

**Sec. 17a-636-47. Rules of evidence**

The following rules of evidence shall be followed in the admission of testimony and exhibits in all hearings held under Chapter 54, C.G.S.

(a) **General.** Any oral or documentary evidence may be received, but the presiding officer shall, as a matter of policy, exclude irrelevant, immaterial, or unduly repetitious evidence. The presiding officer shall give effect to the rules of privilege recognized by Connecticut where appropriate to the conduct of the hearing.

(b) **Written testimony.** The presiding officer may permit any party to offer testimony in written form. All prepared written testimony shall be received in evidence with the same force and effect as though it were stated orally by the witnesses, provided that each such witness shall be present at the hearing at which such prepared written testimony is offered, shall adopt such testimony under oath, and shall be made available for cross examination as directed by the presiding officer. Prior to its admission, such written testimony shall be subject to objection by the parties.

(c) **Documentary evidence. copies.** Documentary evidence should be submitted in original form, but may be received in the form of copies or excerpts at the discretion of the presiding officer. Upon request by any party an opportunity shall be granted to compare the original if available, which shall be produced for this purpose by the person offering such copy as evidence.

(d) **Cross-examination.** Cross-examination may be conducted as the presiding officer deems necessary for a full and true disclosure of the facts.

(e) **Facts noticed. committee records.** The Commission or presiding officer may take administrative notice of judicially cognizable facts, including the records and prior decisions and orders of the Commission in accordance with C.G.S. sec. 4-180a (b). Any exhibit admitted as evidence by the Commission or presiding officer in a prior hearing may be offered as evidence in a subsequent hearing and admitted as an exhibit therein; but the presiding officer shall not deem such exhibit to be judicially cognizable in whole or in part and shall not consider any facts set forth therein unless such exhibit is duly admitted as evidence in the contested case being heard. No written order or final decision may be relied on as precedent by the Commission unless it has been made available for public inspection and copying, and also indexed by name and subject, pursuant to sec. 17a-636-44 of these regulations.

(f) **Facts noticed. procedure.** The presiding officer may take notice of generally recognized technical or scientific facts within the Commission's special knowledge. Parties shall be afforded an opportunity to contest the material so noticed by being notified before or during the hearing, or by an appropriate reference in the preliminary reports or otherwise of the material noticed. The presiding officer shall nevertheless employ the Commission's experience, technical competence, and specialized knowledge in evaluating evidence presented at the hearing for the purpose of making its finding of facts and arriving at a decision in any contested case.

(Effective June 1, 1992)