

On May 24, 1995, the Appeals Committee conducted a teleconference to consider a Request for Oral Argument filed by Morse Automotive Corporation ("Morse"). Morse filed its oral argument request on May 12, 1995. Morse requested review of the Recommended Decision (Order No. 3) entered on April 11, 1995, by Judge B. W. Sanders.

The Arkansas Department of Pollution Control and Ecology ("Department") filed an objection to the request on May 16, 1995. The Department asserts that Morse did not file its request for oral argument by May 4, 1995, as required by Regulation No. 8.

Regulation No. 8, Section 2.5.19, requires a party to file an oral argument request no later than twenty (20) days after the Recommended Decision has been mailed to all parties. The Recommended Decision was mailed to the parties on April 13, 1995. Section 2.5.19(c) says that any party failing to file the request within twenty (20) days will not be permitted to present oral argument.

The Appeals Committee asked questions of counsel for Morse and the Department. It further considered the issue of whether the committee should recommend allowing the request, even if untimely. After reviewing the record, the pertinent section of Regulation No. 8, and questioning the parties, the Appeals Committee voted two (2) to one (1) to recommend to the Commission that the request for oral argument be denied.

The Commission adopts the recommendation of the Appeals Committee and denies Morse Automotive Corporation's request for oral argument.

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