



North American Energy Standards Board

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Home Page: www.naesb.org

Draft NAESB Operating Practice for Appeals of Process (Section G)

F. Standards Appeal Procedure

Any interested person with a direct and material interest who has been or may be adversely affected by a substantive or procedural action or inaction of the EC shall have the right to appeal, by resort to the procedures below. **Section 1 applies to NAESB Standards and Section 2 applies to NAESB Standards that have been adopted by ANSI as ANSI Standards:**

1. Such affected person may ask that any adopted NAESB standard **or** proposed standard be amended, rejected, or reconsidered. A request for an amendment to existing standards or reconsideration of a proposed standard that was not adopted may be designated as **an** appeal by the requesting party and filed with the NAESB office. **Appeals of actions shall be taken within 30 days after the date of notification of action by the EC; appeals of inactions may be taken at any time.** The requesting party shall state in its appeal the reasons for its request and any proposed alternative language. Such requests shall be treated as requests for new standards and processed accordingly; or
2. Such affected person may appeal using the procedures set forth in Section 6 and Clause A.12 of the *ANSI Procedures for Development and Coordination of American National Standards*.

G. Process Appeal Procedure

Any interested person with a direct and material interest who has been or reasonably may be adversely affected by a procedural action of the EC to adopt a standard shall have the right to appeal, by resort to the procedures below, **within 30 days after the date of notification of action by the EC:**

1. Such affected person carries the burden of presenting clear and convincing evidence that a standard adopted by the EC and ratified by the membership was invalidly adopted as a matter of process. Such evidence must overcome the rebuttable presumption that a standard adopted by the EC and ratified by the membership is valid and was validly adopted.
2. The appealing party must clearly identify the specific procedural defect(s) alleged and how they relate to existing NAESB policy regarding the adoption of standards and to the standard in question.
3. All such appeals must be directed to the NAESB **Office** on a form specified by them.
4. The NAESB office shall first refer the matter to the NAESB General Counsel, who shall review the complaint and advise the NAESB Office and the Managing Committee whether the complaint states a **prima facie** clear and valid cause for appeal.
5. If the Managing Committee determines that the complaint does not state a prima facie clear and valid cause for appeal then the NAESB office will so advise the complaining party. The complaining party shall have an opportunity to revise its appeal application. Following the reapplication, if the Managing Committee again determines that the complaint does not state a **prima facie** clear and valid cause for appeal then the NAESB office shall advise the complaining party. A report shall be made to the Board as a matter of information only at the next meeting following its action.
6. If the Managing Committee determines that the complaint does state a prima facie clear and valid cause for appeal then the Managing Committee shall refer the matter to the Parliamentary Committee for review and **decision**. The Parliamentary Committee may meet in person or otherwise, and may consider the matter based upon the written filing or request supplemental information from the appealing party. It shall also request input from the EC leadership and shall review the record of EC proceedings as it deems necessary.



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7. The Parliamentary Committee thereafter shall **forward its decision to the Board through** the Managing Committee.
8. If the **Parliamentary** Committee determines that the EC action was procedurally defective the NAESB Office shall so advise the EC and direct the EC to take action to reconsider the standard. The action taken shall be in the form of a revote of the appealed standard using NAESB practices.
9. If the **Parliamentary** Committee determines that the EC action was not procedurally defective then the NAESB Office shall so advise the complaining party.
10. At the next Board meeting following final action **by the Parliamentary Committee** to either uphold or reject the appeal, the Managing Committee shall report **the Parliamentary Committee's** decision to the Board as a matter of information only.
11. Should the appealing party be a member of the Managing Committee or the Parliamentary Committee, to avoid conflict of interest, the appealing party is barred from voting on the appeal.