

880-X-5A-.35.

**Assessment of Costs.**

Whenever any order shall be issued under Section 10 or as a result of any administrative proceedings under the Act, at the request of any person, a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) as determined by the Commission or, if no further appeal was taken, as determined by the DHA, to have been reasonably incurred by such person for or in connection with his participation in such proceedings, including any judicial review of the Commission's actions, may be assessed against ~~either any party as the final appellate body deems proper pursuant to Section 10(i) of the Act and to Rule 54 of the Alabama Rules of Civil Procedure and Rule 35 of the Alabama Rules of Appellate Procedure,~~ provided costs and expenses may be assessed against any person in favor of the permittee or the regulatory authority only upon demonstration that the person initiated or participated in such proceeding in bad faith for the purpose of harassing or embarrassing the permittee or the State Regulatory Authority.

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**Statutory Authority:** Code of Ala. 1975, §§9-16-71, 72, 73, 74, 75, 77, 78, 79, 88, 89, 93, 94, 96

**History: Amended:** Filed March 31, 2016; effective May 15, 2016; operative October 26, 2016.