**Section 761.380 Ex Parte Communications**

a) *The provisions of Section 10-60 of the Illinois Administrative Procedure Act* [5 ILCS 100/10-60] *shall apply in full to Commission arbitration proceedings that are subject to this Part. The provisions of Section 10-60 shall not apply, however, to communications between Commission employees who are engaged in investigatory or advocacy functions and other parties to the arbitration proceeding, provided that such Commission employees are still prohibited from communicating on an ex parte basis, as designated in Section 10-60, 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.*

b) *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 (b)(1) and (2).* [220 ILCS 5/10-103]

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

1) Service on the parties at the arbitration; or

2) If no arbitration is scheduled within the next seven days, service by hand delivery, overnight mail or courier service or telephone facsimile on all parties to the arbitration.