**Section 1000.1170 Oral Argument**

a) Oral argument on the merits of an application shall be heard if:

1) the applicant, or a person who has filed a protest deemed to be substantial, so requests and the request is received by the Director within 10 calendar days after the time for filing answers to all protests has expired; and

2) the Director, after reviewing the application and other pertinent information, considers oral argument desirable because of protests which dispute the propriety of information set forth in the application.

b) Any such hearing of oral argument shall be subject to the appropriate fee and expenses prescribed in Section 1000.110(m) of this Part. A transcript of any such hearing of oral argument shall be taken and made a part of the record in the matter.

c) The Director shall mail notice of the date (which shall be at least ten calendar days after such mailing), time and place of oral argument to the applicant and persons who filed protests or other communications. The Director shall ensure that the time and place of any oral argument are reasonably convenient to the applicant and the objectors.

d) The Director or any person designated by the Director shall hear oral argument and determine all matters relating to the conduct thereof. Arguments shall be made in person or by authorized representatives. A maximum of one hour of oral argument shall be allowed in favor of and against the application. In hearing oral arguments, the person presiding shall determine the order of presentation. The parties may agree on a division of time; otherwise, the person presiding shall make the determination. Arguments may be consolidated. In the event of multiple substantial protests, the person presiding may permit additional time for argument and rebuttal. Arguments shall be based only on the facts and information on file; however, a party may introduce newly discovered matter by giving a written memorandum of same to the person presiding when the hearing commences. Said memorandum shall include an affidavit as to why the matter was not previously known and not previously filed. No party to an oral argument shall be permitted more than one filing of new matter. If the person presiding rules that there is in fact substantive new matter, the party introducing it shall be required to provide copies of the memorandum of such new matter to all parties. If the parties agree to argue on the basis of such new matter, the hearing shall continue.

e) If any party wishes to file a rebuttal, ten calendar days shall be allowed for the submission of such rebuttal, and the person presiding shall adjourn the hearing and set a date, time and place for it to be reconvened. Rebuttal to new matter shall not be considered a filing of new matter.

f) If oral argument is heard by a person other than the Director, that person's findings shall be submitted to the Director, in writing, within 25 calendar days after final adjournment of the hearing. Within ten calendar days following receipt of said findings the parties shall be advised, in writing, of the Director's decision. If the Director presides at the hearing, the parties to the hearing shall be advised of the decision within 25 calendar days after final adjournment of the hearing.

(Source: Amended at 30 Ill. Reg. 18990, effective December 1, 2006)