**Section 202.50 Public Policy Considerations**

a) The arbitrator, with the approval of the Commission, may refuse to resolve a complaint for which arbitration is sought under this Part upon a showing by Commission Staff or an intervenor in the arbitration docket that it is more likely than not that sound public policy warrants the resolution of the dispute under 83 Ill. Adm. Code 200. Staff or an intervenor shall attempt to make such showing through a motion in the arbitration docket, to which the other parties to the arbitration may respond. Staff or the intervenor who filed the motion shall have the opportunity to reply to any such responses. Any such motion must be filed within 30 calendar days after the filing of the petition for arbitration.

b) Upon determining whether the burden set forth in subsection (a) has been met, the arbitrator shall prepare a "Proposed Section 202.50 Decision" setting forth the reasons why sound public policy either warrants or does not warrant the resolution of the complaint under 83 Ill. Adm. Code 200. The "Proposed Section 202.50 Decision" shall also assign any costs incurred pursuant to Section 202.80. The "Proposed Section 202.50 Decision" shall be served by the Chief Clerk of the Commission on Staff and all parties to the arbitration, including any intervenor. The arbitrator shall also designate, under an expedited schedule, dates for the receipt of Briefs on Exceptions and Briefs in Reply to Exceptions consistent with Section 202.530. Following the receipt of any Brief on Exceptions and Brief in Reply to Exceptions, the arbitrator shall prepare a "Post-Exceptions Section 202.50 Decision" concerning whether the complaint warrants resolution via arbitration and place it before the Commission for its consideration. The Commission shall either reject the "Post-Exceptions Section 202.50 Decision" or enter as the order in the arbitration docket the "Post-Exceptions Section 202.50 Decision" of the arbitrator without change, at which point it shall be relabeled "Section 202.50 Decision". If the Commission determines that arbitration is not warranted, the complaint shall be resolved under 83 Ill. Adm. Code 200.

c) Intervention in an arbitration docket shall be allowed only for the limited purpose of raising public policy considerations and addressing such considerations as described in this Section. Upon the denial of any motion raised under this Section, the participation of intervenors in the arbitration docket shall end.