**Section 100.160 Remote Proceedings**

a) Preliminary Hearings may be conducted remotely, either by teleconference or videoconference, provided that the Notice of Preliminary Hearing includes notice that the Preliminary Hearing will be conducted remotely and includes instructions for accessing the teleconference or videoconference system at the date and time set forth in the Notice of Preliminary Hearing.

b) By order of the Administrative Law Judge, any status hearing or prehearing may be conducted remotely, either by teleconference or videoconference. The Parties shall be provided instructions for accessing the teleconference or videoconference system for the date and time of the scheduled status hearing or prehearing.

c) Upon motion of any Party, the ALJ may determine whether the pending matter may be suitable for a Formal Hearing by teleconference or videoconference in whole or in part as an alternative to in-person proceedings.

d) The Parties may agree that the Formal Hearing will be conducted in its entirety by teleconference or videoconference or that a part or parts of the Formal Hearing will be conducted by teleconference or videoconference, including the testimony of a particular witness or witnesses. These agreements are subject to the approval of the ALJ by entry of an order.

e) In the absence of any such agreement of the Parties, the ALJ may determine whether the Formal Hearing will be conducted in its entirety by teleconference or videoconference or that a part or parts of the Formal Hearing will be conducted by teleconference or videoconference, including the testimony of a particular witness or witnesses, or whether the proceedings or any part thereof shall remain in-person. This determination shall be made by order of the ALJ. In making this determination, the ALJ may consider factors including but not limited to the following:

1) Preference of the Parties;

2) Capabilities of participants to participate via video or telephone;

3) Whether the selected method is accessible for persons with health risks or disabilities;

4) Whether the participants have access to the Internet;

5) Number of witnesses;

6) Volume of documents offered as exhibits;

7) Complexity of the Petition;

8) Expected duration of the Formal Hearing;

9) Extent to which the credibility of any witness will be at issue;

10) Extent to which exhibits will be used to examine any witness; and

11) Any other consideration which will impede or aid in the fair and efficient administration of the Formal Hearing process.