

the matter, making findings of fact, resolving any legal issues that are presented, and reaching an ultimate conclusion if the relief sought should be granted in whole or in part, or denied, and giving his reasons for such ultimate conclusions. Under the Commission's general rules of practice, persons who do not agree with this decision may file appropriate appeals in the form of exceptions to the examiner's recommendation, and other parties to the proceedings have an opportunity to reply thereto. These pleadings, together with the record in the case, are submitted to an appropriate appellate body for review and further decision. This may be an employee review board, composed of three senior staff attorneys, created pursuant to pertinent statutory authority; or, if the case is complex, precedential, or of national or general importance, it may be referred to the entire Commission, or to a division thereof composed of three Commissioners, for appellate review of the hearing examiner's decision. The appellate body may issue another report or a decision and order which, in effect, is an abbreviated decision, in those instances in which the hearing officer's treatment of the issues is adequate, and his decision is affirmed.

After decision by the Commission or a division thereof, depending on whether a change has been made to the initial recommendation of the hearing examiner, a further appeal in the nature of petitions for reconsideration, further hearing, oral argument, or some other relief may be filed. In all instances in which the intermediate relief is a decision by an employee board, petitions may be filed and any party before the Commission may have his case considered by the Commission or a division thereof.

Under the second named procedural method of disposing of the caseload—modified procedure—no oral hearing is held. Parties present their evidence in the case through the submission of verified (sworn) statements to the Commission. Opening statements are filed by the proponents of the relief sought, and opposing parties then are given an opportunity to file their verified statements; in turn, the parties filing the initial statements are given an opportunity to file rebuttal statements. Following the submission of these statements, the record is submitted usually to an employee board which issues the initial decision through, in some instances, an initial report under modified procedure may still be issued by a hearing examiner.

Following the issuance of the initial decision, the procedural relief and processing steps within the Commission are the same as outlined with respect to the oral hearing procedures. The evaluation, analyzation of the record and pleadings, drafting of reports and orders is, almost exclusively, handled by attorneys other than hearing examiners. Each Commissioner also has his personal staff of attorneys to assist and advise him. All Commission decisions may be appealed to a court of law, and the processing of the case and the report of the agency must reflect all procedural and substantive safeguards, and contain adequate reasons, based on the record, for the conclusions reached.

In those cases in which an operating authority is authorized to be issued to an applicant after the application is finally adjudicated, a certificate, permit, or license is prepared and released upon receipt of evidence of public liability insurance for the protection of the public, cargo insurance (if applicable), designation of agent for service of process in those States in which the carrier will operate, and acceptable rate filings to cover the grants of authority. In those cases in which the transfer of an operating authority or mergers and consolidations of carriers are approved, appropriate operating authorities reflecting the approval are prepared upon compliance with the same regulations relating to the filing of insurance, designation of agents for services of process, and the filing of rates.

The support of all these functions requires docketing, service of orders, pleadings, notices, and decisions.

7. How many employees are involved in the program and in what general type of employment categories do they fall?

There are a total of 732 employees involved in this activity, of whom 403 are professional and 329 are clerical personnel.

Nine Commissioners are engaged in adjudicatory activities with a total staff of 77; 41 are professional and 36 are clerical employees.

The Office of Proceedings, which is the office primarily responsible for the adjudicating of all of the formal case work of the Commission, consists of 422 employees. Of these 268 are professional employees, i.e., attorneys or adjudicators, and the balance (154) are clerical personnel.

The Section of Cost Finding has 55 employees of whom 37 are professional (cost analysts) and 18 clerical personnel.