**Section 202.565 Vacating an Order Adopting the Arbitrator's Arbitration Decision**

a) Upon a showing by Staff or a party to the arbitration, the Commission shall vacate an order entered pursuant to Section 202.560 where:

1) the arbitration decision was procured by corruption, fraud or other undue means;

2) there was evident partiality, corruption, or misconduct by an arbitrator prejudicing the rights of any party or Staff;

3) the arbitrator exceeded his or her powers; or

4) the arbitrator refused to hear evidence material to the controversy or otherwise conducted the hearing in a manner that prejudiced substantially the rights of a party or Staff.

b) An application under this Section shall be made within 30 days after delivery of a copy of the order to the applicant, except that, if predicated upon corruption, fraud or other undue means, it shall be made within 90 days after such grounds are known or should have been known.

c) If an order is vacated on the grounds set forth in subsection (a) and all of the parties that initially requested arbitration still wish to resolve their dispute pursuant to this Part, the Commission shall permit the parties to select another arbitrator pursuant to Section 202.220 and proceed under this Part. Site inspection costs assessed pursuant to Section 202.80 in the original arbitration proceeding shall be reassessed pursuant to Section 202.80 in any subsequent arbitration proceeding. If the parties no longer wish to resolve their dispute pursuant to this Part, any site inspection costs shall be split evenly between the parties and assessed as described in Section 202.80.