

# IRP IOT

Updated Supplementary Procedures

Open Issues 29 August 2016

# Effect on Existing IRPs

- ALT 1: IRPs commenced prior to the adoption of these Updated Supplementary Procedures shall be governed by the Supplementary Procedures in effect at the time such IRPs were commenced.
- ALT 2: IRPs commenced prior to the adoption of these Updated Supplementary Procedures shall be governed by the Supplementary Procedures in effect at the time such IRPs were commenced unless the IRP Panel determines that a requesting party has demonstrated that application of the former Supplementary Procedures would materially and unjustly affect judgment on the case as presented by the requesting party and would not materially disadvantage any other party's substantive rights.

Any party to a then-pending IRP may oppose the request for application of the Updated Supplementary Procedures. Requests to apply the Updated Supplementary Procedures will be resolved by the IRP PANEL in its discretion.

# Deadline to File

An Independent Review is commenced when Claimant files a written statement of a Dispute. A Claimant shall file a written statement of a Dispute with the ICDR no more than 45 days after a Claimant

- ALT 1: becomes aware or reasonably should have been *aware of the action or inaction* giving rise to the Dispute.
- ALT 2: becomes aware, or reasonably should have been *aware of the material affect of the action or inaction* giving rise to the Dispute.
- ALT 3: becomes aware of the material affect of the action or inaction giving rise to the Dispute; provided, however, that a *statement of a Dispute may not be filed more than twenty-four months from the date of such action or inaction*.

# Cross Examination at Hearings

- **Alt 1:** All hearings shall be limited to argument only.
- **Alt 2:** All hearings shall be limited to argument only unless the IRP Panel determines that a the party seeking cross examination of [a] witness[es] has demonstrated that such cross examination is: (1) necessary for a fair resolution of the claim; (2) necessary to further the PURPOSES OF THE IRP; *and* (3) considerations of fairness and furtherance of the PURPOSES OF THE IRP outweigh the time and financial expense of witness cross examination.
- **Alt 3:** The IRP Panel shall determine, in its discretion, whether or not to permit cross examination of witnesses at any hearing.
- **Alt 4:** In-person hearings, Alt 3 above; telephonic/video hearings, another standard TBD