

1.2.3.9 EX PARTE COMMUNICATIONS PERMITTED:

A. Procedural or administrative purposes. Where circumstances require, ex parte communications for procedural or administrative purposes or emergencies, that do not deal with substantive matters or issues on the merits, may be permitted if the commissioner, hearing examiner, or advisory staff reasonably believes that no party will gain an advantage as a result of the ex parte communication and the commissioner, hearing examiner, or advisory staff makes provisions promptly to notify all other parties of the substance of the ex parte communication.

B. Uncontested proceedings. Ex parte communications may be permitted concerning pending adjudications in which the matter is ripe for decision and no party to the proceeding, including staff, is in opposition to the relief requested.

C. Internal commission communications. Commissioners, hearing examiners and advisory staff may consult with each other.

D. Nonparty expert. A commissioner or hearing examiner may obtain the advice of a nonparty expert on an issue raised in the rulemaking or adjudication if the commissioner or hearing examiner gives notice to the parties of the person consulted and the substance of the advice and affords the parties reasonable opportunity to respond.

[1.2.3.9 NMAC - N, 7-15-04]

