**Section 200.335 Application of Discovery Rules Contained in Sections 200.340 through 200.430**

a) Except as otherwise specified in this Section, the provisions of Sections 200.340 through 200.430 of this Part shall apply fully to all proceedings before the Commission. In proceedings under the ICTL, subsection (b) of this Section shall control in the event of a conflict between this Section and the remaining Sections of this Subpart.

b) Special discovery provisions applicable to proceedings under Section 18c-2105 of the ICTL [625 ILCS 5/18c-2105].

1) *Discovery Generally. Any party may utilize written interrogatories, depositions, requests for discovery or inspection of documents or property and other discovery tools commonly utilized in civil actions in the circuit courts in the State of Illinois in the manner contemplated by the Code of Civil Procedure and the Rules of the Supreme Court of Illinois; except that discovery must be completed by the 30th day after the party filed its petition for leave to intervene, unless the period of discovery is extended by agreement of the parties or by the Commission. The Chairman or a hearing examiner may, at any time, on his own motion or at the request of a party, issue such rulings denying, limiting, conditioning, or regulating discovery as justice requires, and may supervise all or part of any discovery procedure. Parties to proceedings before the Commission are encouraged to clarify and resolve issues where possible through the use of pre-hearing discovery. However, discovery order should be calculated to lessen the time and expense required to reach an informed resolution of the issues.*

2) *Subpoenas. The Chairman or a hearing examiner may, for good cause, issue a subpoena directing a person to appear and testify, and to produce records, documents, or other papers, at a time and place set forth in the subpoena, in connection with a proceeding before the Commission. Service of the subpoena shall be in the same manner as a subpoena issued by a court. The Commission may, on its own motion or the motion of a person served with a subpoena, quash the subpoena, in whole or in part.*

3) *Appeal from Discovery and Subpoenas. A person served with a discovery request or subpoena may appeal such interlocutory matter to the Commission. Such appeals shall set forth grounds for seeking to quash or limit the scope of the discovery or subpoena, as well as the specific relief sought, and must be filed within 10 days after service of the discovery or subpoena. If discovery is stayed by the Commission, the person served shall be excused from compliance with the discovery order or subpoena until a decision on its appeal is made by the Commission.*

4) *Assessment and Payment of Discovery Costs. The Commission may assess the costs of discovery, including fees for witness attendance and travel, against the party by which discovery was requested. Where a subpoena is issued on the Commission's own motion, fees for witness attendance and travel shall be paid by the Commission on request. Witness fees shall be the same as for a circuit court proceeding. Deposits to insure payment of costs and fees may be required.*

5) *Enforcement of Discovery Procedures. The Commission may, where a person has failed to comply with or permit discovery authorized hereunder, determine any or all issues within the scope of the discovery or subpoena adverse to such person without further evidence. The Commission may, in addition, assess civil penalties under Article VII of Sub-chapter 1 of the ICTL for such violator for contempt and may assess the costs of enforcement, both before the Commission and before the court, against the violator.*

c) Each data request propounded by a party or Staff shall be served on all other active parties and the Staff in that docket. Responses to data requests shall only be served on those parties or Staff that have requested such responses. Data requests and responses thereto shall not be served on the Hearing Examiner or filed with the Chief Clerk.

(Source: Amended at 20 Ill. Reg. 10607, effective August 15, 1996)