**Section 200.710 Ex Parte Communications**

a) Unless waived by written stipulation of the parties in the proceeding as provided by Section 10-70 of the Illinois Administrative Procedure Act [5 ILCS 100/10-70], once notice of hearing has been given in a contested case or licensing proceeding, Commissioners, Commission employees and Hearing Examiners shall not communicate directly or indirectly with:

1) Any party to the proceeding on any issue in the proceeding; or

2) A party's representative on any issue in the proceeding; or

3) Any other person concerning an issue of fact in the proceeding;

without notice and opportunity for all parties to participate.

b) The following communications are not subject to subsection (a) of this Section:

1) *Communications between Commission employees who are engaged in investigatory, prosecutorial or advocacy functions and other parties to the proceeding, provided that such Commission employees are still prohibited from communicating on an ex parte basis, as designated in* subsection (a), *directly or indirectly, with members of the Commission, any Hearing Examiner in the proceeding, or any Commission employee who is or may reasonably be expected to be involved in the decisional process of the proceeding* (this language derived from Section 10-103 of the Public Utilities Act [220 ILCS 5/10-103] and applies only to proceedings under that Act);

2) *Communications between a Commissioner and other Commissioners, and between a Commissioner or hearing examiner and one or more personal assistants*. [5 ILCS 100/10-60]

c) *Any Commissioner, Hearing Examiner, or other Commission employee who is or may reasonably be expected to be involved in the decisional process of a proceeding, who receives, or who makes or knowingly causes to be made, a communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act as modified by Section 10-103 of the Public Utilities Act* [220 ILCS 5/10-103] *shall place on the public record of the proceeding:*

1) *All such written communications;*

2) *Memoranda stating the substance of all such oral communications; and*

3) *All written responses and memoranda stating the substance of all oral responses to the materials described in subsections (c)(1) and (2).* [220 ILCS 5/10-103]

d) The material specified in subsection (c) shall be disclosed to the parties of record by:

1) service on the parties at the next hearing; or

2) if no hearing is scheduled within the next seven days, service by mail on all parties of record.

(Source: Amended at 24 Ill. Reg. 16019, effective October 15, 2000)