



Ohio Administrative Code Rule 4901-1-29 Expert testimony.

Effective: [May 7, 2007](#)

(A) Except as otherwise provided in this rule, all expert testimony to be offered in commission proceedings, except testimony to be offered by the commission staff, shall be reduced to writing, filed with the commission, and served upon all parties prior to the time such testimony is to be offered. The commission, the legal director, the deputy legal director, or an attorney examiner may establish a schedule in any proceeding for the filing of testimony to be presented by staff.

(1) Unless otherwise ordered by the commission, the legal director, the deputy legal director, or an attorney examiner:

(a) All direct expert testimony to be offered by the applicant, complainant, or petitioner in a general rate proceeding shall be filed and served no later than ten days prior to the commencement of the hearing or the deadline for filing objections to the staff report of investigation, whichever occurs earlier.

(b) All direct expert testimony to be offered by any other party in a general rate proceeding shall be filed and served no later than the deadline for filing objections to the staff report of investigation.

(c) All direct expert testimony to be offered by the applicant in an emergency rate proceeding shall be filed and served no later than sixteen days prior to the commencement of the hearing.

(d) All direct expert testimony to be offered by any other party in an emergency rate proceeding shall be filed and served no later than seven days prior to the commencement of the hearing.

(e) All direct expert testimony to be offered by the gas utility in a purchased gas adjustment proceeding shall be filed and served no later than sixteen days prior to the commencement of the hearing.

(f) All direct expert testimony to be offered by any other party in a purchased gas adjustment



proceeding shall be filed and served no later than seven days prior to the commencement of the hearing.

(g) All direct expert testimony to be offered by any party in a long-term forecast report proceeding shall be filed and served no later than sixteen days prior to the commencement of the hearing.

(h) All direct expert testimony to be offered in any other commission proceeding shall be filed and served no later than seven days prior to the commencement of the hearing.

(2) All expert testimony to be offered in rebuttal shall be filed and served within the time limits established by the commission or the presiding hearing officer, unless the commission or the presiding hearing officer determines that such testimony need not be reduced to writing.

(B) For purposes of this rule, "commencement of the hearing" means the scheduled date for beginning the hearing at which expert testimony is to be offered.

(C) Notwithstanding paragraph (A) of this rule, the presiding hearing officer may, in his or her discretion, permit an expert witness to present additional oral testimony at the hearing, provided that such testimony could not, with reasonable diligence, have been filed and served within the time limits established by the commission or the presiding hearing officer or the presentation of such testimony will not unduly delay the proceeding or unjustly prejudice any other party.