

PROCEDURES FOR LICENSING HEARINGS CONDUCTED VIA ELECTRONIC MEANS

I. Pre-trial Procedures for Hearing Participants

1) The assigned PLCB attorney shall electronically forward all exhibits to the opposing party, the hearing examiner, and the court reporter no later than two weeks prior to the scheduled hearing. When submitting exhibits, the attorney shall identify the hearing by licensee or applicant name, hearing date and time. Each exhibit shall be a separate PDF file named and marked according to its exhibit number (e.g., B1, B2, etc.).

2) Licensees, license applicants, protestants, and/or intervenors (or their counsel) shall electronically submit all exhibits to ra-lbhearings@pa.gov at least three business days prior to the hearing. When submitting exhibits, each participant shall identify the hearing by licensee name, hearing date and time. Failure to provide a copy of an exhibit prior to the hearing shall be grounds for its exclusion unless the parties agree otherwise. Each exhibit shall be an individual PDF file and shall be named as follows:

- A) For a license applicant, each exhibit file shall be named: A1, A2, etc.
- B) For an existing licensee, each exhibit file shall be named: L1, L2, etc.
- C) For a protestant, each exhibit file shall be name: P1, P2, etc.
- D) For an intervenor, each exhibit file shall be named: I1, I2, etc.

3) All objections to documents shall be made at the time the proponent moves for their admission.

4) Pre-Trial Conference – Upon the request of any party or the hearing examiner, and subject to approval by Chief Counsel, a telephonic pre-hearing conference may be held with the hearing examiner prior to the hearing. A party requesting a pre-hearing conference shall submit their request, including the reason(s) therefore, to Chief Counsel and all other parties via email. This pre-hearing conference shall be held no earlier than fourteen days prior to the scheduled date of the hearing and no later than three days prior to the scheduled date of the hearing. Notwithstanding the timeline in Part I.2 above, all exhibits must be exchanged prior to such a pre-trial conference and in no event will the hearing date be postponed due to lack of timely submission of exhibits.

5) Absent a determination by Chief Counsel that extraordinary circumstances necessitate otherwise, all PLCB licensing hearings shall be conducted by electronic means using Microsoft Teams. All hearing participants who anticipate speaking at a PLCB licensing hearing must participate by both audio and video; no exceptions will be made. A link to the Microsoft Teams meeting is required in order to participate by audio and video; the Office of Chief Counsel shall send the necessary link to all hearing participants. Any hearing participant who has not received

the required link shall email ra-lbhearings@pa.gov no later than three business days prior to the scheduled hearing.

6) Non-participants who merely wish to listen to the proceedings by telephone may do so by using the dial-in number and corresponding access code for a hearing, both of which are available on the PLCB's website on the Virtual Licensing Hearings page under the Licensing tab.

7) All hearing participants shall review the document entitled "[How to Use Microsoft Teams](#)" available on the PLCB's website on the Virtual Licensing Hearings page under the Licensing tab. Any hearing participant requiring further assistance shall contact ra-lbhearings@pa.gov no later than three business days prior to the hearing to schedule a test of Microsoft Teams.

II. Hearing Procedures:

1) The Office of Chief Counsel will assign a moderator for the proceeding. The Moderator will be responsible for muting and unmuting witnesses and muting spectators. Each attorney will be responsible for muting his/her own microphone.

2) Absent a determination by Chief Counsel that extraordinary circumstances necessitate otherwise, each witness must utilize a separate electronic device with its own camera and microphone. No witness may utilize a device shared with another person while providing testimony. Notwithstanding the foregoing, nothing in this paragraph shall prohibit any party represented by counsel from sharing a device with counsel during such times that the individual is not actively testifying.

3) All parties shall mute their microphones unless testifying, presenting a case in chief, conducting cross examination, objecting, or otherwise addressing the hearing examiner (collectively, "participating individuals"). All participating individuals must be clearly audible and clearly visible via video feed using the Microsoft Teams application.

4) All other witnesses and all spectators shall be muted. The PLCB's Moderator will mute witnesses and spectators through the Microsoft Teams application as needed to preserve the auditory integrity of the proceeding.

5) In no event will any individual be permitted to speak on the record unless there is concurrent audio and video presence of that individual via the Microsoft Teams application.

6) A stenographic record shall be made of the proceeding as in the normal course. The video of the proceeding will not be preserved.

7) All participants are reminded that this constitutes a formal legal proceeding. Therefore, appropriate attire and comportment are required.