

199—7.10(17A,476) Prefiled testimony and exhibits.

7.10(1) The board or presiding officer may order the parties to file prefilled testimony and exhibits prior to the hearing. The use of prefilled testimony is the standard method for providing testimony in board contested case and other proceedings. Parties shall file the prefilled testimony and exhibits according to the schedule in the procedural order.

7.10(2) Prefilled testimony contains all statements that a witness intends to give under oath at the hearing, set forth in question and answer form. If possible, each line should be separately numbered. When a witness who has submitted prefilled testimony takes the stand, the witness does not ordinarily repeat the written testimony or give new testimony. Instead, the witness is cross-examined by the other parties concerning the statements already made in writing. However, the witness may be permitted to correct or update prefilled testimony on the stand and, in appropriate circumstances and with the approval of the board or presiding officer, may give a summary of the prefilled testimony. If the witness has more than three corrections to make to the prefilled testimony or exhibits, then the corrected testimony or exhibits should be filed in the appropriate docket in the board's electronic filing system at least three days prior to the hearing. The prefilled testimony and any exhibits shall be marked and identified in conformance with the board's approved naming convention provided on the board's electronic filing system website or as directed in a board order.

7.10(3) Parties who wish to present a witness or other evidence in a proceeding shall comply with the board's or presiding officer's order concerning prefilled testimony and exhibits, unless otherwise ordered, or unless otherwise provided by statute or other provision of law.

7.10(4) Prefilled testimony and exhibits must be accompanied by an affidavit in substantially the following form: "I, [person's name], being first duly sworn on oath, state that I am the same [person's name] identified in the testimony being filed with this affidavit, that I have caused the testimony [and exhibits] to be prepared and am familiar with its contents, and that the testimony [and exhibits] is true and correct to the best of my knowledge and belief as of the date of this affidavit."

7.10(5) Prefilled testimony and exhibits shall be filed in the board's electronic filing system in conformance with subrule 7.10(2), and any supporting documents shall be filed as follows:

a. All supporting workpapers.

(1) Electronic workpapers in native electronic formats shall comply with the board's standards for electronic information, which are available on the board's website or from the board's customer service center.

(2) Workpapers' underlying analyses and data presented in exhibits shall be explicitly referenced within the exhibit, including the name and other identifiers (e.g., cell coordinates) for electronic workpapers, and volume, tab, and page numbers for other workpapers.

(3) The source of any number used in a workpaper that was not generated by that workpaper shall be identified.

b. The derivation or source of all numbers used in either testimony or exhibits that were not generated by workpapers.

c. Copies of any specific studies or financial literature relied upon or complete citations for them if publicly available.

d. Electronic copies, in native electronic format, of all computer-generated exhibits that comply with the board's standards for electronic information, which are available on the board's website or from the board's customer service center.

7.10(6) Any prefilled testimony and exhibits shall comply with the board's standards for electronic information, which are available on the board's website or in the board's customer service center, and the electronic filing rules in 199—Chapter 14.

7.10(7) If a party has filed part or all of its prefilled testimony and exhibits as confidential and then later withdraws the claim of confidentiality for part or all of the testimony and exhibits, or if the board denies the request to hold the testimony and exhibits confidential, the party shall refile the testimony and exhibits with the information made public.

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