citation shall become final. You will have forfeited your right to appeal the citation. Additionally, failure to correct a violation will trigger another notice sent out after the expiration of the 30-day compliance deadline, potentially resulting in the imposition of additional penalties. If a carrier does not comply within six months, the company’s license will be subject to revocation via Commission Resolution. Once operating authority is revoked the carrier must apply for new operating authority, pay accrued user fees and surcharges, interest, and penalties, and comply with the Commission’s licensing rules. The CPUC may also take action through a civil or criminal proceeding to recover any unpaid fines and to ensure compliance with applicable statutes and CPUC orders.

**WHAT ARE MY RIGHTS?**

If you file and serve a Notice of Appeal and Certificate of Service, the Commission will set a **hearing date** for your case to be heard before an Administrative Law Judge (ALJ). **You will need to** **attend** the hearing and explain to the ALJ why the citation was issued by mistake and/or any other grounds for the appeal, including challenges to the penalty.

**At the hearing**:

* **Representation**
	+ You may represent yourself or opt to have an attorney represent you.
	+ Under **Resolution ALJ-377**, the ***default*** is for the Appellant and CPUC Industry Division to represent themselves. If the Appellant would like to have legal representation, please inform the assigned ALJ to your case via email.
	+ If opting for legal representation, a hearing with a court reporter will take place.
		- You may ask for a transcript of the hearing, but you must pay the cost of the transcript.
	+ If opting to represent yourself, a hearing without a court reporter will take place.
* **Evidence**
	+ You may provide evidence pursuant to Rule 13.6 (Evidence) of the Commission’s Rules of Practice and Procedure and call witnesses to testify for you. If you will be providing evidence for the record of the hearing, you must provide that evidence to CD no later than three days before the date of your hearing.
* **Interpreter Services**
	+ You are entitled to have an interpreter present at the hearing to translate for you. The CPUC will provide the interpreter, and you will not have to pay for the interpreter’s service. To have an interpreter at the hearing, you must make a written request to the Chief Administrative Law Judge and to the Office of the Public Advisor no later than five business days before the date of your hearing.

**WHERE WILL THE HEARING BE HELD?**

Currently, hearings are held remotely via WebEx or telephonically. Appellant may indicate if there is a preference to appear via phone or video.

**WHERE CAN I GET HELP?**

The CPUC’s Public Advisor’s Office can help you file your appeal. The Public Advisor’s Office cannot appear at the hearing with you or help you present your appeal but can help you understand the appeal process.

The Public Advisor’s Office can be reached at:

* Telephone: (866) 849-8390 or (415) 703-2074
* Email: public.advisor@cpuc.ca.gov
* Mail: CPUC Public Advisor, 505 Van Ness Avenue, San Francisco, CA 94102